



CITY OF FORT SASKATCHEWAN

BYLAW NO. C31-18

A BYLAW OF THE CITY OF FORT SASKATCHEWAN IN THE PROVINCE OF ALBERTA TO AUTHORIZE THE ESTABLISHMENT OF A SUBDIVISION AND DEVELOPMENT APPEAL BOARD

NOW THEREFORE the Council of the City of Fort Saskatchewan in the province of Alberta, duly assembled enacts the "*Subdivision and Development Appeal Board Bylaw*" as follows:

1. SHORT TITLE

- 1.1. This Bylaw shall be referred to as the "Subdivision and Development Appeal Board Bylaw".

2. DEFINITIONS

- 2.1. "Act" means the *Municipal Government Act*, R.S.A. 2000, Chapter M-26 as amended or repealed and replaced from time to time;
- 2.2. "Appellant" means the person who may appeal to the SDAB in accordance with the Act;
- 2.3. "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 the Applicant's behalf;
- 2.4. "SDAB" means the Subdivision and Development Appeal Board established by this Bylaw;
- 2.5. "City" means the City of Fort Saskatchewan;
- 2.6. "City Manager" means the Chief Administrative Officer or delegate, appointed pursuant to the Act;
- 2.7. "Clerk" means the Designated Officer position of Clerk to the SDAB and who has received and successfully completed the required training;
- 2.8. "Council" means the municipal Council of the City of Fort Saskatchewan;
- 2.9. "Development Authority" means the Development Authority for the City established by the City's Development Authority Bylaw, as amended or repealed from time to time;
- 2.10. "Member" means a Member of the SDAB appointed pursuant to this Bylaw and who has received and successfully completed the required training;
- 2.11. "Panel" means the Members of the SDAB that are present and who represent the SDAB at any hearing;

- 2.12. "Subdivision Authority" means the Subdivision Authority for the City established by the Subdivision Authority Bylaw, as amended or repealed and replaced from time to time.

3. MEMBERSHIP

- 3.1. The SDAB shall consist of up to seven (7) Members.
- 3.2. Council shall appoint the following Members of the SDAB, by resolution:
- a. two (2) Council Members; and
 - b. five (5) public Members.
- 3.3. Members shall be:
- a. 18 years of age and older; and
 - b. City of Fort Saskatchewan residents.
- 3.4. Membership exclusions:
- a. City employees;
 - b. individuals who carry out Subdivision or Development powers, duties and functions; and
 - c. the appointment of Council Members to the SDAB terminates at the completion of their appointment, or when they cease to be a Council Member.
- 3.5. Additional SDAB Members may be added at Council's discretion.

4. TERM OF OFFICE

- 4.1. Members of the SDAB shall only remain a Member during the time that they are residents of the City.
- 4.2. Each Public Member shall be appointed for a term of three (3) years.
- 4.3. Each Council Member shall be appointed for a one (1) year term, approved at Council's annual Organizational Meeting, or as determined by Council.
- 4.4. Members may serve up to two (2) consecutive terms and may then re-apply after an absence of one (1) year, or as determined by Council.
- 4.5. In the event a SDAB consisting of seven (7) Members cannot be established, Members may be reappointed to the SDAB, as determined by Council.
- 4.6. In the event of a vacancy, Council may by resolution, appoint a new Member to serve

for the remainder of the vacating Member's term.

- 4.7. Any Member may be removed from the SDAB by resolution, at the sole discretion of Council.

5. **QUORUM, CHAIR AND RULES OF PROCEDURE**

- 5.1 A quorum at any SDAB hearing shall not be less than three (3) Members. No more than one (1) Council Member shall sit on a Panel at the same time.
- 5.2 At the beginning of each hearing, the Panel shall appoint a Chair who will be responsible for the conduct of the hearing.
- 5.3 For those matters not covered in the Act, the *Subdivision Development Appeal Board Regulations*, or this Bylaw, the Board will determine the procedures for the conduct of the hearings.

6. **DUTIES OF THE BOARD**

- 6.1 The Board shall hear appeals resulting from:
 - a. a decision of the Subdivision Authority, or designate; or
 - b. a decision of the Development Authority, or designate.
- 6.2 At the hearing on a Subdivision Appeal or Development Appeal, the SDAB shall hear from:
 - a. the Appellant or any other person acting on the Appellant's behalf;
 - b. the Subdivision or Development Authority from whose order, decision or Subdivision or Development Permit the appeal is made, or a person acting on behalf of the Subdivision or Development Authority;
 - c. any person or entity 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 or entity who claims to be affected by the order, decision or permit which the Panel agrees to hear, or a person acting on the person's behalf.
- 6.3 A Panel shall only take into account documents that are made publicly available on the City's webpage and those provided by the Appellant or other impacted parties during the hearing.
- 6.4 During the hearing, should the Panel desire further technical, legal, or other assistance, the Panel may adjourn the hearing pending receipt of such information, opinion or assistance.
- 6.5 The granting and duration of an adjournment is at the discretion of the Panel.

7. APPEALS

- 7.1 An Appellant shall appeal to the SDAB in the manner provided in the Act.
- 7.2 At the time of submitting the Notice of Appeal, the Appellant shall pay the fee in accordance with the City's *Fees & Charges Bylaw*.
- 7.3 In the event that an appeal is abandoned by the Appellant, the SDAB shall not be obliged to hold the hearing as required, unless another Notice of Appeal has been served upon the SDAB, in accordance with the Act.
 - a. The fee for an appeal that is abandoned shall not be refunded.

8. DUTIES OF THE CHAIR

- 8.1 The Chair shall be responsible to ensure that all provisions required under the Act are carried out by the Panel and Clerk.
- 8.2 The Chair shall be empowered to rule if evidence presented to the Panel at a hearing is irrelevant or repetitive, and may direct Members of the Panel to disregard the evidence.
- 8.3 The Chair shall advise when a hearing has adjourned and whether a continuation would be necessary. Once the time and date have been fixed for a continuation of a hearing, notice shall be provided to the affected parties, and to those leaving their contact information with the Clerk.

9. DUTIES OF THE CLERK

- 9.1 The City Manager shall appoint one (1) or more qualified persons as a Designated Officer for the position as Clerk of the SDAB.
- 9.2 On behalf of the SDAB, the Clerk shall receive any appeals which have been served upon the SDAB.
- 9.3 The Clerk shall prepare an agenda and record the minutes for each hearing of the SDAB.
- 9.4 As required, the Clerk shall carry out duties as may be required of the SDAB.
- 9.5 An order, decision, approval, notice or other thing made or given by the SDAB shall be signed by the Clerk on the SDAB's behalf.

10. CONFLICT OF INTEREST

- 10.1 Any Member of the SDAB who has a pecuniary interest in a matter being considered at or in preparation of a hearing shall comply with the provisions of the Act.
- 10.2 Any Member of the SDAB, who fails to comply with Section 10.1, may have their appointment to the SDAB rescinded by Council.

11. REMUNERATION AND EXPENSES

- 11.1 Remuneration for Members attending hearings or SDAB-related training shall be consistent with remuneration for Council Members.
- 11.2 Expenses and mileage for Members shall be reimbursed when attending SDAB-related training outside of the City.

12. MEMBER AND GENDER REFERENCES

- 12.1 All references in this Bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female person, or a corporation or partnership.

13. SEVERABILITY

- 13.1 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.

14. REPEAL

- 14.1 Upon passing of Bylaw C31-18, Bylaw C21-15 and all attached amendments are hereby repealed.

15. EFFECTIVE DATE

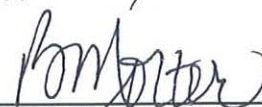
- 15.1 This Bylaw becomes effective upon third and final reading.

READ a first time this 11th day of December 2018.

READ a second time this 11th day of December 2018.

READ a third and passed this 11th day of December 2018.


MAYOR


DIRECTOR, LEGISLATIVE SERVICES

Date Signed: December 12, 2018