



REQUEST FOR DECISION (RFD)

Date: April 24, 2019
To: Her Worship Mayor Qualizza and Members of Council
From: Patrick Sorfleet, Manager of Planning
Subject: Amendments to Bylaw No. 2376 and Bylaw No. 2377

RECOMMENDATION

1. THAT Council rescind second reading of Bylaw No. 2376;
2. THAT Council amend Bylaw No. 2376 as per attached Schedule A to the Manager of Planning's report dated April 24, 2019;
3. THAT Council give Bylaw No. 2376 second reading as amended.
4. THAT Council rescind second reading of Bylaw No. 2377;
5. THAT Council amend Bylaw No. 2377 as per attached Schedule B to the Manager of Planning's report dated April 24, 2019;
6. THAT Council give second reading as amended to Bylaw No. 2377;
7. THAT Council direct staff to schedule a joint Public Hearing for Bylaw No. 2376 and 2377.

PURPOSE

To rectify several errors and omissions found in the bylaws and allow the public hearing to proceed in a timely manner.

BACKGROUND

In the rush to bring Bylaws 2376 and 2377 to Council expediently, mistakes were made in the drafting of the bylaws. These mistakes were caught on the 24th of April and this request for decision is an attempt to rectify these mistakes.

Additionally staff would like to propose the following options with respect to the Public Hearing and the potential that Council Chambers may not be able to accommodate a large attendance. Section 465 (7) of the *Local Government Act* permits a public hearing to be adjourned and no further notice of the hearing is necessary if the time and place for the resumption of the hearing are stated to those present at the time the hearing is adjourned.

Option 1:

Reviewed by:			
Chief Administrative Officer	Director of Corporate Administration Services	Director Financial & Computer Services	Other:

Public Hearing scheduled per our typical process for May 13 at 7PM in Council Chambers (Regular Meeting). Should the turnout exceed capacity Council may hear a number of presentations and then adjourn to reconvene on May 14th at 5PM at the Fernie Senior Centre.

Option 2:

Public Hearing is scheduled for May 13 at 5PM at the Fernie Senior Centre. Should the representations go later than 6:45PM, the hearing may be adjourned to reconvene on May 14th at 5PM at the Fernie Senior Centre.

INTERNAL CIRCULATION

n/a

LEGAL/STATUTORY AUTHORITY

Section 472 of the Local Government Act permits a local government, to adopt by bylaw and official community plan. The power to amend a bylaw is embedded in Section 137 of the Community Charter. Furthermore, the City of Fernie has adopted Land Use Application, Procedures and Fees Bylaw No. 1706, pursuant to Section 460 of the Local Government Act to define procedures under which an owner of land may apply for an amendment to a bylaw.

LEGAL/STATUTORY PROCEDURAL REQUIREMENTS

The proposed amendments to bylaws 2376 and 2377 are required prior this bylaw going to public hearing.

COMPLIANCE WITH CORPORATE STRATEGIES & POLICIES

n/a

FINANCIAL/BUDGETARY CONSIDERATIONS

n/a

PERSONNEL IMPLICATIONS

n/a

EXTERNAL AGENCY/PUBLIC COMMENTS

n/a

COMMUNICATION CONSIDERATIONS

n/a

OPTIONS

1. Proceed as recommended
2. Postpone amending the bylaws to a regular meeting of Council.

CONCLUSION

Administration caught this typo in the Bylaw at the close of the Council meeting on April 23rd. The proposed amendments would allow this bylaw to go to public hearing on the 13th of May.

Respectfully submitted,

Patrick Sorfleet, Manager of Planning

Attachments:

- Bylaw 2376 Redline
- Bylaw 2376 as Amended (Schedule A)
- Bylaw 2377 Redline
- Bylaw 2377 as Amended (Schedule B)