

**MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
BYLAW NO. 1287-18**

A BYLAW OF THE MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9 IN THE PROVINCE OF ALBERTA TO ESTABLISH A SUBDIVISION AND DEVELOPMENT APPEAL BOARD.

WHEREAS the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, and amendments hereto, requires the municipality to adopt a bylaw to establish a municipal 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, the Subdivision and Development Regulation, the local land use bylaw and statutory plans;

AND WHEREAS the purpose of this bylaw is to establish the authority of the subdivision and development appeal board;

NOW THEREFORE, under the authority and subject to the provisions of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Municipal District of Pincher Creek No. 9, in the Province of Alberta, duly assembled does hereby enact the following:

1. This bylaw may be cited as the MD of Pincher Creek No. 9 “Subdivision and Development Appeal Board Bylaw”.
2. Definitions:
 - a. **Act** means the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended from time to time.
 - b. **Clerk** means the person or persons authorized to act as clerk for the Subdivision and Development Appeal Board by the Council.
 - c. **Council** means the Municipal District of Pincher Creek No.9 Council.
 - d. **Member** means a panel member of the Subdivision and Development Appeal Board appointed in accordance with this bylaw.
 - e. **Regulation** means the Subdivision and Development Appeal Board Regulation.
 - f. **Subdivision and Development Appeal Board** means the board established by agreement to act as the municipal appeal board.
 - g. 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.
3. For the purpose of this bylaw, the Subdivision and Development Appeal Board shall be composed of not more than five (5) persons who are appointed by the Council.
4. Appointments to the Subdivision and Development Appeal Board shall be made by resolution of the Council and shall consist of five (5) adult resident from the municipality.
5. Three (3) members of the Subdivision and Development Appeal Board panel constitute a quorum.
6. Appointments to the Subdivision and Development Appeal Board shall be made for a term of two years and the municipality must report to the minister the members of the Subdivision and Development Appeal Board and their training status in accordance with the Regulation.

7. The council may remove an appointed member of the Subdivision and Development Appeal Board if:
 - a. in the opinion of Council, a member is not performing his/her duties satisfactorily in accordance with the Act, this bylaw, or in consideration of the principles of judicial fairness and natural justice; or
 - b. a member is absent for more than three (3) consecutive hearings of the Board without reason; or
 - c. the member has not fulfilled or maintained their training and certification in accordance with the Regulation; or
 - d. in the opinion of Council, a member is reasonably unable to fulfil his/her duties.
8. When a person ceases to be a member of the Subdivision and Development Appeal Board before the expiration of his/her term the applicable council may, by resolution, appoint another person for the unexpired portion of that term.
9. The members of the Subdivision and Development Appeal Board panel shall elect one of themselves as chair for the purpose of a hearing.
10. An order, decision, approval, notice or other thing made, given or issued by the panel shall be signed by the chair or a person authorized to do so.
11. In the absence or unavailability of the chair to sign an appeal panel decision, another panel member shall be designated and authorized by the panel to do so.
12. Each member of the Subdivision and Development Appeal Board shall be entitled to such remuneration, travelling and living expenses as may be fixed from time to time by the council.
13. The council may, by resolution, appoint a Clerk or Clerks who shall attend all hearings or meetings of the Subdivision and Development Appeal Board, but shall not vote on any matter before Board. The Clerk must complete the required training in accordance with the Regulation and the municipality shall report to the minister a list of all clerks and the status of their training.
14. The Clerk shall receive, on behalf of the Board, appeals which have been served upon the Board and shall notify the appropriate board members to constitute a panel to hear the appeal.
15. The Clerk of the Subdivision and Development Appeal Board shall keep the following records of appeals with respect to:
 - a. the minutes of all hearings in accordance with the Act;
 - b. records of all notices of meetings and of persons to whom they were sent;
 - c. copies of all written representations to the Subdivision and Development Appeal Board;
 - d. notes as to each representation;
 - e. the names of those making representations at the meeting;
 - f. the decision of the Subdivision and Development Appeal Board;
 - g. the reasons for the decision;
 - h. records of all notices of decision and of persons to whom they were sent;
 - i. all notices, decisions and orders made on appeal from the decision of the Subdivision and Development Appeal Board;
 - j. such other matters as the Subdivision and Development Appeal Board may direct.
16. The Subdivision and Development Appeal Board shall hold hearings as required pursuant to the Act on a date to be determined by the panel members.
17. The decision of the majority of the members present at a meeting shall be deemed to be the decision of the whole Subdivision and Development Appeal Board.

18. The Subdivision and Development Appeal Board may make its orders, decisions, development permits, and subdivision approvals; and may issue notices with or without conditions.
19. The Subdivision and Development Appeal Board may make rules to govern its hearings.
20. Members of the Subdivision and Development Appeal Board shall not be members of a municipal subdivision authority or development authority.
21. This bylaw comes into effect upon third and final reading thereof.
22. Bylaw No. 1052-01, and amending Bylaw No. 1101-05, thereto are hereby repealed.

READ a first time this 27th day of March, 2018.

READ a second time this 27th day of March, 2018.

READ a third time and finally PASSED this 10th day of April, 2018.



Reeve



Chief Administrative Officer