

BYLAW 797/19  
TOWN OF ELK POINT #043

---

A BYLAW OF THE TOWN OF ELK POINT, IN THE PROVINCE OF ALBERTA  
AUTHORIZING THE TOWN TO ESTABLISH THE SUBDIVISION AUTHORITY OF  
THE TOWN OF ELK POINT

---

PURSUANT to the provisions of the Municipal Government Act, M-26. 2000, as amended (“the Act”) requires that a Municipal Council must establish a Subdivision Authority by Bylaw.

AND WHEREAS the Council for the Town of Elk Point, in the Province of Alberta, deems it proper and expedient to enact such a bylaw,

NOW THEREFORE, the Council in session duly assembled, enacts as follows:

1. Title

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

2. Interpretation

- 2.1 “Act” – means the Municipal Government Act, R.S.A. 2000, Ch. M-26 as amended from time to time.
- 2.2 “Council” – means the Mayor and Councillors of the Town of Elk Point 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 as such under the terms of the Act.
- 2.3 “Municipal Government Board” – means the Board established in the Act.
- 2.4 “Subdivision and Development Appeal Board” – means the Board established to hear subdivision and development appeals pursuant to the Inter-Municipal 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 “Regulations” – means the Regulations proclaimed pursuant to the Act.

3. Establishment of Subdivision Authority

3.1 The Subdivision Authority of the Town of Elk Point is hereby established.

- 3.2 The Subdivision Authority shall consist of up to two (2) persons appointed by resolution of Council.
- 3.3 If the appointed person shall die, retire or resign, another person may be appointed by resolution of Council.
- 3.4 Council may remove the person from the position of Subdivision Authority by resolution at any time.

#### 4. Fees and Expenses

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

#### 5. Responsibilities and Functions

- 5.1 The Subdivision Authority shall exercise those functions and powers within the Town of Elk Point as are described in the Act and Regulations.
- 5.2 The Subdivision Authority may delegate any of its responsibilities as provided for under the Act or Regulations, except for the responsibility to approve, approve subject to conditions, or refuse subdivision applications, to another person or company.
- 5.3 The Subdivision Authority shall ensure statutory notices and decisions are provided to such persons as the Act and the Regulations require.
- 5.4 The Subdivision Authority is not required to hold a hearing in considering an application for subdivision.
- 5.5 The Subdivision Authority shall have prepared and maintain a file for each application made to it, including a record of its decision, copies of which shall be available to the Chief Administrative Officer of the Town of Elk Point and the Council at their request at all times.
- 5.6 The Subdivision Authority may make rules as are necessary for the conduct of its business that are consistent with this bylaw, the Town of Elk Point Land Use Bylaw, and the Act.
- 5.7 The Subdivision Authority must not approve an application for subdivision approval unless:
  - 5.7.1 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.

- 5.7.2 The proposed subdivision conforms to the provisions of any statutory plan and, subject to section 6.8 of this bylaw, and the Land Use Bylaw that affects the land proposed to be subdivided.
  - 5.7.3 The proposed subdivision complies with the Act and the Regulations.
  - 5.7.4 All outstanding property taxes on the land proposed to be subdivided have been paid to the Town of Elk Point or arrangements satisfactory to the Town of Elk Point have been made for their payment pursuant to Part 10 of the Act.
  - 5.8 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 Elk Point if, in its opinion:
    - 5.8.1 The proposed subdivision would not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment, or value of neighboring parcels of land.
    - 5.8.2 The proposed subdivision conforms with the use prescribed for that land in the Land Use Bylaw of the Town of Elk Point.
  - 5.9 The Subdivision Authority may approve, approve subject to conditions, or refuse an application for subdivision approval.
  - 5.10 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.
  - 5.11 A decision of the Subdivision Authority must state whether an appeal lies to the Subdivision and Development Appeal Board or to the Municipal Government Board, and if an application for subdivision approval is refused, the reasons for the refusal.
  - 5.12 The power to extend the periods pursuant to the Act is delegated by the Council to the Subdivision Authority.
  - 5.13 The power to decide if any 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 the Act is delegated by Council to the Subdivision Authority.
6. Repeal
- 6.1 Bylaw 565/95 is hereby repealed.





Read a FIRST time this 25<sup>th</sup> day of February, 2019.

  
\_\_\_\_\_  
Mayor  
  
\_\_\_\_\_  
Chief Administrative Officer

Read a SECOND time this 25<sup>th</sup> day of February, 2019.

  
\_\_\_\_\_  
Mayor  
  
\_\_\_\_\_  
Chief Administrative Officer

Read a THIRD time and FINALLY passed by a majority of those present this 25<sup>th</sup> day of February, 2019.

  
\_\_\_\_\_  
Mayor  
  
\_\_\_\_\_  
Chief Administrative Officer