

**BYLAW 795-P-12-20
TOWN OF COALDALE
PROVINCE OF ALBERTA**

**BEING A BYLAW OF THE TOWN OF COALDALE
TO ESTABLISH A SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

WHEREAS the *Municipal Government Act (MGA)*, *Revised Statutes of Alberta 2000*, Chapter M - 26 as amended from time to time requires the municipality to adopt a bylaw to establish a Municipal Subdivision and Development Appeal Board or a intermunicipal Subdivision and Development Appeal Board;

AND WHEREAS the Council of the Town of Coaldale wishes to establish a Town of Coaldale Subdivision and Development Appeal Board;

AND WHEREAS the Subdivision and Development Appeal Board is authorized to render decisions on appeals resulting from decisions of a Subdivision Authority or a Development Authority in accordance with the South Saskatchewan Regional Plan {SSRP), the *Municipal Government Act {MGA}*, the Subdivision and Development Regulation, the local Land Use Bylaw and statutory plans;

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

1. TITLE

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

2. AUTHORIZATION

Pursuant to section 627(1)(a) of the *MGA*, this bylaw hereby authorizes the municipality to form a Subdivision and Development Appeal Board.

3. DEFINITIONS

Appellant means the person who may file an appeal to the Board from decisions of a Subdivision Authority or a Development Authority in accordance with the *MGA*.

Board means the Subdivision and Development Appeal Board established pursuant to this bylaw.

Board Member means an appointed member of the Subdivision and Development Appeal Board appointed in accordance with this bylaw and who has obtained provincial training and certification.

Chair means the person elected from the Board panel members sitting to hear an

appeal to act as the person who presides over the hearing and the procedures.

Chief Administrative Officer (CAO) means the individual appointed to the position for the municipality in accordance with the *MGA*.

Clerk means the person or persons who has completed training and is certified by the province and authorized to act as the administrative clerk for the Subdivision and Development Appeal Board by the municipality.

Conflict of Interest means both Common Law Bias and Pecuniary Interest.

Council means the Council of the (Municipality).

Development Authority has the same meaning as in the *MGA*.

Hearing means a public meeting convened before the Board acting as a quasi-judicial body to hear evidence and determine the facts relating to an appeal of decisions of a Subdivision Authority or a Development Authority, prior to the Board making a decision on the matter subject to the appeal.

Municipality means the municipal corporation of the Town of Coaldale together with its jurisdictional boundaries, as the context requires.

Procedural guidelines mean the policies, processes and administrative matters applicable to the filing of an appeal and conducting a hearing, and the roles, duties and conduct of Board members and Clerks.

Subdivision Authority has the same meaning as in the *MGA*.

Subdivision and Development Appeal Board has the same meaning as in the *MGA*. **Quorum** means the minimum number of Board panel members required to hear an appeal. ***Municipal Government Act {MGA}*** means the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26*, as amended from time to time.

All other terms used in this Bylaw shall have the meaning as is assigned to them in the Municipal Government Act, as amended from time to time.

4. APPOINTMENT OF THE BOARD

- (1) The Board is comprised of the member representative(s) as appointed by the Town of Coaldale Council.
- (2) For each Board Member appointed as a representative(s) to the Subdivision and Development Appeal Board, the appointment shall be made by

resolution of Council. Appointed Board Members shall consist of no more than two (2) members of Town Council, and no more than four (4) members of the community-at-large.

- (3) Appointments to the Subdivision and Development Appeal Board shall be made for a term of not more than three years. Reappointments must coincide with the successful completion of the mandatory provincial refresher training course to be taken every three (3) years.
- (4) Board Members may be appointed for a term of between one (1) and three (3) years, at the discretion of the municipality.
- (5) A Board Member may resign from Subdivision and Development Appeal Board at any time by providing written notice to the municipality to that effect.
 - a) Where Council has appointed a Board Member representative(s) for the municipality, Council may remove its individual appointed Board Member representative(s) at any time if: in the opinion of Council, a Board Member is not performing his/her duties in accordance with the MGA, this Bylaw or the rules of natural justice, or
 - b) a Board Member has participated in a matter in which that Board Member has a Conflict of Interest, contrary to the provisions of this Bylaw.

5. COMPOSITION

- (1) The Subdivision and Development Appeal Board, when meeting to hear an appeal, shall normally be composed of not less than three (3) persons, with no more than one (1) being an elected official.
- (2) Three (3) Board Members constitute a quorum of the Board.
- (3) If a vacancy of an appointed Board member representative shall occur at any time, the municipality may appoint another person to fill the vacancy by resolution of Council.
- (4) Board Members of the Subdivision and Development Appeal Board shall not be members of the municipality's Subdivision Authority or Development Authority or municipal employees of the municipality.
- (7) A person appointed as a Board Member in accordance with this Bylaw must successfully complete and maintain the mandatory provincial training and certification prior to sitting to hear an appeal.

6. DUTIES OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD

- (1) The Subdivision and Development Appeal Board shall hold hearings as

required pursuant to the *Municipal Government Act* on a date to be determined by the Board.

- (2) The Board, and those Members who sit to hear an appeal, shall govern its actions and hearings in respect of the processes and procedures as outlined in the Procedural Guidelines.
- (3) A Board Member may only participate in an appeal hearing if they have successfully completed the mandatory provincial training prior to the appeal hearing date.
- (4) The Board may, at its discretion, agree to adjournments in respect of the processes and procedures as outlined in the Procedural Guidelines.
- (S) The Board, when hearing an appeal shall appoint a Chair to preside over the proceedings prior to the commencement of the hearing.
- (6) An order, decision or approval made, given or issued by the Board and under the signature of the Chair, or a Board Member acting as a designate, is the decision of the Board.
- (7) The Board Members shall conduct themselves in a professional, impartial and ethical manner and apply the principles of administrative justice and judicial fairness.
- (8) The Board Members shall consider and act in respect of the Subdivision and Development Appeal Board Procedural Guidelines.
- (9) The Board does not have the jurisdiction or authority to award pecuniary or monetary awards or costs to any persons, entity or organization involved in an appeal.

7. APPEAL FILING

- (1) An appeal shall be filed in writing by an appellant, in accordance and in the manner prescribed in the *MGA*, to the municipality and include the payment of the applicable municipal appeal fee.
- (2) If there is a question about the validity of an appeal being filed, the Board must convene the appeal hearing in accordance with the *MGA* to establish jurisdiction and then it may decide on the matter of validity. It shall be the responsibility of the Board to make the determination of whether the appeal is valid.
- (3) In the event an appeal is abandoned or withdrawn in writing by the appellant, the Board shall not be obliged to hold the appeal hearing referred to in the

MGA unless another notice of appeal has been served upon the Board in accordance with the MGA.

8. CLERK RESPONSIBILITIES AND DUTIES

- (1) Council shall by resolution appoint a Clerk as a designated officer, or sub-delegate to the CAO the authority to appoint a Clerk or Clerks, for the specific purposes of providing administrative assistance to the Board in fulfilling its legislative duties.
- (2) The appointed Clerk shall attend all meetings and hearings of the Subdivision and Development Appeal Board held in the municipality, but shall not vote on any matter before the Board.
- (3) A person appointed as a Clerk to assist the Subdivision and Development Appeal Board in accordance with this bylaw must have successfully completed the mandatory provincial training prior to assisting the Board in its legislative duties.
- (4) The Clerk, acting for the Board, shall accept on behalf of the Board appeals which have been filed with the municipality in relation to a decision of the Subdivision Authority or the Development Authority.
- (5) The Clerk of the Board shall keep records of appeals and proceedings for the municipality in which the appeal has been filed, as outlined in the Procedural Guidelines.

9. ADMINISTRATIVE

- (1) **Singular and Masculine-Words** importing the singular number shall include the plural number and vice versa and words importing one gender only in this Bylaw shall include all genders and words importing parties or persons in this Bylaw shall include individuals, partnerships, corporations, and other entities, legal or otherwise.
- (2) **Severability** - Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

10. ENACTMENT

- (1) This bylaw shall come into effect upon THIRD and FINAL reading thereof.
- (2) This Bylaw rescinds Bylaw 753-P-03-19, being the former Chinook

Intermunicipal Subdivision and Development Appeal Board Bylaw, and any amendments thereto.

READ a FIRST time this 14th day of December, 2020, for Subdivision and Development Appeal Board Bylaw 795-P-12-20.

Mayor – Kim Craig
Motion # 434-2020

CAO – Kalen Hastings

READ a SECOND time this 14th day of December, 2020, for Subdivision and Development Appeal Board Bylaw 795-P-12-20.

Mayor – Kim Craig
Motion # 435-2020

CAO – Kalen Hastings

UNANIMOUS CONSENT to have all three readings this 14th day of December, 2020, for Subdivision and Development Appeal Board Bylaw 795-P-12-20.

Mayor – Kim Craig
Motion # 436-2020

CAO – Kalen Hastings

READ a THIRD and FINAL time this 14th day of December, 2020, for Subdivision and Development Appeal Board Bylaw 795-P-12-20.

Mayor – Kim Craig
Motion # 437-2020

CAO – Kalen Hastings