

**BYLAW NO. 3007**

**CONSOLIDATION OF A BYLAW OF THE CITY OF MEDICINE HAT** to establish a municipal planning commission.

**WHEREAS** the *Municipal Government Act* S.A. 1994 Chapter M-26.1 provides that a council may by bylaw establish a municipal planning commission;

NOW THEREFORE THE MUNICIPAL CORPORATION OF THE CITY OF MEDICINE HAT, IN COUNCIL ASSEMBLED, ENACTS AS FOLLOWS:

1. **TITLE**

This Bylaw may be cited as the Municipal Planning Commission Bylaw.

2. **PURPOSE**

The purpose of this Bylaw is to establish a municipal planning commission, prescribe its functions and duties and establish its rules of procedure and conduct.

3. **DEFINITIONS**

In this Bylaw:

- (a) "Act" means the *Municipal Government Act* S.A. 1994 Chapter M-26.1;
- (b) "Appeal Board" means the subdivision and development appeal board established under the Subdivision and Development Appeal Board Bylaw;
- (c) "Commission" means the municipal planning commission established under this Bylaw;
- (d) "Council" means the Council of the City of Medicine Hat;
- (e) "development application" means an application for a development permit under the Land Use Bylaw;
- (f) "development officer" means a person appointed as a development officer under the Land Use Bylaw;
- (g) "elector" means a person who is eligible to vote in the election for a councillor under the *Local Authorities Election Act* R. S.A. 1980 c. L-27.5;
- (h) "Land Use Bylaw" means the land use bylaw passed by Council under the Act; and
- (i) "Manager" means the Manager of the Planning, Building and Engineering Services Department of the City or in his absence a development officer designated by the Manager of the Planning, Building and Engineering Services Department.

Amended by:  
Bylaw 4168  
Aug. 9, 2013

Amended by:  
Bylaw 4168  
Aug. 9, 2013

**4. ESTABLISHMENT AND COMPOSITION**

- (1) A municipal planning commission for the City of Medicine Hat is hereby established.
- (2) The Commission shall consist of seven (7) members as follows:
- (a) Two (2) members of Council; and
  - (b) Five (5) electors of the City of Medicine Hat who shall not be employees or officers of the City of Medicine Hat or members of Council.
- (3) A person who is a development officer or a member of the Appeal Board shall not be appointed as a member of the Commission.
- (4) Each member of the Commission shall be appointed by resolution of Council for a specified term not exceeding three (3) years.
- (5) Notwithstanding section 4(4), a member of the Commission may be reappointed following the expiration of his term of appointment.
- (6) A vacancy on the Commission may be filled by resolution of Council.
- (7) In the event of the absence or inability to act of a member of the Commission, Council may appoint a member of Council or an employee, officer or elector of the City of Medicine Hat as a member of the Commission to act in the place of the member who is absent or unable to act for such period of time as that member is absent or unable to act.

Amended by:  
Bylaw 4221  
Apr. 8, 2014

**5. TERMINATION OF APPOINTMENT**

- (1) Subject to section 5(2), the rules of conduct relating to pecuniary interest which are contained in the Act, and which are applicable to members of the Commission who are members of Council, shall be deemed to apply *mutatis mutandis* to members of the Commission referred to in section 4(2)(b) and (c) of this Bylaw.
- (2) For purposes of this Bylaw, a member of the Commission who is an employee or officer of the City of Medicine Hat shall not be deemed to have a pecuniary interest by reason of his status, or the status of his spouse, children, parents or the parents of his spouse, as employees or officers of the City of Medicine Hat.
- (3) Council may by resolution terminate the appointment of a member of the Commission referred to in section 4(2)(b) or (c) if
- (a) the member violates the rules of conduct referred to in section 5(1);

- (b) the member uses information gained through his position as a member of the Commission to gain a pecuniary benefit in respect of any matter in which he has a pecuniary interest; or
  - (c) the member otherwise conducts himself in a manner that Council considers to be improper.
- (4) Council may by resolution terminate the appointment of any member of the Commission if the member is absent from more than three (3) consecutive meetings of the Commission.
  - (5) The appointment of a member of the Commission who is a member of Council or an employee or officer of the City of Medicine Hat shall automatically terminate if the member ceases to be a member of Council or an employee or officer of the City of Medicine Hat.

#### 6. **APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN**

- (1) At its annual organizational meeting Council shall appoint by resolution one member referred to in section 4(2)(a) or (c) as Chairman of the Commission and one member referred to in section 4(2)(a) or (c) as Vice-Chairman of the Commission.
- (2) The Vice-Chairman shall preside over any business before the Commission in the event of the absence or inability to act of the Chairman.
- (3) If the Chairman and Vice-Chairman are absent from or unable to act at a meeting of the Commission, the members present shall elect, by a majority vote, a member to act as Chairman at that meeting.
- (4) A Chairman or Vice-Chairman may be elected for successive terms as Chairman or Vice-Chairman, as the case may be.
- (5) The Chairman or Vice-Chairman, in the absence of the Chairman, shall preside over and be responsible for the conduct of meetings of the Commission.

#### 7. **FUNCTIONS AND DUTIES OF THE COMMISSION**

- (1) The Commission shall have the following functions and duties:
  - (a) to act as the principal advisory body to Council in matters relating to land use planning;
  - (b) to carry out the powers and duties of a Development Authority that are assigned to it under the Land Use Bylaw;
  - (c) to exercise subdivision powers and duties on behalf of the City in accordance with the Subdivision Authorities Bylaw; and

Amended by:  
Bylaw 4168  
Aug. 9, 2013  
Amended by:  
Bylaw 4168  
Aug. 9, 2013

(d) to carry out such other functions and duties as may be assigned to the Commission by Council.

(2) The Commission shall have no power to borrow money or enter into contracts on behalf of the City but may expend such funds as may be approved by Council.

(3) The members of the Commission may be entitled to such remuneration and travelling and other expenses as may be fixed by Council resolution.

8. **PROCEDURE**

(1) The Commission may establish procedures governing the conduct of its meetings that are consistent with the provisions of the Act and this Bylaw

(2) The Commission shall meet at regular intervals to carry out its functions and duties.

(3) A special meeting of the Commission may be called by the Chairman or Vice-Chairman.

9. **QUORUM**

Five (5) members shall constitute a quorum for meetings of the Commission.

Amended by:  
Bylaw 4221  
Apr. 8, 2014

10. **DELIBERATION AND DECISIONS**

(1) The Commission may deliberate and make its decisions in meetings closed to the public.

(2) The decision of the majority of the members present shall be deemed to be the decision of the Commission.

(3) In the event of a tie vote, a motion shall be deemed to have been decided in the negative.

(4) A decision of the Commission on a development application is not final until it has been given in writing, together with reasons for the decision if required under the Act.

11. **CITY CLERK**

(1) The City Clerk shall act as secretary to the Commission.

(2) The City Clerk may delegate any or all of his functions or duties under this Bylaw to another employee of the City.

- (3) In his capacity as secretary to the Commission, the City Clerk shall:
  - (a) attend all meetings of the Commission;
  - (b) record the minutes of the meetings; and
  - (c) carry out such other functions or duties as may be assigned to him by the Commission.
  
- (4) Prior to each meeting of the Commission the Manager shall cause an agenda and related agenda materials to be prepared and delivered to an adult person at the home or place of business of each member of the Commission.

12. **TRANSITIONAL**

The appointment of a member of the Commission under Bylaw No. 1962, the Medicine Hat Municipal Planning Commission Bylaw, shall continue as an appointment of a member of the Commission for the unexpired portion of the term of appointment.

13. **REPEAL**

Bylaw No. 1962, the Medicine Hat Municipal Planning Commission Bylaw, is repealed

**READ A FIRST TIME** in open Council on November 6, 1995.

**READ A SECOND AND THIRD TIME** in Open Council on November 20, 1995.

**SIGNED AND PASSED** on November 21, 1995.

I HEREBY CERTIFY that this is a true and correct copy of Bylaw No. 3007 consolidated pursuant to Section 69 of the *Municipal Government Act* to incorporate all subsequent amendments thereto, printed under the authority vested in me by the said Section 69 and by City of Medicine Hat Bylaw No. 1957.

CERTIFIED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
ANGELA CRUICKSHANK  
MUNICIPAL SECRETARY AND CITY CLERK  
CITY OF MEDICINE HAT