
A BYLAW OF THE TOWN OF BLACKFALDS IN THE PROVINCE OF ALBERTA TO ESTABLISH A SUBDIVISION AND DEVELOPMENT APPEAL BOARD

WHEREAS the Municipal Government Act R.S.A. 2000, Chapter M 26 and amendments thereto Council may by bylaw establish a Subdivision and Development Appeal Board;

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

1 **TITLE**

This By-law may be cited as the "Subdivision and Development Appeal Board Bylaw".

2 **DEFINITIONS**

- 2.1 **"Act"** means the Municipal Government Act, RSA 2000, Chapter M-26, as amended.
- 2.2 **"Adjacent Landowner"** means a person who is the owner of land immediately adjacent to the development. For further clarification, this means land that would touch the development if all roads and laneways were removed.
- 2.3 **"Appellant"** means a person who pursuant to the Act, has served Notice of Appeal to the Subdivision and Development Appeal Board.
- 2.4 **"Applicant"** means a person who applies for the subdivision approval or development permit.
- 2.5 **"Board"** means the Subdivision and Development Appeal board of the Town of Blackfalds established pursuant to this By-law.
- 2.6 **"Council"** means the Municipal Council of the Town of Blackfalds.
- 2.7 **"Development Authority"** means the person or persons appointed by resolution of Council as Development Officer pursuant to the Land Use By-law.
- 2.8 **"Land Use By-law"** means the Town of Blackfalds Land Use By-law.
- 2.9 **"Member"** means a member of the Subdivision and Development Appeal Board appointed pursuant to this By-law.
- 2.10 **"Subdivision Authority"** means the Subdivision Authority as established pursuant to the Subdivision Authority By-law of the Town of Blackfalds.
- 2.11 **"Subdivision and Development Appeal Board Secretary"** means the person appointed to the position in accordance with this By-law.
- 2.12 **"Town"** means the Town of Blackfalds.

3 **ESTABLISHMENT**

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

4 **MEMBERSHIP**

- 4.1 The Board shall consist of at least five citizens at large.
- 4.2 A member of the Board shall not include:

- a. a member of the Municipal Planning Commission;
- b. a person who carries out development or subdivision powers on behalf of the Town;
- c. an employee of the Town

5 TERM OF OFFICE

- 5.1 Each member of the Board shall be appointed at the organizational meeting of Council for a term of one year.
- 5.2 A person may be reappointed to the Board upon expiration of that person's term.

6 VACANCIES & DISQUALIFICATION

- 6.1 In the event of a vacancy, Council may appoint by resolution a new Member to serve for the remainder of the vacating Member's term.
- 6.2 If a Member misses three (3) consecutive meetings without the authorization of the Board, the person is disqualified and the position becomes vacant.

7 QUORUM & MEETINGS

- 7.1 A quorum of the Board shall consist of the majority of Members.
- 7.2 The Board shall meet at such intervals as are necessary to consider and decide appeals filed with it in accordance with the Act.

8 APPOINTMENT OF CHAIR & VICE CHAIR

- 8.1 The Board shall appoint a Chair and Vice Chair at its first meeting.
- 8.2 Members may be re-appointed to the positions of Chair and Vice Chair.

9 APPOINTMENT OF SECRETARY

- 9.1 Council shall appoint by resolution a person to serve as a Secretary to the Board.

10 SIGNING AUTHORITY

- 10.1 An Order, Notice or any other document made, given or issued by the Board shall be signed on its behalf either the Chair or the Secretary.
- 10.2 The minutes and Decisions from Appeal Hearings shall be signed by both the Chair and the Secretary.
- 10.3 In the absence of the Chair, a document of the Board may be signed by the Vice Chair.

11 DUTIES

- 11.1 Board
 - i. Shall hear and make decision of all appeals pursuant to the Act.
- 11.2 Chair
 - i. Shall preside at the meetings of the Board.
 - ii. Shall ensure that the following hearing procedures are followed:
 - a. At the start of each Appeal, introduce all members of the board and ask for objections regarding the composition of the Board.
 - b. Confirm that the appeal is in compliance with regulation timelines as per the MGA.
 - c. Confirm that all legal requirements of the MGA regarding public notification have been met.
 - d. Explain the purpose of the hearing.
 - e. Outline the order of presentations to be made at the hearing.

- f. Ask any person speaking to state their name and address for the minutes.
 - g. Ask that any person making reference to any document provide a copy to the Secretary.
 - h. Keep control of the hearing and encourage persons who speak to keep their presentation to the point and refrain from restating points raised by previous speakers.
 - i. Call on technical and administrative staff to provide comments for the Board.
 - j. Prior to closing the hearing inquire if the board has any further questions of any of the presenters.
 - k. Ask other speakers if they have any further comments.
 - l. Ask if everyone involved believes that they have had a fair hearing.
 - m. Close the hearing and advise those present that the Board will issue its decision in writing, together with reasons for the decision, within fifteen (15) days of the conclusion of the hearing.
- iii. May make such other rulings, requests or announcements as is considered necessary to ensure that the hearing proceeds smoothly and that all interested parties have a reasonable opportunity to be heard.

11.3 Vice Chair

- i. Shall preside at the meeting of the Board in place of the Chair if for any reason the Chair does not preside at the meeting.
- ii. Shall assume the role of Chair in absence of the Chair.

11.4 Secretary

- i. Prepare agendas.
- ii. Send out statutory notices and decisions of the Board and that are provided to such persons as the Act requires.
- iii. Keeps minutes of the Board proceedings which may include summary of the evidence presented at hearings.
- iv. Handle correspondence and information documents on behalf of the Board.

12 **PROCEDURE**

- 12.1 If any member of the board has any interest, whether direct or indirect, in any matter before the board, the member shall declare such interest to the Board before discussion of the matter, and shall not participate in the hearing, or discuss or vote on the matter. The absence shall be recorded in the minutes.
- 12.2 If a member of the Board is absent from any portion of a Hearing, the member shall not participate in the Board's deliberations or decision on that appeal.
- 12.3 The Hearings of the Board shall be in public, but the Board may at any time recess and deliberate in private.
- 12.4 A request for an adjournment of the Hearing may be granted by the Board, but the adjournment must be to a specific date and time.
- 12.5 Upon conclusion of a Hearing the Board shall deliberate and reach its decision in private.
- 12.6 A decision of the Board is not final until it is issued in writing.

13 **APPEAL FEES**

- 13.1 All applicants of appellants shall pay a fee as outlined in the Town of Blackfalds Bylaw 1053/07.

14 **REPEAL OF BY-LAWS**

- 14.1 Upon the coming into force of this By-law, the Members of the Subdivision & Development Appeal Board appointed pursuant to the

