

Repeals Bylaw #11

**SUMMER VILLAGE OF WHITE SANDS
SUBDIVISION AND DEVELOPMENT APPEAL BOARD BYLAW NO. 55**

A Bylaw of the Summer Village of White Sands, in the Province of Alberta, pursuant to the provisions of the Municipal Government Act, being Chapter M-26.1 of the Revised Statutes of Alberta 1994 and amendments thereto, to provide for the establishment of a Subdivision and Development Appeal Board in the Summer Village of White Sands.

WHEREAS the Municipal Council wishes to establish a Subdivision and Development Appeal Board as required under the Municipal Government Act, Chapter M-26.1 of the Revised Statutes of Alberta 1994 and amendments thereto:

NOW THEREFORE the Municipal Council of the Summer Village of White Sands, duly assembled, enacts as follows:

Title

1. This Bylaw may be cited as the "Subdivision and Development Appeal Board Bylaw".

Definitions

2. The following words and terms are defined as follows:
 - a. "Act" means the Municipal Government Act, S.A. 1994, c. M-26.1, as amended;
 - b. "Board" means the Subdivision and Development Appeal Board of the Summer Village of White Sands established pursuant to this Bylaw;
 - c. "Council" means the Council of the Summer Village of White Sands;
 - d. "Development Authority" means the person or persons appointed pursuant to Development Authority Bylaw No. 54;
 - e. "Land Use Bylaw" means Land Use Bylaw No. 10;
 - f. "Member" means a member of the Subdivision and Development Appeal Board, including Alternate Members, appointed pursuant to this Bylaw;
 - g. "Subdivision Authority" means the Subdivision Authority as established pursuant to Subdivision Authority Bylaw No. 53;
 - h. "Summer Village" means the Summer Village of White Sands.

Establishment

3. The Subdivision and Development Appeal Board is hereby established.

Membership and Term

4. The Board shall consist of at least three persons, the majority of which shall be citizens-at-large, and for each person Council appoints as a Member of the Board Council may also appoint an Alternate Member.
 - a. A councillor may be appointed only as an Alternate Member to a councillor who has been appointed as a Member of the Board.
 - b. A citizen-at-large may be appointed as an Alternate Member to either a councillor or citizen-at-large.
5. A Member of the Board shall not include:
 - a. a person who carries out development or subdivision powers on behalf of the Summer Village;
 - b. an employee of the Summer Village.
6. Each Member of the Board shall be appointed for a term specified by Resolution of Council, but in no case shall the appointment be more than one year.
7. Notwithstanding Section 6, a person may be reappointed to the Board upon the expiration of that person's term.
8. In the event of a vacancy, Council may appoint by Resolution of Council a new member to serve for the remainder of the vacating Member's term.
9. Except for an Alternate Member, if a Member misses three (3) consecutive meetings without the authorization of the Board, the person is disqualified and the position becomes vacant; otherwise, a Member of the Board shall not be discharged without cause.
10. The Chairman and Vice-Chairman of the Board shall be appointed annually by Resolution of Council.

Procedure Matters

11. A quorum for the Board shall consist of a majority of the Members, but councillors may not form the majority of the quorum.
12. In the event of absence or inability of the Chairman to preside at a Board meeting, the Vice-Chairman shall preside.

13. Council shall appoint by Resolution of Council a person or persons to serve as Secretary to the Board, who shall:
 - a. not have a vote;
 - b. give at least five (5) days written notice of a hearing of an appeal to:
 - (i) in the case of an appeal against an order, decision or a failure to make a decision by a development authority, the appellant, the development authority whose decision, order or permit is the subject of the appeal, those owners required under the Land Use Bylaw and any other person the Board considers to be affected;
 - (ii) in the case of an appeal against a decision or a failure to make a decision by the subdivision authority, the applicant for subdivision approval, the subdivision authority, if the land that is the subject of the application is adjacent to the boundaries of another municipality, the municipality, any school authority to whom the application was referred, an adjacent owner who was given notice of the application, and every Government department that was given a copy of the application pursuant to the Subdivision and Development Regulations;
 - c. notify all Members of the Board of the meetings of the Board, including hearings;
 - d. prepare and maintain a file of written minutes of the business transacted at all meetings, including hearings, of the Board;
 - e. for each hearing, record and issue a decision of the Board and its findings, with reasons, to all affected parties;
 - f. be authorized to sign on behalf of the Board any order, decision, approval, notice, or any other thing made, given or issued by the Board;
14. Only those Members present at a whole hearing of an appeal shall be able to vote on the appeal, wherein those voting form a quorum..
15. A decision of the Members forming a quorum at a duly convened meeting of the Board shall be deemed to be the decision of the whole Board.
16. In the event of a tie vote, the appeal shall be deemed to be denied.
17. For any procedures not covered in Part 17 of the Act or by bylaw of the Summer Village, the Board may establish other procedures for the conduct of hearings.

Functions and Duties

18. Within thirty (30) days of receiving written notice of an appeal that is in accordance with the provisions of the Act, the Board shall hold a public hearing to hear an appeal of:
 - a. a decision of the Subdivision Authority or Development Authority;
 - b. the Subdivision Authority or Development Authority's refusal or failure to make a decision within the time allowed for a decision established in the Act;
 - c. a stop work order issued by a Development Authority.

19. The hearings of the Board shall be in public, but the Board may at any time recess and deliberate in private.
20. A request for adjournment of a hearing may be granted at the discretion of the Board, but any adjournment must be to a specific time and date.
21. The Board may adjourn to a specific time and date upon its own volition to request technical information, legal opinions or other information desired by the Board.
22. Upon conclusion of a hearing the Board shall deliberate and reach its decision in private and in doing so shall determine an appeal in accordance with the provisions of Part 17 of the Act.
23. The Chairman or acting chairman:
 - a. shall be responsible for the conduct of a meeting;
 - b. may limit a submission if it is determined to be repetitious or inappropriate in any manner.
24. If a Member has direct pecuniary interest in a matter before the Board, or if a Member is aware of any reason which may lead to a possible bias when hearing the matter, the Member shall declare an interest or likelihood of bias to the Board and shall abstain from discussion and voting on the matter, and such abstention shall be recorded in the minutes.
25. The Board shall issue its decision in writing, together with reasons for the decision, within fifteen (15) days of the conclusion of a hearing.
26. A decision of the board is not final until notification of the decision is given in writing.
27. Notwithstanding Section 13.f, an order, decision or approval made, given or issued by the Board may be signed by the Chairman or Vice-Chairman of the Board.
28. If the Subdivision Authority fails or refuses to endorse a plan of subdivision or other instrument as approved by the Board on appeal, the Chairman or Vice-Chairman of the Board is authorized to endorse the subdivision instrument.

Transition

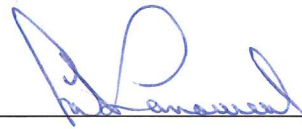
29. Upon the coming into force of the Bylaw, the Members of the Development Appeal Board appointed pursuant to the Development Appeal Board Bylaw No. 11, who meet the conditions of membership set out in Section 5 of this Bylaw, are continued as Members of the Subdivision and Development Appeal Board until new members are appointed by Council in accordance with the provisions of this Bylaw.

30. Development Appeal Board Bylaw No. 11 is hereby repealed.

READ a first time this 29th Day of October 1995

READ a second time this 29th Day of October 1995

READ a third and final time this 18th Day of November 1995



MAYOR



SECRETARY-TREASURER

