

## **DISTRICT OF PORT HARDY**

### **BYLAW NO. 06-2009**

#### **A BYLAW TO ESTABLISH A JOINT ADVISORY PLANNING AND HARBOURS COMMISSION**

GIVEN that Council considers it expedient and desirable to establish an Advisory Planning Commission and a Harbour Commission;

The Council of the District of Port Hardy ENACTS as follows:

#### **CITATION**

1. This bylaw may be cited for all purposes as the "Joint Advisory Planning and Harbours Commission Bylaw No. 06-2009".

#### **ESTABLISHMENT**

2. There is hereby established in the District of Port Hardy a Joint Advisory Planning and Harbours Commission, hereinafter referred to as the "Commission".

#### **MANDATE OF THE COMMISSION**

3. The purpose of the Commission is to advise Council on all matters referred to it in relation to land use, community planning and harbour development. Specifically, the Commission will evaluate the merits of applications, designs and plans as part of:
  - OCP and/or rezoning applications;
  - Development Permit Applications;
  - Development Variance Permit Applications;
  - Community planning projects;
  - Harbour planning projects; or
  - any other land use, community development and harbour issue as referred by Council from time to time.
4. If the Commission wishes to comment on a matter which has not been referred by Council, the Commission should request the Council Liaison to bring the matter to Council's attention. The Council will then determine whether it wishes to refer the matter.
5. The Commission shall report to Council within the time frame designated by the Council. If the report is not provided within the time designated, Council may:
  - (i) Extend the time within which the report is to be provided; or
  - (ii) Determine the matter without the report.

#### **MEMBERSHIP**

6. The Council shall appoint eight (8) members to this Commission. Members shall be selected from the community at large and at least six (6) shall be residents of the municipality.

7. The Commission shall also include as a non-voting liaison: one (1) member of Council and one (1) employee or officer of the District acting in a resource capacity.
8. The Commission will be composed of members of the public whose qualifications, interests and background cover one or more of the following areas, providing an appropriate balance of interests within the Commission. The areas of interest and expertise are:
  - land development or real estate;
  - local business community;
  - law enforcement;
  - social planning and housing;
  - local industry;
  - representative of a specific population demographic, such as youth or seniors in the community; and
  - representative of the community at large.
9. The Council member is to act as a resource person to the Commission in all matters.
10. No member of the Commission shall receive any remuneration other than allowances for actual expenditures incurred in the discharge of official duties.

#### APPOINTMENT OF MEMBERS

11. At their first meeting in December of each year or as soon thereafter as possible, Council shall appoint one of its members to the Commission.
12. Council shall publicly advertise the availability of vacant positions on the Commission.
13. The term of appointment for Commission members shall be two (2) calendar years. To ensure continuity, appointments will be such that one-half the members will be appointed in even numbered years and one-half appointed in odd numbered years.
14. The Council, upon a vacancy arising from any cause other than the expiration of a member's term of office, shall forthwith appoint a member who shall serve for the unexpired portion of the term vacated.
15. The Council shall have the power, by an affirmative vote of not less than two-thirds of all members thereof, to remove any member of the Commission from office at any time.
16. If a member of the Commission fails to attend two (2) consecutive meetings of the Commission, without leave of the Chairperson of the Commission, the member shall be deemed to have resigned and the Council shall be at liberty to appoint a replacement for the balance of the unexpired term of such member.

17. A member may apply for leave from the Chairperson of the Commission with respect to the member's non-attendance at a Commission meeting by notifying the Chairperson or the secretary, within two days from the date of the meeting for which leave is sought, setting out grounds for their non-attendance.

## MEETINGS

18. (i) The Commission shall elect, at its first meeting of a new year, a Chairperson and a Vice Chairperson.
- (ii) The Chairperson shall preside at meetings of the Commission when present and, in the Chairperson's absence, the Vice Chairperson will assume the Chairperson's responsibilities.
- (iii) The Chairperson or Vice Chairperson at any meeting shall be entitled to vote.
19. The procedures of the Commission shall be those procedures set out in the District of Port Hardy Procedure Bylaw.
20. Where the Commission is considering an amendment to a plan or bylaw, or the issuance of a permit, the applicant for the amendment or permit is entitled to be heard, except to the extent that the Commission adopts a resolution to close part of the meeting to the public.
21. The quorum is a majority of all of its members.
22. All appointed members of the Commission may vote on all questions. In the event of an equality of votes, the question shall be decided in the negative. Any member of the Commission who abstains from voting shall be deemed to have voted in the affirmative.
23. Meetings shall be held monthly, on a regular day. Meetings may be cancelled due to insufficient agenda items, at the call of the Chairperson.
24. Special meetings may be held at the call of the Chairperson, provided at least 24 hours notice of such meeting is given to all members. A staff member is to be in attendance at all such meetings.
25. A meeting that involves outside agencies or is held outside the District requires the approval of Council or the Mayor.
26. The Commission shall cause proper minutes and records to be kept and a staff member shall be present to keep such minutes and records.
27. Each notice of a Joint Advisory Planning and Harbours Commission meeting and meeting agenda shall be distributed to each Commission member, Council representative and appointed Staff member at least three (3) days prior to the meeting.

BUDGET

28. On or before the last day of June in each year, the Commission may cause to be placed before the Council a statement giving a detailed estimate of the amount which the Commission considers to be necessary to meet its expenses during the forthcoming year.
29. The Council shall include in its annual budget such sums as are necessary to defray the expenses of the Commission, and the Commission shall not incur expenses totalling more than the sum so provided.

SEVERABILITY

30. If any section, subsection or clause of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.

REPEAL

31. Bylaw No. 23-99, 1999 is hereby repealed.  
  
Read a first time on the 26<sup>th</sup> day of May, 2009.  
  
Read a second time on the 14<sup>th</sup> day of July, 2009.  
  
Read a third time on the 14<sup>th</sup> day of July, 2009.  
  
Adopted on the 11<sup>th</sup> day of August, 2009.

*Original signed by:*

\_\_\_\_\_  
Director of  
Corporate Services

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Mayor

Certified to be a true copy of the District of Port Hardy  
Joint Advisory Planning and Harbours  
Commission Bylaw No. 06-2009

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Director of Corporate Services