

**BY-LAW #2433/04
OF THE
CITY OF CAMROSE
PROVINCE OF ALBERTA**

THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD BY-LAW

WHEREAS by virtue of the power conferred upon it by the Municipal Government Act (R.S.A. 2000, Chapter M-26), as amended or repealed and replaced from time to time), the Council of the City of Camrose, duly assembled, enacts as follows:

1. The purpose of this By-Law is to establish the Subdivision and Development Appeal Board for the City of Camrose.
2. This By-Law may be cited as "The Subdivision and Development Appeal Board By-Law."

PART I - DEFINITIONS

3. In this By-Law, the following definitions shall apply.
 - (a) "Act" shall mean the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended;
 - (b) "Appellant" shall mean the person who may appeal to the Board in accordance with the Act;
 - (c) "Board" shall mean the Subdivision and Development Appeal Board established by Section 7 of this By-Law;
 - (d) "City" shall mean the City of Camrose;
 - (e) "Clerk of the Board" shall mean the Assistant City Manager or designate;
 - (f) "Council" shall mean the Council of the City of Camrose;
 - (g) "Development Authority" shall mean the Development Authority for the City of Camrose established by By-Law # 2004/95;
 - (h) "Development Officer" shall mean the person occupying the position of Development Officer as established under the Land Use By-Law;
 - (i) "Fee Schedule" - Schedule 'A' to this By-Law, being the Subdivision and Development Appeal Board Fee Schedule;
 - (j) "Land Use By-Law" shall mean the Camrose Land Use By-Law #2422/04, as amended from time to time;
 - (k) "Member" shall mean a member of the Board;
 - (l) "Subdivision Authority" shall mean the Subdivision Authority for the City of Camrose established by By-Law #2004/95.

PART II - ESTABLISHMENTS AND POWERS

ESTABLISHMENT

4. The Subdivision and Development Appeal Board is hereby established.

POWERS

5. The Board shall deal with subdivision and development appeals in accordance with the provisions of the Act and shall exercise any other powers, duties and functions given to it by any other bylaws of Council.

PART III - MEMBERSHIP

MEMBERSHIP

6. Council shall appoint Members of the Board by resolution.

TERM OF OFFICE

7. (1) The resolution shall specify the term of office of the Members of the Board either generally or with respect to specific appointments.
- (2) Each person shall be appointed for a term of not more than three (3) years.
- (3) A Member of the Board who is absent from three (3) consecutive regular meetings of the Board shall cease to be a member unless such absence is caused by illness or otherwise authorized by resolution of the Board.
- (4) If a Member's term of office ceases and a vacancy occurs, the person appointed to fill such vacancy shall hold office for the remainder of the term concerned in the original appointment for which the vacancy has arisen.

MEMBERS OF COUNCIL

8. (1) The majority of the Board shall not be Members of Council.
- (2) The appointment of Councillors to the Board terminates when he/she ceases to be a Member of Council.
- (3) The person referred to under 8.(2) may be reappointed as a Member provided they are otherwise eligible.

SIZE OF BOARD

9. The Board shall be composed of not less than five (5) persons, three (3) of which shall be appointed from the public at large and two (2) from City Council.

VACANCIES

10. (1) Council may fill vacancies as they occur from time to time by resolution.
- (2) Notwithstanding any vacancy on the Board, the remaining Members have and may exercise and perform the powers and duties of the Board, provided that there are at all times no less than three (3) Members.

REMUNERATION OF MEMBERS

11. Members shall be paid such remuneration by the City as may be fixed from time to time by Council.

CHAIRMAN AND VICE-CHAIRMAN

12. (1) At the first regular meeting of the Board, following the annual Organizational Meeting of the Council, the Board shall elect a Chairman and a Vice Chairman.
- (2) In the event of the absence of or the inability of the Chairman to act at a meeting of the Board, the Vice-Chairman shall act as Chairman, and if no Vice-Chairman is designated or in the event of the absence or inability to act as the Vice-Chairman, the Members of the Board present at the meeting shall elect a Member to act as Chairman at that meeting

PART IV - CLERK

CLERK OF THE BOARD

13. The Assistant City Manager is appointed as Clerk of the Board and shall provide administrative support to the Board including:
 - (a) receiving notices of appeals;
 - (b) sending notices related to hearings;
 - (c) answering inquiries and providing information to appellants and the public;
 - (d) scheduling hearings;
 - (e) attending hearings;
 - (f) keeping a written record of the proceedings of the Board which shall include:
 - i. a summary of evidence presented at the hearing;
 - ii. the decision of the Development Authority or Subdivision Authority;
 - iii. the Notice of Appeal, and the Notice of Hearing of the Appeal;
 - iv. the Board's decision on each appeal;
 - v. the reasons for the Board's decision on each appeal, and
 - vi. a list of names and addresses of persons who leave their names and addresses with the clerk in accordance with Section 27 (c) of this By-Law.

COUNCIL COMMITTEE

14. The Board is a Council Committee as defined in the Act.

DELEGATION BY THE CLERK OF THE BOARD

15. The Clerk of the Board may delegate any of the powers granted to the Clerk of the Board by this By-Law.

PART V - OPERATION OF THE BOARD

MEETINGS

16. The Board shall meet at least once in each calendar year and at such other times as the Board Chairman considers necessary.

PUBLIC HEARINGS

17. The Board shall hold public hearings respecting appeals in accordance with the Act.

ABSENCE FROM HEARINGS

18. A Member who for any reason is unable to attend the whole of the hearing of an appeal shall not participate in the Board's deliberations or the decision made by the Board on that appeal.

CONFLICT OF INTEREST

19. If a Member has any interest whether direct or indirect, in any matter before the Board, the Member shall declare such interest to the Board before discussion of the matter, and shall not participate in the hearing, or discuss or vote upon the matter, and such abstention shall be recorded in the minutes.

QUORUM

20. A quorum at any meeting or hearing of the Board (or any Committee) of the Board shall be three (3) Members.

APPEALS

21. (1) A person shall appeal to the Board in the manner provided in the Act.
(2) At the time of service of the Notice of Appeal, the Appellant shall pay to the City, a fee calculated in accordance with the Fee Schedule.
(3) The Appeal Fee may be returned to the Appellant should the Board determine that it is appropriate to do so.
(4) In the event that an appeal is abandoned by the Appellant, the Board shall not be obliged to hold the public hearing referred to in the Act unless another Notice of Appeal has been served upon the Board in accordance with the Act.

APPEAL HEARING

22. At the appeal hearing, the Board shall hear all those persons that it is required to hear under the Act.

FURTHER ASSISTANCE

23. At the appeal hearing, should the Board desire further technical information, legal opinions or other assistance, it may table the hearing pending receipt of such information, opinion or other assistance.

DUTIES OF THE CHAIRMAN AT THE HEARING

24. The Chairman:
- (a) shall be responsible to see that all things required to be carried out by the Board under the Act are carried out in accordance with the provisions of the Act,
 - (b) shall be empowered to rule if evidence presented is irrelevant to the matter in issue and to direct the Members to disregard the evidence.
 - (c) may limit a submission if it is determined to be repetitious or irrelevant.
 - (d) shall, when a hearing is tabled and time is not fixed for its continuation, announce that notice of the continuation of the meeting will be sent to those persons leaving their name and address with the Clerk of the Board. Only those persons leaving their name and address shall be entitled to notice of the continuation of the hearing.

PART VI - DECISIONS

ARRIVING AT ORAL DECISION AND ANNOUNCEMENT

25. (1) After hearing all submissions and rebuttal, if any, the Board shall deliberate and reach its decision in private.
(2) In arriving at its decision, the majority vote of those Members present shall constitute the decision of the Board.
(3) A verbal announcement of the Board's decision may be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the Act.

SIGNING OF DECISIONS

26. An order, decision or approval, notice or other thing made, given or issued by the Board may be signed on its behalf by the Clerk of the Board, and either the Chairman, Vice-Chairman, a Member elected to act as Chairman or a person authorized by the Board to sign on its behalf.

DECISION

27. (1) The Board shall give its written decision and reasons in accordance with the Act to:
(a) the Applicant;
(b) the Appellant; and
(c) those affected persons who gave their name and address to the Clerk of the Board during the public hearings;
(d) the Development Authority.

PART VII - FORMER BY-LAW

REPEAL OF BYLAW NO.

28. By-Law No. 2290/01, the Subdivision and Development Appeal Board By-Law, as amended, is hereby repealed.

PART VIII - EFFECTIVE DATE

EFFECTIVE DATE

29. This By-Law shall come into force and effect on the date of the final passing thereof.

READ a FIRST time in COUNCIL this 1st day of NOVEMBER, A.D. 2004.

READ a SECOND time in COUNCIL this 1st day of NOVEMBER, A.D. 2004.

READ a THIRD time and FINALLY PASSED in COUNCIL this 1st day of NOVEMBER, A.D. 2004.

MAYOR

ASSISTANT CITY MANAGER

**BY-LAW #2433/04
OF THE
CITY OF CAMROSE
PROVINCE OF ALBERTA**

THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD BY-LAW

SCHEDULE "A"

**Application Fees in Accordance with the Fees and Charges By-Law of the City of
Camrose**

as established from time to time.