

**SUMMER VILLAGE OF WAIPAROUS  
BYLAW NUMBER 151-22**

BEING A BYLAW OF THE SUMMER VILLAGE OF WAIPAROUS IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF ESTABLISHING A SUBDIVISION AND DEVELOPMENT APPEAL BOARD

WHEREAS the Municipal Government Act, R.S.A. 2000, Chapter M-26 requires the establishment of a Subdivision and Development Appeal Board for the Summer Village of Waiparous;

AND WHEREAS Municipal Government Act, R.S.A. 2000, Chapter M-26 requires Council to provide for the procedure and conduct and the functions and duties of a Subdivision and Development Appeal Board established by Council;

NOW THEREFORE the Council of the Summer Village of Waiparous, in the Province of Alberta, duly assembled hereby enacts as follows:

1. TITLE

1.1. This Bylaw may be cited as the “Subdivision and Development Appeal Board Bylaw”

2. DEFINITIONS

- a. “Act” means the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended;
- b. “Board” means the Summer Village of Waiparous Subdivision and Development Appeal Board;
- c. “Member” means a voting member of the Summer Village of Waiparous Subdivision and Development Appeal Board;
- d. “Pecuniary Interest” means pecuniary interest as defined by section 170(1) of the Act;

3. ESTABLISHMENT

3.1. Council hereby establishes a Subdivision and Development Appeal Board for the Summer Village of Waiparous.

4. AUTHORITY

4.1. Subject to and in accordance with the provisions of the Act, the Board shall hear and make determinations in respect of appeals brought in respect of:

- a. decisions of a Subdivision Authority which are to be heard by the Board pursuant to section 678(2) of the Act;
  - b. orders, decision or development permits made or issued by a Development Authority pursuant to section 685 of the Act;
  - c. such other matters as the Board may now or may hereafter be required to hear by the Act or by bylaw of the Summer Village of Waiparous.
- 4.2. The Board, when hearing an appeal respecting a subdivision application or order relating to a subdivision matter, must act in accordance with section 680 of the Act.
- 4.3. The Board, when hearing an appeal respecting a development permit or order related to a development matter, must in accordance with Section 687 of the Act.

## 5. MEMBERSHIP AND TERM

- 5.1. The Board shall consist of three (3) Members appointed by resolution of Council.
- 5.2. Membership terms will be set by Council at time of appointment, the terms shall not exceed three (3) years and will be made in such a manner that the expiry dates of Members are staggered.
- 5.3. Should Council choose to appoint a member of Council to the Board, only one Member of the Board shall be a member of Council.
- 5.4. To be eligible as a Member of the Board the person must be a property owner or spouse of a property owner in the Summer Village of Waiparous.
- 5.5. No person shall be a Member of the Board:
- a. who is an employee of the Summer Village of Waiparous; or
  - b. who carries out subdivision or development powers, duties and functions on behalf of the Summer Village of Waiparous.
- 5.6. All membership vacancies shall be advertised on the Summer Village of Waiparous website requesting formal submission of applications.
- 5.7. Appointment of members will be made from those applicants responding to the advertised need.
- 5.8. There will be no automatic succession appointments.

## 6. RESIGNATIONS AND REMOVALS

- 6.1. Any Member may resign from the Board at any time by sending written notice to the Chief Administrative Officer.
- 6.2. Council may remove a Member at any time.

## 7. QUORUM AND APPOINTMENT OF CHAIR AND VICE CHAIR

- 7.1. Two (2) Members of the Board shall constitute a quorum.
- 7.2. The Board shall at its first meeting in each year, elect by a majority vote of those Members present, a chair and a vice-chair.
- 7.3. In the event of absence or inability of the chair to preside at a meeting, the vice-chair shall preside.

## 8. CLERK OF THE BOARD

- 8.1. Council shall appoint the Chief Administrative Officer to act as clerk of the Subdivision and Development Appeal Board with compensation as outlined in the Chief Administrative Officer's contract.
- 8.2. The clerk is authorized to:
  - a. sign on behalf of the Board any order or decision issued by the Board;
  - b. notify all Members of the Board of the arrangements for the holding of each meeting;
  - c. prepare and maintain a record of the proceedings;
  - d. prepare the Board's written orders for signature and transmittal; and
  - e. issue any order or decision of the Board to all affected parties and persons.

## 9. MEETING PROCEDURES

- 9.1. The Board shall determine the location in which to hold meetings.
- 9.2. Public notice of a meeting will be provided on the Summer Village of Waiparous website at least one (1) day prior to the meeting.
- 9.3. The Board may postpone a decision to a specific date and time where the circumstances require it.

- 9.4. If a notice to withdraw an appeal is received after the hearing date has been set, the Board shall open the hearing to determine whether or not the appeal will continue.
- 9.5. The chair shall be responsible with respect to all things required to be carried out by the Board under the Act to see that they are carried out in accordance with the provision of the Act.
- 9.6. The chair shall:
- a. maintain order and decorum and may, if necessary, call a member to order;
  - b. determine who has a right to speak;
  - c. ensure all Members who wish to speak to a motion have spoken, ensure that the members are ready to vote, and subsequently call the vote;
  - d. rule when a motion is out of order; and
  - e. ensure persons in the gallery maintain quiet and order and may, if necessary, provide for the removal of those who do not comply.
- 9.7. Members shall not:
- a. speak with the appellant or any other parties prior to the appeal; or
  - b. discuss the item being appealed with anyone, including other Members, outside the hearing.
- 9.8. When a Member has a Pecuniary Interest with respect to an appeal under consideration, the Member must disclose the nature of the Pecuniary Interest prior to any discussion on the matter, abstain from voting on the matter and leave the room in which the meeting is being held until discussion and voting on the matter are concluded.
- 9.9. 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 deliberation or decision on that appeal.
- 9.10. When a Member does not vote on a matter pursuant to 9.8 or 9.9, the abstention and reasons therefore shall be recorded in the minutes.
- 9.11. After hearing all submissions, the Board may deliberate and reach its decision in a meeting closed to the public.
- 9.12. Only the Members present and eligible to vote and the clerk shall be present in a meeting closed to the public.

9.13. A decision of the majority vote of Members present shall be deemed to be a decision of the whole Board.

9.14. A tied vote is defeated.

9.15. A Member shall not make any public statements (including verbally, in writing or via electronic media) on matters relating to an appeal before the Board, either before or after a hearing, except those statements authorized by the Board through the chair.

## 10. MEETING RECORDS

10.1. Agendas shall be made available to Members at least three (3) days prior to a meeting, and made available to the public at least one (1) day prior to the meeting.

10.2. The clerk shall keep record of each meeting that includes:

- a. the notice of appeal;
- b. the date, time and location of the meeting;
- c. the names of all Members present;
- d. the names of any Summer Village of Waiparous staff present;
- e. a list of witnesses that gave written evidence at the meeting;
- f. all written arguments presented at the meeting;
- g. a list of witnesses that gave verbal evidence presented at the meeting;
- h. any motions made at the meeting, along with the results of the vote on the motion;
- i. the evidence the Board considered and that which it did not, also known as the findings of facts; and
- j. the decision of the Board, including reasons.

10.3. Questions and debate shall not be recorded in the minutes.

10.4. Minutes of the meeting shall be adopted by motion at the next meeting of the Board and signed by the chair and clerk once adopted.

## 11. WITHDRAWING AN APPEAL

11.1. A notice made by the appellant to withdraw an appeal must be made in writing and submitted to the clerk;

- a. Before the hearing begins; or
- b. After the close of the hearing but before the Board issues its decision

11.2. A verbal notice to withdraw an appeal by the appellant may be made at the hearing.

## 12. GENERAL MATTERS

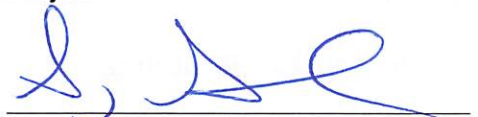
12.1. Bylaw Number 45-95 and any amendments thereto are hereby rescinded in their entirety.

12.2. This Bylaw shall come into force upon final reading thereof.

READ a first, second and third time this 14th day of March, AD 2022.



Mayor



Chief Administrative Officer