

**BYLAW 2009-761
VILLAGE OF CARBON
IN THE
PROVINCE OF ALBERTA**

BEING A BYLAW OF THE VILLAGE OF CARBON, IN THE PROVINCE OF ALBERTA, TO ESTABLISH AN INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD FOR THE TOWN OF TROCHU, THE VILLAGE OF CARBON, THE VILLAGE OF LINDEN, THE VILLAGE OF ACME AND THE VILLAGE OF BEISEKER.

WHEREAS the Town of Trochu, the Village of Carbon, the Village of Linden, the Village of Acme and the Village of Beiseker have agreed to establish an Intermunicipal Subdivision and Development Appeal Board;

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

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

Definitions

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

"Board" means the Intermunicipal Subdivision and Development Appeal Board.

"Councils" means the Town of Trochu Council, the Village of Carbon Council, the Village of Linden Council, The Village of Acme Council and the Village of Beiseker 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 Town of Trochu, the Village of Carbon, the Village of Linden, the Village of Acme and the Village of Beiseker Land Use Bylaws.

Establishment of the Appeal Board

4. The Intermunicipal 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 the respective Council.
 - b. One (1) member from each municipality shall be appointed by the respective Council to sit on the Board, the member may be a Town or Village Councillor but may not be a member of the Municipal Planning Commission or an employee of the municipality as defined in Section 627(4)(c) of the Municipal Government Act.
 - c. Each member of the Board shall be appointed for a term not to exceed three (3) years.
 - d. The Board hearing an appeal shall consist of three (3) members including the member of the municipality where the appeal has been filed and any other two board members as are available to preside over the hearing. If the Board member of the municipality where the appeal has been filed is unavailable to attend the hearing, any other board member may be selected to fill the position.

- e. The Board member from the Town or Village where the appeal was made shall be designated the chairperson for the respective appeal hearing, if that Board member is not available 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 may determine its own procedure and make procedural rules in respect of matters not provided for in this 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 of seventy five (\$75), considered to recover the costs of holding an appeal hearing, which will be retained by the municipality where the appeal is filed.

Payment to Board

11. Each member of the Board shall be paid an honorarium by the Municipality where the appeal was filed in consideration of reimbursement of regular travel expenses (mileage, etc.) and meeting fees as per the policy of the municipality where the appeal was filed.

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 municipal offices of the presiding municipality 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 Municipality where the appeal has been filed 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 the Councils;
 - d. Issue to all affected parties and persons, notices of the decisions of the Board and reasons therefore;
 - e. Notify the respective Council of the decisions of the Board;
 - f. Carry out such other administrative duties as the Board may specify.

READ A FIRST TIME THIS 9 DAY OF February, 2009.

READ A SECOND TIME THIS 9 DAY OF February, 2009.

READ A THIRD TIME AND PASSED THIS 9 DAY OF February, 2009.


MAYOR


ADMINISTRATOR