

BYLAW 1737-95

BEING A BYLAW TO ESTABLISH A SUBDIVISION AND DEVELOPMENT APPEAL BOARD IN THE TOWN OF STETTLER.

WHEREAS the Municipal Government Act M-26.1 1994 as amended regulates under Section 627 that each municipality must by bylaw establish a Subdivision and Development Appeal Board to hear all appeals pursuant to Development Permit Applications and Subdivision Applications.

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

This Bylaw may be cited as the Subdivision and Development Appeal Board Bylaw for the Town of Stettler.

1. DEFINITIONS

In this Subdivision and Development Appeal Board Bylaw

“Council” means the Council of the Town of Stettler;

“Development Officer” means a person appointed as a Development Officer pursuant to the Town of Stettler Land Use Bylaw;

“Land Use Bylaw” means the current Land Use Bylaw for the Town of Stettler and its latest amendments thereto;

“Act” means the Municipal Government Act Chapter M-26.1, 1994 and its latest amendments thereto;

“Municipal Planning Commission” (M.P.C.) means the Town of Stettler Municipal Planning Commission as established under Town of Stettler Bylaw 1587.

2. ESTABLISHMENT AND ADMINISTRATION

- (a) The Appeal Board shall consist of Five (5) members of the public who are electors living within the corporate limits of the Town of Stettler.
- (b) Pursuant to Section 627(4) of the Act, No person who carries out subdivision or development powers, duties or functions on behalf of the municipality or who is a member of the Municipal Planning Commission or who is an employee of the municipality shall be appointed as a member of the Subdivision and Development Appeal Board.
- (c) Three (3) members of the Appeal Board shall constitute a quorum for the making of all decisions and for doing an action required or permitted to be done by the Appeal Board pursuant to the Act.
- (d) A vacancy on the Appeal Board may be filled by resolution of Council at any time, but a vacancy shall not prevent the Board from deciding on an appeal provided that no less than three members remain on the Appeal Board.
- (e) The Appeal Board shall elect a chairperson from their membership, and the chairperson shall retain his/her position as chairperson indefinitely. If the chairperson is absent from an Appeal Hearing those present may appoint an acting chairperson prior to hearing an appeal.
- (f) Council by resolution, shall appoint a Secretary to the Appeal Board who shall not have a vote.
- (g) Only those members of the Appeal Board present at a hearing of the Appeal Board shall vote on any matter before it.
- (h) The decision of the majority of the members present at an Appeal Hearing duly convened shall be deemed to be the decision of the Appeal Board as a whole.

- (l) The requirement of, and the setting of, the amount of fees for any matter coming before the Appeal Board shall be established by resolution of Council.
- (j) All appointees to the Appeal Board shall be required to disclose any conflict of interest in the same manner as required of an elected official under the provisions of the Act and if a conflict is declared the member(s) shall not sit or vote on that appeal before the Appeal Board.

3. APPEAL PROCESS AND PROCEDURES AND DECISION

SUBDIVISION APPEALS

The procedure for hearing Subdivision appeals shall be pursuant to Sections 678, 679, 680, 681, 682 of the Act as amended.

Attached and forming part of this Bylaw are those sections of the Act including their latest amendments.

DEVELOPMENT APPEALS

The procedure for hearing Development Appeals shall be pursuant to Sections 683, 684, 685, 686, 687 of the Act as amended.

Attached and forming part of this Bylaw are those sections of the Act including their amendments.

Upon a question of law or upon a question of jurisdiction further appeal may lie with the Court of Appeal under Section 688 of the Act.

For the purpose of administering the provisions of this Bylaw, the Council shall, by resolution, authorize the preparation and the use of such forms and notices as it may deem necessary.

Any forms or notices authorized by Council are deemed to have the full force and effect of this Bylaw in the execution of the purpose for which they were designed, authorized and issued.

Bylaw 1588 is hereby repealed.

READ a first time this 6th day of November, A.D. 1995

READ a second time this 6th day of November, A.D. 1995

READ a third time and finally passed this 6th day of November, A.D. 1995

MAYOR

SECRETARY-TREASURER