



A BY-LAW OF THE TOWN OF RIMBEY, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE ESTABLISHMENT OF A SUBDIVISION AND DEVELOPMENT APPEAL BOARD.

WHEREAS

The Municipal Government Act, R.S.A., 2000 Chapter M-26, and amendments thereto, require a Municipality to establish a Subdivision and Development Appeal Board.

NOW
THEREFORE

The Municipal Council of the Town of Rimby, in the Province of Alberta, duly assembled, enacts as follows:

SECTION 1 – TITLE

1. This Bylaw may be cited as the “Town of Rimby Subdivision and Development Appeal Board Bylaw”.

SECTION 2 – DEFINITIONS

The following words and terms are defined as follows:

- (a) “Act” means the Municipal Government Act, RSA 2000, M-26 and amendments thereto;
- (b) “Board” means the Subdivision and Development Appeal Board of the Town of Rimby established pursuant to this Bylaw;
- (c) “Chief Administrative Officer” means the Chief Administrative Officer of the Town of Rimby appointed by Council;
- (d) “Council” means the Council of the Town of Rimby;
- (e) “Development Authority” means the person or persons appointed pursuant to the Subdivision and Development Authority Bylaw;
- (f) “Land Use Bylaw” means the Town of Rimby Land Use Bylaw No 917/16 and amendments thereto;
- (g) “Member” means a member of the Subdivision and Development Appeal Board appointed pursuant to this Bylaw;
- (h) “Pecuniary Interest” shall have that meaning set out in Division 6 of Part 5 of the Municipal Government Act as applied and adapted in the context of this bylaw;
- (i) “Public Member” means a person who is not a member of Council and who otherwise qualifies as an elector of the Town of Rimby;
- (j) “Subdivision Authority” means the Subdivision Authority as established pursuant to the Subdivision and Development Authority Bylaw;
- (k) “Town” means the Town of Rimby.

SECTION 3 – ESTABLISHMENT

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



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SECTION 4 – MEMBERSHIP AND TERM

1. The Board shall consist of five (5) members who are public members.
2. A Member of the Board shall not include:
 - a) a person who carries out development or subdivision powers on behalf of the Town;
 - b) an employee of the Town;
 - c) an elected official of the Town.
3. Each member of the Board shall be appointed for a term specified by resolution of Council.
4. A person may be reappointed to the Board upon the expiration of that person's term.
5. In the event of a vacancy, Council may appoint a new member to serve for the remainder of the vacating Member's term.
6. If a Member misses three (3) consecutive meetings without the authorization of the Board, the person is disqualified and the position becomes vacant. Otherwise, a Member of the Board shall not be discharged without cause.
7. The Chairperson of the Board shall be selected by the Board from its membership.

SECTION 5 – PROCEDURE

1. A quorum for the Board shall consist of a majority of the members.
2. In accordance with Part 17 of the Act, the Board may establish committees of the Board from its Board members.
3. The Chairperson of a committee shall be appointed by the Board.
4. In the event of absence or inability of the Chairperson to preside at a Board meeting, the members present constituting the quorum shall elect one of its members to act as Chairperson for that meeting.
5. The Board shall designate a Town of Rimbey administrative staff employee to serve as Secretary to the Board, who shall:
 - a) not have a vote;
 - b) provide notice of the hearing in accordance with the Act respecting subdivision and development appeals;
 - c) notify all Members of the Board of the meetings of the Board, including hearings;
 - d) prepare and maintain a file of written minutes of the business transacted at all meetings, including hearings, of the Board;
 - e) for each hearing, record and issue a decision of the Board and its findings, with reasons, to all affected parties;
 - f) undertake such other duties as the Board may require in the conduct of its business.
6. Only those Members present at a whole hearing of an appeal shall be able to vote on the appeal.
7. A decision of the Members forming a quorum at a duly convened meeting of the Board or committee thereof shall be deemed to be the decision of the whole Board.



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8. In the event of a tie vote, the appeal shall be deemed to be denied.
9. For any procedures not covered in the Act or by a bylaw of the Town, the Board may establish such other procedures as may be required for the conduct of hearings.

SECTION 6 – FUNCTIONS AND DUTIES

1. Within thirty (30) days of receiving written notice of an appeal that is in accordance with the provisions of the Act, the Board shall hold a public hearing to hear an appeal of:
 - a) a decision of the Subdivision Authority or Development Authority,
 - b) a refusal or failure by the Subdivision Authority or Development Authority to make a decision within the time allowed for a decision established in the Act, or
 - c) a stop work order issued by the Development Authority.
2. The hearings of the Board shall be in public, but the Board may at any time recess and deliberate in private.
3. A request for adjournment of a hearing may be granted at the discretion of the Board, but any adjournment must be to a specific time and date.
4. The Board may adjourn to a specific time and date upon its own volition to continue to receive interventions and presentations or to request technical information, legal opinions or other information desired by the Board.
5. Upon conclusion of a hearing, the Board shall deliberate and reach its decision in private.
6. The Chairperson shall be responsible for the conduct of a meeting and may limit a submission if it is determined to be repetitious or inappropriate in any manner.
7. If a Member has a pecuniary interest in a matter before the Board, or if a Member is aware of any reason which may lead to a possible bias when hearing the matter, the Member shall:
 - a) disclose the general nature of the pecuniary interest or likelihood of bias to the Board prior to the Board's consideration of the matter.
 - b) abstain from discussion and disposition on the matter.
 - c) leave the room in which the meeting or hearing is taking place until discussion and disposition of the matter is completed.
8. The abstention of the member and the disclosure of the members interest or bias shall be recorded in the minutes.
9. The Board shall issue its decision in writing, together with reasons for the decision, within fifteen (15) days of the conclusion of a hearing.
10. A decision of the Board is not final until notification of the decision is given in writing.
11. Notwithstanding any other provision in this Bylaw, an order, decision or approval made, given or issued by the Board may only be signed by the Chairperson.



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12. If the Subdivision Authority fails or refuses to endorse a plan of subdivision or other instrument as approved by the Board on appeal, the Chairperson of the Board is authorized to endorse the subdivision instrument.

Bylaw No. 770/04 is hereby rescinded.

READ a First Time in Council this 12 day of September 2016.

READ a Second Time in Council this 12 day of September 2016.

UNANIMOUSLY AGREED to present this Bylaw for Third and Final Reading.

READ a Third Time and Finally Passed this 12 day of September 2016.

A handwritten signature in blue ink, appearing to read "Rick Pankiw".

Mayor Rick Pankiw

A handwritten signature in blue ink, appearing to read "Lori Hillis".

Chief Administrative Officer
Lori Hillis