

**TOWN OF BEAUMONT
BYLAW NUMBER 749-10**

A bylaw of the Town of Beaumont in the Province of Alberta to establish and govern the operation of a SUBDIVISION, DEVELOPMENT APPEAL BOARD.

WHEREAS, Section 627 of the Municipal Government Act requires a Council to establish a Subdivision and Development Appeal Board; and,

NOW THEREFORE, the Council of the Town of Beaumont, duly assembled, enacts as follows:

I. Title

This bylaw may be cited as “The Subdivision, Development Appeal Board Bylaw”.

II. Definitions

The following terms are defined below:

- a) “Beaumont” means the area within the legal boundaries of the Town of Beaumont.
- b) “Act” means the Municipal Government Act, Statutes of Alberta 2000, Chapter M-26.1, as amended.
- c) “Town” means the Municipal Corporation of the Town of Beaumont.
- d) “Council” means the Council of the Town of Beaumont.
- e) “Development Authority” means the person or persons appointed to the office of Development Officer pursuant to the Town of Beaumont Land Use Bylaw Number 444-97, as amended.
- f) “Board” means the Subdivision, Development Appeal Board for the Town of Beaumont, established pursuant to this bylaw.
- g) “Member” means a member of the Subdivision, Development Appeal Board appointed pursuant to this bylaw.
- h) “Applicant” means a person who made the initial development or subdivision application upon which an appeal is based, or a person authorized to act on their behalf.
- i) “Appellant” means a person who has served a written Notice of Appeal, as set out in the Act.
- j) “Secretary” means the person appointed to act as secretary to the Subdivision, Development Appeal Board.
- k) “Subdivision Authority” means the Municipal Planning Commission pursuant to the Town of Beaumont Municipal Planning Commission Bylaw 442-95.

III. Establishment of Authority

A Subdivision, Development Appeal Board is hereby established.

IV. Membership, Term and Remuneration

1. The Board shall consist of five (5) members, as follows:
 - a) two (2) members of the Council, and
 - b) three (3) members from the public
all of whom must reside within the Town of Beaumont. The Council may appoint one alternate Council member and one alternate public member to serve in the place of members previously appointed, should any of them be in a position of conflict or absent for SDAB hearings.
2. No person shall be appointed as a member of the Board:
 - a) who is a Town of Beaumont employee;
 - b) who carries out subdivision or development powers, duties and functions on behalf of the Town;
 - c) who is a member of the Municipal Planning Commission.

3. Each member or alternate member from the public shall be appointed for a term of three (3) years. Each Council member shall be appointed for a one (1) year term. A person may be re-appointed on the expiry of their term, in accordance with Council's policy.
4. In the event of a vacancy, the Council may, by resolution, appoint a new member to serve for the remainder of the vacating member's term.
5. Any member of the Board may be removed from the Board at the sole discretion of the Council.

V. Quorum, Chair and Rules of Procedure

1. A quorum at any Board meeting shall be three (3) members for hearing and deciding appeals.
2. Any decision of the Board reached by the majority of its members shall be deemed to be the decision of the Board.
3. The Board, by resolution, shall appoint a Chairman who shall be responsible for the conduct of the meetings.
4. In the absence of the Chairman, the members present shall appoint an Acting Chairman to serve in this capacity during such absence.
5. For those matters not covered in Part 17 of the Municipal Government Act, the Regulations thereto, or this bylaw, the Board shall determine the procedures for the conduct of the Hearings.
6. Remuneration may be paid to the Board members in accordance with the fees set by resolution of Council from time to time.
7. On filing an Appeal, the applicant shall pay to the Town the appropriate fees set by the Council from time-to-time.

VI. Functions and Duties of the Board

1. The Board shall hear appeals from:
 - a) a decision of the Subdivision Authority, or designate; or,
 - b) a decision of the Development Authority, or designate.
2. At the Public Hearing on a Development Appeal; the Board must hear:
 - a) the appellant or any person acting on their behalf;
 - b) the Development Officer or designate, from whose order, decision or development permit the appeal is made, or a person acting on behalf of the Development Authority;
 - c) any other person who was given notice of the Hearing and who wishes to be heard, or a person acting on their behalf; and,
 - d) any other person who claims to be affected and that the Board agrees to hear.
3. At the Public Hearing on a Subdivision Appeal, the Board is not required to hear from any person other than:
 - a) the applicant or any person acting on their behalf;
 - b) the Subdivision Authority or designate, from whose order, decision or development permit the appeal is made, or a person acting on behalf of the Subdivision Authority;
 - c) a person who is given notice of the Hearing and wishes to be heard, or a person acting on their behalf; and,
 - d) those persons representing government departments if the application is required by the Subdivision and Development regulations to be referred to that department.

4. An order or decision made, given or issued by the Board shall be signed on its behalf by the Chairman.
5. Where, in the opinion of the Board, an adjournment is warranted, the Board may request technical information, legal opinions or other assistance, and may adjourn the Hearing for this purpose.
6. After hearing the appeal, the Board may deliberate and reach its decision in private.
7. A decision of the Board is not final until written notification of the decision is provided, within 15 days of the conclusion of the hearing.
8. A member who, for any reason, is unable to attend the entire Hearing of an appeal shall not participate in the Board's deliberations or the decision made by the Board on that appeal.
9. If a member has a direct or indirect pecuniary or conflict of interest in any matter before the Board, the member shall declare such interest or likelihood of bias to the Board and shall abstain from discussion or voting upon such matter, and such abstention shall be recorded in the minutes.
10. Hearings of the Board shall be open to the public except for those matters dealt with by the Board in-camera.

VII. Functions and Duties of the Secretary

1. The office of Secretary to the Board is established and shall be filled by an employee of the Town, unless otherwise resolved by resolution.
2. The Secretary of the Board shall:
 - a) receive, on behalf of the Board, appeals which have been served upon the Board;
 - b) to advise Board members of the appeal and ensure that the Board holds a Public Hearing within 30 days of the receipt of a Notice of Appeal;
 - c) keep proper and accurate minutes of the proceedings of all meetings, which shall be retained in the Town Office;
 - d) maintain all records and correspondence that are relevant to the Board;
 - e) ensure that the decision of the Board is given to the appellant in writing within 15 days of the conclusion of the hearing;
 - f) carry out such other administrative duties as the Board may require;
 - g) attend all meetings and hearings of the Board, but shall not vote on any matter before the Board.
3. For development appeals, the Secretary shall ensure that at least five (5) days notice of the meeting is given in writing to:
 - a) the appellant;
 - b) the Development Officer or designate, whose order, decision or development permit is the subject of the appeal;
 - c) to those owners required to be notified under the Land Use Bylaw; and,
 - d) any other person that the Board considers to be affected by the appeal and should be notified.

4. For subdivision appeals, the Secretary shall ensure that at least five (5) days notice of the meeting is given in writing to:
- a) the applicant for subdivision approval;
 - b) the Subdivision Authority or designate, whose order, decision or approval is the subject of the appeal;
 - c) adjacent municipalities, if the subject land in the application is adjacent to their boundaries;
 - d) any school authority to whom the application was referred;
 - e) any adjacent owner who was given notice; and,
 - f) every government department that was given a copy of the application pursuant to the Subdivision and Development regulations.

VII. Force and Effect

1. This bylaw shall come into effect on the final date of its passing.
2. Bylaw 449-96, a bylaw to establish the Subdivision, Development Appeal Board for the Town of Beaumont is hereby repealed.

READ A FIRST TIME IN COUNCIL THIS 12th day of January, 2010.

READ A SECOND TIME IN COUNCIL THIS 26th day of January, 2010.

READ A THIRD AND FINAL TIME IN COUNCIL THIS 26th day of January, 2010.

Mayor

Municipal Clerk