

TOWN OF RAINBOW LAKE

BYLAW 96.01

A BYLAW OF THE TOWN OF RAINBOW LAKE, IN THE PROVINCE OF ALBERTA, TO ESTABLISH A SUBDIVISION AND DEVELOPMENT APPEAL BOARD FOR THE TOWN OF RAINBOW LAKE UNDER THE PROVINCE OF ALBERTA MUNICIPAL GOVERNMENT ACT.

WHEREAS, the Council of the Town of Rainbow Lake wished to establish a Subdivision and Development Appeal Board for the Town of Rainbow Lake as required under the provisions of the Municipal Government Act;

NOW THEREFORE, the Council of the Town of Rainbow Lake, duly assembled, enacts as follows:

1. This Bylaw may be cited as the "Subdivision and Development Appeal Board Bylaw".
2. Definitions:

Agency means the Mackenzie Municipal Services Agency

Board means the Subdivision and Development Appeal Board of the Town of Rainbow Lake as established by the bylaw.

Council means the Council of the Town of Rainbow Lake.

Member means a person appointed by Council to be a member of the Subdivision and Development Appeal Board for the Town of Rainbow Lake.

All other terms used in this Bylaw shall have the meaning assigned to them by the *Municipal Government Act* or the Town of Rainbow Lake *Land Use Bylaw No. 248*.
3. The Subdivision and Development Appeal Board for the Town of Rainbow Lake is hereby established, pursuant to the provisions of the *Municipal Government Act*.
4.
 - A. Council shall appoint members to the Board.
 - B. The Board shall consist of one (1) member of Council and two (2) members-at-large, with one (1) alternate member-at-large.
5.
 - A. Persons shall be appointed to the Board for a one (1) year term, with appointments to the Board being made at the Town of Rainbow Lake's annual Organizational Meeting.
 - B. Council may re-appoint a person to be a Member of the Board.
 - C. A member of Council's appointment to the Board terminates upon the person ceasing to be a member of Council.
 - D. A Member of the Board shall not include:
 - i. a person who carries out development or subdivision on behalf of the Town of Rainbow Lake; or
 - ii. an employee of the Town of Rainbow Lake
6.
 - A. The Board shall appoint one (1) of its members to act as Chairman and the Chairman shall preside over Board Hearings and Meetings.
 - B. If the Chairman is absent from a hearing or meeting, the Members of the Board shall elect a Member to act as Chairman.
 - C. Any order, decision, notice or other thing made, given or issued by the Board shall be signed by the Chairman or a member of the Board.
7.
 - A. The Secretary of the Subdivision and Development Appeal Board shall be appointed by resolution of Council.
 - B. The Secretary shall:
 - i. notify all members of the Board of the arrangements for the holding of hearings and meetings;
 - ii. prepare and maintain a file of written minutes of the proceedings of each appeal hearing, including a summary of the evidence presented at a hearing;
 - iii. issue to all affected and interested parties and all persons attending the hearing, notice of the decision of the Board, with reason, in writing;
 - iv. carry out such other administrative duties as the Board may specify
 - C. The Secretary shall, on behalf of the Board, insure that notice, in writing, of the appeal hearing is given to the persons required to receive notice under the provisions of the *Municipal Government Act*.
 - D. The Secretary shall make available for public inspection, prior to an appeal hearing, all relevant documents and materials respecting an appeal hearing.

8.
 - A. The Board shall carry out those duties and functions pursuant to the provisions of the *Municipal Government Act*.
 - B. Three (3) members of the Board constituted a quorum.
 - C. Only those members of the Board in attendance at an appeal hearing may vote on any matter before the Board.
 - D. Within thirty (30) days of receiving written notice of an appeal that is in accordance with the provisions of the *Municipal Government Act*, the Board shall hold a public hearing to hear and appeal of:
 - i. a decision of the Subdivision Authority or Development Authority;
 - ii. the Subdivision Authority or Development Authority's refusal or failure to make a decision within the time allowed for a decision established by the *Municipal Government Act*; or
 - iii. a stop order issued by a development Authority.
 - E. Upon conclusion of a public hearing, the Board shall deliberate and reach it's decision in private.
 - F. The Board shall give its decision upon an appeal in writing together with reasons for the decision within fifteen (15) days of the conclusion of the public hearing.
 - G. The decision of the majority of the Members of the Board present at a hearing, duly convened, is deemed to be the decision of the whole Board.
9. Where it is deemed necessary, the Board is authorized to refer subdivision appeals to the Mackenzie Intermunicipal Subdivision Appeal Board.
10. The Executive of the Agency, or a representative of the Executive Director, shall be advisor to the Board.
11. The Board may request a person or person to attend a meeting or hearing in an advisory capacity, such as a representative of a provincial government department.
12. Town of Rainbow Lake Bylaw No. 297, being the Town of Rainbow Lake Development Appeal Board Bylaw, any amendments thereto, is hereby rescinded.

This Bylaw shall take force and effect upon the date of its final passage.

Read a first time this 9th day of January, 1996

Read a second time this 9th day of January, 1996

Read a third time and hereby passed this 9th day of January, 1996


Mayor


Town Manager