

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD BYLAW
VILLAGE OF EMPRESS
BYLAW NO.09-2013**

BEING A BYLAW OF THE VILLAGE OF EMPRESS, IN THE PROVINCE OF ALBERTA, TO ESTABLISH A SUBDIVISION AND DEVELOPMENT APPEAL BOARD.

NOW THEREFORE the Council of the Village of Empress hereby enacts as follows:

1. This Bylaw shall be called the "Subdivision and Development Appeal Board Bylaw".

Definitions

2. In this Bylaw, the following definitions shall apply:

"Board" means the Subdivision and Development Appeal Board.

"Council" means the Village of Empress Council.

Purpose

3. The purpose of the Board is to hear appeals from subdivision and development permit decisions made under the provisions of the Municipal Government Act and the Village of Empress Land Use Bylaw.

Establishment of the Appeal Board

4. The Subdivision and Development Appeal Board is hereby established and shall consist of the following:
 - a. The Board shall be composed of three (3) members who shall be appointed by resolution of Council.
 - b. The members shall not be a member of the Municipal Planning Commission or an employee of the municipality as defined in Section 627(4) of the Municipal Government Act.
 - c. Each member of the Board shall be appointed for a term not to exceed three (3) years. No person, other than elected officials sitting as a member may serve more than two consecutive terms unless that person has been off the Board for one full term.

- d. Any vacancy caused by death, retirement or resignation of a member may be filled by resolution of the Council
- e. The Board members presiding over the appeal hearing shall designate a chairperson agreed upon by all presiding members of the Board.

Duties of the Board

5. The Board shall perform those duties as set forth in Division Three (3) and Division Ten (10) of the Municipal Government Act.

Procedure

6. The Chairperson:
 - a. Will preside over and be responsible for the conduct of the meeting of the Board;
 - b. May set time limits or prescribe the manner in which submissions are to be made, accepting either oral or written submissions or both and setting reasonable time limits for such submissions; and
 - c. Will vote on all matters before the Board.
7. The Board will follow the procedural rules outlined in the Village of Empress Procedural bylaw

Quorum

8. A quorum shall consist of a simple majority of two (2) board members.

Decision

9. Any order or decision by the Board shall be signed by the Chairperson and the Secretary of the Board.

Commencement of Appeal

10. An appeal is to commence by:
 - a. The appellant mailing or delivering to the Secretary of the Board of the municipality where the decision or order was made in the form established by the Board from time to time within the time limits for appeal in accordance with the Municipal Government Act; and

- b. Paying a fee as set out in schedule "A" attached hereto, considered to recover the costs of holding an appeal hearing.

Payment to Board

11. Each member of the Board shall be paid an honorarium by the Village of Empress for meeting fees as per current policy of the Village.

Decision of the Board

12.
 - (a) The Board must give its decision in writing together with reasons for the decision within 15 days after concluding the hearing.
 - (b) As soon as reasonably possible after a hearing, the Secretary of the Board shall prepare minutes of the hearing, including the particulars of the appeal.

The Board minutes shall be maintained at the Village office where the appeal was filed and be available for public inspection at all reasonable times.

Secretary of the subdivision and Development Appeal Board

13. The secretary of the Board shall be appointed by the Chief Administrative Officer of the Village from its administrative staff.
14. The secretary of the Board shall:
 - a. Notify all members of the Board of the arrangements for the holding of each hearing and other meetings of the Board in accordance with the provisions of the Municipal Government Act applicable to Subdivision and Development Appeal Boards;
 - b. Ensure that at least five (5) days written notice of the hearing is given to all affected parties as specified in the Municipal Government Act;
 - c. Prepare and maintain a file of written minutes of the business transacted at all meetings of the Board, copies of which shall be regularly filed with Council;
 - d. Issue to all affected parties and persons, notices of the decisions of the Board and reasons therefore;

- e. Notify the Council of the decisions of the Board;
- f. Carry out such other administrative duties as the Board may specify.


READ A FIRST TIME THIS 20th DAY OF SEPTEMBER, 2013.

READ A SECOND TIME THIS 20TH DAY OF SEPTEMBER, 2013.

READ A THIRD TIME AND PASSED THIS 20TH DAY OF SEPTEMBER, 2013.



MAYOR



CAO

SCHEDULE "A"
BYLAW # 9-2013
SUBDIVISION & DEVELOPMENT APPEAL BOARD

Fee to appeal decision

\$250.00