

**TOWN OF VAUXHALL
IN THE PROVINCE OF ALBERTA
BYLAW NO. 936-18**

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

BEING a bylaw of the Town of Vauxhall in the Province of Alberta, to establish a municipal Subdivision and Development Appeal Board;

AND WHEREAS the Municipal Government Act, Chapter M-26, 2000, as amended from time to time, under Section 627 requires the municipality to adopt a bylaw to establish a Subdivision and Development Appeal Board, and

WHEREAS, the Subdivision and Development Appeal Board is authorized to render decisions on appeals resulting from decisions of the Subdivision Authority or the Development Authority in accordance with the South Saskatchewan Regional Plan, the Municipal Government Act, the Subdivision and Development Regulations, the local land use bylaw and statutory plans,

AND WHEREAS, this bylaw may be cited as the Town of Vauxhall's Subdivision and Development Appeal Board Bylaw;

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

1. DEFINITIONS:

- (a) **Act** means the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended from time to time.
- (b) **Clerk** means a designated officer(s) appointed to serve as clerk under section 627.1 of the Act for the Subdivision and Development Appeal Board.
- (c) **Council** means the Council of the Town of Vauxhall.
- (d) **Member** means a person appointed by council to the Subdivision and Development Appeal Board.
- (e) **Minister** means the Minister of Municipal Affairs.
- (f) **Municipality** means the Town of Vauxhall in the Province of Alberta.
- (g) **Panel** means those members of the Subdivision and Development Appeal Board convened to hear an appeal.
- (h) **Subdivision and Development Appeal Board** means the board established to act as the municipal appeal body.

- (i) **Regulation** means the Subdivision and Development Appeal Board Regulation.
 - (j) **All other terms used in this bylaw shall have the meaning as is assigned to them in the Municipal Government Act, as amended from time to time.**
2. For the purpose of this bylaw, the Subdivision and Development Appeal Board shall be comprised of not more than five (5) appointed Members, three (3) of whom are adult residents of the Town and two (2) of whom are council representatives of the Town.
 3. Members of the Subdivision and Development Appeal Board shall convene as a Panel when hearing an appeal.
 4. A Panel convened to hear an appeal shall not have more than one (1) council representative Member present.
 5. Three (3) Members of the Subdivision and Development Appeal Board shall constitute a quorum of the Panel to hear an appeal.
 6. Appointment of Members to the Subdivision and Development Appeal Board shall be made by resolution of Council for a term of four (4) years and reported to the Minister in accordance with the Regulation.
 7. Council may remove any Member of the Subdivision and Development Appeal Board if:
 - a. in the opinion of Council, the Member is not performing his/her duties satisfactorily in accordance with the Act, this bylaw, or in consideration of the principles of judicial fairness and natural justice; or
 - b. the Member is absent for more than three (3) consecutive appeal hearings without reason;
 - c. the Member has not fulfilled or maintained his/her training and certification in accordance with the Regulation; or
 - d. in the opinion of Council, the Member is unable to fulfill their duties.
 8. Where a person ceases to be a member of the Subdivision and Development Appeal Board before the expiration of his/her term the Council may, by resolution, appoint another person for the unexpired portion of that term.
 9. Each Member of the Subdivision and Development Appeal Board shall be entitled to such remuneration, travelling, and living expenses as may be fixed from time to time by Council; and the remuneration, travelling, and living expenses shall be paid by the Town.
 10. The Subdivision and Development Appeal Board shall hold hearings as required pursuant to the Act on a date to be determined by the Subdivision and Development Appeal Board.
 11. The Members of the Panel convened to hear an appeal shall elect one of themselves as chair prior to commencing the appeal hearing.

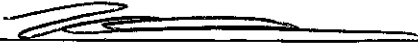
- 12.** The decision of the majority of the Members of the Panel hearing an appeal shall be deemed to be the decision of the Subdivision and Development Appeal Board.
- 13.** The Subdivision and Development Appeal Board may make its orders, decision, development permits, and subdivision approvals; and may issue notices with or without conditions.
- 14.** The Subdivision and Development Appeal Board may make rules to govern its hearings.
- 15.** Members of the Subdivision and Development Appeal Board shall not be members of the Subdivision Authority or Development Authority.
- 16.** Council shall by resolution appoint a Clerk(s) who may be an employee of the municipality or an organization authorized by Council to provide the service and duties of a Clerk. The Clerk shall attend all meetings of the Subdivision and Development Appeal Board, but shall not vote on any matter before the Subdivision and Development Appeal Board. A Clerk must complete the required training in accordance with the Regulation and the municipality shall report to the Minister a list of all Clerks and the status of their training.
- 17.** The Clerk shall receive, on behalf of the Subdivision and Development Appeal Board, appeals that have been served upon the Board, organize a Panel to hear the appeal, and perform all administrative functions and tasks on behalf of the Subdivision and Development Appeal Board in respect of appeals that have been served upon the Board.
- 18.** The Clerk shall keep the following records of appeals with respect to:
 - (a) the minutes of all hearings in accordance with the Act;
 - (b) all applications;
 - (b) records of all notices of hearings and of persons to whom they were sent;
 - (c) copies of all written representations to the Subdivision and Development Appeal Board;
 - (d) notes as to each representation;
 - (e) the names of those making representations at the hearing;
 - (f) the decision of the Subdivision and Development Appeal Board;
 - (g) the reasons for the decision of the Subdivision and Development Appeal Board;
 - (h) records of all notices of decision and of persons to whom they were sent;
 - (j) all notices, decisions and orders made on appeal from the decision of the Subdivision and Development Appeal Board;
 - (k) such other matters as the Subdivision and Development Appeal Board may direct.
- 19.** Bylaw No. 743 and amendments thereto are hereby repealed.

20. This bylaw comes into effect upon third and final reading thereof.

READ A FIRST TIME IN COUNCIL THIS 6TH DAY OF NOVEMBER, 2018.

READ A SECOND TIME IN COUNCIL THIS 20TH DAY OF NOVEMBER, 2018.

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS 20TH DAY OF NOVEMBER, 2018.



MAYOR



CHIEF ADMINISTRATIVE OFFICER