

**SMOKY LAKE COUNTY  
IN THE PROVINCE OF ALBERTA  
BYLAW NO. 1430-23**

A BYLAW OF SMOKY LAKE COUNTY IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF ESTABLISHING PUBLIC HEARING PROCEDURES FOR PLANNING AND DEVELOPMENT HELD BY THE COUNCIL OF SMOKY LAKE COUNTY.

**WHEREAS**, Sections 184, 197, 198, 200, 216.4, and 606 inclusive of the *Municipal Government Act*, and amendments thereto, deal with public hearing and meetings of Council.

**WHEREAS**, the purpose of this bylaw is to meet the statutory duty to provide members of the public with the opportunity to be heard before Council.

**WHEREAS**, the Council of Smoky Lake County, wishes to develop a clear and concise procedure for organizing and conducting public hearings, and establishing the process for handling oral and written submissions with regards to public hearings for planning and development related bylaws or bylaw amendments.

**NOW THEREFORE**, under the authority and pursuant to the provisions of the *Municipal Government Act*, and by virtue of all other enabling powers, the Municipal Council of Smoky Lake County, duly assembled, enacts as follows:

**1. TITLE:**

1.1 This Bylaw shall be known as the “**Planning and Development: Public Hearing Procedures**”.

**2. DEFINITIONS:**

2.1 **Advertising:** notice of the Public Hearing regarding a bylaw, or amendment must be (a) published at least once a week for 2 consecutive weeks in at least one newspaper or other publication circulating in the area to which the proposed bylaw relates, or in which the hearing is to be held, and (b) mailed or delivered to residences that are identified ‘adjacent land’ in the County’s Land Use Bylaw.

2.2 **Chairperson:** shall be the Reeve appointed by Council at the time of the hearing.

2.3 **Notice:** a notice must contain (a) a statement of the general purpose of the proposed bylaw, resolution or other thing to be considered at the Public Hearing; (b) the address where a copy of the proposed bylaw or resolution and any document relating to it or to the Public Hearing may be inspected, and (c) the date, time and place where the Public Hearing will be held, and, if said Public Hearing is to be held virtually, information describing how the public can access said Public Hearing and how the public can make submissions.

2.4 **Public Hearing:** is a hearing whereby Council hears from members of the public on a proposed bylaw, resolution or other thing.

2.5 **Public Hearing Background Report:** is a report prepared by the Planning and Development Manager and presented at the beginning of the Public Hearing. In the event when an amending bylaw is the subject of the Public Hearing, the Report shall include the applicant’s/landowner’s name, the proposed bylaw number, the legal description of the subject property and the requested amendment. The Report must also contain, the date when first reading was given to the proposed bylaw, the date of advertisement of the Public Hearing, the intent of the amendment, the size and location of the parcel of land, the nature of the use or development proposed by the developer, and the appropriate statutory plan (if any) and Land Use Bylaw sections, as well as any other relevant background information that the Planning and Development Manager deems appropriate.

2.6 **Public Participation:** any person who believes their interest will be affected by a proposed bylaw, resolution or other thing, has an opportunity to address Council at a Public Hearing in an orderly fashion as determined by the Chairperson. Individuals are encouraged to submit written submissions to the attention of the Planning & Development Manager for Smoky Lake County prior to the commencement of the Public Hearing.

- 2.7 Record of Public Hearing:** the proceedings of Public Hearings shall be recorded in writing. All written letters of correspondence shall be copied into to the written record, and oral submissions shall be summarized in the written record by the Secretary.
- 2.8 Secretary:** shall be the Chief Administrative Officer or designate.
- 2.9 Timing of Public Hearing:** means that County Council must hold a Public Hearing before second reading of the bylaw or before Council votes on the resolution.
- 2.10 Voting:** in accordance with Section 184 of the Municipal Government Act: Abstention from voting on a matter discussed at Public Hearing. When a Public Hearing on a proposed bylaw is held, a councillor a) must abstain from voting on subsequent readings of the bylaw if the councillor was absent from all of the Public Hearing, and b) may abstain from voting on subsequent readings of the bylaw if the councillor was only absent from a part of the Public Hearing.

### 3. GUIDELINES:

- 3.1** Staff will manage written correspondence received (by letter or email) for a public hearing as follows:
- 3.1.1** Correspondence received prior to the bylaw being considered for 1<sup>st</sup> reading:
- If addressed to staff, retain in the file.
  - If addressed to Council, circulate to Council as general correspondence.
  - Does not form part of the Record of Public Hearing.
- 3.1.2** Correspondence received after 1<sup>st</sup> Reading and/or authorization to proceed to Public Hearing and prior to Public Hearing:
- Compiled and made available for public review at the Public Hearing (included in the Public Hearing Background Report).
  - Forms part of the Record of Public Hearing.
  - Deadline for receipt of correspondence set for Wednesday at 12 noon, one week prior to the County Council meeting at which the Public Hearing will be held. This is to ensure that there is sufficient time to include the correspondence in Council's agenda package.
- 3.1.3** Correspondence received after the deadline referred to in subsection 3.1.2:
- Recommendation is for the public to attend the Public Hearing to present their submission.
  - Forms part of the Record of Public Hearing.
- 3.1.4** Correspondence received after the closing of the Public Hearing:
- Cannot be received by Council.
  - Does not form part of the Record of Public Hearing.

### 4. PROCEDURES:

- 4.1** Smoky Lake County will conduct Public Hearings in accordance with Section 216.4 of the *Municipal Government Act*, R.S.A., 2000, c. M-26, as amended.
- 4.2** Smoky Lake County will ensure the advertising and notification of a Public Hearing is done in accordance with Section 606 of the *Municipal Government Act*, R.S.A., 2000, c. M-26, as amended.
- 4.3** All Public Hearings shall be held during a Regular or Special Council meeting.
- 4.4** In the event that a proposed bylaw amendment relates to a specific property, adjacent landowners, as identified in the County's Land Use Bylaw, will be mailed or delivered a written notice of the Public Hearing for said bylaw amendment.
- 4.5** The Planning and Development Manager shall prepare a Public Hearing Background Report consisting of the proposed bylaw number, applicant/owner, legal land description, requested amendment, and any other relevant background information that the Planning and Development Manager deems appropriate. The background information must

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contain, when first reading was given, the date of advertisement, the intent of the amendment, the size and location of the parcel of land, what the developer is proposing to do, and the appropriate Land Use Bylaw sections. The standardized form is attached forming **Schedule A: Public Hearing Background Report**.

**4.6** After the agenda package is released to County Council, the Planning and Development Manager may circulate the Public Hearing Background Report to members of the public, the applicant and/or landowner.

**4.7** A sign-in sheet will be provided for all Public Hearings. The standardized form is attached forming **Schedule B – Public Hearing Sign-In Sheet**. Anyone attending the Public Hearing who wishes to speak must sign in and enter their mailing or email address on the sheet. Attendees who do not wish to speak at the Public Hearing but otherwise wish to receive a copy of the minutes following the Public Hearing must sign in and enter their mailing address on the sheet.

**4.8** Those who wish to speak in opposition to the proposed bylaw, resolution or other thing, will speak first, followed by those who wish to speak in support of the proposed bylaw, resolution or other thing. Speakers will be called upon by the Chairperson in the order that they appear on the sign-in sheet. The Chairperson shall allow any affected person who has not signed the sign in sheet to speak after all those who have signed in have been heard.

**4.9** Those in attendance at the Public Hearing will refrain from applause or other expressions of emotion whether in favor of, or opposition to, any particular submission or argument. Inappropriate language, outbursts or criticisms aimed at individuals or groups is not permitted. Individuals who use inappropriate language and/or who exhibit inappropriate behaviour may be asked to leave the Public Hearing by the Chairperson.

**4.10** If a group of persons or neighbours is at the Public Hearing to present the same case, either in opposition to, or in favor of, a bylaw, resolution or other thing, they should designate a speaker to represent them.

**4.11** Presentations should be brief and communicate concerns that relate only to the bylaw, resolution or other thing before Council. Speakers should not repeat matters or information raised by others, except to express support. Presentations are limited to a maximum of 10 minutes per speaker unless a majority vote of Council agrees to extend this time limit for a speaker. Questions asked by Council members may extend the time limit.

**4.12** Council's role at a public hearing is to listen to the public. Council shall not debate or challenge the comments being offered, but may question what they hear to make sure they understand what is being said. All comments presented to Council should address the merits of the bylaw, resolution or other thing before Council.

**4.13** The Planning and Development Manager will make available a Public Hearing Script for the Chairperson. A standardized form is attached forming **Schedule C: Public Hearing Script**.

**4.14** After the Public Hearing has been closed upon declaration by the Chairperson, Council may consider the bylaw, resolution or other thing at that meeting (if applicable), at the next meeting, or a specified meeting of Council, with or without a request for further information from staff. No other submission from the public or applicant may be received by Council on the bylaw, resolution or other thing.

**4.15** Upon conclusion of the Public Hearing, Council may discuss the proposed bylaw, resolution or other thing. Council discussion usually starts with a motion from a member of Council to:

- a) consider 2<sup>nd</sup> reading and/or 3<sup>rd</sup> reading of the proposed bylaw, or to vote on the proposed resolution, or
- b) defeat 2<sup>nd</sup> reading of the proposed bylaw, or
- c) defer further readings of the proposed bylaw to a future Council meeting, or
- d) approve the proposed bylaw in an amended form.

**SCHEDULE 'A': PUBLIC HEARING BACKGROUND REPORT**



Public Hearing Date: \_\_\_\_\_  
Public Hearing Time: \_\_\_\_\_

**PUBLIC HEARING BACKGROUND**

PROPOSED BYLAW/RESOLUTION NO.: XXXX-XX

APPLICANT: \_\_\_\_\_

PROPOSAL: (Insert text from the bylaw)

**BACKGROUND:**

- The application was submitted on \_\_\_\_\_.
- Agencies were sent letters via mail on \_\_\_\_\_.
- Bylaw XXXX-XX was presented for 1<sup>st</sup> Reading on \_\_\_\_\_.
- Adjacent landowners were sent letters via mail on \_\_\_\_\_.
- A Notice has also been posted on the County's website since \_\_\_\_\_.
- The Public Hearing Notices were advertised in the \_\_\_\_\_ the weeks of \_\_\_\_\_ and \_\_\_\_\_. Section 606 of the *Municipal Government Act*, R.S.A., c. M-26, as amended.
- This hearing has been scheduled to obtain public input on proposed Bylaw in accordance with Section 216.4 of the *Municipal Government Act*, R.S.A., c. M-26, as amended.
- Intention of Developer.
- The letters below have been received from the public:
  1. Name, Date Received.

**ATTACHMENTS:**

1. Draft Bylaw XXXX-XX with Schedules
2. Application
3. Background information/studies in support of the bylaw (if applicable)
4. General Location Map
5. Relevant Legislation
6. Certificate of Title (if applicable)
7. Copies of letters from the public

A handwritten signature in blue ink, appearing to be "W.A.", located in the bottom right corner of the page.

**SCHEDULE 'B': PUBLIC HEARING SIGN-IN SHEET**

SMOKY LAKE COUNTY  
PUBLIC HEARING - PROPOSED BYLAW \_\_\_\_\_ : \_\_\_\_\_  
DATE AND TIME

Name (Print)	Signature	Mailing Address & Legal Description
<b>OPPOSED TO PROPOSED BYLAW:</b>		
<b>Name (Print)</b>		
<b>Signature</b>		
<b>Mailing Address &amp; Legal Description</b>		
<b>IN SUPPORT TO PROPOSED BYLAW:</b>		

**\*\*Your name will be called upon by the chairperson to speak to the proposed bylaw.**

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**SCHEDULE 'C': PUBLIC HEARING SCRIPT**

**REEVE'S SCRIPT FOR PUBLIC HEARING  
DATE AND TIME**

(BYLAW \_\_\_\_\_: \_\_\_\_\_)

Action	✓	Statements
<b>1.0 Opening</b>		
Reeve:		<p>I, _____, the Reeve for the Smoky Lake County will proceed with discussion on proposed bylaw _____;</p> <p>The Public Hearing open at _____ (any time after _____ a.m. <u>not</u> before)</p> <p>Planning advice will be provided by _____ and/or _____, Planning and Development Manager.</p> <p>All persons wishing to be heard at this public hearing should sign in on the sign in sheet (in the foyer) giving their name.</p> <p>Persons who do not sign in shall speak only after all those who signed in have given their presentations. We ask that anyone who wishes to speak but has not yet signed in, please sign in now.</p> <p><b>(Pause to allow people to sign in if they have not already done so).</b></p>
Reeve:		<p>I would, at this time, ask the CAO to confirm whether or not this Public Hearing has been advertised and notice has been provided in accordance with the applicable legislation.</p>
CAO:		<p>Yes, it has Mr. Chairman.</p>
Reeve:		<p>I would ask the CAO to summarize the purpose of the Hearing.</p>
CAO:		<p>The purpose of this hearing is for the Council of Smoky Lake County to obtain <b>public input</b>, in favour and opposed to proposed Bylaw _____.</p> <p><b>Read into record the Public Hearing Background.</b></p>
Reeve:		<p>The ground rules of the hearing and the order of speaking will be:</p> <ol style="list-style-type: none"> <li>a) planner and/or planning staff will speak first to outline facts and present her recommendation on the proposed bylaw <b>(if necessary)</b>,</li> <li>b) members of the public, who have signed in will be given the opportunity to speak in the order they signed in,</li> <li>c) anyone else, who did not sign in will be given the opportunity to speak,</li> <li>d) planner and/or planning staff will be given the opportunity to present closing remarks or address any of the issues presented,</li> <li>e) Councillors will be given the opportunity to ask questions,</li> <li>f) Council will then end the Hearing and consider the information received at the public hearing,</li> <li>g) only Councillors may ask questions of speakers during the Hearing. If any persons wish to ask questions of a speaker, they must ask Council to ask the question on their behalf during their presentation, and Council will only ask the</li> </ol>

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Action	✓	Statements
		question if a Councillor wishes to have an answer.  h) Council will consider the representations made regarding the bylaw and any other matter Council considers appropriate.
<b>2.0 Staff Presentation</b>		
The Reeve announces:		Before hearing from the public, I would ask _____ (County's planner) and/or planning staff to present a report on the proposed bylaw.
After the Planner/ staff representative is finished, the Reeve asks:		Does Council have any questions or points of clarification they wish to ask of the planner and/or planning staff?
<b>3.0 Public Presentations via Written Submissions</b>		
The Reeve announces:		Before hearing from the public present today, I would ask _____ (County's planner) and/or planning staff to advise of any written submissions received. (Read all written submissions into record).
After the Planner is finished the Reeve asks:		Does Council have any questions or points of clarification they wish to ask of the planner and/or planning staff?
<b>4.0 Public Presentations at the Public Hearing</b>		
Then announce:		I will now call upon persons signed up on the sign-in sheet whom are <b>in opposition to the proposed bylaw</b> . Please state your name for the record. Please note that each party wishing to speak will have only one opportunity to do so, and their time will be limited to 10 minutes. Council Members may ask presenters questions for the purpose of clarifying the speaker's comments. Council will not debate this matter during the hearing. The decision(s) regarding whether or not to approve the bylaw(s) further readings will be dealt with later in the meeting.
Public – Opposed of proposed Bylaw:		Record names here: _____ _____ _____
After each speaker is finished the Chair asks Council:		Does Council have any questions or points of clarification?
Reeve:		I will now call upon persons signed up on the sign-in sheet whom are <b>in support of the proposed bylaw</b> . Please state your name for the record. Please note that each party wishing to speak will have only one opportunity to do so, and their time will be limited to 10 minutes. Council Members may ask presenters questions for the purpose of clarifying the speaker's comments. Council will not debate this matter during the hearing. The decision(s) regarding whether or not to approve the bylaw(s) further readings will be dealt with later in the meeting.

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Action	✓	Statements
Public – In Favour of proposed Bylaw:		Record names here: _____ _____ _____
After each speaker is finished the Chair asks Council:		Does Council have any questions or points of clarification?
After all who signed in have spoken, say:		Is there anyone else who has not spoken and wishes to speak?
After each speaker the Chair asks Council:		Does Council have any questions or points of clarification?
<b>5.0 Questions and Answers</b>		
Following all comments from the public, the Reeve asks Council:		At this time, does any Council member have any additional questions of any speaker or of the staff or planner?
<b>6.0 Closing Remarks</b>		
The Reeve announces:		There being no further presentations. I would like to thank all presenters for their comments. Council will take your comments into consideration when deciding on this matter.  I declare the public hearing on proposed bylaw _____ closed at _____.

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Some or all members of Council may comment on the proposed bylaw or resolution, providing reasons why they agree or disagree with the motion. Additionally, Council members may ask for clarification or technical advice from the applicant and/or staff in response to the possible decision Council may be considering.

**4.16** If Council so chooses, it may recess after holding a Public Hearing, although during this period Council members cannot discuss the bylaw, resolution nor other thing with the applicant or the public. This is to prevent Council receiving information that would otherwise be unavailable to either the applicant or the public.


**5. EFFECTIVE DATE:**

**5.1** Bylaw 1282-15 shall be repealed on upon the passing of this Bylaw.

**5.2** This Bylaw comes into effect after third and final reading.

READ A **FIRST TIME** IN COUNCIL THIS 26thDAY OF JANUARY, AD 2023.

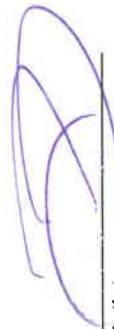
READ A **SECOND TIME** IN COUNCIL THIS 26thDAY OF JANUARY, AD 2023.


  
\_\_\_\_\_  
Lorne Halisky  
Reeve

  
\_\_\_\_\_  
Gene Sobolewski  
Chief Administrative Officer

SEAL

READ A **THIRD AND FINAL TIME** IN COUNCIL THIS 15thDAY OF FEBRUARY, AD 2023.

  
\_\_\_\_\_  
Lorne Halisky  
Reeve

  
\_\_\_\_\_  
Gene Sobolewski  
Chief Administrative Officer

SEAL

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