



## BYLAW NO. 10-2020

# TOWN OF VEGREVILLE

**THIS BYLAW NO. 10-2020 OF THE TOWN OF VEGREVILLE, IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF ESTABLISHING A SUBDIVISION AUTHORITY BYLAW FOR THE TOWN OF VEGREVILLE**

**WHEREAS** the *Municipal Government Act*, R.S.A. 2000, c-M-26, provides that a Council, must by bylaw, establish a Subdivision Authority;

**AND WHEREAS** the Council of Vegreville wishes to adopt the Subdivision Authority Bylaw on the terms and conditions hereinafter set forth;

**NOW THEREFORE** the Council of the Town of Vegreville enacts as follows:

### 1. SHORT TITLE

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, c-M-26 and amendments thereto.

2.2 **Council** means the elected governing body of the Town of Vegreville.

2.3 **Councillor** means an elected official for any municipality, either urban, rural or specialty, in the Province of Alberta.

2.4 **Regulations** means the Regulations proclaimed pursuant to the Act.

2.5 **Subdivision Authority** means the Subdivision Authority of the Town of Vegreville established pursuant to this Bylaw.

2.6 **Subdivision and Development Appeal Board** means the Board established by Bylaw to hear development and subdivision appeals.

2.7 **Subdivision Authority Officer** means the person occupying the positions established under Section 7 herein.

### 3. ESTABLISHMENT

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

3.2 The Subdivision Authority shall consist of three (3) members appointed by resolution of the Council.

3.3 Any vacancies caused by death, retirement or resignation of a member may be filled by resolution of the Council.

3.4 Council may remove a member from the Subdivision Authority by resolution at any time.

### 4. TERM OF OFFICE

4.1 Subject to Sections 3.3 and 3.4, each member of the Subdivision Authority shall be appointed annually at the Organizational Meeting of Town Council.

**5. CHAIRMAN**

- 5.1 At the first meeting of the Subdivision Authority following the appointment of members each year, a Chairman shall be elected by vote of the majority of the members.
- 5.2 A member may be re-elected to the position of Chairman.
- 5.3 A Chairman shall preside at the meetings of the Subdivision Authority.

**6. VICE-CHAIRMAN**

- 6.1 A Vice-Chairman shall be elected at the same time and under the same rules as the Chairman.
- 6.2 A member may be re-elected to the position of vice-chairman.
- 6.3 The Vice-chairman shall preside at the meetings of the Subdivision Authority.
- 6.4 In the absence of the Chairman and the Vice-chairman, one of the other members of the Subdivision Authority shall be elected to preside.

**7. SUBDIVISION AUTHORITY OFFICER**

- 7.1 The position of designated officer for the limited purpose of carrying out the function of the Officer to the Subdivision Authority is hereby established (the Subdivision Authority Officer).
- 7.2 The Subdivision Authority Officer shall be appointed by resolution of the Council and shall not be a member of the Subdivision Authority.
- 7.3 The Subdivision Authority Officer shall have responsibilities and functions including the following:
  - (a) Undertakes all those responsibilities and functions delegated to the Subdivision Authority Officer by the Subdivision Authority.
  - (b) Ensures applications to the Subdivision Authority and statutory notices and decisions of the Subdivision Authority are provided to use persons as the Act and the Regulations require.
  - (c) Sign orders, decision approval, notices and other items given or done by the Subdivision Authority and other required duties on its behalf.

**8. QUORUM AND MEETINGS**

- 8.1 A quorum of the Subdivision Authority Bylaw shall be two (2) members of the Subdivision Authority.
- 8.2 The Subdivision Authority shall meet at such intervals as are necessary to consider and decide matters filed with it in accordance with the Act.
- 8.3 The Subdivision authority shall have prepared and maintain a file of written minutes of the business transacted at all meetings of the Subdivision Authority, copies of which shall be regularly filed with the Council.
- 8.4 The Subdivision Authority may make rules as are necessary for the conduct of its meetings, its hearings and its business that are consistent with this bylaw, the Town of Vegreville Land Use Bylaw, and the Act.

**9. FEES AND EXPENSES**

- 9.1 The remuneration, travelling, living and other expenses of the members of the Subdivision Authority shall be established by resolution of Council from time to time.

- 9.2 The fees for applications to the Subdivision Authority for all manner of activities and approvals within the purview of the Subdivision Authority are set by Council in the Fees and Charges Bylaw

## 10. RESPONSIBILITIES AND FUNCTIONS

- 10.1 The subdivision Authority shall exercise those functions and powers within the Town of Vegreville as are described in the Act and the Regulations.
- 10.2 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 Officer.
- 10.3 The Subdivision Authority is not required to hold a hearing in considering an application for subdivision.
- 10.4 The Subdivision Authority must not approve an application for subdivision approval unless:
- (a) 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.
  - (b) The proposed subdivision conforms to the provisions of any statutory plan, and Land Use Bylaw that affects the land proposed to be subdivided.
  - (c) The proposed subdivision complies with the Act and the Regulations.
  - (d) 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 where the land is located or arrangements satisfactory to the municipality have been made for their payment pursuant to the Act.
  - (e) 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 Vegreville, if in its opinion:
    - (i) The proposed subdivision would not:
      - (A) Unduly interfere with the amenities of the neighbourhood, or
      - (B) Materially interfere with or affect the use, enjoyment, or value of neighbouring parcels of land.
  - (f) The subdivision Authority may approve or refuse an application for subdivision approval.
- 10.5 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.
- (a) A decision of the Subdivision Authority must state:
    - (i) Whether an appeal lies to the Subdivision and Development Appeal board or to the Municipal Government Board, and
    - (ii) If an application for subdivision approval is refused, the reasons for refusal.

- (b) The power to extend the approval periods pursuant to the Act is delegated by the Council to the Subdivision Authority. The Subdivision Authority may further delegate this power to a Subdivision Authority Officer.
- (c) 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 the Act is delegated by the Council to the Subdivision Authority.

**11. REPEAL**

11.1 Bylaw 10-95 is hereby repealed.

**12. EFFECTIVE DATE**

12.1 This Bylaw shall come into effect upon third and final reading

READ for a first time this 14<sup>th</sup> Day of December , 2020 A.D.

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**UNANIMOUS CONSENT RECEIVED FOR THIRD AND FINAL READING**

READ for a third time this 14<sup>th</sup> Day of December , 2020 A.D.

  
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 TIM MACPHEE, Mayor

  
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 CLIFF CRAIG CLGM, Town Manager