



## BYLAW 2019-07

Office Consolidation Current as of September 6, 2023

### **A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING A SUBDIVISION AUTHORITY, A DEVELOPMENT AUTHORITY, AND A MUNICIPAL PLANNING COMMISSION**

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The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

#### **TITLE**

- 1 This bylaw shall be known as the "Subdivision Authority, Development Authority, and Municipal Planning Commission Establishment Bylaw."

2021-25

#### **INTERPRETATION**

- 2 In this bylaw:
  - a) "Act" means the Municipal Government Act, RSA 2000, Chapter M-26, as amended;
  - b) "Commission" means the Canmore Planning Commission of the Town as established by this bylaw (also referred to as a Municipal Planning Commission in the Act);
  - c) "Development Authority" means the Town of Canmore Development Authority as established by this bylaw, and includes the chief administrative officer, a development officer, the Canmore Planning Commission, and Council;
  - d) "Member" means a member of the Canmore Planning Commission appointed pursuant to this bylaw;
  - e) "Pecuniary Interest" means pecuniary interest as defined by section 170(1) of the Act;
  - f) "Secretary" means an employee of the Town assigned by the Manager of Planning and Development to act as the Commission Secretary;
  - g) "Town" means the Town of Canmore.

2023-28

- 3 Where a bylaw references a Town staff position, department or Commission, the reference is deemed to be to the current name that the staff position, department or Commission is known by.

#### **ESTABLISHMENT OF A SUBDIVISION AUTHORITY**

- 3.1 A subdivision authority is hereby established to exercise subdivision power and duties on behalf of the Town.

2021-25

- 3.2 The subdivision authority is comprised of the chief administrative officer. 2021-25
- 3.3 The chief administrative officer shall, in writing, delegate the powers and duties of the subdivision authority to any employee or employees of the municipality considered qualified. 2021-25
- 3.4 The authority to grant extensions to the periods of time referred to in Section 657(1) and 657(5) of the Act of as provided by Section 657(6) of the Act is delegated to the subdivision authority. 2022-22

**ESTABLISHMENT OF A DEVELOPMENT AUTHORITY**

- 4 A development authority is hereby established to exercise development powers and perform duties on behalf of the Town, subject to section 641 of the Act. 2021-25
- 4.1 Pursuant to this bylaw, the powers and duties of the development authority may be carried out by:
- a) a development officer as delegated by the chief administrative officer,
  - b) the Canmore Planning Commission, or
  - c) Council. 2021-25; 2023-28
- 5 The chief administrative officer shall, in writing, delegate the powers and duties of the development authority to any employee or employees of the municipality considered qualified, with those employee(s) to be known as the development officers. 2021-25
- 6 Repealed 2021-25.
- 7 Repealed 2021-25.
- 8 Repealed 2023-28

**ESTABLISHMENT OF A MUNICIPAL PLANNING COMMISSION**

- 8.1 A municipal planning commission known as the Canmore Planning Commission is hereby established. 2021-25
- 8.1.1 The Canmore Planning Commission shall decide the development permit applications and review other matters referred to the Canmore Planning Commission under the Land Use Bylaw. 2023-28
- 8.2 In addition to the powers and duties authorized by this bylaw, the Commission may provide advice to Council on any planning matter. 2021-25

**COMMISSION MEMBERSHIP AND TERM**

- 9 The Commission shall be comprised of a minimum of five and a maximum of seven voting Members:
- a) a minimum of two and a maximum of four Members shall be public members appointed to the Commission by resolution of Council;
  - b) two members of Council shall be appointed by resolution of Council; and
  - c) the general manager of municipal infrastructure, or their designate, who only shall vote only in the event of a tie.
- 2022-22
- 10 Council shall appoint Members at Council’s annual organizational meeting.
- 11 Members shall be appointed for either:
- a) one-year terms that commence on January 1 and end on December 31; or
  - b) two-year terms that commence on January 1 and end on December 31 of the following year.
- 12 The number of consecutive years served by a public Member shall not exceed six.
- 13 Despite section 12, if a public member reaches the maximum number of years of service, they may conclude the current term for which they have been appointed.

**COMMISSION ELIGIBILITY**

- 14 To be eligible for public membership on the Commission, a person must:
- a) Repealed 2021-19
  - b) be a resident of Canmore; and
  - c) be at least eighteen years of age.
- 14.1 At least two public Members must
- a) demonstrate a strong working knowledge of Alberta planning legislation, or
  - b) have experience in one or more of the following: planning, planning law, engineering, construction, architecture, landscape architecture or urban design.
- 2022-22
- 15 A public Member is not eligible for continuing a term on the Commission and/or for reapplying for the next subsequent term on that Commission if the public member:

- a) fails to attend three consecutive meetings of the Commission, unless that absence is caused by illness or is authorized in advance by the chair with notice of and reasons for the member's absence (the sufficiency of such reasons to be determined by the Chair in their sole discretion); or

2021-25

- a) ceases to meet the eligibility requirements set out in this bylaw.

16 Members of the Subdivision and Development Appeal Board are ineligible to be Members.

2022-22

### **COMMISSION REMUNERATION**

17 Public Members are eligible to claim per diems for attending meetings of the Commission.

2022-22

18 Public Members shall be compensated per diem rates at the rate set out for councillors in the Council Remuneration Policy adopted by resolution of Council.

2022-22

### **COMMISSION RESIGNATIONS AND REMOVALS**

19 Any public Member may resign from the Commission at any time by sending written notice to the Secretary who shall inform Council and the Commission chair.

20 If a vacancy occurs before Council's annual organizational meeting, Council may appoint a replacement for the remainder of the term.

21 Council may remove a Member at any time.

### **COMMISSION QUORUM AND APPOINTMENT OF CHAIR AND VICE-CHAIR**

22 Three voting Members shall constitute a quorum.

22.1 The chair of the Commission shall be the general manager of municipal infrastructure or their designate.

2022-22

23 A vice-chair shall be selected each calendar year by a majority vote of Members at the first meeting in the new year.

2022-22

24 In the event of absence or inability of the chair to preside at a meeting, the vice-chair shall preside.

25 In the event of absence or inability of both the chair and vice-chair to preside at a meeting, the Members present shall elect one of its Members to preside as chair for that meeting.

### **COMMISSION MEETING PROCEDURES**

26 Public notice of a meeting will be provided on the Town's website at least 24 hours prior to the meeting.

- 27 Repealed 2021-25.
- 28 The chair shall:
- a) Maintain order and decorum and may, if necessary call a member to order;
  - b) Determine who has a right to speak;
  - c) Ensure all members who wish to speak to a motion have spoken, ensure that the members are ready to vote, and subsequently call the vote;
  - d) Rule when a motion is out of order; and
  - e) Ensure persons in the gallery maintain quiet and order and may, if necessary, provide for the removal of those who do not comply.
- 29 Members shall not communicate individually on matters relating to an application before the Commission with any persons prior to the meeting.
- 30 The Commission, at its sole discretion, is not required to hear any representations from the public with respect to any matter over which it makes a decision or recommendation.
- 31 Where the Commission or the manager of planning and development deems it desirable, they may request any person or persons to attend meetings in an advisory capacity.
- 32 When a Member has a Pecuniary Interest with respect to an application under consideration, the Member must disclose the nature of the Pecuniary Interest prior to any discussion on the matter, abstain from voting on the matter, and leave the room in which the meeting is being held until discussion and voting on the matter are concluded.
- 33 A Member who, for any reason, is unable to attend the whole of the meeting or meetings where an application is being considered, shall not participate in the Commission's deliberations or decision on that application.
- 34 When a Member does not vote on a matter pursuant to section 32 and 33, the abstention and reasons therefore shall be recorded in the minutes.
- 35 After hearing all submissions, the Commission may deliberate and reach its decisions in a meeting closed to the public.
- 36 Where the Commission closes all or part of a meeting to the public, the Commission may allow one or more other persons to attend, as it considers appropriate, and the minutes of the meeting shall record the names of those persons and the reasons for allowing them to attend.
- 37 A decision of the majority vote of Members present shall be deemed to be a decision of the whole Commission.

- 38 Repealed 2022-22
- 39 A member shall not make any public statements (including verbally, in writing or via electronic media), on matters relating to an application before the Commission, either before or after a meeting, except those statements authorized by the Commission through the chair.
- 40 The Manager of Planning and Development shall act as the liaison to the Commission, and Town staff will provide technical advice to the Commission.
- 41 The Secretary shall:
- a) notify all Members of meeting arrangements,
  - b) carry out the administrative duties of preparing agendas, notifications, record retention and other duties assigned as required, and
  - c) prepare and maintain a file of written minutes of the business transacted at all meetings of the Commission.

#### **COMMISSION MOTIONS**

- 41.1 All members speaking to a motion must comply with meeting procedures as stated in this bylaw. 2021-25
- 41.2 A motion may be withdrawn by the Member that made the motion any time before voting occurs, subject to no objection from any Member present. Motions withdrawn in this manner shall not be recorded in the minutes. 2021-25
- 41.3 A friendly amendment, defined as a proposed change in wording that enhances and strengthens the original motion, may be proposed adopted if the mover of the motion approves. Only the motion as amended by the friendly amendment shall appear in the minutes. 2021-25
- 41.4 After a motion has been made, no other motion may be made except for:
- a) A motion to table the motion until a time later in the meeting; or
  - b) A motion to postpone the main motion to a definite time at a future meeting. 2021-25
- 41.5 A motion to table must include the reason and time within the current meeting to which the matter is to be tabled. A motion to table is not debatable. 2021-25
- 41.6 A motion to postpone must include the reason for postponement and a specific time when the matter shall be considered. A motion to postpone is debatable and is decided by a majority vote of the Commission.

2021-25

41.7 A motion to reconsider a motion that has already been voted on:

- a) is not debatable; and
- b) cannot be reconsidered.

2021-25

41.8 A motion to adjourn:

- a) is not debatable; and
- b) cannot be reconsidered.

2021-25

41.9 Any Member may request the motion under consideration to be read at any time, but not so as to interrupt a Member who is speaking.

2021-25

41.10 Once the chair has called the vote on a motion on the floor, no Member may speak to the motion until after the result of the vote has been declared.

2021-25

41.11 Unless otherwise provided for in this bylaw, motions will be decided by majority vote of the Commission.

2021-25

41.12 Motions receiving a unanimous vote shall be recorded in the minutes as “carried unanimously” or “defeated unanimously” and, in the case of a split vote, as “carried” or “defeated,” and the names of those who voted for and against the motion shall be recorded.

2021-25

### **COMMISSION MEETING RECORDS**

42 Agendas shall be made available to Commission members at least three days prior to a meeting and made available to the public at least one day prior to a meeting.

43 Minutes shall be prepared for every Commission meeting and contain the following:

- a) the date, time and location of the meeting;
- b) the names of all Commission members present;
- c) the name of anyone other than a Commission member who participated in the meeting;
- d) a summary of the evidence presented at the meeting; and
- e) any motions made at the meeting, along with the results of the vote on the motion.

43.1 Questions and debate shall not be recorded in the minutes.

- 43.2 Minutes of the meeting shall be adopted by motion at the next meeting convened. 2021-25
- 44 Any Member may request a correction to the minutes before they are adopted; corrections are deemed adopted when the motion to adopt the minutes has carried. 2021-25
- 45 Approved minutes shall be signed by the chair and the Secretary who were present at the meeting where the minutes were taken, wherever possible. Where not possible, the minutes shall be signed by the current chair and Secretary.
- 46 The chief administrative officer is authorized to provide for streaming video and video recording of any meeting.
- 47 The video recording provided by the chief administrative officer may be used to determine the accuracy of a portion of the minutes.

#### **ENACTMENT/TRANSITION**

- 48 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 49 Bylaws 17-2011 and 2017-32 are repealed.
- 50 This bylaw comes into force on the date it is passed.

FIRST READING: January 8, 2019

SECOND READING: January 8, 2019

THIRD READING: January 8, 2019

#### **OFFICE CONSOLIDATION**

This document is a consolidation of a bylaw with one or more amending bylaws. Anyone making use of this consolidation is reminded that it has no legislative sanction. Amendments have been included for convenience of reference only. The approved bylaws should be consulted for all purposes of interpreting and applying the law.

Bylaws included in this consolidation:

- 2019-07 Development Authority
- 2021-19 Committee Omnibus Amendment 2021-19 Citizenship Requirement
- 2021-25 Amendment – Meeting Procedures and Inclusion of Subdivision Authority
- 2022-22 Amendment – Membership and Eligibility
- 2023-28 Amendment – Development Authority and Canmore Planning Commission