

TOWN OF PINCHER CREEK

Approved by: Council	Date: November 22, 1993	Policy Number: 103-93
Reference:	Revision Date/by: Council Resolution #93-321 January 26, 1998 Resolution #97-48 January 23, 2012 Resolution #12-028	
Title:	PUBLIC HEARING POLICY	

Policy Statement

The Town of Pincher Creek will ensure that correct and orderly proceedings are undertaken for Public Hearings held under the authority of the Municipal Government Act.

1. Definitions

- 1.1 ACT shall mean the Municipal Government Act, Chapter M26.1, R.S.A. 2000 and amendments thereto.
- 1.2 COUNCIL shall mean the Council of the Town of Pincher Creek, in the Province of Alberta.
- 1.3 PUBLIC HEARING shall mean a public hearing held under the requirements of Section 230 of the Municipal Government Act, and may occur at one or more times that Council may name.

2. Responsibilities

- 2.1 Town Council to:
 - 2.1.1. Hold a public hearing with regards to:
 - 2.1.1.1 A proposed land use bylaw,
 - 2.1.1.2 A proposed bylaw adopting an Area Structure Plan,
 - 2.1.1.3 A proposed bylaw adopting an Area Redevelopment Plan
 - 2.1.1.4 A proposed bylaw adopting a Municipal Development Plan

- 2.1.1.5. A proposed by-law amending a by-law referred to in Section 2.1.1.1 to 2.1.1.4. or
- 2.1.1.6. A proposed by-law repealing a by-law referred to in Section .1.1.1 to 2.1.1.4.
- 2.1.2. Name the date, place and time of the public hearing with respect to the proposed by-law.
- 2.1.3. State that procedures contained in this policy shall apply to the public hearing.

2.2 Development Officer to:

- 2.2.1. Undertake all actions stated under the requirements for public hearings contained in the Act.
- 2.2.2. Receive all written submissions and provide for the recording of their receipt.
- 2.2.3. Receive all requests to be heard at the Public Hearing and provide for the recording of these requests.
- 2.2.4. Provide a written report to clarify, where necessary, the purpose and effect of the by-law being considered, and to provide the views of management staff whose areas of responsibilities will be affected. This report is to be approved by the CAO prior to submission to Council.

Submission Procedures

- 2.3. Any person wishing to make a written submission to the Public Hearing shall present their submission to the Development Officer prior to 12 noon of the Wednesday prior to the day scheduled for the Public Hearing. Where submissions are forwarded by mail or courier they will only be accepted if received prior to 12 noon of the Wednesday prior to the day scheduled for the Public Hearing.

- 2.4. Any person wishing to be heard at the Public Hearing shall submit their name to the Development Officer prior to 12 noon of the day scheduled for the Public Hearing.

3. Inspection of Documents

- 3.1. The Development Officer shall provide for a copy of the proposed by-law and any related documents to be available for inspection by any interested person. This copy shall be available for inspection at the Town Hall and at any other location that may be directed by Council.
- 3.2. The Development Officer shall furnish copies of any of these documents or parts thereof as may be requested at rates set by the Town of Pincher Creek, or at rates that may be directed by Council.

4. Public Hearing Opening

- 4.1. The Mayor shall preside as Chairman at the Public Hearing. In his or her absence the Deputy Mayor shall preside. In the absence of both the Mayor and the Deputy Mayor a member of Council elected by the other members present shall preside.
- 4.2. In order for the Public Hearing to proceed, not less than a majority of the whole Council shall be present. Should a quorum not be available within 20 minutes of the scheduled time of the Public Hearing the members of Council present may declare the meeting postponed to a future date to be scheduled at a Council meeting.
- 4.3. Sufficient members of Council being present the Chairman shall call the meeting to order and declare the Public Hearing open and shall declare the purpose of the Public Hearing.

5. Order of Business

- 5.1. The agenda of the Public Hearing shall be restricted to that business for which the Public Hearing was called.
- 5.2. The Development Officer shall present an agenda for the meeting which shall include the following;

- 5.2.1. 1. Call to Order
2. Purpose of the Public Hearing
3. Confirmation of Notices
4. Report from Development Officer
5. Written Submissions
6. Persons Wishing to be Heard

- 5.3. The development officer shall present a list of written submissions made, and shall present those submissions to the Public Hearing.
- 5.4. The Development Officer shall present a list of those persons who have submitted their name and wish to be heard at the Public Hearing.
- 5.5. In order that members of Council may be prepared for the Public Hearing and that the Public Hearing may proceed expeditiously, the Development Officer shall make available by 12:00 noon on the Wednesday prior to the Public Hearing under Section 6.1. The Development Officer shall present a list of those persons who have submitted their name and wish to be heard at the Public Hearing, prior to 4:00 p.m. of the day scheduled for the Public Hearing, under Section 5.4.

6. Confirmation of Notices

- 6.1. The Development Officer shall confirm to the Public Hearing following the call to order that matters on the agenda have been, by way of written notice and advertising, properly processed in accordance with the Act.

7. Public Hearing Procedures

- 7.1. The Chairman shall determine if any person present who is not on the agenda wishes to present a written submission or wishes to be heard. With the agreement of a majority of those Council members present the agenda may be amended to include those written submissions or names of those wishing to be heard.
- 7.2. Following the approval of the agenda any amendments may only be made with the approval of all members of Council present.

- 7.3. The Chairman shall provide procedures, in addition to those contained in this policy, for the good and orderly conduct of the meeting in accordance with normal parliamentary procedures.

8. Written Submissions

- 8.1. The Chairman, or any other member of Council through the Chairman, may direct questions to any person present who has provided a written submission.
- 8.2. Persons answering questions shall limit themselves to a brief factual response to the question, and shall direct all comments to the Chairman.

9. Persons Wishing to be Heard

- 9.1. At the request of the Chairman each person listed on the agenda shall make a verbal presentation.
- 9.2. Each person addressing the Public Hearing should give the following information;
 - 9.2.1. Their name and address.
 - 9.2.2. An indication as to whether they are speaking on their own behalf or on behalf of another named person or on behalf of a group of citizens or on behalf of an organization.
- 9.3. Should any person refuse to provide information required under Section 9.2 then Council may note that the information presented may not be considered in their deliberations.
- 9.4. Each person addressing the Public Hearing shall complete their verbal presentation within 5 minutes.

- 9.5. The 5 minute time limit shall not include time for questions from the Chairman, or any member of Council through the Chairman, and answers to those questions shall be directed to the Chairman and shall be brief and factual.

10. Public Hearing Closure

- 10.1 The Chairman upon the completion of the business of the Public Hearing shall call for a motion declaring the Public Hearing adjourned, or call for continuance and establish a date for reconvening, and recess the Public Hearing.

11. Minutes

- 11.1 The Development Officer shall provide a record of the Public Hearing to the Municipal Secretary for inclusion in a future Council agenda.

12. End of Policy