



THE CORPORATION OF THE TOWN OF FOX CREEK, ALBERTA

BYLAW NO. 862-2021

Town of Fox Creek Municipal Planning Commission

Being a bylaw of the Town of Fox Creek, in the Province of Alberta to establish the Municipal Planning Commission.

WHEREAS, the *Municipal Government Act, Chapter M-26, Revised Statutes of Alberta, 2000* provides that Council may pass, amend or repeal a bylaw;

AND WHEREAS, the Council of the Town of Fox Creek deems it necessary to provide for a Municipal Planning Commission.

NOW THEREFORE the Town of Fox Creek, in Council duly assembled, enacts as follows:

1. Bylaw Title

- 1.1. This Bylaw may be cited as the "MPC Bylaw"

2. Definitions

- 2.1. "**Act**" means the Municipal Government Act, R.S.A., 2000, M-26.
- 2.2. "**CAO**" means the Chief Administrative Officer or designate.
- 2.3. "**Development Officer**" means a Development Authority established by bylaw, and a person appointed as a Development Officer who is authorized to act on behalf of Council in those matters delegated to him/her by the Land Use Bylaw and the Municipal Government Act.
- 2.4. "**Development Permit**" means a document that is issued under the Land Use Bylaw that authorizes a development.
- 2.5. "**Land Use Bylaw**" means the Town of Fox Creek Land Use Bylaw 824-2019 as amended or replaced from time to time.
- 2.6. "**Member**" means a Member of the Municipal Planning Commission appointed by Council.
- 2.7. "**Municipality**" means the Municipal Corporation of the Town of Fox Creek.
- 2.8. "**Municipal Planning Commission (MPC)**" means that body appointed by Council to:
- a) Serve as subdivision authority pursuant to Section 623 of the Act
 - b) Serve as development authority on those matters referred to it by the Development Officer pursuant to Section 624; and
 - c) Advise and assist on all other planning matters as referred to in Sections 7.0.0 and 8.0.0 of this Bylaw.
- 2.9. Terms not specifically defined have the same definition as provided in the Land Use Bylaw or the Act.

3. Establishment

- 3.1. The Municipal Planning Commission (MPC) of the Town of Fox Creek is hereby established.
- 3.2. The Development Officer shall serve as a non-voting advisor to the MPC and shall attend all meetings.
- 3.3. Where the Municipal Planning Commission deems it necessary, it may request any person or persons attend its meetings in an advisory non-voting capacity.

4. Membership and Term of Office

- 4.1. The MPC shall be composed of no less than three (3) and not more than seven (7) members who shall be appointed by Resolution of Council upon the adoption of this Bylaw.
- 4.2. No more than two (2) members of the MPC may be members of Council.
- 4.3. In addition, Council shall appoint one (1) alternate member of Council, who may be called upon to attend and participate in the absence of any member of Council named to the MPC.
- 4.4. No person who is a Development Officer or a member of the Subdivision and Development Appeal Board shall be appointed to act as a member of the MPC.
- 4.5. Only Town of Fox Creek Residents are eligible to sit as a member-at-large on the Municipal Planning Commission.
- 4.6. A MPC member shall be deemed to have vacated his/her position if, being appointed as a member of the MPC, he/she ceases to reside in the Town of Fox Creek.
- 4.7. Where a Member of Council is appointed as a Member, their appointment shall terminate upon them ceasing to be a Member of Council.
- 4.8. The Term of office of the members of the MPC shall be four (4) years.
- 4.9. Council members of the MPC shall be appointed at the Organizational Meeting of Council held on Election Years.
- 4.10. New members shall take office at the first meeting following the official effective date of their appointment.
- 4.11. Any vacancy on the MPC shall be filled through Resolution of Council.
- 4.12. If a member misses three (3) consecutive meetings without the authorization of the MPC, the person is disqualified and the position becomes vacant; otherwise, a member of the MPC shall not be discharged without cause.
- 4.13. The remuneration, travelling and living expenses of the Chairman and other members of the MPC shall be established by resolution of Council
- 4.14. The setting of fees for any matter coming before the Commission shall be established by resolution of Council as it considers necessary.

5. Quorum

- 5.1. A simple majority of the MPC members shall constitute a quorum, provided that should a member or members declare that they have a pecuniary interest on any item, that the quorum shall not reduce to less than three (3) members.

6. Chairperson and Vice Chairperson

- 6.1. Election for Chairperson and Vice-Chairperson shall occur at the first meeting after the adoption of this Bylaw, and the first meeting of each calendar year thereafter.
- 6.2. The duties of the Vice-chairperson shall consist of fulfilling the duties of the Chairperson in his/her absence.
- 6.3. In the event of absence or inability of both the Chairperson and/or Vice-Chairperson to preside at a meeting the members present in the constituting a quorum shall elect one of its members to preside as Chairperson for the meeting.

7. Rules of Procedure

- 7.1. The MPC shall meet on as need basis.
- 7.2. The MPC shall hold such meetings as are necessary to fulfill the MPC's responsibility.
- 7.3. All resolutions of the MPC shall be made in the public portion of the meeting at which there is a quorum. Once the MPC has deliberated and reached a decision about an application in a closed meeting, it must revert to an open meeting and make a resolution which will be recorded in the minutes of the meeting.
- 7.4. All members of the MPC present shall vote on every matter before the MPC unless the member has a pecuniary interest as defined in the Act, in which case the member shall declare the member's interest, abstain from the discussion, and vote, and have the interest or abstention noted in the minutes.

- 7.5. A member of the MPC who is for any reason unable to attend the whole or part of any meeting on an application shall not participate in the deliberations or decisions of the MPC upon that application.
- 7.6. The decision of the majority of the members at a meeting duly convened shall be deemed to be the decision of the whole MPC. If there are an equal number of votes for or against a resolution, the resolution is defeated.
- 7.7. The MPC shall have prepared and maintained a file of written minutes of the business transacted at all the meetings of the MPC. The person presiding over the meeting shall sign the approved minutes.
- 7.8. The MPC may make such rules as are necessary for the conduct of its meetings and its business that are consistent with this Bylaw and the Act.
- 7.9. All members of the MPC shall approach decision making with an open mind capable of persuasion.
- 7.10. The Development Officer or delegated officer shall provide the MPC with recommendations on all proposed subdivision and development permit applications for required approval by the MPC.
- 7.11. The Development Officer or delegated officer shall be the Subdivision Authority's Clerk and the Development Authority's Clerk.
- 7.12. The Chief Administrative Officer, or designate, are hereby authorized to sign instruments for endorsement, easements, caveats, agreements, time extension permitted by the Act and other documents as may be required to conduct the business of the MPC and Administrative Authority.
- 7.13. The MPC delegates the authority to the Development Officer for the signing of a decision of the MPC including the approval and issuance of development permits.

8. Functions and Duties of the Municipal Planning Commission

- 8.1. The MPC:
 - a) Shall be the Development Authority as established by bylaw and in accordance with Section 624 of the Act and the Town of Fox Creek's Land Use Bylaw.
 - b) Shall be the Subdivision Authority in the absence of the CAO or at the direction of the CAO, as established by bylaw and in accordance with Section 623 of the Act.
 - c) Shall advise and assist Council with regard to the planning of orderly and economic development within the Town of Fox Creek on any matter that the Council may want to refer to the MPC.
 - d) Shall seek to ensure that any proposed subdivision and development is in accordance with the purpose, scope, and intent of the Land Use Bylaw, Area Structure Plans and Municipal Development Plan.
 - e) May make recommendations to Council on Land Use Amendments to Statutory Plans.
 - f) May make recommendations to Council on planning matters within Statutory Plans.

9. Severability

- 9.1. Every provision of this Bylaw is independent of all other provisions, and it is the intention of the Council that if any provision of this Bylaw is declared invalid by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

10. Effective Date

- 10.1. This Bylaw shall come into force upon final passing thereof.
- 10.2. Bylaws 251-80 and 377-90 are hereby rescinded.

FIRST READING of Bylaw No. 862-2021 granted this 25 day of OCTOBER, 2021.

SECOND READING of Bylaw No. 862-2021 granted this 25 day of OCTOBER, 2021.

THIRD AND FINAL READING of Bylaw No. 862-2021 granted this 25 day of OCTOBER, 2021.



Sheila Gilmour,
Mayor



Kristen Milne,
Chief Administrative Officer