

BY - LAW NO. HAM-2026-05
A BY-LAW TO ESTABLISH A PLANNING ADVISORY COMMITTEE

The Council of the municipality of Hampton, under authority vested in it by Section 3 of the *Community Planning Act*, (S.N.B. 2017, c.19), enacts the following:

1. TITLE

This By-law may be cited as the Hampton Planning Advisory Committee By-law.

2. DUTIES AND POWERS OF THE PLANNING ADVISORY COMMITTEE

- (A) To advise and make recommendations to the Council of the municipality of Hampton on matters relating to community planning.
- (B) To give its views to the Council on any by-law proposed to be made under the *Community Planning Act*.
- (C) To exercise the powers and perform the duties relating to community planning that are given under the provisions of the *Community Planning Act*, and amendments thereto, or the Council of the municipality of Hampton.

3. MEMBERSHIP OF THE PLANNING ADVISORY COMMITTEE

- (A) The Planning Advisory Committee (may also be referred to as the “Committee”) shall consist of a minimum of at least five voting members, but no more than 9 voting members.
- (B) The Mayor shall serve as an ex officio member of the Hampton Planning Advisory Committee. Non-voting staff members may include the Chief Administrative Officer, Director of Planning, Engineering and Development and support staff as required.
- (C) Council of the municipality of Hampton (also herein referred to the “Council”), shall, by resolution, appoint members to serve on the Planning Advisory Committee.
- (D) Council of the municipality of Hampton, may, by resolution, remove a member from the Planning Advisory Committee.
- (E) The Mayor shall appoint a Council member to the Planning Advisory Committee.
- (F) A person appointed to the Planning Advisory Committee may be a member of the Council of the municipality of Hampton or an employee or agent of the local

government, but the majority shall be other than members of Council and employees or agents of the local government.

- (G) To be a voting member of the Planning Advisory Committee, a person shall be eligible to vote under the *Municipal Elections Act* and be a resident of the municipality of Hampton. Staff members who are appointed to the Planning Advisory Committee are not voting members.
- (H) The voting members of the Hampton Planning Advisory Committee may include:
- One member of Hampton Council;
 - One member who may also be an active Member of the Hampton Environment Advisory Committee;
 - One member who may also be an active Member of the Hampton Parks and Recreation Advisory Committee;
 - One member who may also be an active Member of the Hampton Public Works and Utilities Advisory Committee;
 - One member who may also be an active Member of the Hampton Economic Development and Tourism Advisory Committee; and
 - Four members who are not actively serving on another Committee of Council.

4. TERMS OF OFFICE

- (A) Subject to subsections 3(B) and 3(C), a voting member of the Planning Advisory Committee, with the exception of the member of Council, shall be appointed for a term of three (3) years and is eligible for reappointment for an additional three (3) year term.
- (B) When a member of Council or an employee or agent of the municipality of Hampton is appointed to the Planning Advisory Committee:
- (a) Unless Council fails to appoint another person to replace them, the member of Council or the employee or agent ceases to be a member of the Planning Advisory Committee on ceasing to be a member of Council or employee or agent of the municipality of Hampton; and
 - (b) If Council replaces the member of the Council under Subsection 4(A)(a), the appointment is for the remainder of the term of the member replaced.
- (C) If Council fails to appoint a successor for a member of the advisory committee whose term of office would but for this subsection have expired, the member continues to hold office until his or her successor is appointed, and when appointed, the successor holds office until the day his or her term would have expired if he or she had been appointed at the appropriate time.

- (D) When appointing the first members of the Planning Advisory Committee, the Council of the municipality of Hampton shall designate members in the following manner so that as nearly as possible the term of office of one-third of the members expires each year:
 - (a) members who hold office until the first day of January of the year following their appointment;
 - (b) members who hold office until the first day of January of the second year following their appointment; and
 - (c) members who hold office until the first day of January of the third year following their appointment.

- (E) The Planning Advisory Committee shall elect a chair and a vice-chair of the committee from among its voting membership. This election occurs at the first committee meeting of any given year. The term of office of the chairperson and vice chairperson is one year, but they are eligible for re-election.

- (F) Unless otherwise appointed, the non-voting staff member shall serve as secretary of the Planning Advisory Committee and shall keep records of the committee's proceedings. The non-voting staff members shall attend all Planning Advisory Committee meetings to offer advice to the Committee and to present the Town's position on items before the Committee.

5. VACANCY

- (A) A vacancy results in the committee when:
 - (a) a member is absent from three or more consecutive regular monthly meetings of the Committee;
 - (b) a member's term expires;
 - (c) a Council member's Council term expires; or
 - (d) a staff member ceases to be a servant of the municipality.

- (B) A vacancy does not occur when a member is absent from three or more consecutive meetings of the committee due to illness or a prior grant of leave from the committee.

- (C) Where a member of the Hampton Planning Advisory Committee dies, resigns, becomes ineligible to be a member or is removed from office, Council may appoint another person to succeed them and such person shall take office for the remainder of the term of the member he or she succeeds.

6. ADMINISTRATION OF THE PLANNING ADVISORY COMMITTEE

- (A) The Planning Advisory Committee may make rules for the conduct of its business.
- (B) The Planning Advisory Committee shall keep records of its proceedings.
- (C) The expenses of the Planning Advisory Committee that are approved by the Council of the municipality of Hampton shall be paid by the Council.
- (D) The Planning Advisory Committee meetings will be held on the last Tuesday of every month, or at the call of the Chair, at 7:00pm, in Council Chambers at 648 Main Street, Hampton NB.
- (E) Planning Advisory Committee meeting agenda's will be posted on the Hampton Website (www.Hampton.ca) a minimum of 6 days prior to any regular scheduled meetings. Special Meeting agendas will be posted a minimum of 24 hours prior to the Special Meeting.

7. COUNCIL REFERRALS

- (A) Council may refer an item to Planning Advisory Committee for their views or recommendation under Section 2(A) and 2(B) to be placed on the Planning Advisory Committee meeting agenda for the next meeting of the committee.
- (B) The Planning Advisory Committee shall be deemed to have approved a proposed subdivision or by-law if it fails to give its views or recommendations requested under Section 2(A) or 2(B) within 30 days of the request, or within a longer period as Council may decide.
- (C) Any correspondence or written views received from the public regarding a Council referral item shall be forwarded directly to Council for their consideration.

8. PLANNING ADVISORY COMMITTEE APPLICATIONS

- (A) The Planning Advisory Committee may consider applications submitted under Section 2(C) to be placed on the Planning Advisory Committee meeting agenda for the next meeting of the Committee.

- (B) Due to review times required by Town Staff and the Planning Advisory Committee, submission and/or applications for the Planning Advisory Committee Meeting Agenda must be submitted a minimum of eight (8) weeks before the regularly scheduled meeting. Incomplete applications will be considered at the next regularly scheduled meeting if deemed by the Director of Planning, Engineering and Development or their designate to be substantially complete before the 15th of the previous month.
- (C) The Planning Advisory Committee will only consider applications that are fully completed to the satisfaction of the Director of Planning, Engineering and Development.
- (D) The applicant will also be strongly encouraged that they, or an authorized representative be in attendance. If the Applicant or authorized representative is not in attendance, the Committee will proceed with the application and hearing comments from the public. The Committee will then decide if there is sufficient information to render a decision regarding the application. If the Committee determines that it cannot render a decision on the application because it has reasonable questions for the applicant, or unanswered concerns with the application preventing them from making an informed decision, the Committee has the option to:
 - i) Table the application until the next meeting allowing for the applicant to attend and address the Committee's questions.
- (E) An application which has been submitted to Planning, Engineering and Development may be withdrawn at any time prior to the meeting agenda being finalized.
- (F) After the agenda has been finalized a request to withdraw an item submitted to Planning, Engineering and Development shall be made in writing or in person to the Planning Advisory Committee and the Planning Advisory Committee may grant or refuse such a request.
- (G) When an application has been received which seeks approval of a matter which has been denied by the Planning Advisory Committee within the last year, it will not be reconsidered by the Planning Advisory Committee unless the Planning Advisory Committee adopts a motion that it is of the opinion that there is new evidence to consider or a substantive change in conditions.

9. NOTICE

- (A) Property owners within 100 m of a property which is the subject of a Planning Advisory Committee Application shall be notified by mail or personal delivery, of the meeting time, date, location of the meeting and nature of the application that will be considered.
- (B) The notice will indicate that their view can be made by letter, email, or in person before the Planning Advisory Committee at the meeting. All letters received will be public documents and they must be signed. The Planning Advisory Committee will not accept any unsigned letters.
- (C) The notice will be mailed or delivered at least 10 days prior to the meeting date.
- (D) The notice will indicate that a staff report is available on the Friday prior to the Planning Advisory Committee meeting.
- (E) An electronic copy of the notices referenced in section 9(A) will be made public on the municipality of Hampton's website (www.Hampton.ca) at least 10 days prior to the meeting date.
- (F) Where an application before the Planning Advisory Committee is tabled to a later meeting date a revised notice shall be made.

10. MEETING DECORUM AND PROCEDURE

- (A) Planning Advisory Committee meetings are held in open public session and provide a respectful environment for all parties to have their views made known. Staff and Committee members will conduct themselves in a respectful and professional manner, at all times.
- (B) Applicants, their Agents, and Members of the public:
 - i) May not address the committee without its permission
 - ii) Shall maintain order and quiet
 - iii) Shall not interrupt or interfere with the proceedings.
- (C) Any person making personal, impertinent, or slanderous remarks or who shall become boisterous while at the committee meeting and refuses to apologize or withdraw their remarks when so directed by the Chair or willfully obstructs the conduct of business and refuses to desist when called upon to do so by the Chair may be ordered to leave the committee meeting. In the case of a web conference or teleconference, if a member of the public is directed to leave, their connection to the meeting will be terminated.

- (D) The order of business shall be as set out in the regular agenda which shall have been delivered to the members on the Friday prior to the meeting, but the Planning Advisory Committee may alter the order by majority vote.
- (E) An item not on the agenda may be brought to the meeting by the Planning, Engineering and Development staff, but must be added to the agenda by majority vote of the Planning Advisory Committee.
- (F) Remarks by the members shall be addressed through the Chair and not more than one member shall speak at any one time.
- (G) The Chair shall adhere the following advisory review process for each Council referral item placed on the agenda under Section 7:
 - i) The Chair will call the agenda item by identifying the item number and the referral title.
 - ii) Planning, Engineering and Development staff will provide a presentation explaining the community planning matter, proposed By-law or by-law amendment, including any technical report, overview of any objections, recommendations to Council, and any other information relevant to the matter. Members of the Planning Advisory Committee may pose questions to Planning, Engineering and Development staff on any information presented or relevant to the referral item.
 - iii) Members of the Planning Advisory Committee debate and render a decision for their views or recommendation on the referral item.
- (H) The Chair shall adhere to the following decision review process for each Planning Advisory Committee's application, placed on the agenda under Section 8:
 - i) The Chair will call the agenda item by identifying the item number, name of the applicant and the address of the subject property.
 - ii) Planning, Engineering and Development staff will then provide a brief overview of the application including a summary of the staff recommendation. Members of the Planning Advisory Committee may pose questions Planning, Engineering and Development staff on any information presented or relevant to the application.
 - iii) The Chair shall invite the applicant to make a presentation, of no more than five (5) minutes, to the Planning Advisory Committee in support of their application.
 - iv) The Chair will then invite property owners within 100 m of a property of the subject property in person or electronically to speak in support or in

- opposition to the application for no more than five (5) minutes; although a group spokesperson is also appropriate.
- v) The Chair will provide the applicant with two (2) minutes to respond to the issues raised by those speaking in support and in opposition to the application.
 - vi) The Chair will open the floor to public comments for no more than two (2) minutes per person.
 - vii) Members of the Planning Advisory Committee may pose questions to anyone addressing the committee members but shall not enter into a debate. Responses to questions from the committee members do not count toward presentation time limits.
 - viii) Members of the Planning Advisory Committee debate and render a decision on the application.
- (I) Closed Sessions shall not be permitted except in the case of receiving legal opinions. Such Closed Sessions shall be subject to the adoption of a motion in Open Session by a simple majority of the Planning Advisory Committee members present to proceed to Closed Session. The general public shall be barred from attending such Closed Sessions.
- (J) Decisions on all items on the agenda of the Planning Advisory Committee shall be made by motion in open session and shall include reasons for the Planning Advisory Committee's decision.
- i) All members of the Planning Advisory Committee present at a meeting and who have not declared a conflict of interest shall vote. For further clarity, the Chair may only vote in the case of a tie vote.
- (K) A tabling motion for an application shall not be debated but shall be voted upon and disposed of accordingly. Council referral items shall not be tabled as the Committee views or recommendations shall be provided for the next meeting of the Council.
- (L) If an application is tabled for the purpose of the Planning Advisory Committee receiving new information or receiving further advice from Staff relating to an application, the applicant and members of the public may make additional representations to the Planning Advisory Committee when such item is removed from the table at a future meeting subject to the condition that the focus and ambit of such additional representations shall be limited to the new information received or advice received from Staff as the case may be.

11. REPEAL

By-law No. HAM-2023-05, being A By-law to Establish a Planning Advisory Committee, enacted on February 14, 2023, and all amendments thereto, is hereby repealed.

12. EFFECTIVE DATE

This By-law comes into effect on the date of final enactment thereof.

First Reading: March 10, 2026

Second Reading: March 10, 2026

Third Reading and Enacted: April 14, 2026


Robert Doucet
Mayor


Lisa Richard
Clerk

