

TOWN OF PENHOLD
BYLAW NO. 820/2024

DEVELOPMENT AND SUBDIVISION AUTHORITIES BYLAW

A Bylaw of the Town of Penhold, in the Province of Alberta, pursuant to provisions of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000 and amendments thereto, to provide for the establishment of Development Authority, Subdivision Authority and a Municipal Planning Commission in the Town of Penhold.

WHEREAS, Section 623 of the Municipal Government Act, as amended, provide that Council by bylaw provide for a subdivision authority to exercise subdivision powers and duties on behalf of the municipality.

WHEREAS Section 624 of the Municipal Government Act, as amended, provide that Council must by bylaw provide for a development authority to exercise development powers and perform duties on behalf of the municipality.

WHEREAS Section 626 of the Municipal Government Act, as amended, provide that Council must by bylaw establish a municipal planning commission to provide for the applicable matters described in section 145(b) and prescribe the functions and duties of the commission.

WHEREAS Section 63(1) of the Municipal Government Act, as amended, authorizes that Council of a Municipality to revise all or any of the bylaws of the Municipality

WHEREAS The Council of the Town of Penhold deems it necessary and expedient to repeal a bylaw of a provision of a bylaw that is inoperative, obsolete or expired

NOW THEREFORE, the Council of the Town of Penhold, duly assembled, enacts as follows:

1. Title:

The title of this Bylaw is the "Development and Subdivision Authorities Bylaw".

2. Definitions

In this Bylaw:

- a) "Act" refers to the Municipal Government Act, R.S.A. 2000, c.M-26, as amended from time to time.
- b) "Applicant" means the person who has served written notice of a land use plan, subdivision or development proposal.



- c) "Committee" means a Board, Committee, Commission or other body established by Council, relating to a specific Committee.
- d) "Council" means the Council of the Town of Penhold.
- e) "Council Representative" means a member of Council appointed annually to act as Council's liaison to that committee and not as an advocate for the committee.
- f) "Development Officer" means the person appointed to the position; and
 - i. Serves as Development Authority to exercise development powers and duties on behalf of the municipality pursuant to Section 624 of the Act;
 - ii. Serves as Signing Authority on development matters pursuant to Section 210 of the Act.
- g) "Land Use Bylaw" means Bylaw No. 761/2018 and amendments thereto.
- h) "Member" means a Member of a Committee.
- i) "Municipal Planning Commission" means that body appointed by Council.
- j) "Municipality" means the Town of Penhold.
- k) "Public Representative" means a person appointed by Council who does not represent a specific organization.

3. Establishment of Development Authority

The Development Authority of the Town of Penhold is:

- a) The person or persons appointed by resolution of Council as Development Officer pursuant to the Land Use Bylaw;
- b) The Municipal Planning Commission established by this Bylaw.

4. Establishment of Powers and Duties

- a) The Authority has those powers and duties as set out in the Act, any regulations made thereunder and as further set out in the Land Use Bylaw and Part 3 of this Bylaw.
- b) The powers and duties of the Authority may be exercised by any one of the individuals appointed as Development Officer or by the Commission where so set out in the Land Use Bylaw and Part 3 of this Bylaw.

5. Establishment of Committees

- a) Unless otherwise provided for in this Bylaw, Members are appointed by Council resolution.
- b) Where a Committee has a Council Representative, the Mayor may assign, for a specific period of time, an alternate Councillor to a Committee should the regular representative be unable to attend.

6. Proceedings

- a) The proceedings and deliberations must be conducted in public except where the Committee deals with information protected from disclosure under the provisions of the *Freedom of Information and Protection of Privacy Act*.
- b) When a meeting is closed to the public, the Committee may only deliberate; no resolution may be passed at the meeting, except a resolution to revert to a meeting held in public. Information presented and discussion occurring in a closed meeting is confidential.
- c) Notwithstanding Section 4(a) and 4(b), the Municipal Planning Commission may deliberate in a closed meeting but must come into an open meeting to make a decision.
- d) When a meeting is open to the public, the Committee may, in its sole discretion, permit members of the public to address the Committee when it is deemed appropriate in the context of the business of the Committee.
- e) All discussions at a meeting of a Committee are directed through the Chairperson.
- f) In the event of absence or inability of the Chairman to preside at a Commission meeting, the Vice-Chairman shall preside, and in the event of the absence or inability of both the Chairman and Vice-Chairman to preside at a meeting of the Commission, the Members present in constituting a quorum shall elect one of its member to act as Chairman.
- g) For any procedures not covered by Part 17 of the Act or by Bylaw of the Town, the Commission may establish procedures for the conduct of the meeting.

7. Quorum

- a) A quorum of the Commission shall consist of three (3) voting Members of the Commission.

8. Voting

- a) The majority vote of those Members present and voting constitutes the decision of any Committee unless otherwise specified in this Bylaw.
- b) Each Member present must vote on every motion, unless the Member is required or permitted to abstain from voting under the *Municipal Government Act* or the conflict of interest provisions of this Bylaw.
- c) In the event of a tie vote, the matter before the Commission shall be deemed to be denied.

9. Conflict of Interest

- a) Where a Member is of the opinion that he or she has a conflict of interest in respect of a matter before the Commission, the Member must absent himself or herself from consideration and voting on the matter, provided that prior to doing so, the Member:
 - i. Declares that he or she has a conflict of interest; and
 - ii. Describes in general terms the nature of the conflict of interest.
- b) The Committee Secretary shall cause a record to be made in the minutes of the Member's absence and the reason for it.
- c) A Member is deemed to have a conflict of interest in a respect of a matter before the Committee when he or she is of the opinion that:
 - i. He or she has a personal interest in the matter which would conflict with his or her obligation as a Member to fairly consider the issue; or
 - ii. In the opinion of the Member, substantial doubt as to the ethical integrity of the Member would be raised in the minds of a reasonable observer, if that Member were to participate in the consideration of that issue.

10. Pecuniary Interest

- a) The provisions of this Bylaw and the provisions of the *Municipal Government Act*, pursuant to Sections 169, 170 and 172 of the Act, regarding pecuniary interest apply to Members.
- b) Where a Member is of the opinion that he or she has a pecuniary interest in respect of a matter before the Committee, the Member must absent himself or herself from all discussions, considerations and voting on the matter, provided that prior to doing so, the Member:
 - i. Declares that he or she has a pecuniary interest;

- ii. Describes in general terms the nature of the pecuniary interest; and
 - iii. Excuses himself/herself from the room in which the meeting is being held until all discussions, considerations and voting have been concluded on the matter.
- c) The Committee Secretary shall cause a record to be made in the minutes of the Member's absence and the reason for it.
- d) If a Member fails to disclose pecuniary interest, that member is automatically disqualified from their position.

11. The Municipal Planning Commission

- a) The Municipal Planning Commission shall consist of five (5) Members as follows:
 - i. Three (3) Councilors;
 - ii. Two (2) Public Representatives.
- b) Only Town residents are eligible to sit as a Public Representative on the Municipal Planning Commission.
- c) Council will also appoint one (1) Councillor, Mayor, or alternate person as an alternate Member of the Municipal Planning Commission, who, if the appointed Councillor is unable to participate in a meeting, will service in his/her place.
- d) A member of the Municipal Planning Commission shall not include:
 - i. Development Officer,
 - ii. A member of the Subdivision and Development Appeal Board.
- e) The Development Officer shall serve as a non-voting advisor to the Municipal Planning Commission and may attend any or all meetings;
- f) Each member of the Municipal Planning Commission shall be appointed for a term specified by Resolution of Council, but in no case shall the appointment be for more than one (1) year.
- g) Notwithstanding Section 11(f), a person may be reappointed to the Municipal Planning Commission upon the expiration of that person's term.
- h) In the event of a vacancy, Council may appoint by Resolution of Council a new member to serve for the remainder of the vacating Member's term.



- i) If a Member misses three (3) consecutive meetings without the authorization of the Commission, the person is disqualified and the position becomes vacant and shall be replaced with a new representative through appointment by Council resolution.
- j) The Chairman and Vice-Chairman of the Municipal Planning Commission shall be appointed annually by Resolution of Council.
- k) The Municipal Planning Commission has responsibilities to the duties and authority as set out in the Land Use Bylaw and the Municipal Government Act including, but not limited to the following:
 - i. Act in an advisory role to Council on policy issues;
 - ii. Exercise all the powers and perform all the duties prescribed for it in the Municipal Government Act and Town Land Use Bylaw;
 - iii. Decide on all matters referred to it by the Development Officer.

12. Subdivision Authority

- a) The Subdivision Authority of the Town of Penhold is Council.
- b) The Subdivision Authority has the powers and duties as set out in the Act and any regulations made thereunder.
- c) The signing authority for all subdivision related matters is the Director of Parkland Community Planning Services or his or her designate.
- d) When a registered instrument is submitted for endorsement, the signing authority is authorized to accept minor modifications to the related registerable instrument from that approved by the Subdivision Authority, provided:
 - i. The number of parcels does not increase;
 - ii. Municipal, school or environmental reserves are not compromised;
 - iii. Municipal roads and standards are not compromised;
 - iv. Such adjustments comply with municipal bylaws, except that minor changes to Land Use Bylaw standards may be included as provided for in Section 654(2) of the Act.
- e) The Subdivision Authority is authorized to:
 - i. Extend the time within which a registerable instrument is required to be submitted to the Subdivision Authority for endorsement, and

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- ii. Extend the time within which a registerable instrument is required to be submitted to the Registrar of Land Titles for registration, following endorsement.

13. Commission Secretary

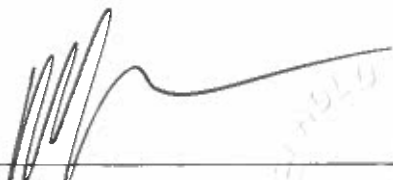
- a) The position of Committee Secretary is hereby created, the duties of which shall be fulfilled by the Development Officer or by staff assigned to this position by the Chief Administrative Officer, but that person shall not have a vote.
- b) The Commission Secretary shall notify all members of the Commission of the arrangements for the holding of each meeting of the Commission, including notification of the meeting to all affected parties or persons.
- c) The Commission Secretary shall ensure that an agenda is prepared for each meeting of the Commission and, prior to each meeting, shall ensure the delivery or electronic transfer of a copy of the agenda to each member of the Commission.
- d) The Commission Secretary shall prepare, maintain and file written minutes of the proceedings at each meeting of the Commission.
- e) The Commission Secretary shall issue notices of decisions of the Commission to all affected parties or persons.
- f) The Commission Secretary shall conduct the correspondence of the Commission and ensure the Commission is provided with such duties as required.

14. Bylaw 760/2018 is rescinded in its entirety.

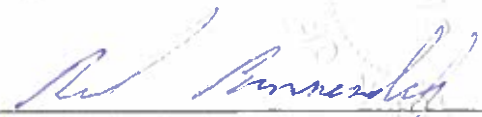
Read a first time this 11th day of March, 2024

Read a second time this 25th day of March, 2024

Read a third time this 25th day of March, 2024



Mayor



Chief Administrative Officer