

BYLAW 2013/09
OF THE TOWN OF MILLET
IN THE PROVINCE OF ALBERTA

BEING A BYLAW OF THE TOWN OF MILLET, IN THE PROVINCE OF ALBERTA TO
ESTABLISH THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD.

WHEREAS Section 627 of the Municipal Government Act requires the establishment of a Subdivision and Development Appeal Board;

NOW THEREFORE the Municipal Council of the Town of Millet, in the Province of Alberta, duly assembled, enacts as follows:

1. Title

1.1. This bylaw may be called the “Subdivision and Development Appeal Board Bylaw”.

2. Definitions

2.1 In this bylaw the following terms mean:

- (a) “Act” means the Municipal Government Act, R.S.A. 2000 c M26 as amended.
- (b) “Appellant” means the person who may appeal to the board in accordance with the Act.
- (c) “Board” means the Subdivision and Development Appeal Board established by this Bylaw.
- (d) “Chair” means the person appointed by the board.
- (e) “Council” means the Council of the municipal corporation of the Town of Millet.
- (f) “Development Authority” means one or more of the following;
 - a designated officer
 - the municipal planning commission
 - any other person or organization
- (g) “Member” means a member of the Subdivision and Development Appeal Board appointed pursuant to this Bylaw.
- (h) “Town” means the municipal corporation of the Town of Millet in the Province of Alberta.
- (i) “Town Manager” means the person appointed as the chief administrative officer of the Town of Millet.

3. Establishment

3.1 The Subdivision and Development Appeal Board is hereby established.

4. Terms of Reference

4.1 The purpose of the Board;

- (a) shall deal with subdivision and development appeals in accordance with the provisions of the Act.
- (a) is to carry out the hearing and provide their decision regarding appeals in accordance with Section 680 of the Act.
- (b) is to carry out the hearing and provide their decision regarding appeals in accordance with Section 687 of the Act.
- (c) shall exercise any other powers, duties and functions given to it by any other bylaws of Council.

5. Membership

5.1 Non-Members

The following persons may not be appointed as members of a Subdivision and Development Appeal Board;

- (a) An employee of the municipality
- (b) A person who carries out subdivision or development powers, duties and functions on behalf of the municipality.
- (c) A member of a municipal planning commission.

5.2 Members of Council

- (a) Council members may not form the majority of the board or a committee hearing an appeal.
- (b) The appointment of a member of Council as a member of the board terminates, notwithstanding the resolution appointing the member of Council to the board, when the member ceases to be a member of Council.
- (c) The person referred to under 5.2(b) may be reappointed as a member provided they are otherwise eligible.

5.3 Board

- (a) The board shall be composed of not less than three (3) persons.
- (b) Public members of the Board are to be appointed by Council.
- (c) All members of the Board shall be residents of the Town.
- (d) Members of Council are appointed to the board during the annual Organizational Meeting of Council.
- (e) The board shall meet at such times as the Board Chair considers necessary.

5.4 Vacancies

- (a) Council may fill vacancies as they occur from time to time by resolution.
- (b) Notwithstanding any vacancy on the Board, the remaining members have and may exercise and perform the powers and duties of the Board, providing that there are at all times no less than three (3) members.
- (c) If any member fails to attend three (3) consecutive meetings without authorization of the Board, the member is disqualified and the position becomes vacant.

5.5 Remuneration of Members

- (a) Members shall be paid remuneration by the Town as may be fixed from time to time by Council.

5.6 Code of Conduct

- (a) If a member has any interest, whether direct or indirect, in any matter before the Board, the member shall declare such interest to the Board before discussion of the matter, and shall not participate in the hearing, or discuss or vote upon the matter, and such abstention shall be recorded in the minutes.
- (b) Any discussions that occur during an “in-camera” discussion shall remain confidential and not discussed with members of the general public.

6. Terms of Office

- 6.1 Each member of the Board can serve up to three (3) years, with terms being specified upon appointment to the Board.

7. Chair of the Board

- 7.1 At the first meeting of the Board every calendar year, the members of the Board will elect one member as Chair, and another member as Vice-Chair.

- 7.2 The Chair will preside at the meetings of the Board.
- 7.3 If the Chair is absent, then the Vice-Chair will preside at the meeting of the Board.
- 7.4 The responsibilities of the chair or residing officer;
- (a) shall be responsible to see that all things required to be carried out by the Board under the Act are carried out in accordance with the provisions of the Act.
 - (b) is empowered to rule that evidence presented is irrelevant to the matter in issue and to direct the members to disregard the evidence.
 - (c) may limit a submission if they determine it to be repetitious.
 - (d) shall, when a hearing is tabled and time is not fixed for its continuation, announce that notice of the continuation of the meeting will be sent to those persons leaving their name and address with the clerk. Only those persons leaving their name and address shall be entitled to notice of the continuation of the hearing.
8. Clerk of the Board
- 8.1 The Town Manager shall provide administrative support to act as the clerk of the Board.
- 8.2 The responsibilities of the clerk will include;
- (a) Receive notices of appeals.
 - (b) Scheduling hearings.
 - (c) Send notices related to the hearing, informing all affected parties.
 - (d) Answering inquires and provide information to appellants and the public.
 - (e) Compile all necessary documents for distribution to the Board.
 - (f) Attend hearings.
 - (g) Record minutes by keeping a written record of the proceedings of the Board which shall include:
 - a summary of the evidence presented at the hearing
 - the decision of the Development Authority or Subdivision Authority
 - the Notice of Appeal, and the Notice of Hearing of the Appeal
 - the Board's decision on each appeal, and
 - a list of names and addresses of persons who leave their names and addresses with the clerk.
9. Additional powers of the Town Manager
- 9.1 The Board is a Council Committee as defined in the Act and therefore, in addition to the powers and responsibilities given to the Town Manager in Section 8 of this Bylaw, the Town Manager shall have, with respect to the Board, all of the powers and responsibilities granted to the Town Manager with respect to Council Committees by Town Administration Bylaw 95/19.
- 9.2 The Town Manager may delegate any of the powers granted to the Town Manager by this Bylaw.
10. Public Hearings
- 10.1 The Board shall hold public hearings respecting appeals in accordance with the Act.
11. Quorum and Meeting Structure

- 11.1 A quorum at any meeting or hearing of the Board or any Committee of the Board shall be three (3) members.
- 11.2 The meeting structure will be as follows;
 - (a) Call to order (and selection of Chair if necessary)
 - (b) Introduction of members of the Board and Clerk
 - (c) Members conflict of interest
 - (d) Objections
 - (e) Purpose of Meeting
 - (f) Procedures to be followed
 - (g) Clerk announces case
 - (h) Presentation
 - (i) Rebuttal
 - (j) Further questions from Board members
 - (k) Deliberations by Board
 - (l) Notice of Board decision
 - (m) Adjournment

12. Hearing of the Appeal

- 12.1 At the hearing of the appeal, the Board shall hear all those persons that are required to be heard under the Act.
- 12.2 At the hearing of the appeal should the Board desire further technical information, legal opinions or other assistance, they may table the hearing pending receipt of such information, opinion or other assistance.

13. Absence from Hearing

- 13.1 A member who for any reason is unable to attend the whole of the hearing of an appeal shall not participate in the Board's deliberations or the decision made by the Board on that appeal.

14. Subdivision and Development Appeal Board Decisions

- 14.1 In determining an appeal, the Board;
 - (a) Must conform to the uses of land referred to in the Land Use Bylaw.
 - (b) Must be consistent with land use policies.
 - (c) Must have regards to, but is not bound to Subdivision and Development Regulations.
- 14.2 After hearing all submissions and rebuttal, if any, the Board shall deliberate and reach its decision in private.
- 14.3 In arriving at its decision, the majority vote of those members present shall constitute the decision of the Board. In the event of a tied vote of the Board the appeal is defeated.
- 14.4 A verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the Act.
- 14.5 An order, decision of approval, notice of other thing made, given, or issued by the Board may be signed on its behalf by the Chair, Presiding Officer or

a person authorized by the Board to sign on its behalf.

- 14.6 The Board shall give its written decision and reasons in accordance with the Act to;
- (a) the Applicant,
 - (b) the Appellant, and
 - (c) those affected persons who gave their name and address to the clerk during the public hearing.

15. Establishment of Fees

- 15.1 Council may by resolution establish fees for Subdivision and Development Appeals, which shall be sufficient to cover the cost of advertising, administration and other expenses.

16. Former Bylaw/Repeal of Bylaw

- 16.1 Bylaw #2013/09 shall take full force and effect on the date of signing.

Read a first time this 14th day of August 2013.

Read a second time this 14th day of August 2013.

Read a third and final time this 14th day of August 2013.

MAYOR

CHIEF ADMINISTRATIVE OFFICER