MUNICIPAL PLANNING COMMISSION BYLAW

A BYLAW OF THE VILLAGE OF EMPRESS IN THE PROVINCE OF ALBERTA, TO ESTABLISH A MUNICIPAL PLANNING COMMISSION.

WHEREAS pursuant to the *Municipal Government Act*, RSA 2000, Chapter M-26, Council may by bylaw establish a Municipal Planning Commission; and

WHEREAS pursuant to the *Municipal Government Act*, Council must establish by bylaw a Development Authority to exercise development powers and duties on behalf of the Village; and

NOW THEREFORE the Council of the Village of Empress, duly assembled, hereby enacts as follows:

1. SHORT TITLE

1.1 This Bylaw shall be cited as the "**Municipal Planning Commission Bylaw**."

2. DEFINITIONS

2.1 In this Bylaw, unless the context otherwise requires:

a. **"CAO"** shall mean the Chief Administrative Officer for the Village of Empress or his/her designate.

b. **"Council"** shall mean the body of elected officials who govern the Village.

c. **"Development Authority"** shall mean the Development Officer or Municipal Planning Commission pursuant to the Land Use Bylaw, as the context may require.

d. **"Development Officer"** shall mean the CAO or the person(s) appointed as a Development Officer pursuant to a resolution of Council.

e. **"Land Use Bylaw"** shall mean the Village of Empress Land Use Bylaw.

f. **"Member"** shall mean a member of the Municipal Planning Commission appointed pursuant to this Bylaw.

g. **"Member at Large"** shall mean a member of the public appointed by Council to a Committee of Council.

h. **"MGA"** shall refer to the *Municipal Government Act,* RSA 2000 C. M-26 as amended from time to time.

i. **"Municipal Planning Commission (MPC)"** shall mean Members of Council and Members at Large appointed by resolution of Council to the Municipal Planning Commission of the Village.

j. **"Organizational Meeting"** shall mean the annual organizational meeting of the Council held in

October in accordance with the MGA.

k. **"Recording Secretary"** shall mean a person appointed by the CAO to the position of recording secretary of MPC pursuant to this Bylaw.

l. **"Simple Majority"** shall mean more than 50% of the votes or persons.

m. **"Vacancy"** shall mean the absence of a Member that is unable to continue to fulfill his or her obligation as a Member.

3. ESTABLISHMENT, MEMBERSHIP, AND TERM OF OFFICE

3.1 The Municipal Planning Commission is hereby established and shall consist of three (3) Members, being three (2) Members of council and two (1) Member at Large.

3.2 Council members on the MPC shall be appointed at the annual Organizational Meeting for a one-year term. Any member of Council's appointment to the MPC terminates upon ceasing to be a member of Council.

3.3 Council may appoint an alternate Member of Council, to act when any of the council members of the MPC are unable to attend an MPC meeting.

3.4 Council shall appoint the MPC Member at Large by resolution of Council in accordance with the following:

a. The members at Large shall be appointed for a two-year term;

b. Any Vacancy occurring may be filled for the remainder of the term by Council resolution;

c. The appointment of a Member at Large terminates:

i. Upon expiry of their term as established by resolution of Council; or

ii. If the Member at Large ceases to be a resident of the Village; or

iii. for other reasons as may be determined by Council.

d. Council may appoint an alternate Member at Large, by resolution of Council, to act when the Member at Large is unable to attend an MPC Meeting.

3.5 No Member may be:

a. an employee of the Village;

b. a person who carries out subdivision or development powers, duties, and functions on behalf of the Village;

c. or is a member of the Subdivision and Development Appeal Board.

4. CHAIRPERSON, AND VICE-CHAIRPERSON

4.1 Council, at its annual Organizational Meeting, shall appoint one (1) Member as Chairperson and one (1) Member as Vice Chairperson, who shall act in the absence of the Chairperson.

4.2 In the event of the absence or inability of both the Chairperson and the Vice Chairperson to preside at a meeting of the MPC, the Members present shall elect one of its Members to act as Chairperson, so long as quorum has been met.

4.3 The Chairperson and Vice Chairperson shall hold office for a period of one (1) year from the date of appointment.

4.4 The duties of the Chairperson shall consist of:

a. presiding at meetings of the MPC;

b. direction and control of the operation of the MPC;

c. direct consultation with the CAO, or designate;

d. acting as the spokesperson for the activities of the MPC.

4.5 The duties of the Vice Chairperson shall consist of fulfilling the duties of the Chairperson in his or her absence.

5. ROLE OF RECORDING SECRETARY

5.1 The CAO shall appoint a Recording Secretary to the MPC in a non-voting, ex officio capacity.

5.2 The Recording Secretary shall:

a. Notify all Members of the arrangements for the holding of each MPC meeting;

b. Ensure the required notice of the meeting is given to all affected parties, as specified in the MGA;

c. Prepare and provide an agenda to Members at least 2 working days prior to the meeting for which the agenda is prepared;

d. Record and distribute minutes of such meetings in accordance with the Council Procedure Bylaw;

e. Prepare and maintain a file of the written minutes of the business transacted at all the meetings of the MPC;

f. Issue to all affected parties and persons, notices of decisions of the MPC; and

g. Carry out such other administrative duties as required.

6. CONDUCT OF BUSINESS

6.1 A Simple Majority of the Members shall constitute quorum, for clarity, this mean any two (2) members.

6.2 The MPC shall hold such meetings as are necessary to fulfill the MPC's responsibilities as per this Bylaw and the MGA.

6.3 Only those Members present at an MPC meeting shall vote on any matter before it.

6.4 The decisions of the Simple Majority of the Members present at a meeting duly convened shall be deemed to be the decision of the whole MPC. In the case of a tie, the motion shall be lost.

6.5 MPC meetings are conducted in accordance with the Village's Council Procedural Bylaw.

6.6 The MPC may make rules as are necessary for the conduct of its meetings and its business that are consistent with this Bylaw, the Land Use Bylaw and Provincial Acts and Regulations.

7. AUTHORITY

7.1 The MPC as Development Authority

a. The MPC is hereby authorized to act as a Development Authority pursuant to the MGA, and to receive, consider and decide upon applications for development permits in the manner prescribed in the MGA, the Land Use Bylaw and other statutory provision or any Bylaw or Regulation, as amended from time to time.

7.2 The MPC may:

a. Advise Council with respect to achieving the orderly, economical, and beneficial development, use of land and patterns of human settlement and to maintain and improve the quality of the physical environment within which the patterns of settlement are situated in the Village.

b. In addition to any duties and responsibilities the MPC set out in this Bylaw or as prescribed by the MGA, perform duties as determined by resolution of Council.

c. Advise Council with respect to the making of policies as it deems necessary from time to time, provided such policies are not inconsistent with the powers herein conferred.

8. SEVERABILITY

8.1 Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw

is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

8.2 Should any section or part of this Bylaw be found to be improperly enacted or ultra vires, for any reason, then such section or part shall be regarded as being severable from the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable.

9. TRANSITIONAL

9.1 Upon the coming into force of this Bylaw, the Members currently appointed to the MPC are continued as Members under this Bylaw until new Members are appointed in accordance with this Bylaw.

10. REPEAL

10.1 That any previous Municipal Planning Commission Bylaws are hereby repealed upon passing of bylaw 2024-03.

11. ENACTMENT

11.1 Bylaw No. 2024-03 shall come into full force and effect when it receives third and final reading and is duly signed.

READ A FIRST TIME this 15th day of May, 2024

READ A SECOND TIME this 15th day of May, 2024

READ A THIRD TIME this 15th day of May, 2024 with unanimous consent

Arlen Johnston

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Arlen Johnston
Mayor

Angela Duncan

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Angela Duncan
CAO