

**SMOKY LAKE COUNTY  
IN THE PROVINCE OF ALBERTA  
BYLAW NO. 1346-19**

**A BYLAW OF THE MUNICIPALITY OF SMOKY LAKE COUNTY IN THE PROVINCE OF ALBERTA BEING A BYLAW OF SMOKY LAKE COUNTY TO ESTABLISH THE MUNICIPAL PLANNING COMMISSION FOR SMOKY LAKE COUNTY.**

**WHEREAS** Section 626 of the *Municipal Government Act R.S.A. C m-26. 2000*, as amended, "the "Act") requires that a Municipal Council establish a Development Authority Bylaw.

**WHEREAS** the Municipal Planning Commission is authorized to make decisions on applications for development approval in accordance with administrative procedures, the North Saskatchewan Regional Plan, the Municipal Government Act, the Subdivision and Development Regulation, any statutory plan of the municipality, and the municipal land use bylaw;

**WHEREAS** the purpose of this bylaw is to establish the authority of the Municipal Planning Commission;

**NOW THEREFORE** the Council of Smoky Lake County, in the Province of Alberta, hereby enacts as follows:

**1. NAME**

- 1.1. This Bylaw will be known as the Smoky Lake County "Municipal Planning Commission Bylaw".

**2. DEFINITIONS**

The following words and phrases mean:

- 2.1. "**Act**" means the *Municipal Government Act*, RSA 2000, c-M-26 and successive Acts and amendments thereto.
- 2.2. "**Council**" means the Reeve and Councillors duly elected in the Smoky Lake County and who are eligible to continue to hold office.
- 2.3. "**Development Authority**" means person(s) established under Section 3 herein to perform the functions of a Development Authority under the Act.
- 2.4. "**Land Use Bylaw**" means the Land Use Bylaw of Smoky Lake County, pursuant to the Act.
- 2.5. "**Municipal Planning Commission**" means the Municipal Planning Commission of Smoky Lake County as established under this Bylaw.
- 2.6. "**Regulations**" means the Regulations passed pursuant to the Act.
- 2.7. For questions of clarity, definition, or interpretation, it is the intent of this Bylaw to refer to Smoky Lake County Procedural Bylaw 1303-17 or subsequent equivalent.

**3. ESTABLISHMENT OF MUNICIPAL PLANNING COMMISSION**

- 3.1. The commission known as the Municipal Planning Commission (MPC) of Smoky Lake County, herein called "The Commission" is hereby established.
- 3.2. The Commission shall be composed of five (5) members appointed by resolution of Council at its annual Organizational Meeting.
- 3.3. No person who is a Development Authority Officer, or a Member of the Subdivision and Development Appeal Board (SDAB) shall be appointed to act as a Member of the Commission.
- 3.4. The Commission shall elect a Chairperson and Vice-Chairperson from its members at the Commission's first meeting following the annual Organizational Meeting.



- 3.5. Any vacancy caused by the death, retirement, or resignation of a member may be filled by a resolution of Council as required from time to time.
- 3.6. The Commission shall not be disbanded, nor a member of it discharged without cause.
- 3.7. Three (3) members of the Commission shall constitute a quorum for the making of all decisions and for doing any action required or permitted to be done by the Chairperson.
- 3.8. In the absence of both the Chairperson and Vice-Chairperson from a meeting of the Commission, an Interim-Chairperson shall be elected from amongst the members present to fulfil the duties of the Chairperson for the duration of that meeting.
- 3.9. A Member of the Commission who is for any reason unable to attend the whole meeting on an application shall not participate in the deliberations or decision of the Commission upon that application.
- 3.10. The decision of the majority of members present shall be deemed to be the decision of the whole Commission.
- 3.11. The Commission shall hold such meetings as are necessary to fulfill the Commission's responsibilities.
- 3.12. The Commission shall prepare and maintain a file of written minutes of the business transacted at all meetings of the Commission.
- 3.13. The Commission may make rules as are necessary for the conduct of its meetings and its business that are consistent with this Bylaw and the Act.

#### **4. PROCEDURE**

##### **4.1. The Commission may:**

- 4.1.1. Advise and assist Council in regard to the planning of orderly and economical development within the municipality and shall seek to ensure that any proposed development is in accordance with the purpose, scope, or intent of the Land Use Bylaw, and any other relevant planning documents.
- 4.1.2. Advise the subdivision approving authority that has jurisdiction within the municipality with respect to a proposed subdivision or outline plan within or near the boundaries of the municipality.

##### **4.2. The Commission is hereby authorized and assigned by the Council to act as the Development Authority and to receive, consider, and decide on applications for Development Permits in the manner prescribed by the Land Use Bylaw and the Act.**

##### **4.3. The Commission may issue an Order, Development Permit, decision, approval, refusal, or issue a Notice, with or without conditions.**

##### **4.4. The Development Authority Officer shall serve to support the functions of the Commission, and shall:**

- 4.4.1. not have a vote;
- 4.4.2. notify all members of meetings of the Municipal Planning Commission;
- 4.4.3. notify the public pursuant to the notification procedure of the Land Use Bylaw and the Act;
- 4.4.4. ensure that a file of written minutes of the business transacted at all meetings of the Commission is prepared and maintained;
- 4.4.5. ensure record decisions of the Commission and issue the decision, order, or permit forthwith to all parties affected in accordance with the Act;
- 4.4.6. be authorized to sign on behalf of the Commission any order, decision,

approval, notice or other thing made, given or issued by the Commission;

4.4.7. keep record of the names and addresses of those making representations at the meeting;

4.4.8. undertake other duties as the Commission may require in the conduct of its business.

4.5. In the event of a tie vote, any motion of the Commission shall be deemed defeated.

## 5. SEVERABILITY

5.1. It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed and the remainder of the Bylaw is deemed valid and enforceable.

## 6. REPEAL AND EFFECTIVE DATE

6.1. Bylaw 583 shall be repealed upon the passing of this Bylaw.

6.2. This Bylaw shall come into force and effect on the final date of passing thereof.


READ A **FIRST TIME** IN COUNCIL THIS 23<sup>rd</sup> day of May, 2019.

READ A **SECOND TIME** IN COUNCIL THIS 23<sup>rd</sup> day of May, 2019.

READ A **THIRD AND FINAL TIME** IN COUNCIL THIS 23<sup>rd</sup> day of May, 2019.

  
Craig Lukinuk, Reeve

SEAL

  
Cory Ollikka,  
Chief Administrative Officer