

**BYLAW NO. 635
OF THE
TOWN OF HIGH LEVEL
IN THE
PROVINCE OF ALBERTA**

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**BYLAW NO. 635
OF THE
TOWN OF HIGH LEVEL
IN THE
PROVINCE OF ALBERTA**

BEING A BYLAW OF THE TOWN OF HIGH LEVEL IN THE PROVINCE OF ALBERTA TO ESTABLISH THE TOWN OF HIGH LEVEL SUBDIVISION AND DEVELOPMENT APPEAL BOARD

WHEREAS, Section 624 of the Municipal Government Act, 1994, and amendments thereto, empowers a Council to establish a Development Authority, and

WHEREAS, Section 627 of the Municipal Government Act, 1994, and amendments thereto, empowers an Council to establish a Subdivision and Development Appeal Board, and

WHEREAS, the Council of the Town of High Level, in the Province of Alberta, has deemed it necessary to define the function of a Subdivision and Development Appeal Board, as it relates to the appeal process.

NOW THEREFORE, the Council of the Town of High Level, in the Province of Alberta, DULY ASSEMBLED, HEREBY EXACTS AS FOLLOWS:

1. GENERAL

This Bylaw may be cited as the Town of High Level Subdivision and Development Appeal Board Bylaw.

2. DEFINITIONS

In this Bylaw:

- (a) "Municipality" means the Town of High Level.
- (b) "Act" means the Municipal Government Act, 1994, and amendments thereto.
- (c) "Board" means the Subdivision and Development Appeal Board established pursuant to this Bylaw.
- (d) "Council" means the Town of High Level Council.
- (e) "Members at Large" means Members of the Board who are not Councillors of the Municipality.
- (f) "Secretary" means the person appointed by Council to act as Secretary of the Board.
- (g) "Development Authority" means the authority appointed by Council, pursuant to the Act to decide applications for development.
- (h) "Subdivision Approving Authority" is the authority appointed by Council pursuant to the Act to decide applications for subdivision.
- (i) "Appellant" means the person who has served written notice of an appeal to the Secretary of the Board from a decision, order or development permit issued by the Development Officer or a notice of decision issued by the subdivision approving authority.
- (j) All other terms used in this Bylaw shall have the meaning assigned to them by the Act.

3. BOARD MEMBERSHIP

- (1) The Board is hereby established and shall consist of two (2) members of Council and three (3) members at large appointed by resolution of Council.
- (2) The members of the Board are hereby considered “authorized persons”.
- (3) A member of Council’s appointment to the Board terminates upon that person ceasing to be a member of Council or otherwise ineligible to serve as a Member of the Board subject to the provisions of this Bylaw.
- (4) Subject to other provisions of this Bylaw, one (1) member of Council, as appointed by Council, may be an alternate member of the Board if:
 - (a) A member of the Board who is a Council member pursuant to this Bylaw is unable to participate as a member of the Board.

4. TERM OF OFFICE

- (1) Members of the Board may be appointed by Council annually, or as required, subject to the provisions of this Bylaw.

5. ELIGIBILITY

- (1) No person who is appointed as the Development Authority, an employee, or a non-resident of the Town of High level shall be appointed to, or act as a member of the Board.

6. REMUNERATION, TRAVELLING, AND LIVING EXPENSES

- (1) The members of the Board shall be entitled to such remuneration, traveling and living expenses as may be fixed from time to time by resolution of Council.

7. QUORUM

- (1) Three (3) Members of the Board where Members of Council do not form the majority constitute a quorum.

8. CHAIRPERSON

- (1) The Members of the Board shall elect one of themselves as Chairperson and one of themselves as Vice-Chairperson.
- (2) The Chairperson and Vice-Chairperson shall hold office for the duration of their appointment to the Board or until such time as their written resignation from those positions.

9. ABSENT BOARD MEMBERS

- (1) A Member of the Board who is for any reason unable to attend the whole or part of any hearing of an appeal, shall not participate in the deliberations or decisions made by the Board upon that appeal.
- (2) In the event of the absence or inability of the Chairperson of the Board to act as Chairperson, the Vice-Chairperson of the Board shall act as Chairperson. In the event the Chairperson and the Vice-Chairperson being absent or unable to act as Chairperson, the remaining members will elect a Chairperson from amongst themselves.

10. VACANCIES

Where a Member ceases to be a Member of the Board before the expiration of his term, Council shall appoint another eligible person for the unexpired portion of the term of the retiring Member.

11. DUTIES

- (1) The Board shall:
 - a. Decide upon all appeals referred to it by the Secretary of the Board, including an:
 - (i) appeal of a development permit decision issued by the Development Authority;
 - (ii) appeal of a stop order issued by the Development Authority; and
 - (iii) appeal of a notice of decision issued by the subdivision approving authority.
 - b. Perform other such duties as described or implied in this Bylaw or as may be assigned to it by Council.

12. SIGNING AUTHORITY

- (1) An order, decision, approval, notice or other things made, given or issued by the Board may be signed on its behalf by its Chairperson, Vice-Chairperson or a Member elected to act as Chairperson.
- (2) An officer appointed by Council may sign on behalf of the Board.

13. DECISIONS

- (1) The Board shall give its decision upon an appeal in writing together with reasons for the decision pursuant to the provisions of the Act.
- (2) The decision of the majority of the Members of the Board present at a meeting duly convened is deemed to be the decision of the whole Board.

14. PUBLIC HEARINGS

- (1) The hearings of an appeal pursuant to the Act shall be held in public and all persons who wish to attend shall be entitled to do so.

- (2) The Board shall meet for the hearing of appeals as frequently as is necessary, and in any event within Thirty (30) days of receipt of a notice of appeal duly filed pursuant to the Act.

15. SPECIAL MEETING

- (1) Upon receipt of a notice of appeal duly filed pursuant to the provisions of the Act, and of this Bylaw, the Secretary may convene a special meeting of the Board to consider what persons are affected by the appeal and should be notified thereof. Such a meeting shall be called not less than six days prior to the date of the Public hearing by the Secretary of the Board. The Board is allowed to hold a special meeting to:
- (a) Determine who should be notified of the Board hearing; and
 - (b) Determine if any Members of the Board are unable to attend the hearing due to absence or pecuniary interest.

16. SECRETARY OF THE BOARD

- (1) The Council shall appoint a Secretary to the Board who may be an employee of the Municipality.
- (2) The Secretary shall attend all meetings and hearings of the Board, but shall not vote on any matters before the Board.
- (3) Functions of the Secretary

The Secretary of the Board shall:

- (a) perform such functions as may be necessary to ensure that the Board is in full compliance with its duties under the Act and this Bylaw.
 - (b) Shall attend all meetings of the Board and shall keep the following records with respect thereto:
 - i. the minutes of all meetings and hearings,
 - ii. all applications,
 - iii. records of all notices of hearings and of persons to whom they were sent,
 - iv. copies of all written representations to the Board,
 - v. notes as to each representation,
 - vi. the names and addresses of those making representations at the hearing,
 - vii. the decision of the Board,
 - viii. the reasons for the decision of the Board,
 - ix. the vote of the Members of the Board on the decision,
 - x. records of all notices of decision and of persons to whom they were sent;
 - xi. all notices, decisions, and orders made on appeal from the decisions of the Board,
and
 - xii. such other matters as the Board may direct or the Secretary may determine.
- (a) the Secretary shall:
- (i) notify all Members of the Board of the arrangements for the holding of each hearing and other meetings of the Board,

- (ii) make available for public inspection before the commencement of the public hearing, all relevant documents and materials respecting the appeal, including:
 - (a) all applications, notices, stop orders, and decisions related to the appeal; and
 - (b) written notice of appeal from individuals who believe that they are affected by the decision, order or notice.

17. PROVINCE OF ALBERTA APPEAL PROCEDURE

- (1) The Secretary shall keep on file all notices of applications made for leave to appeal to the Court of Appeal from decisions of the Board issued pursuant to the Act.

18. APPEAL FEES

- (1) Appellants may be charged an appeal fee to cover the costs, in whole or in part, associated with a subdivision or development appeal. The appeal fee may be fixed from time to time by resolution of Council.

19. RECSCISSION OF FORMER BYLAW

- (1) Bylaw No. 391, being the Town of High Level Development Appeal Board Bylaw, and any amendments thereto, is hereby rescinded.

20. DATE OF COMMENCEMENT

This Bylaw shall commence and take full effect upon the final reading hereof.

READ A FIRST time this 14th day of November, 1995

READ A SECOND time this 14th day of November, 1995

READ A THIRD AND FINAL time this 14th day of November, 1995

(Original signed)

MAYOR

(Original signed)

MUNICIPAL SECRETARY