

BYLAW 2018-021

CONSTITUTING THE PLANNING ADVISORY COMMITTEE

WHEREAS the Municipal Council of Kazabazua judges it necessary to adopt a bylaw constituting a Planning Advisory Committee to aid in meeting its responsibilities in regards to urbanism and land use planning;

CONSIDERING the Land Use Planning and Development Act (L.R.Q., chap. A-19.1), particularly Article 146;

WHEREAS a Notice of Motion was given by Paul Chamberlain and a project By-Law was filed at a regular meeting of the Council on December 4, 2018;

THEREFORE, IT IS PROPOSED by Paul Chamberlain, **SECONDED** by Sylvain La France and resolved that the Municipal Council of Kazabazua rules and orders the following:

CHAPTER I: DECLARATIONS AND INTERPRETIVE PROVISIONS

1.1 PREAMBLE

The preamble of this By-Law is an integral part.

1.2 BYLAW TITLE

This bylaw is titled "Bylaw constituting a Consultative COMMITTEE on Urbanism".

1.3 COMMITTEE NAME

The Consultative COMMITTEE on Urbanism will be referred to as the COMMITTEE.

1.4 INTERPRETATION

The titles used in this bylaw are an integral part of the bylaw for legal purposes. In the case of disagreement between the titles and the text, the text shall prevail. Whatever tense of verb is used in the provisions of this by-law, said provisions shall remain in force at all times and in all circumstances. The singular includes the plural and vice versa, unless otherwise indicated by the context. The masculine includes the feminine, unless otherwise indicated by the context. Use of the word 'MUST' indicates that the obligation is absolute; use of the word 'MAY' indicates that the action is optional.

The phrase 'ANY PERSON' includes any legal entity as well as any physical person.

All dimensions, measurements and areas mentioned in this bylaw are expressed in the metric system (M.S.)

In this bylaw, the authorization to do something includes all the powers necessary for that purpose.

Any reference to a law or regulation in either federal or provincial jurisdiction includes equally any amendment made or to be made to said law or regulation.

1.5 TERMINOLOGY

The definitions contained in the Permits and Certificates By-law form an integral part of the present by-law as if they were here in long recitals unless they are inconsistent, or unless the context indicates a different meaning.

CHAPTER II: POWERS AND DUTIES OF THE COMMITTEE

2.1 STUDIES AND RECOMMENDATIONS

1- The COMMITTEE could be mandated to study, to do research and make recommendations on all matters and all documents submitted to it by the Council concerning urban planning, zoning, subdivision and construction.

2- The COMMITTEE must formulate an opinion on any minor derogation request in accordance with the Law on planning and development and the By-Law on minor derogation.

3- The COMMITTEE may be responsible for evaluating the content of the urban plan and zoning By-law, for the changing environment, municipal needs, the development plan of the MRC and propose changes land additional project By-Laws, if any.

4- The COMMITTEE could be mandated to study and make recommendations to the Council relating to Urbanism, with regards to the relationship between the municipality and surrounding municipalities, including the MRC.

5- The COMMITTEE may establish sub Committees to study, composed of its members or some of them and/or other resource persons.

6- The COMMITTEE may consult with any employee of the municipality, with the approval of the Council, which shall be established by resolution, require from any employee, all reports, services or studies deemed necessary.

7. The Council may obtain to the benefit of the COMMITTEE, support from external professional services for any matter relating to the By-Law.

8. The Council may obtain a written notice of the COMMITTEE for any questions regarding an amendment or change to the planning By-Law, as well as to any matter relating to a derogatory use or a change of usage of a building.

2.2 WRITTEN REPORTS

1- The studies, recommendations and advice of the COMMITTEE are submitted to Council in a written report, after approval by the President of the COMMITTEE. The minutes of the meetings of the COMMITTEE may act as written reports.

2. On all matters within the competence of the COMMITTEE, the Council may, before making a decision, consult the COMMITTEE by asking to provide a report.

3- The COMMITTEE shall submit an annual report of its activities during the past year and a work program for the following year, taking into account all of its powers and duties in terms of studies and recommendations, and specifically the need to assess the content of the plan and the planning By-Law to ensure proper management of the evolution of land use.

CHAPTER III: COMMITTEE OPERATION

3.1 RULES FOR INTERNAL GOVERNANCE

The COMMITTEE establishes the rules for internal governance that is necessary for the accomplishment of its functions in conformity to the present By-Law and the Law on Planning and Urbanism.

3.2 CONVOCATION

In addition to the scheduled meetings convened by the COMMITTEE, the secretary-treasurer may also, at the request of the Council, convene the members of the COMMITTEE following the same procedure as for the convening of a extraordinary meeting of the Council.

3.3 COMMITTEE COMPOSITION AND QUORUM

The COMMITTEE is composed of 5 members named by the Council which: :

- Four (4) members selected from taxpaying residents of the municipality excluding Council members, municipal officers and members of other committees appointed by Council;

- The municipal Councillor, the person responsible for the planning and development shall be a member of the COMMITTEE, he assumes the office of President of the COMMITTEE;

- The municipal building and environment officer is an ex officio member of the COMMITTEE, but does not vote, he holds the office of secretary of the COMMITTEE.

The quorum of the COMMITTEE is 50% + 1 of the members of the COMMITTEE having the right to vote.

3.4 LENGTH OF MANDATE OF COMMITTEE MEMBERS

The term of office of the four (4) members appointed by Council is for (2) years of their appointment by resolution of Council.

The term of members may be renewed and is automatically renewed unless the member notifies the Council of its intention not to continue for another term where Council appoints a new member to replace the member who has completed his term. The term of the Councillor terminates when it ceases to be a member of the council or in which he is not the counselor assigned to the planning and development committee.

The Council reserves the right to revoke, by resolution, at all times the mandate of a member or a resource person acting for the COMMITTEE. In case of resignation or of non-motivated absence to three successive meetings, the Council may appoint by resolution another person to fill the position which became vacant.

The council must at all times, fill the vacancies within three (3) months.

3.5 COMMITTEE OFFICERS

The Planning Advisory COMMITTEE is required to elect a vice-president. It can create any other functions it deems appropriate. The charge of office of the President is granted automatically to the Councillor sitting on the COMMITTEE. The building and environment municipal officer automatically assume the office of secretary of the COMMITTEE.

The secretary shall, with respect to the ordinary business of the COMMITTEE, function under the authority of the president of the COMMITTEE.

The secretary shall convene meetings of the COMMITTEE, prepares agendas, draft the minutes of the meetings of the COMMITTEE after each meeting and is responsible for written correspondence.

3.6 CONFLICTS OF INTEREST

A member of the COMMITTEE may not take part and remove himself in a deliberation for a specific matter in which he has a personal interest.

3.7 DECISIONS BY VOTE

The president has the right to vote, but is not required to exercise it. When the votes are equally divided, the decision is considered as negative.

3.8 RESOURCE PERSON

The Council may add to the COMMITTEE, on an ad hoc basis, other persons whose services would be necessary to carry out its duties, all in accordance with the Act respecting land use planning and development.

3.9 REMUNERATION

Members of the COMMITTEE receive no remuneration; they may, however, receive an attendance allowance fixed by the Council. However, the members of the COMMITTEE who are also members of the Council receive the allowance fixed by the By-law # 2018-016 remuneration of elected municipal officers.

3.10 COMMITTEE EXPENSES

The COMMITTEE each year, on October 15th, provides the forecasts of its expenses. Members of the COMMITTEE are reimbursed for travel expenses actually incurred on travel authorized by the Council.

However, the members of the COMMITTEE who are also members of the Council are reimbursed according to the By-law # 2018-016 remuneration of elected municipal officers..

3.11 ARCHIVES

A copy of the rules adopted by the COMMITTEE, the minutes of all its meetings, as well as all the documents submitted to it, must be sent to the secretary-treasurer for filing to the municipal archives.

CHAPTER IV: FINAL PROVISIONS

4.1 ABROGATION

This By-Law replaces and repeals all previous municipal By-Laws inconsistent with the provisions of this By-Law.

4.2 ENTRY INTO FORCE

This By-Law comes into force in accordance with the Law.

<p>Notice of motion given, December 4, 2018 Project By-Law filed, December 4, 2018 By-Law adopted, January 15, 2019 Publication and Entry into force, January 16, 2019 Adopting resolution 2019-01-019</p>



Robert Bergeron
Mayor

Pierre Vaillancourt, DMA
Director General / Secretary-Treasure