



PROVINCE OF QUEBEC  
TOWN OF KIRKLAND

## BY-LAW NO. : 2013-51

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**BY-LAW ESTABLISHING THE URBAN PLANNING  
ADVISORY COMMITTEE**

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Amendment

2013-51-1, 2013-51-2 and 2013-51-3

**NOTICE**

This consolidation has not been officially adopted by the Municipal Council. It has been compiled on January 21, 2022, in order to facilitate the reading of the texts. The official text is to be found in the text of the original by-law and each of its amendments.

**ADOPTION PROCEDURE**

Notice of motion:	January 14, 2013
Adoption of By-law:	February 4, 2013
Publication:	February 13, 2013
Coming into force:	February 13, 2013

- CONSIDERING notice of motion of this by-law was given at the regular sitting of the Municipal Council;
- CONSIDERING pursuant to section 356 of the *Cities and Towns Act* (CQLR, c. C-19), a draft of this by-law was filed at the regular sitting of the Municipal Council;
- CONSIDERING pursuant to section 356 of the *Cities and Towns Act* (CQLR, c. C-19), copies of this by-law were made available to the public;
- CONSIDERING the Preamble forms an integral part of this by-law;

**THE MUNICIPAL COUNCIL DECREES AS FOLLOWS:**

**ARTICLE 1**

A Committee designated under the name of “Planning Advisory Committee” is hereby constituted.

**ARTICLE 2**

In the present by-law:

- a) "Council" means Council of the Town of Kirkland.
- b) "Committee" means Planning Advisory Committee.
- c) "Member" means any member of the Planning Advisory Committee.

**ARTICLE 3**

The Committee’s primary mandate is to provide recommendations to Council on land use planning and development.

**ARTICLE 4**

Without limitation the Committee shall review and make recommendations to Council on the following matters:

- a) land use planning, development, zoning, subdivision and construction issues submitted to it by the Council, the Director General or the Director of Urban Planning of the Town;
- b) any application related to a minor derogation, a conditional use, a comprehensive development plan (CDP), a site planning and architectural integration program (SPAIC) and a specific construction, alteration or occupancy proposal for an immovable (SCAOPI);
- c) any issues related to the identification and protection of cultural heritage by municipalities under Chapter IV of the *Cultural Heritage Act* (CQLR c P-9.002), the Committee assuming the responsibilities of the local heritage council in accordance with this law.

**ARTICLE 5**

The Committee shall be composed of nine (9) voting members:

- two (2) members of Council, and
- seven (7) Kirkland residents.

The Mayor may attend all meetings, though he can vote only if no other members of Council are present or if those present are unable to vote.

The Director of Urban Planning and the Inspections Clerks also attend Committee meetings in order to provide support to members.

Any other person required for their expertise by the Committee to assist them in carrying out their duties, may attend meetings without voting rights.

**ARTICLE 6**

The term of office of the members of the Committee is one (1) year. A member whose term has expired may be appointed for another term.

**ARTICLE 7**

The members of the Committee are appointed by Council and may be replaced at any time, at its convenience.

**ARTICLE 8**

Elected Council members who are members of the Committee will act as co-chairs of the Committee.”

**ARTICLE 9**

Five (5) of the nine (9) voting members of the Committee shall constitute a quorum at any meeting, including at least one member of Council. The Mayor, when present, counts towards quorum.

**ARTICLE 10**

The regular meetings of the Committee are held on the second Tuesday of each month.

The Committee meetings are held at Town Hall, however, the Committee may, at its convenience, hold a meeting at another location that it determines.

The Committee holds its meetings *in camera*.

**ARTICLE 11**

One of the employees of the Urban Planning and Environment Department shall act as Secretary of the Committee. The Secretary is in charge of keeping the documents and registers of the Committee and forwards the recommendations of the Committee to Council.

**ARTICLE 12**

Any member who is absent for three (3) consecutive regular meetings may be removed, unless such an absence is justified.

**ARTICLE 13**

A copy of the minutes of each meeting of the Committee shall be filed with the Town Clerk.

**ARTICLE 14**

Any member of the Committee must commit to the Code of Ethics and Professional Conduct of the members of the Planning Advisory Committee attached to this by-law as Appendix A to be an integral part thereof.

Any member of the Committee must disclose to the Committee any conflict of interest or any appearance of conflict of interest as soon as it arises.

A member of the Committee may not participate in a deliberation and recommendation of the Committee on a project in which he or she has an interest or appearance of interest.

**ARTICLE 15**

Any unbudgeted expense to be incurred by the Committee requires prior authorization by Council.

**ARTICLE 16**

By-laws URB-1 and 90-62 are repealed. All acts and proceedings commenced under the authority of one of the said by-laws may be continued under the current by-law. All members of a Town Planning Committee serving a mandate at the time of the coming into force of the current by-law may serve their mandate as if they were appointed under the current by-law.

**ARTICLE 17**

The present by-law shall come into force according to law.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Clerk

## APPENDIX A

**CODE OF ETHICS AND PROFESSIONAL CONDUCT OF THE MEMBERS  
OF THE PLANNING ADVISORY COMMITTEE  
(HEREAFTER THE "CODE OF ETHICS")**

**ARTICLE 1 CODE APPLICATION**

The present Code of Ethics applies to all members of the Planning Advisory Committee (hereafter the "Committee").

**ARTICLE 2 CODE OBJECTIVES**

The goals of the present Code of Ethics are to:

- 1) Reaffirm and promote the Town's values in order to improve their integration in the organizational behaviour and conduct of the Committee members;
- 2) Prevent ethical conflicts;
- 3) Ensure the enforcement of control measures for ethical breaches.

**ARTICLE 3 TOWN VALUES**

The following values serve as a guide for any member of the Committee the performance of their functions:

- 1) Respect for Committee members, Council, employees and citizens;
- 2) Integrity, honesty, objectivity and impartiality;
- 3) Prudence and sound management in a public service mission;
- 4) The public's best interest and that of the Town;
- 5) Compliance with laws and regulations and the pursuit of equity and justice;
- 6) Honour related to the functions of the Committee.

**ARTICLE 4 CONFLICT OF INTEREST**

A conflict of interest may arise when our personal interest can influence or affect our judgment and our ability to act with integrity, honesty, objectivity and impartiality.

Any member must refrain from any activity inconsistent with his or her functions within the Committee, avoid any conflict of interest and prevent any situation that may call into question his or her integrity, honesty, objectivity or impartiality.

Any member must refrain from soliciting or holding office or a contract with the Town, for himself or herself, a relative or a legal person in which he or she has a substantial interest.

In any conflict of interest situation or where there may be appearance of a conflict of interest, the member must disclose it on the form attached to this Code of Ethics as Appendix 1 and refrain from participating in the Committee's deliberations and recommendation. In the case of a dispute between a member and the Town, the member must withdraw from the Committee until the dispute is resolved.

**ARTICLE 5 USE OF THE TOWN'S RESOURCES**

Any member is prohibited from using the Town's resources for personal reasons or for anything other than activities related to the performance of his or her functions within the Committee.

Upon termination of his/her mandate, the member must return any resources provided to him or her by the Town.

**ARTICLE 6 COMMITMENT**

All members must comply with this Code of Ethics and sign the commitment form attached as Appendix 2.

**ARTICLE 7 NON-COMPLIANCE WITH THE CODE OF ETHICS**

In the event of non-compliance with one or more provisions of the Code of Ethics by a member, the Chairperson of the Committee is required to report it to the Director General and the Council. Should the Chairperson fail to report such a situation, any member of the Committee may do so instead.

The Council may, by resolution, terminate the mandate of any member who, in its opinion, has not complied with one or more provisions of the Code of Ethics.

APPENDIX 1

**DECLARATION OF A CONFLICT OF INTEREST OR  
OF APPEARANCE OF A CONFLICT OF INTEREST**

\_\_\_\_\_  
First and last name of the member

Describe the situation of conflict of interest or appearance of conflict of interest:  
(example: personal interest, pecuniary interest, family relationship, business relationship,  
etc.)

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Signature of the member

\_\_\_\_\_  
Date

This form must be submitted to the Planning Advisory Committee Chairperson.

APPENDIX 2

COMMITMENT OF THE PLANNING ADVISORY COMMITTEE  
MEMBER

I, \_\_\_\_\_, member of the Planning Advisory Committee, declare the following:

1. I have read the by-law establishing the Urban Planning Advisory Committee and the Code of Ethics and Professional Conduct of the Members of the Planning Advisory Committee and undertake to comply with its provisions;
2. I will respect, at all times, the members of the Committee, the Council, the employees and the citizens;
3. I will perform my functions with integrity, honesty, objectivity and impartiality;
4. I will act with caution and professionalism;
5. I will carry out my responsibilities in the best interests of the public and of the Town, in compliance with the applicable laws and regulations;
6. I will make myself available and practice due diligence;
7. I will be fully collaborative in carrying out the mandates entrusted to the Committee. As such, I will pay particular attention to each file submitted to the Committee in order to assess it on its merits, taking into account its advantages, disadvantages and impacts on the community as a whole in an objective manner;
8. I will not disclose the details of a file nor the discussions during deliberations on such file;
9. I will not disclose a recommendation from the Committee even after it is either approved or refused by the Council;
10. I acknowledge that any disclosure on my part of the confidential information presented to the Committee could result in significant damage to the Town, the owner, the occupier or third parties.

I also declare that, in order to ensure transparency of the Committee’s decision-making process, I will disclose all conflicts of interest or appearance of conflict of interest and will not participate in the deliberations and recommendation when I am involved in such a situation.

By signing and returning a copy of this commitment to the Town, I confirm my commitment and acceptance of the above functions and responsibilities. I understand that non-compliance with this declaration may lead to my dismissal from the Planning Advisory Committee.

Signed in Kirkland, this \_\_\_\_\_.

\_\_\_\_\_  
Signature of the member

Declared solemnly before me in Kirkland

\_\_\_\_\_  
Signature of Commissioner of oaths