

**TOWN OF DRUMHELLER
BYLAW 15.18**

A BYLAW OF THE TOWN OF DRUMHELLER IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE ESTABLISHMENT OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

WHEREAS: Section 627 of the Municipal Government Act, provides that a Council must establish a Subdivision and Development Appeal Board by bylaw;

WHEREAS: Section 628 of the Municipal Government Act, provides that a Council must by bylaw prescribe the functions and duties of the Subdivision and Development Appeal Board;

NOW THEREFORE, the Council of the Town of Drumheller duly assembled enacts as follows:

DEFINITIONS

1. The following words and terms found in the Bylaw are defined as follows:
 - (a) "Act" means the Municipal Government Act, R.S.A. 2000, c. M-26, any regulations thereunder and any amendments or successor legislation thereto;
 - (b) "Appeal" means an appeal of a decision of a Development Officer or a subdivision authority;
 - (c) "Appellant" means the person who may appeal to the Board in accordance with the Act;
 - (d) "Applicant" means the person who applied for a development permit or for subdivision;
 - (e) "Board" means the Subdivision and Development Appeal Board (SDAB) of the Town of Drumheller established pursuant to this Bylaw;
 - (f) "Chair" means a Member of the Board who is appointed to preside over a hearing in accordance with this bylaw;
 - (g) "Clerk" means the person appointed by the Chief Administrative Office of the Town of Drumheller who has met the required training;
 - (h) "Council" means the Council of the Town of Drumheller;
 - (i) "Development Authority" means a development authority established pursuant to Part 17; Division 3 of the Municipal Government Act;
 - (j) "Development Officer" means a Town employee who carries out development powers, duties, and functions;
 - (k) "Member" means a member of the Subdivision and Development Appeal Board who has met the required training;

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 - (k) "Member" means a member of the Subdivision and Development Appeal Board who has met the required training;

- (l) "Subdivision Approving Authority" shall mean Council or their designate authorized to exercise subdivision approving authority powers and duties on behalf of the municipality.

GENERAL

Pursuant to the Act, Council hereby enacts as follows:

- 2. The Subdivision and Development Appeal Board is hereby established.
 - (a) Pursuant to Section 627(a) Council must by bylaw establish a Subdivision and Development Appeal Board, or
 - (b) Pursuant to Section 627(b), Council may authorize the municipality to enter into an agreement with one or more municipalities to establish an Intermunicipal Subdivision and Development Appeal Board; or
 - (c) Both.

MEMBERSHIP AND TERMS

- 3.
 - (a) Council shall appoint members by resolution.
 - (b) The Board shall be comprised as follows:
 - (i) One Member of Council,
 - (ii) One alternate Member of Council,
 - (iii) Four Members at large, and
 - (iv) The Clerk to the SDAB.
 - (c) Pursuant to Section 627(3) of the Act, Councillors may not form the majority of the Board.
 - (d) An employee of the municipality, a person who carries out subdivision or development powers, duties and functions on behalf of the municipality, or member of a Municipal Planning Commission shall not be appointed to the board.
 - (e) Members at Large are appointed to a term of up to three (3) years, with exact terms being specified upon appointment to the Board. Board members who serve more than two consecutive three (3) year terms shall be at the discretion of Council.
 - (f) Members of Council are appointed to the Board during the annual Organizational Meeting of Council and shall remain on the Board for a period of one (1) year until the subsequent Annual Organizational Meeting.

- (g) Each Member of the Board shall take the prescribed training as required by the Act.
 - (h) Members at Large may be a resident from the member municipalities of Palliser Regional Municipal Services.
4. At its first meeting each year, the Board shall elect a Chair and Vice-Chair from its members.
5. A vacancy on the Board shall be filled as soon as is practical, but the Board may function notwithstanding, provided that a quorum is present.
6. A quorum of the Board shall not be less than three members for hearing and deciding appeals.
7. If any Board member is absent from three consecutive hearings, Council may declare the office of such Member vacant and initiate the process to select a suitable candidate to fill the vacant position on the Board.
8. Council may remove any member of the Board for misconduct.

FUNCTIONS AND DUTIES OF THE BOARD

9. The purpose of the Board is:
- (a) to hear and decide upon appeals against decisions of the Subdivision Approving Authority;
 - (b) to hear and decide upon appeals from decisions of the Development Officer or the Development Authority and in this respect to perform the duties assigned to the Subdivision and Development Appeal Board under the Act.
10. The hearing shall be held in public and structured as follows:
- (i) Call to Order
 - (ii) Introduction of Members of the Board and the Clerk
 - (iii) Declaration of any member conflict of interest
 - (iv) Objections
 - (v) Purpose of the Hearing
 - (vi) Procedures to be followed
 - (vii) Clerk announces the appeal
 - (viii) Presentations by the Appellant and those opposing the appeal;
 - (ix) Rebuttal
 - (x) Further questions from Board members
 - (xi) Adjournment
 - (xii) In-Camera deliberations
 - (xiii) Notice of the Board's Decision

11. At the hearing of the appeal, should the Board desire further technical information, legal opinions or other assistance, it may recess the hearing pending receipt of such information, opinion or other assistance.

12. All members must vote unless they have a conflict of interest.

13. The Board must give its decision in writing together with reasons for the decision within 15 days after concluding the hearing.

14. A decision of the majority of the Board shall be deemed the decision of the Board. In the event of a tied vote the Board, the appeal is defeated.

ROLE OF THE CHAIR

15. At the first hearing of the calendar year, the Members of the Board present will elect one Member as Chair who shall preside at the hearings. If the Chair is absent, the Members of the Board present shall elect one Member who is present as the Vice Chair who will preside at the hearing.

CLERK OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

16. The Clerk shall ensure that all statutory requirements of the Boards are met which includes:

- (i) Receive all appeals;
- (ii) Schedule and inform all affected parties of the appeal hearing;
- (ii) Compile all necessary documents for distribution to the Board;
- (ii) Keep a written record of the proceedings of the Board; and
- (iii) Communicate the decision of the Board to the affected parties.

ESTABLISHMENT OF FEE SCHEDULES

17. Council may by resolution establish fees for subdivision and development appeals.

18. The appeal fee may be returned to the Applicant or the Appellant should the Board deem it appropriate to do so.


Bylaw 2-98 is hereby repealed.

This Bylaw shall take effect on the day of the final passing thereof.

READ A FIRST TIME ON THE 29th day of October, 2018.

READ A SECOND TIME ON THE 29th day of October, 2018.

READ A THIRD AND FINAL TIME ON THE 29th day of October, 2018



MAYOR



CHIEF ADMINISTRATIVE OFFICER