

**TOWN OF DRUMHELLER
BYLAW NO. 08.19**

Being a bylaw of the Town of Drumheller in the Province of Alberta, pursuant to the provisions of Section 8(d) of the Municipal Government Act, R.S.A. 2000,c. M-26 and amendments thereto, to provide for the establishment of a Tourism Corridor and Community Standards Appeal Board;

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF DRUMHELLER ENACTS AS FOLLOWS:

TITLE

1. This bylaw may be cited as the "Tourism Corridor and Community Standards Appeal Board Bylaw".

DEFINITIONS

2. In this Bylaw unless the context otherwise requires;
 - (a) "*Applicant*" means a person who is seeking a Tourism Corridor and Community Standards Appeal;
 - (b) "*Board*" means the Tourism Corridor and Community Standards Appeal Board established by this Bylaw;
 - (c) "*Chairman*" means the Chairman of the Board;
 - (d) "*Tourism Corridor and Community Standards Appeal*" means the appeal of:
 - (i) an Order issued pursuant to the Tourism Corridor Property Standards Bylaw 04.19 and the Community Standards Bylaw 06.19;
 - (ii) an Order issued pursuant to Section 545 of the Municipal Government Act R.S.A. 2000, c.M-26 regarding contraventions of other Bylaws or enactments that the Town is authorized to enforce;
 - (iii) an Order issued pursuant to Section 546 of the Municipal Government

Act R.S.A. 2000, c.M-26; or

(iv) an Order issued under the Weed Control Act, R.S.A. 2008, c.W-5-1.

(e) "Council" means the Municipal Council of the Town;

(f) "Order" means a written Order identifying a contravention of these Bylaws and stipulating the actions that the Owner or Occupier shall take to remedy the contravention.

(g) "Town" means the Town of Drumheller, a municipal corporation and, where the context so requires, the area included within the boundaries of the said Municipal Corporation.

ESTABLISHMENT OF THE COMMUNITY STANDARDS APPEAL BOARD

3. (a) There is hereby established a Tourism Corridor and Community Standards Appeal Board which shall have jurisdiction to hear and determine all appeals submitted by Applicants to the Town of Drumheller.

(i) The Board shall be a Committee of Council.

(b) Council shall each year appoint by resolution not less than three members of Council to act as a Board of Appeal to review any Order issued under the Tourism Corridor Property Standards Bylaw 04.19 and the Community Standards Bylaw 06.19 and Sections 545 and 546 of the Municipal Government Act R.S.A. 2000, c.M-26 and the Weed Control Act R.S.A. 2008, c.W-5-1.

(c) In the event that any member of the Board is not in attendance at a meeting of the Board, any other member of Council may sit as substitute for that member on the Board.

(d) The Chairman shall be elected by the members of the Board and they shall be entitled to vote in all decisions made by the Board.

(e) In the event that the Chairman is not in attendance at a meeting of the Board, the members present may elect a chairman who shall chair the meeting of the Board for the duration of that meeting only.

(f) Two members present shall constitute a quorum.

(g) The Board may establish its own rules of procedure.

**APPEAL OF ORDERS ISSUED UNDER THE WEED CONTROL ACT, RSA. 2008,
c.W-5.1**

4. (a) Any Notice of Appeal filed with respect to a Weed Notice shall be accompanied by a deposit in the amount of \$500.00, which shall be refunded if the applicant's appeal is successful.
- (b) A Notice of Appeal will not be considered as having been filed unless the notice of appeal and fee referred to in Subsection (1) above have been received by the Town of Drumheller within ten (10) days of receiving the Order.
- (c) The fee referred to in Subsection (1) above shall not be waived under any circumstances.
- (d) The Town of Drumheller shall, upon receipt of a notice of appeal, set a date for the hearing of the appeal which hearing shall be held within five (5) days from the day of receipt of the Notice of Appeal pursuant to the provisions set out in the Weed Control Regulation 19/2010.
- (e) After reviewing the Order, the Board may confirm, rescind or vary the Order.

APPEAL OF ORDERS UNDER SECTION 545 AND 546 OF THE MUNICIPAL GOVERNMENT ACT, RSA. 2000, c.M-26 AND THE TOURISM CORRIDOR PROPERTY STANDARDS BYLAW 04.19 AND THE COMMUNITY STANDARDS BYLAW 06.19

5. (a) Any notice of appeal filed with respect to a Remedial Order shall be accompanied by a deposit in the amount of \$250.00, which shall be refunded if the applicant's appeal is successful.
- (b) A person to whom an Order is directed may seek a review of the Order by filing a Notice of Appeal will not be considered as having been filed unless the notice of appeal and fee referred to in Subsection (1) above have been received by the Town of Drumheller within fourteen (14) days of receiving the Order issued under the provisions of Section 545 of the Municipal Government Act R.S.A. 2000, c.M-26, and within seven (7) days of receiving the Order issued under Section 546 Municipal Government Act R.S.A. 2000, c.M-26.

(c) The fee referred to in Subsection (1) above shall not be waived under any circumstances.

(d) The Town of Drumheller shall, upon receipt of a Notice of Appeal, set a date for the hearing of the appeal which hearing shall be held within fifteen (15) days from the day of receipt of the Notice of Appeal.

(e) After reviewing the Order, the Board may confirm, vary, substitute or cancel the Order.

6. If a Person affected by the decision of the Board, may appeal the decision to the Court of Queen's Bench if:
- (a) The procedure required to be followed by this Act is not followed, or
 - (b) The decision is patently unreasonable.

The appeal must be made:

(i) in the case of an Appeal of an Order under section 545 of the *Municipal Government Act*, within 30 days after the date the decision under section 547 of the *Municipal Government Act* is served on the person affected by the decision, and,

(ii) in the case of an Appeal of an Order under section 546 of the *Municipal Government Act*, within 15 days after the date the decision under section 547 of the *Municipal Government Act* is served on the person affected by the decision.


Bylaw 22.10 is hereby repealed.

This Bylaw shall take effect on the date of the third and final reading.

READ A FIRST TIME this 29th day of April, 2019.

READ A SECOND TIME this 13th day of May, 2019

READ A THIRD TIME AND PASSED this 13th day of May, 2019



Mayor



Chief Administrative Officer