

**TOWN OF DRUMHELLER**  
**BYLAW NUMBER 31.24**  
DEPARTMENT: LEGISLATIVE SERVICES

*Community Standards Appeal Board Bylaw*

A BYLAW TO PROVIDE FOR THE ESTABLISHMENT OF A COMMUNITY STANDARDS  
APPEAL BOARD

**WHEREAS**, section 8 of the *Municipal Government Act, R.S.A. 2000, c. M-26*, allows for Council to, in a bylaw, provide for an appeal, the body that is to decide the appeal, and related matter;

**AND WHEREAS**, section 145 of the *Municipal Government Act*, provides that a Council may pass bylaws in relation to the establishment and functions of Council Committees, and the procedure and conduct of Council Committees;

**AND WHEREAS**, section 203 of the *Municipal Government Act* authorizes a Council to delegate its powers, duties or functions to a Council Committee, including its duty to decide appeals imposed on it by this or another enactment or bylaw;

**AND WHEREAS** pursuant to section 19 of the *Weed Control Act, S.A. 2008, c. W-5.1*, Council must establish an independent appeal panel to determine appeals of notices issued pursuant to that Act;

**AND WHEREAS** pursuant to section 14 of the *Agricultural Pests Act, R.S.A. 2000, c. A-8*, Council must appoint a committee to hear and determine appeals of notices issued pursuant to that Act;

**AND WHEREAS** Council wishes to establish a single council committee to review appeals pursuant to the *Municipal Government Act, the Weed Control Act, the Agricultural Pests Act*, and all other appeals permitted by a bylaw of the Town of Drumheller;

**NOW THEREFORE** the Council of the Town of Drumheller enacts the following:

**1. SHORT NAME**

1.1 This Bylaw shall be cited as the "Community Standards Appeal Board Bylaw".

**2. DEFINITIONS**

2.1 For the purposes of the Bylaw, the following definitions shall apply:

- a) "*Agricultural Pests Act*" means the *Agricultural Pests Act, R.S.A. 2000, c. A-8*, as amended from time to time, and its successor legislation.
- b) "*Applicant*" means a person who is seeking an appeal pursuant to this Bylaw;
- c) "*Application*" or "*Notice of Appeal*" means a submission to the Town of Drumheller for a review by the *Community Standards Appeal Board*;
- d) "*Chief Administrative Officer*" or "*CAO*" means the Chief Administrative Officer of the

Town of Drumheller, or their designates;

- e) “*Community Standards Appeal Board*” or “*Board*” means the Community Standards Appeal Board as established by this Bylaw;
- f) “*Council & Committee Meeting Procedure Bylaw*” means the *Council & Committee Meeting Procedure Bylaw #04.21*, as amended from time to time, and its successor legislation;
- g) “*Municipal Government Act*” or “*MGA*” means the Municipal Government Act, R.S.A. 2000, c. M-26, as amended from time to time, and its successor legislation;
- h) “*Order*” means a written order identifying a contravention of a bylaw, stipulating the actions that the *person* shall take to remedy the contravention;
- i) “*Panel*” means a three (3) person committee established from members of the *Community Standards Appeal Board* for the purposes of hearing an appeal;
- j) “*Parties*” means the *Applicant*, the *Respondent* and the members of the *panel*;
- k) “*Person*” means a natural person or a corporation and includes a partnership, an association, or a group of persons acting in concert unless the context explicitly or by necessary implication otherwise requires;
- l) “*Respondent*” means the *person* responsible for responding to the claims of the *Applicant* on behalf of the Town of Drumheller Administration;
- m) “Successful Appeal” means an appeal where:
  - (i) The order is cancelled in its entirety; or
  - (ii) The order is varied or substituted based on the arguments made by the applicant.
- n) “*Town*” means the Town of Drumheller, a municipal corporation in the Province of Alberta, and includes the area contained within the corporate boundaries of the Town of Drumheller, as the context may require;
- o) “*Weed Control Act*” means the *Weed Control Act, S.A. 2008, c. W-5.1*, as amended from time to time, and its successor legislation.

### **3. ESTABLISHMENT OF COMMUNITY STANDARDS APPEAL BOARD**

- 3.1 The *Community Standards Appeal Board* is hereby established as a committee of Council and shall operate in accordance with the *Council & Committee Meeting Procedure Bylaw*.
- 3.2 The *Board* shall have the jurisdiction to hear and make decisions on:
  - a) appeals of orders pursuant to section 545 and 546 of the *MGA*;
  - b) weed notice appeals, pursuant to the *Weed Control Act*;

- c) agricultural pest notice appeals, pursuant to the *Agricultural Pests Act*; and
  - d) All other appeals as set out in any other bylaw of the *Town*, that authorizes an appeal to the *Board*.
- 3.3 The *Board* shall consist of all seven (7) members of Council who shall be appointed by resolution pursuant to the *Council & Committee Meeting Procedure Bylaw*.
- 3.4 In the event of an appeal hearing, three (3) of the members of the *Board* shall be appointed by the *Chief Administrative Officer* to sit on the *panel*, which shall constitute a quorum;
- 3.5 A *panel* may perform the same functions as the *Board*, and a decision of a *panel* is deemed to be a decision of the *Board*.
- 3.6 The *panel* must elect one (1) presiding officer who has all of the powers and responsibilities of a chairperson for dealing with the matter which the *panel* was formed to address.
- 3.7 The *Community Standards Appeal Board* Clerk shall be appointed by the *CAO* and is responsible for:
- a) receiving all *applications* and *application* deposits;
  - b) determining the sufficiency of *applications*; including whether the *application* was received within the prescribed time period;
  - c) scheduling hearings and sending notices of hearings to the *parties*;
  - d) answering the inquiries and providing information to the *parties* and the general public;
  - e) circulating all hearing material to the parties at least one (1) business day prior to the hearing;
  - f) recording the minutes of the hearing;
  - g) keeping a written record of all *panel* hearings, including:
    - (i) the *application*;
    - (ii) the notice of hearing;
    - (iii) all records submitted as evidence for the hearing;
    - (iv) the minutes of the hearing; and
    - (v) the *panel's* decision and the accompanying reasoning for the decision.

#### 4. APPLICATION

4.1 All *applications* pursuant to this Bylaw must submit the request in writing to the *Chief Administrative Officer* within fifteen (15) days of receiving the written *order* or decision, and must include the following:

- a) the *applicant's* full name, address, email and phone number;
- b) a copy of the order or decision that is the subject of the *application*;
- c) the grounds for the appeal;
- d) a \$250.00 fee for each *application* for appeal, unless otherwise stated in this Bylaw; and
- e) if applicable, the land to which the appeal relates.

4.2 The *Community Standards Appeal Board* Clerk will be responsible for determining the sufficiency of *applications*; including whether the *application* was received within the prescribed time period.

4.3 If the Clerk determines the *application* is insufficient, the Clerk must either:

- a) request the *applicant* correct the deficiencies within a specified time period; or
- b) deny the *application*, if the *application* was not received within the prescribed time period.

4.4 The *applicant* fee shall not be waived under any circumstances and shall not be refunded unless:

- a) the *applicant's* appeal is determined to be a *successful appeal*, as per the decision of the *panel*; or
- b) the *application* is deemed to be insufficient, as per the decision of the Clerk.

#### 5. SCHEDULING A HEARING

5.1 If the *application* is deemed sufficient, the Clerk shall schedule a hearing within thirty (30) days after receiving the *application* in its complete form, and shall send written notice via email to the *parties* that contains the following information:

- a) The date, time and location of the hearing; and
- b) The deadline for the *parties* to submit any written materials and evidence that they wish for the *Board* to consider at the hearing, which shall be three (3) business days prior to the hearing date.

5.2 Upon mutual consent of both the *panel* and the *applicant*, the hearing date can be rescheduled to a date greater than thirty (30) calendar days from the receipt of the *application*.

5.3 Where the parties fail to comply with the deadline established by the Clerk for submission of

written materials and evidence, the *Board* shall proceed with the hearing without the acceptance of any written material.

## 6. HEARING PROCEDURES

6.1 During a hearing, the *panel* must allow:

- a) the *applicant* a maximum of fifteen (15) minutes to speak;
- b) the *respondent* fifteen (15) minutes to speak; and
- c) the *applicant* and the *respondent* an additional five (5) minutes each to respond to new information that has been presented.

6.2 The *panel* may, by majority vote, extend the period of time the *applicant* and the *respondent* are allowed to speak or respond to new information. If either person is allowed additional time, their counterpart shall be granted the same amount of additional time.

6.3 The *panel* may take twenty (20) minutes to deliberate in private following the presentations by both the *applicant* and *respondent*, in order to make a decision.

## 7. HEARING DECISION

7.1 After hearing an *application*, the *Board* may confirm, vary, substitute, or cancel the order or decision under review.

7.2 The majority vote of the hearing *panel* constitutes the decision of the *Board*.

7.3 The *panel* will deliver a decision orally to both the *applicant* and the *respondent* following deliberation.

7.4 A written statement of the decision and the reasoning behind the decision will be sent via email and registered mail to the *applicant* within fifteen (15) business days of the decision of the *Board*; this written decision shall represent the decision served pursuant to Section 548 of the *Municipal Government Act*, Section 15 of the *Agricultural Pests Act* and Section 20 of the *Weed Control Act*.

## 8. NOTICES

8.1 All general correspondence and notice of the hearing shall be sent via email to the address provided in the email.

8.2 All decisions will be issued in writing and sent via email and by registered mail to the *applicant* via the addresses provided in the *application*.

## 9. AGRICULTURAL PEST NOTICE APPEALS

9.1 Notwithstanding Section 4, *applications* pursuant to the *Agricultural Pests Act* must:

- a) be submitted within the time specified in the notice issued under section 12 of the *Agricultural Pests Act* for taking any measure, or within ten (10) business days after service of the notice, whichever is less, by any of the methods set out in section 12(3) of the *Agricultural Pests Act*; and

b) include a deposit of \$100.00 for each *application* for appeal.

9.2 Notwithstanding Section 5, hearings pursuant to the *Agricultural Pests Act* must be scheduled within five (5) business days after receipt of the complete *application*.

## 10. WEED CONTROL NOTICE APPEALS

10.1 Notwithstanding Section 4, appeals pursuant to the *Weed Control Act* must:

- a) be submitted within the time specified in the notice issued under section 12 of the *Weed Control Act* for taking any measure, or within ten (10) business days after service of the notice, whichever is less, by any of the methods set out in section 12(3) of the *Weed Control Act*;
- b) include a deposit of \$500.00 for each *application* for appeal; and
- c) If the *applicant* is partially successful in an appeal or review, the \$500.00 appeal fee may be refunded in whole or in part at the sole discretion of the *panel* or the Minister, as the case may be.

10.2 Notwithstanding Section 5, hearings pursuant to the *Weed Control Act* must be scheduled within five (5) business days after receipt of the complete *application*.

## 11. SEVERABILITY

11.1 If any portion of this Bylaw is found to be invalid, that portion shall be severed from the remainder of the Bylaw and shall not invalidate the whole Bylaw.

## 12. TRANSITIONAL

12.1 This Bylaw repeals Bylaw #08.19.

12.2 This Bylaw comes into full force and effect upon third and final reading.

READ A FIRST TIME THIS 9<sup>th</sup> DAY OF OCTOBER, 2024

READ A SECOND TIME THIS 9<sup>th</sup> DAY OF OCTOBER, 2024

READ A THIRD AND FINAL TIME THIS 9<sup>th</sup> DAY OF OCTOBER, 2024

*The original document, duly signed and executed, is retained on file.*