

BEING A BYLAW OF THE TOWN OF WESTLOCK IN THE PROVINCE OF ALBERTA  
FOR THE PURPOSE OF ESTABLISHING A SUBDIVISION AND DEVELOPMENT  
APPEAL BOARD

WHEREAS Section 627(1) of the *Municipal Government Act*, Chapter M-26, RSA 2000, and amendments thereto, requires Council to appoint a Subdivision and Development Appeal Board, and

WHEREAS the Council of the Town of Westlock considers it expedient to establish such a board to hear appeals submitted relating to development permits and applications for subdivision of land,

NOW THEREFORE, the Council of the Town of Westlock, in the Province of Alberta, duly assembled, hereby enacts as follows:

## 1. TITLE

- 1.1. This Bylaw may be cited as the "Subdivision and Development Appeal Board Bylaw".
- 1.2. There is hereby established a board to be known as the "Town of Westlock Subdivision and Development Appeal Board."
- 1.3. Where the provisions of this Bylaw conflict with the provision of any other Bylaw of the Town of Westlock, this Bylaw shall prevail.

## 2. DEFINITIONS

### 2.1 In this Bylaw:

- (a) "Act" means the *Municipal Government Act*, Chapter M-26 RSA 2000, and amendments thereto.
- (b) "Appellant" means a person who, pursuant to the Act, has served a notice of appeal on the Subdivision and Development Appeal Board.
- (c) "Council" means the Mayor and Councillors of the Town of Westlock 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.
- (d) "Development Application" means an application made to the Development Authority in accordance with the Land Use Bylaw for the purpose of obtaining a development permit.
- (e) "Development Authority" means the persons established under Town of Westlock Subdivision and Development Authorities Bylaw to perform the functions of a development authority under the Act.
- (f) "Development Authority Officer" means the person currently designated by the Chief Administrative Officer to administer and enforce the Town of Westlock Land Use Bylaw.
- (g) "Development permit" means a document authorizing a development issued in accordance with the Land Use Bylaw of the Town of Westlock.
- (h) "Land Use Bylaw" means the Bylaw adopted as a Land Use Bylaw pursuant to the Act or the former Act.
- (i) "Subdivision Authority" means the persons established under Town of Westlock Subdivision and Development Authorities Bylaw to perform functions of a subdivision authority under the Act.
- (j) "Subdivision and Development Appeal Board" means the board established to hear development and subdivision appeals, pursuant to Section 3 of this Bylaw.
- (k) "Subdivision and Development Appeal Board Clerk" means the person appointed to the position established under Section 6 of this Bylaw.
- (l) "Town" means the Town of Westlock in the Province of Alberta.



**3. APPOINTMENTS / TERMS**

- 3.1 The Subdivision and Development Appeal Board shall consist of five (5) members.

Five (5) public members shall be appointed by resolution of Council. Public members must be residents of either the Town of Westlock, Westlock County, Village of Clyde, or the Summer Village of Larkspur. Public members shall be appointed by resolution of Council to serve for a four (4) year term. Terms will expire in October of the fourth year of the term.

One (1) member of Council will be appointed as an alternate, annually at the Organizational Meeting of Council.

- 3.2 The following persons may not be appointed as members of the Subdivision and Development Appeal Board:

- (a) an employee of the municipality,
- (b) a person who carries out subdivision or development powers, duties, and functions on behalf of the municipality,
- (c) a member of a municipal planning commission.

- 3.3 Any vacancies caused by the death, retirement, or resignation of a member may be filled by resolution of Council. Council may also appoint, by resolution, alternate members, who will serve either for a period of time, or for a specific appeal, in the event that a vacancy arises because a regular member is unable or unwilling to attend due to reasons other than death, retirement, or resignation.

- 3.4 Council may remove a member from the Subdivision and Development Appeal Board by resolution at any time.

- 3.5 No member shall be reappointed for more than an additional two (2) consecutive terms of four (4) years, unless at least two-thirds of the whole Council passes a resolution approving said reappointment.

An individual may be appointed after serving three (3) consecutive terms if one (1) year has elapsed from their last appointment to the Board.

**4. CHAIRMAN**

- 4.1 At the first meeting of the Subdivision and Development Appeal Board following the appointment of members, a Chairman shall be selected by vote of the majority of the members. At the first meeting of any calendar year, the Subdivision and Development Appeal Board shall hold an Organizational Meeting at which time a Chairman and a Vice-Chairman shall be selected for the ensuing year.

- 4.2 A member may hold the position of Chairman for more than one term.

- 4.3 When present, the Chairman shall preside at the meetings of the Subdivision and Development Appeal Board.

- 4.4 In conjunction with the Clerk, the Chairman signs orders, decisions, approvals, and other items given by the Subdivision and Development Appeal Board on its behalf.

**5. VICE-CHAIRMAN**

- 5.1 A Vice-Chairman shall be selected at the same time and under the same rules as the Chairman.

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- 5.2 A member may hold the position of Vice-Chairman for more than one term.
- 5.3 The Vice-Chairman shall preside at the meetings of the Subdivision and Development Appeal Board in place of the Chairman if the Chairman, for any reason, does not preside at the meeting.
- 5.4 In the absence of the Chairman and Vice-Chairman, one of the other members of the Subdivision and Development Appeal Board shall be selected by the members present to preside.

**6. CLERK OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

- 6.1 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").
- 6.2 The Subdivision and Development Appeal Board Clerk shall be appointed by resolution of the Council and shall not be a member of the Subdivision and Development Appeal Board.

No person who is a Development Authority or a Subdivision Authority for the Town of Westlock or an employee in the Planning & Development department shall be appointed Clerk to the Subdivision and Development Appeal Board.

- 6.3 The Subdivision and Development Appeal Board Clerk shall have responsibilities and functions including the following:
  - 6.3.1 makes and keeps a record of the Subdivision and Development Appeal Board proceedings which may be in the form of minutes of the evidence presented at a hearing,
  - 6.3.2 ensures statutory notices and decisions of the Subdivision and Development Appeal Board are provided to such persons as the Act requires,
  - 6.3.3 compiles and provides Agenda and meeting packages to members and makes the packages available to the public, and
  - 6.3.4 in conjunction with the Chair, signs orders, decisions, approvals, and other items given by the Subdivision and Development Appeal Board on its behalf. On behalf of the Board, the Clerk shall sign notices given by the Subdivision and Development Appeal Board.

**7. QUORUM AND MEETINGS**

- 7.1 Three (3) members of the Subdivision and Development Appeal Board shall constitute a quorum.
- 7.2 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.
- 7.3 The Subdivision and Development Appeal Board shall have prepared and maintain a file of written minutes of the business transacted at all meetings and hearings of the Subdivision and Development Appeal Board, copies of which shall be regularly filed with the Council.
- 7.4 A member of the Subdivision and Development Appeal Board who is for any reason, unable to attend the whole or a part of any hearing of an appeal, shall not participate in the



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deliberations or decision of the Subdivision and Development Appeal Board upon that appeal.

- 7.5 The Subdivision and Development Appeal Board may make rules as are necessary for the conduct of its meetings, its hearings and its business that are consistent with this Bylaw, the Town of Westlock Land Use Bylaw, and the Act.

## 8. FEES AND EXPENSES

- 8.1 Remuneration for mileage and subsistence for members of the Subdivision and Development Appeal Board shall be subject to municipal policies and prior approval at the rates established by Council.
- 8.2 Fees for filing an appeal with the Subdivision and Development Appeal Board shall be established through the Town of Westlock Fees and Rates Bylaw.

## 9. SUBDIVISION AND DEVELOPMENT APPEALS

- 9.1 The Subdivision and Development Appeal Board shall carry out its functions and duties in accordance with Part 17, Division 10 of the Act dealing with subdivision and development appeals.

## 10. REPEAL OF PREVIOUS BYLAWS

- 10.1 Bylaw 2015-21, and any amendments hereto, are hereby repealed.

## 11. GENERAL

- 11.1 If any section, clause, or provision of this Bylaw is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remainder of this Bylaw in whole or in part, other than the section, clause, or provision so declared to be invalid.
- 11.2 This Bylaw shall come into force and effect upon the date of the passing of the third and final reading.

READ a first time this 9th day of January 2023.

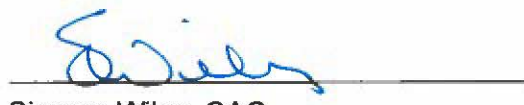
READ a second time this 9th day of January 2023.

READ a third time this 13th day of February 2023.

Signed by Mayor and CAO this 13th day of February 2023.



Ralph Leriger, Mayor



Simone Wiley, CAO