

TOWN OF HARDISTY

BYLAW #1195/14

A BYLAW OF THE TOWN OF HARDISTY IN THE PROVINCE OF ALBERTA TO ESTABLISH THE SUBDIVISION AUTHORITY OF THE TOWN OF HARDISTY

WHEREAS Section 623 of the *Municipal Government Act*, R.S.A. 2000, as amended (“the Act”) requires that a Municipal Council establish a Subdivision Authority by Bylaw;

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

1. **Name**

1.1 This Bylaw may be cited as the “Subdivision Authority Bylaw”

2. **Definitions**

2.1 “Act” means the *Municipal Government Act* R.S.A. 2000, as amended or replaced;

2.2 “Council” means the Mayor and Councillors of the Town of Hardisty for the time being elected pursuant to the provisions of the Act, whose term is unexpired, who have not resigned and who continue to be eligible to hold office under the terms of the Act;

2.3 “Municipal Government Board” means the Board established under Section 486 of the Act;

2.4 “Subdivision and Development Appeal Board” means the Board established to hear development and subdivision appeals pursuant to Section 3 of the Flagstaff Regional Subdivision and Development Appeal Board Bylaw;

2.5 “Subdivision Authority” means the persons established under Section 3 of this Bylaw to perform the functions of a Subdivision Authority under the Act;

2.6 “Subdivision Authority Officer” means the person occupying the position established under Section 4 herein; and

2.7 “Regulations” means the Regulations proclaimed pursuant to the Act.

3. **Establishment of Subdivision Authority**

3.1 The Subdivision Authority of the Town of Hardisty is hereby established.

3.2 The Subdivision Authority shall be comprised of one (1) representative from Municipal Planning Services and two (2) members of the Council of the Town of Hardisty.

3.3 Individual members shall be appointed by resolution of the Council.

3.4 If any appointed person should resign or otherwise be unable to perform their duties, another person may be appointed by resolution of the Council.

3.5 Council may remove a member of the Subdivision Authority by resolution at any time.

4. **Subdivision Authority Officer**

4.1 The position of designated officer for the limited purpose of carrying out the function of the Officer to the Subdivision Authority is hereby established.

4.2 The Subdivision Authority Officer shall be the Chief Administrative Officer of the Town of Hardisty unless otherwise appointed by resolution of the Council.

4.3 The Subdivision Authority Officer shall have responsibilities and functions including the following:

4.3.1 Undertakes all those responsibilities delegated to the Subdivision Authority Officer by the Subdivision Authority.

4.3.2 Ensures applications to the Subdivision Authority and statutory notices and decisions of the Subdivision Authority are provided to such persons as the Act and Regulations require.

4.3.3 Signs orders, decisions, approvals, notices, and other items given or done by the Subdivision Authority on its behalf.

5. **Fees and Expenses**

5.1 The fees for applications to the Subdivision Authority for all manner of activities and approvals within the purview of the Subdivision Authority may be set by Bylaw.

6. **Responsibilities and Functions**

6.1 The Subdivision Authority shall exercise those functions and powers within the Town of Hardisty as are described in the Act and the Regulations.

6.2 The Subdivision Authority may delegate any of its responsibilities as provided for under the Act or the Regulations to a Subdivision Authority Officer or to another person by resolution of the Subdivision Authority.

6.3 The Subdivision Authority is not required to hold a hearing in considering an application for subdivision.

6.4 The Subdivision Authority must not approve an application for subdivision approval unless:

6.4.1 The land that is proposed to be subdivided is, in the opinion of the Subdivision Authority, suitable for the purpose for which the subdivision is intended.

6.4.2 The proposed subdivision confirms to the provisions of any statutory plan and, subject to subsection 6.5 of this Bylaw, any Land Use Bylaw that affects the land proposed to be subdivided.

6.4.3 The proposed subdivision complies with the Act and the Regulations, and

6.4.4 All outstanding property taxes on the land proposed to be subdivided have been paid to the municipality where the land is located or arrangements satisfactory to the municipality have been made for their payment pursuant to Part 10 of the Act.

6.5 The Subdivision Authority may approve an application for subdivision approval even though the proposed subdivision does not comply with the Land Use Bylaw of the Town of Hardisty if, in the opinion of the Subdivision Authority:

6.5.1 The proposed subdivision would not:

a) Unduly interfere with the amenities of the neighborhood, or

b) Materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

6.5.2 The proposed subdivision conforms with the use prescribed for that land in the Land Use Bylaw of the Town of Hardisty

6.6 The Subdivision Authority may approve, approve with conditions, or refuse an application for subdivision approval.

6.7 A decision of the Subdivision Authority must be given in writing to the applicant and to the Government departments, persons and local authorities to which the Subdivision Authority is required by the Regulations to give a copy of the application.

6.8 A decision of the Subdivision Authority must state:

6.8.1 Whether an appeal lies to the Flagstaff Regional Subdivision and Development Appeal Board or to the Municipal Government Board, and

6.8.2 If an application for subdivision approval is refused, the reasons for the refusal.

6.9 The power to extend the periods pursuant to Section 657(6) of the Act is delegated by the Council to the Subdivision Authority. The Subdivision Authority may further delegate this power to the Subdivision Authority Officer.

6.10 The power to decide if an environmental reserve easement is to be applied to a parcel of land which is subject to a subdivision rather than an environmental reserve pursuant to Section 664(2) of the Act is delegated by the Council to the Subdivision Authority.

7. **Commencement and Repeal**

7.1 Bylaw 954 of the Town of Hardisty and any amendments thereto, and any other Bylaws relating to the Subdivision Authority are hereby repealed.

7.2 This bylaw shall come into full force and effect upon the date of final passing.

READ A FIRST TIME THIS _____ DAY OF _____, 2014

READ A SECOND TIME THIS _____ DAY OF _____, 2014

READ A THIRD TIME AND FINALLY PASSED THIS _____ DAY OF _____, 2014

Mayor – Anita Miller

CAO – Kevin Miller