



BYLAW NO. 01 – 2019

TOWN OF VEGREVILLE

THIS BYLAW NO. 01-2019 OF THE TOWN OF VEGREVILLE, IN THE PROVINCE OF ALBERTA FOR ESTABLISHING THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD FOR THE TOWN OF VEGREVILLE.

WHEREAS Section 627 of the *Municipal Government Act*, RSA 2000, c.M-26 and amendments thereto requires that a Municipal Council establish a Subdivision and Development Appeal Board Bylaw;

AND WHEREAS pursuant to section 628 of the *Municipal Government Act*, a bylaw under section 627 must provide for the applicable matters described in section 145(b) and, prescribe the functions of the Subdivision and Development Appeal Board;

AND WHEREAS pursuant to section 145 of the *Municipal Government Act*, Council may pass bylaws in relation to the procedures to be followed by Council, Council Committee and other bodies established by the Council;

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

1. TITLE

- 1.1 This Bylaw may be cited as the **Subdivision and Development Appeal Board Bylaw**.

2. DEFINITIONS

- 2.1 **Act** means the *Municipal Government Act*
- 2.2 **Board** means the Subdivision and Development Appeal Board established to hear development and subdivision appeals, pursuant to this Bylaw
- 2.3 **Clerk** means the designated officer appointed as clerk of the Board in accordance with the Act
- 2.4 **Council** means the duly Elected Council of the Town of Vegreville
- 2.5 **Elected Official** means member of Council, duly elected and continuing to hold office
- 2.6 **Land Use Bylaw** means a bylaw adopted as a Land Use Bylaw pursuant to the Act
- 2.7 **Public-at-large** means members of the public appointed by Council to represent the Town of Vegreville
- 2.8 **Subdivision Authority** means the persons established in the Subdivision Authority Bylaw to perform the functions of a subdivision authority under the Act
- 2.9 **Town** mean the municipal corporation of the Town of Vegreville

3. PURPOSE

- 3.1 The Subdivision and Development Appeal Board is hereby established.

4. MANDATE

- 4.1 The Board shall hear appeals from decisions of the Development Subdivision and the Subdivision Authority pursuant to the requirements of the Act.
- 4.2 The Board shall conduct itself in accordance with the Act, Town Bylaws, Policies and Procedures.
- 4.3 The Board will perform the functions and duties of a Subdivision and Development Appeal Board in accordance with the Act.

5. MEMBERSHIP

- 5.1 The Board shall consist of six (6) members and one (1) alternate.
- 5.2 Members:
 - (a) One (1) Elected Official.
 - (b) Five (5) members shall be appointed from the public-at-large.
- 5.3 Alternates:
 - (a) One (1) Elected Official.
- 5.4 Refer to section 627 of the Act for eligibility.
- 5.5 Every member in attendance at an appeal hearing shall participate in the deliberations and vote on every matter presented before the Board:
 - (a) Unless excused from voting by reason of pecuniary interest;
 - (b) Unless excused as the member is proved or perceived to not act in an impartial manner.
- 5.6 All Members will meet the training requirements as set out in section 2(2) of the *Subdivision and Development Appeal Board Regulations*.
- 5.7 The Board will appoint annually, the Chairperson and Vice-chairperson after the Organizational meeting of Council.

6. RESPONSIBILITIES OF THE CLERK

- 6.1 The position of Clerk of the Board is hereby created as a designated officer appointed for the Town.
- 6.2 The Clerk of the Board shall be the Municipal Development Clerk or designate.
- 6.3 The power and duties of the Clerk shall be:
 - (a) To carry out the obligation imposed upon the Clerk pursuant to the Act, regulations, Bylaws.
- 6.4 The Clerk will meet the training requirements as set out in section 2(1) of the *Subdivision and Development Appeal Board Regulations*.

7. QUORUM

- 7.1 Quorum is met by attendance of three (3) members to vote on the matter. If during the hearing, a member of the Board declares themselves ineligible to vote and Quorum can no longer be met then the hearing must be closed without a decision rendered and a new meeting set.

8. REMUNERATION

8.1 The remuneration for the Board is set out in the Council Remuneration Policy No. FIN-6003.

9. RIGHT OF APPEAL

9.1 Pursuant to the sections 678 & 685 of the Act, applicable regulations, or the Land Use Bylaw, a person may appeal to the Board.

10. DECISIONS

10.1 The Board will make their decisions pursuant to sections 680 and 687 of the Act.

10.2 In accordance with section 197 (2.1) of the Act, the Board may deliberate and make its decisions in closed session.

11. APPEALS TO THE COURT OF LAW

11.1 A decision made by the Board is final and binding on all parties and persons subject only to a judicial review upon a question of jurisdiction or law pursuant to section 688 of the Act.

12. REPEAL

12.2 The following Bylaws are hereby repealed upon this Bylaw coming into effect:

- (a) Bylaw 11-95 Subdivision and Development Appeal Board Bylaw
- (b) Bylaw 07-2013 amending bylaw
- (c) Bylaw 07-2018 amending bylaw

13. EFFECTIVE DATE


13.3 This Bylaw shall come into effect on the third and final reading of this Bylaw.

READ for a first time this 14th Day of January , 2019 A.D.

READ for a second time this 14th Day of January , 2019 A.D.

UNANIMOUS CONSENT RECEIVED FOR THIRD AND FINAL READING

READ for a third time this 14th Day of January , 2019 A.D.



 TIM MACPHEE, Mayor



 CLIFF CRAIG CLGM, Town Manager