

VILLAGE OF BOYLE

BYLAW 06-23

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A BYLAW OF THE VILLAGE OF BOYLE, IN THE PROVINCE OF ALBERTA, TO ESTABLISH A SUBDIVISION AND DEVELOPMENT APPEAL BOARD

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**WHEREAS** Section 627 of the Municipal Government Act, R.S.A. 2000, c. M-26, requires that a Council must, by bylaw, establish a subdivision and development appeal board, or authorize the municipality to enter into an agreement with one or more municipalities to establish an-intermunicipal subdivision and development appeal board.

**NOW THEREFORE** the Council of the Village of Boyle, duly assembled, hereby enacts as follows:

**SHORT TITLE**

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

**DEFINITIONS AND INTERPRETATION**

2. (1) In this Bylaw:
  - (a) "Act" means the Municipal Government Act, R.S.A. 2000, c. M-26;
  - (b) "Appellant" means a person who, pursuant to the Act, has served a notice of appeal on the Intermunicipal Subdivision and Development Appeal Board;
  - (c) "Council" means the Mayor and Councillors of Athabasca County, the Town of Athabasca or the Village of Boyle for the time being elected pursuant to the provisions of the Act, whose term is unexpired, who have not resigned and who continue to be eligible to hold office as such under the terms of the Act.
  - (d) "CAO" means the person appointed by Athabasca County, the Town of Athabasca or the Village of Boyle Council as its Chief Administrative Officer or that person's designate;
  - (e) "Development Application" means an application made to the Development Authority in accordance with the Land Use Bylaw of the municipality for the purpose of obtaining a development permit;
  - (f) "Development Authority" means a development authority established by the municipality;
  - (g) "Development Permit" means a document authorizing a development issued in accordance with the Land Use Bylaw of the municipality;
  - (h) "Land Use Bylaw" means the Bylaw adopted as the Land Use Bylaw pursuant to the Act;
  - (i) "Partner Municipality" means all those municipalities that jointly establish the Intermunicipal Subdivision and Development Appeal Board by adopting a Bylaw substantially in the form of this Bylaw.
  - (j) "Subdivision Authority" means the persons appointed by the municipality to perform the functions of a subdivision authority under the Act;
  - (k) "Subdivision and Development Appeal Board" means the board established to hear development and subdivision appeals pursuant to Section 4 of this Bylaw;
  - (l) "Subdivision and Development Appeal Board Clerk" means the person appointed to the position under Section 20 of this Bylaw.

**Partner Municipalities**

3. Athabasca County, the Town of Athabasca, and the Village of Boyle hereby jointly establish the Intermunicipal Subdivision and Development Appeal Board to exercise the functions of a Subdivision and Development Appeal Board and to have jurisdiction in their municipalities and those of the Partner Municipalities.



## Establishment and Membership

4. The Intermunicipal Subdivision and Development Appeal Board shall consist of five (5) members appointed by resolution of the Councils. Five (5) members shall be appointed from the public at large.
5. The Intermunicipal Subdivision and Development Appeal Board shall have a pool of eight (8) members at large that the Clerk can call upon to ensure there are enough members to hear an appeal.
6. The following persons may not be appointed as members of a Subdivision and Development Appeal Board, in accordance with the Act:
  - a) An employee of the municipality;
  - b) A person who carries out subdivision or development powers, duties and functions on behalf of the municipality;
  - c) A member of a Municipal Planning Commission.
7. Any vacancies caused by the death, retirement or resignation of a member may be filled by a resolution of the Councils.
8. The Councils may remove a member for the Subdivision and Development Appeal Board by resolution at any time.
9. Under extraordinary circumstances, such as when a large number of members of the Subdivision and Development Appeal Board are unavailable to attend a hearing, for any reason, including a potential conflict of interest, Council may enter into a contract with a firm that is qualified to undertake a Subdivision and Development Appeal Board hearing.
10. All members of the Subdivision and Development Appeal Board, including the Clerk, must complete the required training as approved by the Minister of Municipal Affairs. The training also requires a refresher be taken every three (3) years to stay current with the roles and responsibilities of the position.
11. The CAO is responsible to submit an annual report containing information on the number of Subdivision and Development Appeal Board clerks and members that have been appointed, and those who have completed and enrolled in the required Subdivision and Development Appeal Board training.

## Term of Office

12. Each member of the Subdivision and Development Appeal Board who have been appointed as a member at large shall be appointed for a three (3) year term and may be reappointed upon the expiry of their term by a resolution of the Councils.

## Chairperson

13. At the beginning of each hearing of the Subdivision and Development Appeal Board, a Chairperson shall be elected by vote of the majority of the members.
14. The nominations and voting in of the Chairperson shall be recorded in the minutes of the Subdivision and Development Appeal Board hearing.
15. The Chairperson shall preside at the hearings of the Subdivision and Development Appeal Board, in accordance with the regulations set out in this bylaw and the Act.
16. The Chairperson who presided over the hearing shall be responsible for signing the minutes of that hearing.

## Clerk

17. The position of designated officer for the limited purpose of carrying out the duties of the Clerk to the Subdivision and Development Appeal Board is hereby established.
18. The Subdivision and Development Appeal Board Clerk shall be appointed by resolution of the affected Council and shall not be a member of the Subdivision and Development Appeal Board. Each municipality shall have their own Clerk for hearings within their jurisdiction. Should their Clerk not be available for a hearing, another municipality's Clerk may fill in if necessary.

19. The Subdivision and Development Appeal Board Clerk shall have the responsibilities and duties as set out below as well as any regulations set out in the Act:
  - a) Take and keep minutes of the proceedings of a Subdivision and Development Appeal Board hearing, which may be in the form of a summary of the evidence presented at a hearing.
  - b) Ensure statutory notices and decisions of the Subdivision and Development Appeal Board are provided to such persons as the Act requires.
  - c) Compile and provide agendas and hearing packages to members and make available to the public.
  - d) Sign an order, decision, approval, notice or other thing made or given by the Subdivision and Development Appeal Board on its behalf.

#### **Quorum and Meetings**

20. A quorum of the Subdivision and Development Appeal Board shall be three (3) members of the Subdivision and Development Appeal Board.
21. The Subdivision and Development Appeal Board shall meet at such times as necessary to consider and decide appeals filed with it in accordance with the Act.
22. The Subdivision and Development Appeal Board shall have prepared and maintain a file of written minutes of the business transacted at all hearings of the Subdivision and Development Appeal Board, copies of which shall be made available to the public. These minutes may be in the form of a summary of the activities undertaken, together with the motions made, at the hearings.
23. A member of the Subdivision and Development Appeal Board who is for any reason, unable to attend the whole or a part of any hearing of an appeal, shall not participate in the deliberations or decision of the Subdivision and Development Appeal Board upon that appeal.
24. The Subdivision and Development Appeal Board may make rules as are necessary for the conduct of its hearing and its business that are consistent with this bylaw, the Land Use Bylaw of the affected municipality, and the Act.

#### **Fees and Expenses**

25. The remuneration, travel and subsistence, and other expenses of the members or clerk of the Subdivision and Development Appeal Board shall be determined by the Councils.
26. The fees associated with the launching of appeals may be set by Councils.
27. Partner Municipalities shall pay for the administrative and Board member training costs associated with the operation of the Intermunicipal Subdivision and Development Appeal Board based upon its percentage of the total taxable assessment of the Partner Municipalities.
28. Partner Municipalities are solely responsible for all costs associated with appeals within their respective municipalities.

#### **Subdivision & Development Appeals**

29. Subdivision and Development Appeals and hearings shall adhere to the regulations set out in the Act.

**BYLAW 14-95 AS AMENDED IS HEREBY REPEALED.**

THIS BYLAW SHALL TAKE FULL FORCE AND EFFECT UPON DATE OF FINAL READING.

READ FOR A FIRST TIME THIS 20TH DAY OF SEPTEMBER, A.D. 2023.



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COLIN DERKO - MAYOR



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WARREN GRIFFIN  
CHIEF ADMINISTRATIVE OFFICER

READ FOR A SECOND TIME THIS 20TH DAY OF SEPTEMBER, A.D. 2023.



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COLIN DERKO - MAYOR



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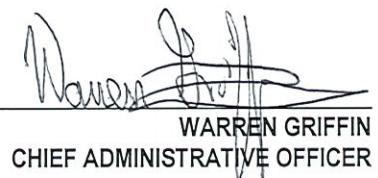
WARREN GRIFFIN  
CHIEF ADMINISTRATIVE OFFICER

READ FOR A THIRD TIME THIS 20TH DAY OF SEPTEMBER, A.D. 2023.



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COLIN DERKO - MAYOR



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WARREN GRIFFIN  
CHIEF ADMINISTRATIVE OFFICER