



TOWN OF
**DIAMOND
VALLEY**

OFFICE CONSOLIDATION
of
Bylaw 2024-60

**Intermunicipal Subdivision and
Development Appeal Board Bylaw**

This document is consolidated into a single publication for the convenience of users. The official Bylaw and all amendments thereto are available from the Legislative Services Supervisor and should be consulted in interpreting and applying this Bylaw. In case of any dispute, the original Bylaw(s) must be consulted.

For easy reference the amending Bylaw Numbers are listed with a brief description.

**Printed by the Legislative Services Supervisor, by the
authority of Town Council.**

BYLAW 2024-60

BEING A BYLAW OF THE TOWN OF DIAMOND VALLEY IN THE PROVINCE OF ALBERTA, TO ESTABLISH AN INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD

WHEREAS pursuant to the *Municipal Government Act*, RSA 2000, Chapter M-26 as amended, a municipal council has authority to govern and the authority to pass a bylaw for the purpose of establishing an Intermunicipal Subdivision and Development Appeal Board;

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 “Intermunicipal Subdivision and Development Appeal Board 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 shall have the following meanings:
- (a) **Appellant** means a person with an interest in the outcome of an appeal who files a Notice of Appeal.
 - (b) **Board** means the Board established pursuant to this Bylaw.
 - (c) **CAO or Chief Administrative Officer** means the duly appointed Chief Administrative Officer of the Town of Diamond Valley.
 - (d) **Clerk** means a person appointed, in accordance with this Bylaw, to undertake the duties and responsibilities assigned to the Clerk by the *Municipal Government Act*, by this Bylaw, or by the Board.
 - (e) **Council** means the duly elected Council of the Town of Diamond Valley.
 - (f) **Member** means a duly trained and certified Member of the Board, appointed by Council.
 - (g) **Regional Pool** means a group of Members, appointed by the Councils of municipalities, of which the Town is one, participating in a joint regional agreement.
 - (h) **Town** means the municipality of the Town of Diamond Valley in the Province of Alberta, or where the context so requires, its municipal boundaries.
- 2.2 The headings in this bylaw do not form part of this bylaw and shall 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.
- 2.4 Within the text of this Bylaw;
- (a) use of a pronoun or determiner which indicates one gender shall include all genders unless the context requires otherwise, and
 - (b) use of the singular shall include the plural and the plural shall include the singular as the context requires.

- 2.5 The word “may” when used in this Bylaw shall be construed as permissive and empowering, and the word “shall” when used in this Bylaw shall be construed as imperative.

3.0 ESTABLISHMENT OF INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD

- 3.1 Council hereby establishes a Subdivision and Development Appeal Board.
- 3.2 Council authorizes the CAO to enter into an agreement with one or more municipalities to establish an Intermunicipal Subdivision and Development Appeal Board. Intermunicipal Subdivision and Development Appeal Board appeals will be conducted in accordance with Schedule “A”, utilizing Members from the Town or from the Regional Pool to fill quorum requirements for appeals.

4.0 MEMBERSHIP

- 4.1 Council will establish the membership composition of the Board.
- 4.2 Members are appointed by Council resolution.

2024-72 4.3 Repealed June 19, 2024, by Bylaw 2024-72

- 4.4 Town staff may not sit as a voting Member on a Board.
- 4.5 Council Members and Town staff may apply for appointment to the Board after a two-year hiatus from that capacity, or at Council’s discretion.
- 4.6 Members are required to continue beyond their resignation date to complete hearing any matters of which they are seized.
- 4.7 A Member may resign from the Board at any time by giving written notice to Council.
- 4.8 By resolution, Council may remove any Member from the Board at any time, on the recommendation of the Mayor.
- 4.9 The Clerk shall appoint Members to the Regional Pool from time to time, as required.
- 4.10 All Members are required to successfully complete the training program set or approved by the Minister, which will provide them with an understanding of all legislative enactments respecting the procedures, powers, and obligations of the Board.
- 4.11 All Members will be provided information on, and will be required to sign, the Town’s Code of Conduct Bylaw.

5.0 REMUNERATION

- 5.1 Members shall be compensated for their time on Boards as follows:

| Meeting Time <i>(Includes time for decision writing and review)</i> | Chair | Member | Training |
|---|--------------|---------------|--|
| Up to 4 hours | \$219 | \$164 | \$200 <i>(for whole training event)</i> |
| 4-8 hours | \$383 | \$290 | |
| Over 8 hours | \$601 | \$427 | |

- 5.2 Members shall be remunerated for travel expenses per the Council Remuneration, Education and Expense Reimbursement Policy (Council-013), when conducting required business of the Board and mandatory provincial training.

6.0 CONDUCT AND PROCEDURES AT HEARINGS

- 6.1 Members must conduct themselves in accordance with this Bylaw and:
- (a) the express provisions of any applicable enabling legislation;
 - (b) the *Municipal Government Act* and related regulations;
 - (c) the Town's Procedure Bylaw; and
 - (d) principles of natural justice and procedural fairness.
- 6.2 The Board may hold hearings in person, via electronic means, or written submissions.
- 6.3 Boards shall meet in public unless the nature of an issue being discussed requires the Board to go into Closed Session.

7.0 POWER OF AUTHORITY

- 7.1 The CAO shall appoint one or more Clerks to the Board, with responsibilities and duties as outlined in Schedule "A".
- 7.2 Except as otherwise specified in this Bylaw, no Board or Member has the:
- (a) power to pledge the credit or course of action of the Town or enter into any agreement on behalf of the Board or the Town;
 - (b) power to authorize any expenditure to be charged against the Town without prior approval by Council; and
 - (c) authority to act administratively (e.g. direct staff or set mandates outside of assigned roles).

8.0 GENERAL PROVISIONS AND COMING INTO FORCE

- 8.1 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 shall not be affected and shall remain in force and effect.

- 8.2 Nothing in this bylaw relieves any person from compliance with any other bylaw or any applicable federal or provincial law, regulation or enactment.
- 8.3 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 shall prevail to the extent of the conflict.
- 8.4 This bylaw repeals the following bylaws in their entirety and all amendments thereto:
- Black Diamond Bylaw 15-06, Intermunicipal Subdivision and Development Appeal Board; and
 - Turner Valley Bylaw 15-1047, Intermunicipal Subdivision and Development Appeal Board.
- 8.5 This bylaw shall come into force and effect on the date of third and final reading.

READ A FIRST TIME on the 3rd day of April, 2024

READ A SECOND TIME on the 3rd day of April, 2024

READ A THIRD AND FINAL TIME on the 3rd day of April, 2024

Original Signed

Mayor

Original Signed

Chief Administrative Officer

SCHEDULE “A”**Subdivision and Development Appeal Board (SDAB)**

| | |
|--------------------------|--|
| Purpose | To fulfill the requirements of the <i>Municipal Government Act</i> to hear and determine appeals with respect to the subdivision and development of land. |
| Membership | Five (5) Citizen Members (Quorum is three (3) Members) <ul style="list-style-type: none">• Those who carry out subdivision or development powers, duties and functions on behalf of the Town may not be appointed to the SDAB. |
| Appeal Fees | \$250.00 Fees must be refunded if: <ul style="list-style-type: none">(a) the Board decides in favour of the Appellant;(b) the Board’s decision is not in favour of the Appellant, but on appeal, the Court of King’s Bench makes a decision in favour of the Appellant; or(c) an Appellant withdraws an appeal on agreement with the Subdivision or Development Authority to correct any matter or issue under complaint. |
| Authority | <p>The SDAB will:</p> <ul style="list-style-type: none">(a) hear and determine appeals brought to it respecting an order, decision or development permit of a Subdivision or Development Authority;(b) when hearing an appeal, shall follow the order of appearance set out in the provincial training handbook;(c) require that the party making the written submission shall present the submission to the SDAB. If such party is absent from the hearing, the person who makes the report to the SDAB may present the written submissions;(d) in arriving at its decision and formulating its reasons, may obtain advice and assistance from the Town’s staff, legal advisors, and other technical agencies; and(e) comply with the Town’s Procedure Bylaw, the <i>MGA</i>, and any applicable Regulations. <p>The CAO shall appoint one or more Clerks to the SDAB, who shall:</p> <ul style="list-style-type: none">(a) keep and maintain a file for inspection by the public during regular office hours, which includes the following official records:<ul style="list-style-type: none">(i) register of all appeals to the SDAB and the decisions thereon;(ii) written minutes/summary of all meetings and business transacted by the SDAB, and(iii) copies of all decisions rendered by the SDAB.(b) have the authority to sign, on its behalf, an order, decision or other thing made or given by the SDAB. <p>The Clerk of the SDAB shall carry out their duties and responsibilities in accordance with the <i>MGA</i>.</p> |
| Term | Ongoing |
| Meeting Frequency | Upon receipt of the statutory notice of an appeal. |
| Funding | As authorized by Council during the annual budget cycle. |

