

BYLAW NO. 15

A BYLAW OF THE MUNICIPAL DISTRICT OF CLEAR HILLS NO. 21, IN THE PROVINCE OF ALBERTA, TO ESTABLISH A SUBDIVISION APPEAL BOARD AND A DEVELOPMENT APPEAL BOARD FOR THE MUNICIPAL DISTRICT OF CLEAR HILLS NO. 21.

WHEREAS, the Council of the Municipal District of Clear Hills No. 21 wishes to establish a Subdivision Appeal Board and a Development Appeal Board as required under the provisions of section 627 of the Municipal Government Act; and

WHEREAS, Council wishes to delegate the Municipal District of Clear Hills No. 21's Subdivision Appeal Board powers and duties to an inter-municipal Subdivision Appeal Board; and

WHEREAS, Sections 627 and 628 of the Municipal Government Act require Council to establish a Development Appeal Board and prescribe the function and duties of the Development Appeal Board.

NOW THEREFORE, the Council of the Municipal District of Clear Hills No. 21, duly assembled, enacts as follows:

01. General:

This Bylaw may be cited as the "Subdivision and Development Appeal Board Bylaw".

02. Definitions:

In this Bylaw:

- (a) APPELLANT means the person who has served written notice of an appeal on the Development Appeal Board from a decision or order of the Development Authority.
- (b) BOARD means the Development Appeal Board of the Municipal District of Clear Hills No. 21, established pursuant to this Bylaw.
- (c) COUNCIL means the Council of the Municipal District of Clear Hills No. 21.
- (d) DEVELOPMENT AUTHORITY means the person appointed pursuant to Development Authority Bylaw No. 14.
- (e) LAND USE BYLAW means the Municipal District of Clear Hills No. 21 Land Use Bylaw No. 7.

- (f) MEMBER means a member of the Development Appeal Board of the Municipal District of Clear Hills No. 21, as appointed by the Council of the Municipal District of Clear Hills No. 21.
- (g) MUNICIPAL DISTRICT means the Municipal District of Clear Hills No. 21.
- (h) SECRETARY means the person appointed by Council to act as Secretary of the Development Appeal Board.
- (i) SUBDIVISION AUTHORITY means the Subdivision Authority as established pursuant to Subdivision Authority Bylaw No. 12.
- (j) All other terms used in this Bylaw shall have the meaning assigned to them by the Municipal Government Act, to the extent that said meaning differs from the ordinary meaning of such terms.

03. Subdivision Appeal Board:

The Mackenzie Inter-Municipal Subdivision Appeal Board shall act as the Subdivision Appeal Board on behalf of the Municipal District of Clear Hills No. 21.

04. Development Appeal Board:

(a) Establishment:

- (i) The Development Appeal Board for the Municipal District of Clear Hills No. 21 is hereby established.
- (ii) Ministerial Order No. 403/93 is hereby repealed.

(b) Membership and Term:

- (i) The Development Appeal Board shall consist of one (1) member of Council and two (2) members-at-large appointed by Council.
- (ii) The Council shall appoint a minimum of one (1) alternate member-at-large of the Development Appeal Board who is not a member of Council.

(c) Eligibility:

- (i) A member of Council's appointment to the Board terminates upon the person ceasing to be a member of Council.
- (ii) The length of a person's appointment to the Board is at the discretion of Council and shall be renewed on an annual basis.

- (iii) In the event of a vacancy, Council may appoint by Resolution of Council a new member to the Board to serve for the remainder of the vacating member's term.
- (iv) A member of the Board shall not include:
 - (1) a member of the Municipal Planning Commission; or
 - (2) a person who carries out Development or Subdivision Authority powers on behalf of the Municipal District.
- (d) Chairperson:
 - (i) The members of the Board shall elect one of themselves as Chairperson and one of themselves as Vice-Chairperson. The Vice-Chairperson may preside at meetings of the Board in the absence of the Chairperson.
 - (ii) The Chairperson and Vice-Chairperson shall hold office for a period of one year from the date of appointment.
- (e) Remuneration, Travelling and Living Expenses:

Members of the Board may be entitled to such remuneration, travelling and living expenses, as may be established by Council from time to time.
- (f) Quorum:

Three of the members of the Board constitute a quorum.
- (g) Absent Board Members:
 - (i) Where a hearing is held by the Board and a member or members of the Board is or are unable to attend, the alternate member shall sit as a member of the Board.
 - (ii) A member of the Board who is unable to attend the whole or a part of any hearing of an appeal, shall not participate in the deliberations or decision made by the Board upon that appeal.
 - (iii) In the event of the absence or inability to act of the Chairperson at a meeting of the Board, the Vice-Chairperson shall act as Chairperson and if no Vice-Chairperson is designated or in the event of the absence or inability to act of the Vice-Chairperson, the other members of the Board shall select a Chairperson for the hearing from amongst themselves.

(h) **Signing Authority:**

An order, decision, approval, notice or other things, made, given or issued by the Board may be signed on its behalf by the Chairperson or a member of the Board authorized to sign on its behalf.

(i) **Decisions:**

(i) The Board shall give its decision upon an appeal in writing together with reasons for the decision within fifteen (15) days of the conclusion of the hearing.

(ii) The decision of the majority of the members of the Board present at a hearing, duly convened, is deemed to be the decision of the whole Board. In the event of a tie vote, the Chairperson shall have an additional casting vote.

(j) **Public Hearing:**

(i) The hearings of an appeal pursuant to the Municipal Government Act, and the provisions of this Bylaw shall be held in public.

(ii) The Board may at any time during the hearing call a recess and deliberate in private session.

(k) **Hearing Meetings:**

The Board shall meet for the hearing of appeals as frequently as is necessary, and in any event within thirty (30) days of receipt of a notice of appeal duly filed pursuant to the provisions of the Municipal Government Act and this Bylaw.

(l) **Special Meetings:**

Upon receipt of a notice of appeal duly filed pursuant to the provisions of the Municipal Government Act, and of this Bylaw, the Secretary shall convene a special meeting of the Board to consider what persons are affected by the appeal and should be notified thereof. Such meetings shall be called not less than six (6) days prior to the date of the hearing.

05. Procedural Matters:

(a) In accordance with the Municipal Government Act, the Board may establish Committees of the Board.

(b) The Chairperson or Acting Chairperson shall be responsible for the conduct of a hearing.

06. Secretary:

- (a) Council shall appoint by Resolution of Council, a Secretary to the Board who shall be an employee of the Municipal District and the Secretary

shall attend all meetings and hearings of the Board but shall not vote on any matters before the Board.

- (b) Functions of the Secretary:

The Secretary of the Board shall:

- (i) Perform such functions as may be necessary to ensure that the Board is in full compliance with its duties under the Municipal Government Act and this Bylaw.

- (ii) The Secretary shall keep the following records:

- (1) the minutes of all meetings and hearings;
- (2) all applications;
- (3) records of all notices of hearings and of persons to whom they were sent;
- (4) copies of all written representations to the Board;
- (5) notes as to each representation;
- (6) the names and addresses of those making representations at a hearing;
- (7) the decisions of the Board;
- (8) the reasons for the decision of the Board;
- (9) the vote of the members of the Board on the decision;
- (10) records of all notices of decision and of persons to whom they were sent;
- (11) all notices, decisions and orders made on appeal from the decisions of the Board; and
- (12) such other matters as the Board may direct or the Secretary may determine.

- (iii) The Secretary shall:

- (1) notify all members of the Board of the arrangements for the holding of each hearing and other meetings of the Board; and
- (2) shall make available for public inspection before the commencement of a public hearing all relevant documents and materials respecting the appeal including the application, its refusal and the appeal therefrom, or a stop order of the Development Authority, as the case may be.

07. Notification:

(a) Notice of Appeal:

The written notice of appeal shall be made on the official Appeal Form and shall be signed by the appellant.

(b) Serving Appeal:

The appellant may serve the Appeal Form on the Board by EITHER

(i) mailing it to:

Secretary, Development Appeal Board
Municipal District of Clear Hills No. 21
Box 240
Worsley, AB T0H 3W0

by registered mail, so as to reach the above address not later than twelve midnight on the 14th day (including Saturdays, Sundays and holidays) after the date the order, decision or permit issued by the Development Authority was EITHER:

- (1) first published in a newspaper circulating in the area; or**
- (2) posted on the site of the property, the subject of the application; or**
- (3) received by the appellant,**

whichever of these shall occur first.

OR

(ii) delivering the Appeal Form in person to the Municipal District no later than twelve midnight on the 14th day (including Saturdays, Sundays and holidays) after the date the order, decision or permit issued by the Development Authority was EITHER:

- (1) first published in a newspaper circulating in the area; or**
- (2) posted on the site of the property, subject of the application; or**
- (3) received by the appellant,**

whichever of these shall occur first. Proof of the said delivering shall be the official receipt of the Municipal District.

(c) Appeal Fee:

The Appeal Form shall be accompanied by a fee of an amount established by Council from time to time. Where the Board is of the opinion that an appeal is applicable to and for the benefit of the municipality at-large, the Board may direct that the application fee be returned to the appellant.

(d) Notice:

(i) The Secretary, in the name of the Board, shall send written notice of the time and place of the hearing of an appeal, together with a summary of the application, not less than five (5) days (including Saturdays, Sundays and holidays) prior to the hearing to:

- (1) the appellant; and
- (2) the Development Authority; and
- (3) those persons required to be notified under the Land Use Bylaw and any other person that the Board considers to be affected by the appeal.

(ii) In the case of the appellant, notice of the appeal hearing shall be sent by registered mail to the address given on the appellant's Appeal Form.

(iii) In the case of those persons referred to in subsection 07.(d)(i)(3) above, notice of the appeal hearing shall be sent by registered mail to the address shown on the last revised assessment roll.

(iv) In addition to the notice required by section 07.(d)(i), the Board may direct that the Secretary publish notice of the hearing in such manner as the Board may determine.

(v) Where a hearing is adjourned or the decision is reserved and the Board does not at the time of adjournment fix a time and place for the further hearing of the application and announce it to those in attendance, it shall be the duty of the Chairperson to announce to those in attendance that the notice of the time and place for further hearing will be sent to only those persons who leave their name and address with the Secretary; and thereafter only such persons as do leave their name and address shall be entitled to notice of the further hearing.

08. Decisions:

(a) The Secretary of the Board or the Chairperson, may make a verbal announcement of the decision upon an appeal at the conclusion of the

public hearing, but in that event shall notify the parties that the verbal decision is not final and binding, and that the parties should not act upon it until it has been reduced to writing and signed.

- (b) Where the Development Appeal Board allows an appeal against the refusal of a development permit by the Development Authority, the Development Authority shall issue a development permit in conformity with the Board's decision, upon receiving notice of the Board's decision.

09. Court of Appeal:

The Secretary shall keep on file all notices of application made for leave to appeal the Appellate Division from decisions of the Board pursuant to the Municipal Government Act.

10. Effective Date:

This Bylaw shall come into full force and effect upon the date of its final passing thereof.

READ for a FIRST time this 28TH day of NOVEMBER A.D., 1995.



 Leslie K. Davis, Deputy Reeve



 Faye Kary, Secretary Treasurer

READ for a SECOND time this 28TH day of NOVEMBER A.D., 1995.



 Leslie K. Davis, Deputy Reeve



 Faye Kary, Secretary Treasurer

READ for a THIRD time this 28TH day of NOVEMBER A.D., 1995.



 Leslie K. Davis, Deputy Reeve



 Faye Kary, Secretary Treasurer