

VILLAGE OF THORSBY

BY-LAW 95-10

BEING a by-law of the Village of Thorsby in the Province of Alberta to establish a Subdivision Authority, Development Authority, and Appeal Board.

WHEREAS the Municipal Government Act ('the Act') provides that the municipality shall establish a Subdivision Authority, a Development Authority and a Subdivision and Development Appeal Board;

NOW THEREFORE, BE IT RESOLVED, that the municipal Council of the Village of Thorsby, duly assembled, enacts as follows:

1. Establishment of a Subdivision Authority

- a) Pursuant to Section 623 of the Act, the authority to exercise subdivision powers and duties is vested in the Chief Administrative Officer or, in her absence, the Development Officer, appointed under the Land Use By-law.
- b) The administration of the subdivision process may be delegated to an outside agency provided that the power of decision remains with the municipality.

2. Establishment of a Development Authority

Pursuant to Section 624 of the Act, the authority to exercise development powers and duties under the Land Use Bylaw is vested in the Development Officer appointed under that or, in her absence, the Chief Administrative Officer.

3. Establishment of Subdivision and Development Appeal Board

Pursuant to Section 627 of the Act, the Subdivision and Development Appeal Board ('the Board') is established.

4. Purpose of the Board

The purpose of the Board is:

- a) to hear and decide upon appeals against decisions of the Subdivision Authority;
- b) to hear and decide upon appeals from decisions of the development officer in respect to development permits and stop orders, and in this respect to perform the duties assigned to the Development Appeal Board under the Land Use Bylaw, and
- c) to recommend to Council ways of improving the Land Use Bylaw and the subdivision and development approval process.

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5. Composition of the Board

- a.) The Board shall consist of five people made up of:
- (i) one (or two) member(s) of council, and
 - (ii) four (or three) residents of the Village who are not councillors,
- appointed by resolution of Council at the annual organization meeting, and who shall hold office until the next organization meeting.
- b) A retiring member of the Board may be re-appointed.
- c) A vacancy on the Board shall be filled as soon as is practical, but the Board may function notwithstanding, provided that a quorum is present.
- d) An employee of the municipality shall not be appointed to the Board.

6. Quorum

A quorum for the Board shall be three members but, pursuant to Section 627 of the Act, councillors must not form a majority of members hearing an appeal.

7. Chairman

At its first meeting each year after the annual organizational meeting, the Board shall elect a chairperson and vice-chairperson from its members.

8. Secretary

An employee of the Village may act as secretary to the Board but shall not take part in the discussion and shall have no vote.

9. Calling of Meetings

A meeting of the Board may be called by the Secretary, or by the Chairperson, upon at least 5 days notice being given to the members of the Board, the appellant, and other interested parties.

10. Filing and Processing of Appeals

- a) The procedure for filing and processing appeals is set out in Section 678 to 687 of the Act.
- b) Subject to the Act, the Board may establish rules for the administration of appeals and the conduct of its meetings.

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c) Meetings of the Board shall be open to the public, but the Board may go in camera at the close of a hearing to discuss the evidence presented.

d) Only those members of the Board present at a meeting shall vote on any matter before it.

11. Establishment of Fee Schedules

Council may be resolution establish fees for subdivision and development appeals, which shall be sufficient to cover the cost of advertising, administration, and other expenses.

12. Remuneration of Board Members

Council may be resolution establish the remuneration and expenses to be paid to Board Members hearing an appeal.

13. Repeal and Amendment of Other Bylaws

a) In any place where this bylaw conflicts with Bylaw 90-3, the Land Use Bylaw, this bylaw shall govern.

THIS By-law comes into force upon the date of final reading and passing thereof.

READ A FIRST, SECOND, AND THIRD TIME THIS 27 DAY OF NOVEMBER, A.D. 1995.



FRED HASSEN,
MAYOR



ELIZABETH MEGYESI
CHIEF ADMINISTRATIVE OFFICER

