

MUNICIPALITY OF PONTIAC

M.R.C. DES COLLINES-DE-L'OUTAOUAIS

BYLAW 06-18

BYLAW 06-18 CONCERNING THE OPERATION OF THE PLANNING ADVISORY COMMITTEE (PAC) AND ABROGATING BYLAW 03-13 AND ITS AMENDMENTS

WHEREAS the Municipality of Pontiac is authorized to amend its urban planning bylaws;

WHEREAS under sections 146, 147 and 148 of the “Act respecting land use, planning and development” (R.S.Q., c. A-19.a), the municipal council may form an urban planning advisory committee;

WHEREAS this Council deems it necessary to abrogate bylaw 03-13 and its amendments;

WHEREAS a notice of motion for the present bylaw was given at the meeting of September 11, 2018;

WHEREAS a copy of the first draft bylaw was given to the Council Members no later than 2 working days before the meeting and that all the present Council Members declare having read it and waive its reading;

It is

Moved by : Isabelle Patry
Seconded by : Scott McDonald

AND RESOLVED THAT Council decrees and adopts the following :

Section 1 The present bylaw will be entitled « Bylaw 06-18 concerning the operation of the planning advisory committee (PAC) and abrogating bylaw 03-13 and its amendments ».

Section 2 The preamble is an integral part of the present bylaw as if it were reproduced in its entirety.

Section 3 The committee will be known as the « Planning Advisory Committee (PAC) » and designated in the present bylaw as the « committee ».

Section 4 COMMITTEE'S MANDATE

The present bylaw gives the committee powers to study and recommend in matters of urban planning, zoning, subdivision and construction. These powers of study and recommendation pertain to:

- Minor variances to urban planning bylaws;
- Comprehensive development plans;
- Site Planning and Architectural Integration Plans (SPAI);
- Conditional uses;
- Specific construction, modification or building occupancy projects;

Notwithstanding this enumeration, these powers of study and recommending can also pertain to any other subject provided by the Land Use Planning and Development Act and on any other subject pertaining to urban planning, zoning, subdivision and construction, submitted by the Municipal Council through the Urban Planning Department.

The committee will act as a local heritage council in the citation of heritage assets under the Cultural Heritage Act (LRQ section P-9.002).

Section 5 COMPOSITION OF THE COMMITTEE

The committee consists of a maximum of seven (7) members among which six (6) are appointed by the current Council, according to the following criteria:

- A maximum of four (4) members, chosen by the citizens residing on the territory of the Municipality of Pontiac (seats 1 to 4);
- The (2) Municipal Councillors assigned to the Urban Planning Department (seats 5 to 6);
- The Mayor is automatically a member of the committee.

The composition of the committee shall, as far as possible, consist of members from the six districts of the Municipality.

- The Director of the Urban Planning Department and the person in charge of the permits and requests are automatically members of the committee but are not entitled to vote; he assumes the responsibility of the committee's secretary.

The Municipal Council may also appoint other individuals to the committee, upon request of the committee or the Council, by resolution, whose services may be necessary to fulfill its duties. These individuals may attend the committee's meetings or participate in the deliberations; however, these individuals do not have the right to vote.

Section 6 DURATION OF THE MANDATE

The duration of the first mandate of the members chosen among the citizens is established at one (1) year for the even numbered seats and at two (2) years for the odd-numbered seats. It is calculated from the date of their appointment by resolution. The duration of the mandate is subsequently established at two (2) years for all members.

The term of the members can be renewed and is renewed automatically, unless the member informs the Council that he does not intend to pursue for another term, or that the Municipal Council appoints a new member to replace a member who completed his term. A member cannot do more than five (5) consecutive terms, unless there is no qualified candidate.

The mandate of a Council member ends at the moment when he ceases to be a member or when the Council decides to review his tasks.

The Council has the right to revoke the mandate of a member or of a resource person acting for the committee at all times, by resolution.

Section 7 CHAIRMAN OF THE COMMITTEE

The Chairman of the committee leads the meetings. As such, he notes that there is quorum. He is consulted in the drafting of the agenda, sees to the adoption of the meeting's agenda, sees to it that the items on the agenda are discussed, and generally, sees to the smooth running, order and the maintenance of the decorum of the meeting.

In case of the Chairman's absence, the committee chooses one of its members to preside the meeting.

The Chairman of the committee is recommended by the members of the committee. He is then appointed by resolution of the Municipal Council. He is subject to the same regulation as that enacted in section 6 regarding the term of his mandate.

Section 8 SECRETARY OF THE COMMITTEE

The secretary of the committee prepares the agenda and the minutes of the committee's meeting. He calls the members to the committee's meeting and transmits the documentation related to the items to be studied and recommended during the meeting.

Section 9 RULES OF INTERNAL MANAGEMENT

The committee establishes the rules of internal management which are necessary for the performance of its duties in accordance with the present bylaw and with section 146, 3rd paragraph of the Act respecting land use, planning and development.

Section 10 NOTICE OF MEETINGS

The committee's secretary convenes the PAC's meetings.

The members' notice of meeting is sent by e-mail at the address found on the list of members.

In addition to the scheduled and convened meetings by the Committee, the Municipal Council may also convene the members of the committee to a meeting by giving written notice by mail or e-mail, one week before the meeting, and specifying the reason for the meeting.

Section 11 QUORUM

The quorum for the committee meetings is established at two (2) members and (2) members of the Municipal Council.

Section 12 RECOMMENDATION AND OPINION

Following the study of a file by the committee, the members proceed with the vote. The Chairman has the right to vote, but is not required to do so. When the votes are equal, the decision is up to the Municipal Council.

If the committee considers that some documents or information is missing in order to make a recommendation, it may postpone the item to a later meeting.

The studies, recommendations and opinions of the committee are submitted to the Municipal Council in the form of a written report. The minutes of the committee's meetings may be used for and may serve, in any event, and in cases when they are considered sufficient, as a written report.

Section 13 HEARING OF THE APPLICANT

Following a refusal or deferral of the file by the committee, the applicant or the person in charge of the file may ask to be heard during a meeting. The committee is under no obligation to accept the request for a hearing. If the committee considers it appropriate to hear the applicant or the person in charge of the file, the committee will render its recommendation behind closed doors.

Section 14 FUNDS AND ALLOWANCE TO THE MEMBERS

The Municipal Council may vote and provide the committee with the amount of money that is needed to perform its duties. It may also give to the members of the committee an « attendance fee» and reimburse the expenses incurred during the performance of their duties. The Council may, during the preparation of the budget, provide funds for the training of committee members.

Section 15 DUTIES TOWARDS THE POPULATION

The member of the committee must carry out his duties in the public interest and must take all necessary measures to promote the public interest.

The member must carry out his duties faithfully in compliance with the applicable laws and bylaws.

The member must pay special attention to each file that is submitted to the committee in order to assess it correctly taking into account its advantages, its disadvantages and its impacts on the entire community.

The member must subscribe and adhere to a healthy municipal administration.

The member must fulfill his duties and responsibilities with integrity, dignity and impartiality.

The member must refrain from any activity that is incompatible with his duties, avoid any conflict of interest and prevent any situation susceptible to cast a doubt on his objectivity or his impartiality.

Any member of the committee must obtain the authorization from the members of the committee and from the owner or occupant of a building before conducting a visit of a property or building. It is the secretary's duties to contact the owner or the occupant, to inform him of a visit.

Section 16 DUTIES TOWARDS THE MUNICIPALITY

The member shall not damage the reputation of the committee and of the Municipal Council.

The member must demonstrate his availability and due diligence and ensure full collaboration when carrying out his mandates.

The member must show respect and courtesy in his dealings with other members, municipal employees and members of the Municipal Council.

The member must try to establish a trusting relation with the other members or with the resource persons.

The member must follow the legal and administrative rules governing the decision-making process.

Section 17 CONFIDENTIALITY OF INFORMATION

Under the Act respecting Access to documents held by public bodies and the protection of personal information (L.R.Q., Chap., A-2), any information given to the committee regarding applications that were submitted or revealed during a meeting, is confidential.

As part of his work, each member of the committee is required to respect the confidentiality of the information he receives and to exercise caution with respect to the privacy of others.

Section 18 CONFLICT OF INTERESTS

A member of the committee having an interest in a file or a question that is submitted to the committee must declare the nature of his interest, withdraw himself from the meeting and refrain from voting on any proposed resolution during the meeting, until the committee has ruled on the said file or question.

The secretary of the committee must write the declaration of interest in the minutes of the meeting and indicate that the member left the meeting for the duration of the discussion on the said file or question.

Section 19 TRANSITORY PROVISIONS

The member of the Planning Advisory Committee constituted under a previous bylaw and abrogated by the present bylaw becomes a member of the Planning Advisory Committee under the present bylaw, as if he was appointed by resolution, in accordance with section 5 and 6 of this bylaw.

Section 20 ADMINISTRATIVE PROVISION

The masculine and the singular are used in the present bylaw without discrimination and include the feminine and the plural in order to avoid a lengthy text.

Section 21 ABROGATION

The present bylaw abrogates and replaces all provisions related to the Planning Advisory Committee included in bylaws 03-13 and 03-13-01-2016.

The bylaw will come into force in accordance with the Law.

Carried

GIVEN IN PONTIAC (QUEBEC), this October 9, 2018

Benedikt Kuhn
Director General

Joanne Labadie
Mayor

Notice of motion : September 11, 2018
Adoption : October 9, 2018
Publication : October 15, 2018
Resolution: 18-10-3555