



BYLAW 2024-81

BEING A BYLAW OF THE TOWN OF DIAMOND VALLEY IN THE PROVINCE OF ALBERTA, TO ESTABLISH A SUBDIVISION AUTHORITY

WHEREAS pursuant to section 623 of the *Municipal Government Act*, RSA 2000, Chapter M-26 as amended, a municipal council must, by bylaw, provide for a development authority to exercise development powers and perform duties on behalf of the municipality;

THEREFORE, BE IT RESOLVED THAT the Council of the Town of Diamond Valley, duly assembled in Council Chambers in Diamond Valley, Alberta, enacts as follows:

1.0 TITLE AND PURPOSE

- 1.1 This bylaw may be cited as the "Development Authority Bylaw".

2.0 INTERPRETATION AND DEFINITIONS

- 2.1 In this bylaw and any schedules to this bylaw, the following terms, phrases, words and their derivations have the following meanings:
- (a) **Act** means the *Municipal Government Act*, RSA 2000, Chapter M-26, as amended;
 - (b) **Chief Administrative Officer (CAO)** means the person appointed by the Council of the Town to carry out the powers, duties and functions of the Chief Administrative Officer;
 - (c) **Council** means the elected officials for the Town of Diamond Valley;
 - (d) **Development Officer** means a person employed by the Town in the role of Development Officer;
 - (e) **Direct control district** means a district designated in a Land Use Bylaw where Council wishes to exercise particular control over the use and development of land or buildings within that district in any manner it considers necessary;
 - (f) **Land Use Bylaw** means a Land Use Bylaw affecting land within the Town, being the former Town of Turner Valley Land Use Bylaw 21-1114 and the former Town of Black Diamond Land Use Bylaw 2021-06;
 - (g) **Planner** means a person employed by the Town in the role of Planner;
 - (h) **Planning and Development Manager** means the person employed by the Town in the role of Planning and Development Manager;
 - (i) **Town** means the municipality of the Town of Diamond Valley in the Province of Alberta.
- 2.2 The headings in this bylaw do not form part of this bylaw and do not affect its interpretation.
- 2.3 Any references in this bylaw to any Statutes are to the *Province of Alberta Statutes* as amended or replaced from time to time and any amendments thereto.

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2.4 Within the text of this Bylaw;

- (a) use of a pronoun or determiner which indicates one gender includes all genders, unless the context requires otherwise, and
- (b) use of the singular includes the plural and the plural includes the singular, as the context requires.

2.5 The word “may,” when used in this Bylaw, is to be construed as permissive and empowering, and the words “must” or “will” when used in this Bylaw, are to be construed as imperative.

3.0 ESTABLISHMENT

3.1 The Development Authority for the Town is:

- (a) The CAO, Planning and Development Manager, Planner, or Development Officer.
- (b) Notwithstanding section 3.1(a), in respect of a direct control district, Council is the Development Authority unless it has delegated the decision to a development authority with directions that it considers appropriate within the Land Use Bylaw.

3.2 The Planning and Development Manager, Planner, or Development Officer, will advise Council and the Subdivision and Development Appeal Board on matters relating to the use and development of land and buildings.

4.0 SIGNING AUTHORITY

4.1 The notice of decision on a development application must be signed by whichever member of the development authority reviewed and decided on the application.

4.2 Notwithstanding section 4.1, the CAO, Planning and Development Manager, Planner, or Development Officer will sign the notice of decision for a development application decided upon by Council.

5.0 POWERS AND DUTIES

5.1 The Development Authority has those powers and duties as set out in the Act and any regulation made thereunder.

5.2 The Development Authority, or delegate, may request a waiver pursuant to the Matters Related to Subdivision and Development Regulation, Alta Reg 84/2022, as amended from time to time, prior to deciding on a development application.

6.0 GENERAL PROVISIONS AND COMING INTO FORCE

6.1 If any term, clause or condition of this bylaw or the application thereof is found to be invalid or unenforceable, the remainder of this bylaw or application of such term, clause or condition must not be affected and remains in force and effect.

6.2 Nothing in this bylaw relieves any person from compliance with any other bylaw or any applicable federal or provincial law, regulation or enactment.

6.3 In the event of a conflict between this bylaw and any other bylaw or any applicable federal or provincial law, regulation or enactment respecting public health and safety, the other bylaw, law, regulation or enactment must prevail to the extent of the conflict.

6.4 This bylaw comes into force and effect on the date of third and final reading.

READ A FIRST TIME on the 16 day of OCTOBER, 2024

READ A SECOND TIME on the 6 day of November, 2024

READ A THIRD AND FINAL TIME on the 16 day of November, 2024


Mayor
Chief Administrative Officer

