

BYLAW NO 126-20

SUMMER VILLAGE OF WHISPERING HILLS SUBDIVISION DEVELOPMENT AND APPEAL BOARD BYLAW

WHEREAS, Pursuant to section 627 of the Municipal Government Act, S.A, 2000, c, M-26, Council must by bylaw establish a subdivision and development appeal board;

AND WHEREAS, pursuant to section 628 of the Municipal Government Act a bylaw under section 627 must provide for the applicable matters described in section 145(b), and prescribe the functions and duties of the subdivision and development appeal board;

AND WHEREAS, pursuant to section 145, of the Municipal Government Act, Council may pass bylaws in relation to the procedures to be followed by Council, council committees and other bodies established by the Council'

AND WHEREAS, the Council of the Summer Village of Whispering Hills is a member of the Capital Region assessment Services Commission, a Commission established pursuant to Alberta Regulation 77/96: and,

AND WHEREAS. Pursuant to section 154 of the Municipal Government Act the chief elected official is a member of all council committees and bodies to which Council has the right to appoint members under the Municipal Government Act unless Council provides otherwise

NOW THEREFORE, the Council of the Summer Village of Whispering Hills Council enacts as follows:

PART 1- PURPOSE, DEFINITIONS AND INTERPRETATION

CITATION 1. This bylaw may be cited as the "Subdivision and Development Appeal Board Bylaw".

PURPOSE 2. The purposes of this bylaw are:

- (1) To establish the Subdivision and Development Appeal Board;
- (2) To prescribe the functions and duties for, and to establish procedures to be followed by, the Subdivision and Development Appeal Board.

INTERPRETATION 3. The headings in this bylaw are for reference purposes only.

4. References to enactments and bylaws in this bylaw include amendment and replacement enactments and bylaws, and regulations and orders made in accordance with them.

DEFINITIONS

5. In this bylaw, words have the meaning given to them in this section, but if not defined in this bylaw, they have the same meaning as they do in the Municipal Government Act:
- (1) "Chief Commissioner" means the chief administrative officer of the Summer Village of Whispering Hills.
 - (2) "Clerk" means the designated officer appointed as clerk of the Subdivision and Development Appeal Board accordance with section 456 of the Municipal Government Act;
 - (3) "Council" means the municipal council of the summer village;
 - (4) "Summer Village" means the Summer Village of Whispering Hills.
 - (5) "Mayor" means the chief elected official of the summer village;
 - (6) "Member" means an individual who is appointed to the Subdivision and Development Appeal Board;
 - (7) "Municipal Government Act" means the Municipal Government Act, RSA 2000, c M-26;
 - (8) "Subdivision and Development Appeal Board: means the subdivision and development appeal board established pursuant to this bylaw in accordance with section 627 of the Municipal Government Act.

PART II – ESTABLISHMENT AND CONDUCT OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD

- ESTABLISHMENT** 6. Council establishes the Subdivision and Development Appeal Board.
- CONDUCT AND PRODEDURES** 7. The Subdivision and Development Appeal Board will conduct itself in accordance with the Municipal Government Act, and the Summer Village bylaws, policies and procedures.
- FUNCTIONS AND DUTIES** 8. The Subdivision and Development Appeal Board will perform the functions and duties of a subdivision and development appeal board in accordance with the Municipal Government Act.
- RESOURCES** 9. Administrative support and resources will be provided to the Subdivision and Development Appeal Board as directed by the Chief Commissioner.

PART III – MEMBERSHIP OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD

INELIGIBILITY

10. The following persons may not be Members:
- (1) The Mayor;
 - (2) Members of Council;
 - (3) An employee of the Summer Village;
 - (4) Any person who was an employee of the Summer Village in the year prior to the date of appointment as a Member;
 - (5) Any other person who is not eligible to be a Member as set out in the Municipal Government Act.

APPOINTMENTS

11. Council will appoint Members as required by the Municipal Government Act and in accordance with Summer Village bylaws, policies and procedures.
12. Council will appoint 3 persons as Members of the Subdivision and Development Appeal Board.
13. Council may revoke the appointment of any Member if the Member does not comply with any term of this bylaw.
14. Members will be appointed at the pleasure of Council as required and for as long as required.

REMUNERATION

15. Remuneration and expenses, if any, for Members will be set by Summer Village council resolution.

TRAINING

16. Members will meet the requirements set out in the Municipal Government Act to be qualified to participate in a hearing promptly after appointment or re-appointment and, in any event, must do so prior to participating in a hearing.

CONDUCT

17. Members will conduct themselves in accordance with the Municipal Government Act, and Summer Village bylaws, policies and procedures.

PART IV – CHAIR AND VICE-CHAIR OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD

ELECTION

18. At the first meeting of each calendar year, the Subdivision and Development Appeal Board will elect a chair and vice chair from among the members.

DUTIES

19. The chair shall preside at all meetings of the Subdivision and Development Appeal Board. If the chair is unable to perform the chair's duties, the vice-chair will perform them.

PART V – MEETINGS, QUORUM AND DECISIONS

MEETINGS

20. The Subdivision and Development Appeal Board will meet as many times as necessary to fulfill its obligations pursuant to this bylaw.

QUORUM

21. Quorum is met by the attendance of 2 members.

DECISIONS

22. In arriving at its decision, the majority vote of those Members present at the hearing will constitute the decision of the Subdivision and Development Appeal Board. If there are an equal number of votes for and against the appeal, the appeal is denied.

PART VI – CLERK OF SUBDIVISION AND DEVELOPMENT APPEAL BOARD

CLERK DUTIES

23. The Clerk will meet the qualification requirements and fulfill their duties as set out in the Municipal Government Act, and will act in accordance with the summer village bylaws, policies and procedures.

PART VII – TRANSITIONAL PROVISIONS, REPEAL AND COMING INTO FORCE

TRANSITIONAL

24. On the coming into force of this bylaw, any alternate member of the SDAB is deemed to be a Member.

REPEAL

25. Summer Village bylaw 57-95 is repealed.

COMING INTO FORCE

26. This bylaw comes into force on the day it is signed.

READ A FIRST TIME THIS 8th DAY OF May, 2020.

READ A SECOND TIME THIS 8th DAY OF May, 2020.

READ A THIRD TIME AND FINALLY PASSED THIS 8th DAY OF May, 2020.



Mayor



Chief Administrative Officer