



TOWN OF SMOKY LAKE
IN THE PROVINCE OF ALBERTA
BYLAW NO. 019-2020

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

WHEREAS, Sections 184, 197, 198, 200, 230 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 the Town of Smoky Lake, 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 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 the Town of Smoky Lake, 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 **Act:** means the Alberta *Municipal Government Act* RSA 2000, Ch. M-26, as amended.
- 2.1 **Advertising:** when required, notice of the Public Hearing regarding a bylaw, amendment, or resolution must be published in accordance with
- a) the Act;
 - b) the Town of Smoky Lake Land Use Bylaw;
 - c) the Town of Smoky Lake’s Public Participation Policies;
- 2.2 **Chairperson:** shall be the Mayor, or as 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 public hearing,
 - (b) the address where a copy of the proposed bylaw and any document relating to it or to the meeting or public hearing may be inspected, and
 - (c) the date, time and place where the public hearing will be held.
- 2.4 **Public Hearing:** is a hearing whereby Council hears from members of the public on a proposed bylaw or resolution.
- 2.5 **Public Hearing Background Report:** is a report prepared by the CAO or their designate and presented at the beginning 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, 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.

- 2.6 **Public Participation:** any person who believes their interest will be affected by a proposed bylaw or resolution 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 CAO for the Town of Smoky Lake or their Designate at cao@smokylake.ca, as set out in the Guidelines.
- 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 the written record, and oral submissions shall be summarized in the written record.
- 2.8 **Secretary:** shall be the Chief Administrative Officer or designate.
- 2.9 **Timing of public hearing:** means that Town Council must hold a public hearing before second reading of the bylaw.
- 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 1st 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 public hearing record.
 - 3.1.2 Correspondence received after 1st 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).
 - Forms part of the public hearing record.
 - Deadline for receipt of correspondence set for the Friday at noon immediately prior to the Town 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 deadline in subsection 3.1.2:
 - Recommendation is for the public to attend the meeting to present their submission.
 - Forms part of the public hearing record.
 - 3.1.4 Correspondence received after the closing of the public hearing:
 - Cannot be received by Council.
 - Does not form part of the public hearing record.



4. PROCEDURES:

- 4.1 The Town of Smoky Lake will conduct public hearings as per Section 230 of the *Municipal Government Act*.
- 4.2 The Town Smoky Lake will ensure the advertising/notification of public hearing is as per Section 606 of the *Municipal Government Act*.
- 4.3 Landowners within a 500m radius of the subject land(s) will be mailed or delivered a written notice of a public hearing (if the amendment relates to a specific property).
- 4.4 The CAO or their designate shall prepare a Public Hearing Background report consisting of the proposed bylaw number, applicant/owner, land location, requested amendment, and the background. The background information must 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**.
- 4.5 After the agenda package is released to Town Council, staff may circulate the Public Hearing Background to members of the public, the applicant and/or landowner.

At the public hearing:

- 4.6 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 hearing who wishes to speak must sign in and enter their mailing or email address on the sheet. Attendees who wish to receive a copy of the minutes following the hearing must sign in and enter their mailing address on the sheet. Those who wish to oppose the Bylaw will speak first, followed by those who support the Bylaw. Speakers will be called upon by the Chairperson in the order that they appear on the list. 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.
- 4.7 Those in attendance at the public hearing will refrain from applause or other expressions of emotion whether in favour of, or opposition to, any particular submission or argument. Inappropriate language, outbursts or criticisms aimed at individuals or groups is not permitted.
- 4.8 If a group of persons or neighborhood is at the meeting to present the same case, they should designate a speaker to represent them.
- 4.9 Presentations should be brief and communicate concerns that relate only to the bylaw 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.
- 4.10 Council's role at a public hearing is to listen to the public. Council does 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 before Council.
- 4.11 The CAO or their Designate will make available a Public Hearing Script for the Chairperson. A standardized form is attached forming **Schedule C: Public Hearing Script**.



After the public hearing is closed:

- 4.12 After the public hearing has been closed upon declaration by the Chairperson, Council may consider the bylaw 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.
- 4.13 Upon conclusion of the public hearing, Council may discuss the proposed bylaw. Council discussion usually starts with a motion from a member of Council to:
 - a) consider 2nd reading and/or 3rd reading of the proposed bylaw, or
 - b) defeat 2nd 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.

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.

Note: A separate Request For Decision is not required if Town Council considers further readings of the bylaw at the same meeting as the public hearing, as the contents (attachments) would be available for review in the Public Hearing Background.

- 4.14 If Council so chooses, it may recess after holding a public hearing, although during this period Council members cannot discuss the bylaw 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.
- 4.15 If Council votes to approve the proposed bylaw (with or without amendments), the approval commonly requires that various reports or steps (ie. Geotechnical Report, Water Study, Historical Resources Act Clearance, Storm water Management Plan, Traffic Impact Assessment etc.) must be fulfilled by an applicant before the Subdivision Authority can consider a Subdivision Application (if applicable).

5. EFFECTIVE DATE:

- 5.1 This Bylaw comes into effect after third and final reading.

READ A FIRST TIME THIS 6th DAY OF OCTOBER, 2020.



Hank Holowaychuk
Mayor



Adam Kozakiewicz
Chief Administrative Officer

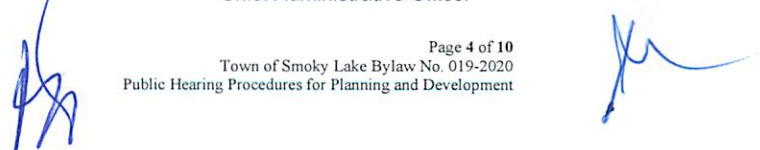
READ A SECOND TIME THIS 6th DAY OF OCTOBER, 2020.



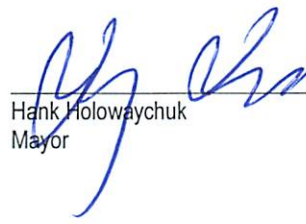
Hank Holowaychuk
Mayor



Adam Kozakiewicz
Chief Administrative Officer



READ A THIRD AND FINAL TIME THIS 6th DAY OF OCTOBER, 2020.



Hank Holowaychuk
Mayor



Adam Kozakiewicz
Chief Administrative Officer



SCHEDULE 'A': PUBLIC HEARING BACKGROUND



Public Hearing Date: _____
Public Hearing Time: _____

PUBLIC HEARING BACKGROUND

PROPOSED BYLAW NO.: XXXX-XX

APPLICANT: _____ (if any)

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 1st Reading on _____.
- Neighboring landowners within +/- 500m radius were sent letters via mail on _____.
- A notice has also been posted on the Town's website since _____.
- The Public Hearing Notices were advertised in the Smoky Lake Signal and Redwater Review the weeks of _____ and _____. The proposed bylaws were advertised and notice has been provided in accordance with the applicable legislation.
- This hearing has been scheduled to obtain public input on proposed Bylaw in accordance with Section 230 of the Municipal Government Act.
- 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. General Location Map
4. Relevant Legislation
5. Certificate of Title (if applicable)
6. Copies of letters from the public

SCHEDULE 'B': PUBLIC HEARING SIGN IN SHEET

TOWN OF SMOKY LAKE
PUBLIC HEARING - PROPOSED BYLAW _____ : _____
DATE AND TIME _____

Name (Print)	Signature	Mailing Address & Legal Description
OPPOSED TO PROPOSED BYLAW:		
Name (Print)	Signature	Mailing Address & Legal Description
IN SUPPORT TO PROPOSED BYLAW:		

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




SCHEDULE 'C': PUBLIC HEARING SCRIPT

MAYOR'S SCRIPT FOR PUBLIC HEARING DATE AND TIME

(BYLAW _____ : _____)

Action	✓	Statements
1.0 Opening		
Mayor:		<p>I, _____, the Mayor for the Town of Smoky Lake will proceed with discussion on proposed bylaw _____:</p> <p>_____.</p> <p>The Public Hearing open at _____. (any time after 9:15 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><i>(Pause to allow people to sign in if they have not already done so).</i></p>
Mayor:		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.
Secretary:		Yes, it has Mr. Chairman.
Mayor:		I would ask the CAO to summarize the purpose of the Hearing.
Secretary:		<p>The purpose of this hearing is for the Town Council of Smoky Lake to obtain public input, in favour and opposed to proposed Bylaw _____:</p> <p>_____.</p> <p>Read into record the Public Hearing Background.</p>
Mayor:		<p>The ground rules of the hearing and the order of speaking will be:</p> <ul style="list-style-type: none"> a) planner and/or planning staff will speak first to outline facts and present her recommendation on the proposed bylaw (if necessary), b) members of the public, who have signed in will be given the opportunity to speak in the order they signed in, c) anyone else, who did not sign in will be given the opportunity to speak, d) planner and/or planning staff will be given the opportunity to present closing remarks or address any of the issues presented,

Action	✓	Statements
		e) Councillors will be given the opportunity to ask questions, f) Council will then end the Hearing and consider the information received at the public hearing, 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 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.
2.0 Staff Presentation		
<i>The Mayor announces:</i>		Before hearing from the public, I would ask _____ (Town's staff) and/or planning staff to present a report on the proposed bylaw.
<i>After the Planner/ staff representative is finished, the Mayor asks:</i>		Does Council have any questions or points of clarification they wish to ask of the planner and/or planning staff?
3.0 Public Presentations via Written Submissions		
<i>The Mayor announces:</i>		Before hearing from the public present today, I would ask _____ (Town's staff) and/or planning staff to advise of any written submissions received. (Read all written submissions into record).
<i>After the Planner is finished the Mayor asks:</i>		Does Council have any questions or points of clarification they wish to ask of the planner and/or planning staff?
4.0 Public Presentations at the Public Hearing		
<i>Then announce:</i>		I will now call upon persons signed up on the sign-in sheet whom are in opposition to the proposed bylaw . Please state your <u>name</u> 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.
<i>Public – Opposed of proposed Bylaw:</i>		Record names here: _____ _____ _____
<i>After each speaker is finished the</i>		Does Council have any questions or points of clarification?

Action	✓	Statements
<i>Chair asks Council:</i>		
<i>Mayor:</i>		I will now call upon persons signed up on the sign-in sheet whom are in support of the proposed bylaw . Please state your <u>name</u> 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.
<i>Public – In Favour of proposed Bylaw:</i>		Record names here: _____ _____ _____
<i>After each speaker is finished the Chair asks Council:</i>		Does Council have any questions or points of clarification?
<i>After all who signed in have spoken, say:</i>		Is there anyone else who has not spoken and wishes to speak?
<i>After each speaker the Chair asks Council:</i>		Does Council have any questions or points of clarification?
5.0 Questions and Answers		
<i>Following all comments from the public, the Mayor asks Council:</i>		At this time, does any Council member have any additional questions of any speaker or of the staff or planner?
6.0 Closing Remarks		
<i>The Mayor announces:</i>		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 _____.