



MUNICIPALITY OF THE TOWNSHIP OF WENTWORTH

ESTABLISHING A PLANNING ADVISORY COMMITTEE BY-LAW NUMBER 2018-011

The English version is a translation and has no legal value as the French version always takes precedence.

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CHAPTER 1 GENERAL PROVISIONS

SECTION 1.1 – LEGAL DISPOSITIONS

1. By-Law Title and Number

This By-Law is titled “Establishing a Planning Advisory Committee By-Law Number 2018-011.

2. Superseded By-Laws

The present By-Law supersedes and repeals, for all legal purposes, Establishing a Planning Advisory Committee By-Law 95 of the Municipality of the Township of Wentworth and its amendments.

Such replacements and repeals do not modify the penal procedures instituted under the authority of the superseded or repealed By-Laws, which will continue under the authority of said superseded or repealed By-Laws until final judgement and execution.

3. Territory Covered

The present By-Law governs the entire territory under the jurisdiction of the Municipality of the Township of Wentworth.

4. Partial Nullity of the By-Law

In the event that one section, clause or provision would be declared null and void by a recognized tribunal, the validity of all other parts, clauses or provisions would not be questioned.

The Council has adopted this By-Law, article by article, and would have decreed the remainder of the By-Law, even if one section or all of one or numerous articles were null and void.

5. The By-Law and the Laws

No article of this By-Law can exclude a person from the application of a Canada or Quebec Law.

6. Precedence

When a provision of this By-Law is inconsistent with any other municipal By-Law, the most restrictive or prohibitive provision must apply. When provisions of this By-Law are incompatible, the specific provision applies in relation to the general provision.

SECTION 1.2 – INTERPRETIVE PROVISIONS

7. General Rule

The general rules of interpretation of the By-Law are

- 1) the present tense of a verb includes the future tense;
- 2) the singular includes the plural and vice-versa unless the meaning clearly shows that it is not logical;
- 3) with the use of the word “must”, the obligation is absolute; the word “can” has an elective meaning;
- 4) the word “whoever” includes any natural person or corporate person;
- 5) the masculine gender includes the two (2) sexes unless the context shows otherwise.

8. Specific Rule in the event of Contradiction

Unless otherwise indicated, the following specific rules apply in the event of contradiction:

- 1) between two standards or provisions within this By-Law or a Planning By-Law, the most specific or restrictive provision applies;
- 2) between the text and a title, the text has precedence;
- 3) between the text and any other form of expression, the text has precedence;
- 4) between a chart and a graph or sketch, the chart has precedence;
- 5) between the text and a specification grid, the grid has precedence;
- 6) between the specification grid and the Zoning Plan, the grid has precedence.

9. Terminology

For the purposes of comprehension of all the terms used, reference must be made to the rules of interpretation described in the Zoning By-Law.

CHAPTER 2 PLANNING ADVISORY COMMITTEE

SECTION 2.1 – APPOINTMENT AND DETAILS

10. Appointment of a Planning Advisory Committee

The Planning Advisory Committee, hereafter known as the “Committee”, is by the present By-Law, appointed for the following purposes and in the following manner:

11. Committee Functions

The Committee must study and submit to the Municipal Council, recommendations on any application submitted to it in accordance with Chapter IV of the *Loi sur l'aménagement et l'urbanisme*, including requests for minor exemptions, applications for approval of an architectural layout and integration program or applications for authorization of a conditional use.

The Committee may:

- 1) form a review committee composed of its members or some of them and other resource persons it deems necessary to consider a matter referred to it by the Municipal Council. More specifically, in the case of the study of telecommunication towers and antennae, the committee can use the resources of the MRC for assistance in its opinion, considering that the protection of landscapes is of regional interest;
- 2) adopt rules of internal management to ensure the proper functioning of the committee;
- 3) to study and submit to the Municipal Council, at the request of the latter, recommendations on any questions, projects or interventions relating to urban and regional planning, including amendments to Planning Program By-Laws.

12. Committee Composition

The Council appoints, by resolution, a minimum of six (6) members to sit on the Committee:

- 1) at least five (5) persons chosen from the residents of the Municipality, excluding Municipal Councillors; these people must be available and show some interest in planning program issues;
- 2) One (1) Municipal Councillor.

The Mayor is an ex officio member, without the right to vote. Any member of Council can attend the meetings of the Committee, without the right to vote..

13. Tenure of Members

The Municipal Council names two (2) residents for a period of one year and the other members for a period of two (2) years. The mandates are renewed for a period of 2 years, at the regular September meeting.

The City Council reserves the right to replace, by resolution, any member of said Committee, notwithstanding the end of his mandate.

The term of office of a Committee member of the ends when he resigns or after missing two (2) consecutive meetings without a valid excuse.

In the event of holidays, resignation or death of a member, the Municipal Council must appoint a replacement on the recommendation of the Committee, for the length of the term that remains.

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14. Committee Meetings

The Committee holds regular meetings at least 3 times a year, on the day fixed by resolution.

The applicant of an application that is submitted to the Committee in accordance with Chapter IV of the Act respecting Land Use Planning and Development may present the application to the Committee. The Chairperson shall allow the applicant a specified period of time and shall invite the applicant to answer questions from the members. The applicant must leave the meeting before the members deliberate in caucus. The applicant must notify the Committee secretary in writing of his or her presence at least 72 hours prior to the Committee meeting

The Council or two (2) members of the Committee may convene a special committee meeting. The notice of meeting must be notified at least 24 hours before the opening of the special meeting.

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15. Quorum and Voting Rights

Quorum is set at four (4) members present with voting rights.

16. Committee Decisions

Except in situations expressly provided for in this By-Law, any opinion of the Committee must be presented as a resolution adopted by the majority of the votes of the members who are present.

The President or any other person who presides at a Committee meeting has the right to vote but is not obliged to do so. In the event that the vote is tied, the President's decision breaks the tie.

17. Interest

A member of the Committee cannot take part in a debate in which he has a personal interest nor is he allowed to vote. During the debate in which he has a personal interest, he must leave the meeting room until the end of the debate.

18. Committee Internal Governing Rules

The Committee can adopt its own internal governing rules.

19. Committee Secretary

The Designated Officer is the Secretary of the Committee. He convenes the meetings, prepares the agendas, writes the minutes and looks after correspondence and all other tasks related to his function.

The Designated Officer attends all the meetings, without being a member and without the right to vote.

20. Committee President and Vice-President

The Council appoints, by resolution, from among the members of said committee, a President and a Vice-President who shall remain in office for the same term as the members and, according to the same means of replacement'

The President or, in his absence, the Vice-president, directs the deliberations of the Committee. In their absence, the members present designate a substitute President for the meeting.

21. (...)

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22. Committee Members' Salary

The citizen members of the Committee do not receive any remuneration; they may be reimbursed for their expenses regularly incurred in the performance of their duties, previously authorized by Council. In addition, supporting documentation must be attached to expense accounts.

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23. Annual Report

The Committee must, within three (3) months of the end of the Municipality's fiscal year, present to Council a report of its activities from the preceding year.

24. Archives

A copy of the rules adopted by the Committee, minutes of all sessions of said Committee, including all documents submitted to the Committee, must be given to the Secretary-Treasurer of the Municipality for approval by the Council, in total or in part, depending on the request of the Committee. Following approval, said recommendations are part of the Municipality's archives.

CHAPTER 3 FINAL PROVISIONS

SECTION 3.1 – EFFECTIVE DATE

25. Effective Date

The present By-Law comes into force in accordance with the law.