

**SUMMER VILLAGE OF HALF MOON BAY
SUBDIVISION AND DEVELOPMENT APPEAL BOARD
BY-LAW # 148-18**

A Bylaw of the Summer Village of Half Moon Bay, in the province of Alberta, pursuant to the provisions of the Municipal Government Act, being Chapter M-26.1 of the Revised Statutes of Alberta 1994 and amendments thereto, to provide for the establishment of a Subdivision and Development Appeal Board.

WHEREAS the Municipal Council of the Summer Village of Half Moon Bay, duly assembled, enacts as follows:

Title:

1. This Bylaw may be cited as the "Subdivision and Development Appeal Board Bylaw.

Definitions

2. The following words and terms are defined as follows:
 - a. "Act: means the Municipal Government Act, S.A. 1994m c.M.-26.1, as amended;
 - b. "Board" means the Subdivision and Development Appeal Board of the name of municipality established pursuant to this Bylaw;
 - c. "Council" means the Council of the Summer Village of Half Moon Bay;
 - d. "Development Authority" means the person or persons appointed pursuant to Development Authority Bylaw No. 70-95;
 - e. "Land Use Bylaw" means Land Use Bylaw No. 123-13;
 - f. "Member" means a member and shall include the appointed alternate member (s) of the Subdivision and Development Appeal Board appointed pursuant to this Bylaw;
 - g. "Subdivision Authority" means the Subdivision Authority as established pursuant to Subdivision Authority Bylaw No. 130-16;
 - h. "Summer Village" means the Summer Village of Half Moon Bay.

Establishment

3. The Subdivision and Development Appeal Board is hereby established.

Membership and Term

4. The Board shall consist of three persons, the majority of which shall be citizens-at-large. The Subdivision and Development Appeal Board will consist of one Council member as appointed by Council and two citizens-at-large. The two citizens-at-large members of the Subdivision and Development Appeal Board shall be appointed by Council. Council by Resolution may appoint additional citizens-at-large to act as alternate members for the two members representing citizens-at-large.
5. Each Member of the Board shall be appointed for a term specified by Resolution of Council, but in no case shall the appointment be more than one year.
6. Notwithstanding Section 5, a person may be reappointed to the Board upon the expiration of that person's term.
7. In the event of a vacancy, Council may appoint by Resolution of Council a new member to serve for the remainder of the vacating Member's term.
8. Except for Alternate members, if a Member misses three (3) consecutive meetings without the authorization of the Board, the person is disqualified and the position

becomes vacant; otherwise, a Member of the Board shall not be discharged without cause.

Officers

9. The Chairman of the Board shall be the appointed Council member.
10. Should the appointed Council member be unable to attend a hearing for any reason a Subdivision and Development Appeal Board trained member from one of the Summer Villages of Birchcliff, Jarvis Bay, Norglenwold or Sunbreaker Cove may be their alternate.

Committees

11. The Board may establish committees of the Board, but where it does the Chairman shall be a member.

Quorum

12. A quorum for the Board shall consist of a majority of the Members, but Councillors may not form the majority of the quorum.
13. A quorum for a committee of the Board shall consist of a majority of the Members of the Committee, but Councillors may not form the majority of the quorum.

Secretary Duties

14. The Recording Secretary for regular meetings of Council is to serve as the Secretary to the Board who shall:
 - a. Not have a vote;
 - b. Give all notice
 - i. Required to be given under the Act; and any regulations thereunder, and
 - ii. Directed to be given by the Board;
 - c. Notify all Members of the Board of the meetings of the Board, including hearings;
 - d. Prepare and maintain a file of written minutes of the business transacted at all meetings, including hearings of the Board;
 - e. For each hearing, record and issue a decision of the Board and its findings, with reasons, to all affected parties;
 - f. Be authorized to sign on behalf of the Board any order, decision, approval, notice, or any other thing made, given or issued by the Board;
 - g. Undertake such other duties as may be required.

Hearings and Procedures

15. The Board shall determine an appeal in accordance with the provisions of Part 17 of the Act.
16. The hearings of the Board shall be in public, but the Board may at any time recess and deliberate in private.

17. The Chairman or acting chairman:
 - a. Shall be responsible for the conduct of a meeting;
 - b. May limit a submission if it is determined to be repetitious or inappropriate in any manner.
18. A request for adjournment of a hearing may be granted at the discretion of the Board, but any adjournment must be to a specific time and date.
19. The Board may adjourn to a specific time and date upon its own volition to request technical information, legal options or other information desired by the Board.
20. Only those Members present at a whole hearing of an appeal shall be able to vote on the appeal, wherein those voting form a quorum.
21. A decision of the Members forming a quorum at duly convened meeting of the Board or committee thereof shall be deemed to be the decision of the whole Board.
22. Upon conclusion of a hearing the Board shall deliberate and reach its decision in private.
23. In the event of a tie vote, the appeal shall be deemed to be denied.
24. A decision of the Board is not final until notification of the decision is given in writing.
25. Notwithstanding Section 14 (f), an order, decision, or approval made, given or issued by the Board may be signed by the Chairman of the Board.
26. If the Subdivision Authority fails or refuses to endorse a plan of subdivision or other instrument as approved by the Board of appeal, the Chairman of the Board is authorized to endorse the subdivision instrument.
27. For any procedures not covered in Part 17 of the Act or by bylaw of the Summer Village, the Board may establish procedures for the conduct of hearings.
28. No recording of the hearing will be permitted on any device including, but not limited to, cell phones, tablets, tape recorders, or any other recording device.
29. No person shall be permitted to wear a hat during the hearing procedures including, but not limited to, board members, staff, delegates, or public in attendance.

Conflict of Interest

30. If a Member has direct pecuniary interest in a matter before the Board, or if a Member is aware of any reason which may lead to a possible bias when hearing the matter, the Member shall declare an interest or likelihood of bias to the Board and shall remove himself/herself from the panel, abstain from discussion and voting on the matter, and such abstention shall be recorded in the minutes.

Effective Date and Repeals

32. This Bylaw shall come into force and effect when it receives third reading and is duly signed.
33. Upon third reading, Bylaw #139-18 is hereby rescinded.

Read for a first time this 15th day of March, 2019.

Read for a second time this 15th day of March, 2019.

Read for a third and final time this 15th day of March, 2019.

Ted Hiscock, Mayor

Phyllis Forsyth, CAO