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**TOWN OF HIGH LEVEL BYLAW NO. 924-12**

**A BYLAW TO ESTABLISH THE LICENSE AND ENFORCEMENT APPEAL COMMITTEE**

**WHEREAS:**

Pursuant to section 203 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, council may delegate authority to deal with appeals under the *Municipal Government Act* or a bylaw to a council committee.

The Council of the Town of High Level wishes to create a council committee to exercise its authority to deal with certain appeals.

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

1. The License and Enforcement Appeal Committee (the Committee) is hereby established as a council committee.
2. The members of the Committee shall be the persons appointed to the Subdivision and Development Appeal Board.
3. The Mayor shall not be a member of this Committee unless the Mayor has been expressly appointed to the Subdivision and Development Appeal Board.
4. The purpose of the Committee is to hear appeals of:
  - (a) Revocations or suspensions of business licenses revoked or suspended by the Business License Officer pursuant to the Business License Bylaw 873-08; and
  - (b) Decisions of the Business License Officer to refuse
    - i. an application for a business license or
    - ii. renewal of a business license.
5. The Committee has the authority to confirm, vary or substitute its decision for the decision from which the appeal has been made.
6. The authority of the Committee to issue a business license is not restricted by sections 13.18, 13.20, 14.6 and 14.7 of Business License Bylaw 873-08.
7. A person in receipt of a decision that can be appealed to this Committee must

- (a) file their appeal:
    - i. in writing with the Chief Administrative Officer
    - ii. within the time specified in the bylaw granting the right or appeal or within the time specified in the Act, whichever is applicable;
  - (b) give reasons in the request for an appeal outlining why they believe the decision being appealed should be varied or substituted; and
  - (c) pay a fee for the appeal, if a fee has been set by Council.
8. The Committee shall hold an appeal hearing within twenty-eight (28) days of receipt of the request for an appeal.
9. The Town shall provide the person appealing the decision at least seven (7) days' written notice of the date of the hearing. The Town shall send written notice of the appeal to the address provided on the appeal request. A Notice mailed by regular mail shall be deemed to be received five (5) working days after the date it is mailed.
10. At the hearing the Committee shall hear:
  - (a) the person appealing the decision; and
  - (b) the Business License Officer.
11. The person appealing the decision and the Business License Officer will have ten (10) minutes to make a presentation and may be given additional time at the discretion of the Committee.
12. The Committee may review any information it deems necessary to determine whether to confirm, vary or substitute the decision being appealed.
13. All information submitted for review by the Committee, either before or during the hearing, shall be made available for public inspection.
14. Hearings of the Committee shall be open to the public.
15. The Committee shall issue its decision in writing together with reasons within fifteen (15) days after concluding the hearing.
16. Unless expressly modified by this Bylaw, the provisions of the Council and Committees Procedural Bylaw 893-10, and in particular sections 155 to 162 of that Bylaw apply to the hearing.
17. The Committee may make rules necessary for conducting the Committee business so long as such rules are consistent with this Bylaw and the Council and Committees Procedural Bylaw 893-10.

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18. Subject only to any right of appeal provided in the *Municipal Government Act*, any decision of this Committee shall be final and binding on the appellant, and no application for judicial review may be made to the Court of Queen's Bench from any such decision.

19. This bylaw comes into force on passing.

Read a first time this \_\_\_\_24<sup>th</sup> \_\_\_\_ day of \_\_September\_\_\_\_, 2012.

(Original signed)

\_\_\_\_\_  
Mayor

(Original signed)

\_\_\_\_\_  
CAO

Read a second time this \_\_\_\_24<sup>th</sup> \_\_\_\_ day of \_\_September\_\_\_\_, 2012.

(Original signed)

\_\_\_\_\_  
Mayor

(Original signed)

\_\_\_\_\_  
CAO

Read a third time this \_\_\_\_24<sup>th</sup> \_\_\_\_ day of \_\_September\_\_\_\_, 2012.

(Original signed)

\_\_\_\_\_  
Mayor

(Original signed)

\_\_\_\_\_  
CAO

Signed and passed this \_\_\_\_24<sup>th</sup> \_\_\_\_ day of \_\_September\_\_\_\_, 2012.

(Original signed)

\_\_\_\_\_  
Mayor

(Original signed)

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CAO