



## BYLAW No. 22-916 of the Municipal District of Greenview No. 16

**A Bylaw of the Municipal District of Greenview No. 16, in the Province of Alberta, to provide for the establishment of the Subdivision and Development Appeal Board to hear appeals.**

**Whereas**, pursuant to section 627 of the Municipal Government Act, RSA 2000, cM-26 Council must by bylaw establish a subdivision and development appeal board; and

**Whereas**, Subdivisions and Development Appeal Boards must follow all of the functions and duties prescribed in Alberta Regulation 84/2022; and

**Whereas**, section 210(1) provides that a Council may by bylaw establish one or more positions to carry out the powers, duties and functions of a designated officer under this or any other enactment or bylaw;

**Therefore**, the Council of the Municipal District of Greenview No. 16, duly assembled, hereby enacts as follows:

### 1. TITLE

1.1. This bylaw shall be cited as the "Subdivision and Development Appeal Board Bylaw."

### 2. DEFINITIONS

2.1. **Act** means the Municipal Government Amendment Act RSA 2000, Chapter M-26 as amended from time to time;

2.2. **Council** means the Reeve and Councillors of the Municipal District of Greenview No. 16 for the time being elected pursuant to the provisions of the Act, whose term is unexpired, who have not resigned and who continue to be eligible to hold office as such under the terms of the Act.

2.3. **Development Authority** means the persons established under the Development Authority Bylaw to perform the functions of the development authority under the Act.

2.4. **Greenview** means the Municipal District of Greenview No. 16.

2.5. **Member** means a Member of the SDAB appointed pursuant to this Bylaw and who has received and successfully completed the required training;

2.6. **Subdivision and Development Appeal Board (SDAB)** means the Board established to hear development and subdivision appeals;

2.7. **Subdivision and Development Appeal Board Clerk** means the Designated Officer position of Clerk to the SDAB and who has received and successfully completed the required training.

**3. PURPOSE**

3.1. The purposes of this bylaw are:

- A) To establish the Subdivision and Development Appeal Board;
- B) To prescribe the functions and duties for the Subdivision and Development Appeal Board.

**4. ESTABLISHMENT**

4.1. Council hereby establishes the Subdivision and Development Appeal Board.

**5. APPOINTMENT**

5.1. The Subdivision and Development Appeal Board shall consist of five members appointed every three years at the organizational meeting by resolution of Council. Any vacancies caused by the death, retirement or resignation of a member may be filled by resolution of Council. Council may remove a member from the Subdivision and Development Appeal Board by resolution at any time.

**6. INELIGIBILITY**

6.1. The following persons may not be Members:

- A) Members of Council;
- B) An employee of Greenview;
- C) Persons who are not residents of Greenview;
- D) Members of the Municipal Planning Commission; and
- E) Any other person who is not eligible to be a Member as set out in the Municipal Government Act.

**7. CONDUCT**

7.1. Members will conduct themselves in accordance with the Municipal Government Act, Greenview bylaws, and policies.

7.2. The Board may approve hearing procedures of the Subdivision and Development Appeal Board, provided those procedures do not conflict with any enactment or Greenview bylaws.

**8. TERM OF OFFICE**

8.1. Members shall be appointed at the pleasure of Council for terms of up to 3 years.

8.2. Members may reapply and be re-appointed for successive terms.

**9. CHAIR**

9.1. At the first meeting of the Subdivision and Development Appeal Board following Council's Organizational Meeting each year, a Chair shall be elected by vote of the majority of the members.

9.2. A member may be re-elected to the position of Chair.

9.3. The Chair shall preside at the meetings of the Subdivision and Development Appeal Board.

#### **10. VICE-CHAIR**

10.1. A Vice-Chair shall be elected at the same time and under the same rules as the Chair.

10.2. A member may be re-elected to the position of Vice-Chair.

10.3. The Vice-Chair shall preside at the meetings of the Subdivision and Development Appeal Board in place of the Chair, if the Chair for any reason does not preside at meeting.

10.4. In absence of the Chair and Vice-Chair, one of the other members of the Subdivision and Development Appeal Board shall be elected to preside the meeting.

#### **11. CLERK OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

11.1. The position of designated officer for the limited purpose of carrying out the function of the Clerk to the Subdivision and Development Appeal Board is hereby established ("Subdivision and Development Appeal Board Clerk").

11.2. 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 Greenview bylaws, policies and procedures.

#### **12. QUORUM AND MEETINGS**

12.1. A quorum of the Subdivision and Development Appeal Board shall be a majority of the members of the Subdivision and Development Appeal Board.

12.2. The Subdivision and Development Appeal Board shall meet at such intervals as are necessary to consider and decide appeals filed with it in accordance with the Act.

12.3. 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.

#### **13. REMUNERATION**

13.1. Remuneration and expenses for Members will be in accordance with Policy 1008 Council and Board Remuneration.

#### **14. SEVERABILITY**

14.1. If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed, and the remainder of the Bylaw is deemed valid.

**15. REPEAL**

15.1. Upon third reading of this bylaw, Bylaw 95-157 and Bylaw 13-710, their schedules and any amendments thereto are hereby repealed.

**16. COMNG INTO FORCE**

16.1. This Bylaw shall come into force and effect upon the day of final passing and signing.

Read a first time this 13 day of September, 2022.

Read a second time this 13 day of September, 2022.

Read a third time this 11 day of October, 2022.



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REEVE



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CHIEF ADMINISTRATIVE OFFICER