

BYLAW NO 6/2001

BEING A BYLAW OF THE TOWN OF MORINVILLE IN  
THE PROVINCE OF ALBERTA TO ESTABLISH THE  
SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
OF THE TOWN OF MORINVILLE.

PURSUANT to Section 627 of the Municipal Government Act, the Council of the Town of Morinville duly assembled, enacts as follows:

I GENERAL

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

II DEFINITIONS

In this Bylaw:

- (a) MUNICIPALITY means the Town of Morinville,
- (b) COUNCIL means the Municipal Council of the Town of Morinville,
- (c) MEMBERS means the members of the Subdivision and Development Appeal Board duly appointed pursuant to this Bylaw,
- (d) BOARD means the Subdivision and Development Appeal Board of the Town of Morinville,
- (e) SECRETARY means the person appointed by Council to act as secretary of the Subdivision and Development Appeal Board,
- (f) DEVELOPMENT OFFICER means the person appointed by Council to act as the Development Officer pursuant to the Municipal Government Amendment Act, 1995.
- (g) APPELLANT means the person who has served written notice of an appeal on the Subdivision and Development Appeal Board from a decision, order of development permit of a development officer or an appeal from a decision of the Municipal Planning Commission on a proposed subdivision.
- (h) ALL OTHER TERMS used in this bylaw shall have the meaning assigned to them by the Municipal Government Amendment Act, 1995, to the extent that said meaning differs from the ordinary mean.

III ADMINISTRATION

The Subdivision and Development Appeal Board is hereby established and shall consist of two members of Council and three members from the Public at Large.

Council members on the Board shall be appointed annually at the Organizational Meeting of Council.

Council shall appoint three members from the Public at Large as follows:

- (a) The first member shall hold office until the date of the Organizational Meeting of Council in October of the year of his appointment.
- (b) The second member appointed shall hold office until the date of the Organizational Meeting of Council in October of the second year following his appointment.
- (c) The third member appointed shall hold office until the date of the Organizational Meeting of Council in October of the third year following his appointment.

The term of office for a member of the Public at Large shall be for a period of three years. Members of the Public at Large may be reappointed to the Board for a maximum of two terms and may be reappointed at the discretion of Council.

1. Eligibility

A member of Council's appointment to the Board terminates upon his ceasing to be a member of Council. A member from the Public at Large's appointment to the Board terminates upon his ceasing to be a resident of the Town or for other reasons as may be determined by Council.

2. Remuneration, Travelling and Living Expenses

The members of the Board shall be entitled to such remuneration, travelling and living expenses, as may be fixed from time to time.

3. Quorum

Three (or any greater number) of the members of the Board constitute a quorum.

4. Chairman

The members of the Board shall elect one of themselves as Chairman.

The Chairman shall hold office for a period of one year from the date of appointment.

5. Absent Board Members

Where a hearing is held by the Board, and a member(s) of the Board is (are) for any reason unable to attend on any day or date, the other members who were sitting on the hearing have power to continue the hearing as fully and effectively as if the members unable to attend were present and have and may exercise and perform the powers and duties of the Board.

A member of the 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 deliberations or decision made by the Board upon that appeal.

In the event of the absence of or inability of the Chairman to act at a meeting of the Board, the members of the Board present shall elect a member to act as Chairman.

6. Signing Authority

An order, decision, approval, notice or other things made, given or issued by the Board may be signed on its behalf by its Chairman, or a member elected to act as Chairman or the Secretary who is authorized to sign on the Board's behalf.

7. Decisions

The Board shall give its decision upon an appeal in writing together with reasons for the decision within fifteen (15) days of the conclusion of the hearing.

The decision of the majority of the members of the Board present at a meeting duly convened is deemed to be the decision of the whole Board. In the event of a tie vote, the appeal shall be deemed to be denied.

8. Public Hearings

The hearings of an appeal pursuant to Section 628 and 629, Municipal Government Amendment Act, 1995, and the provisions of this Bylaw shall be held in public and all persons who wish to attend shall be entitled to do so, whether or not they have a direct interest in the proceedings before the Board. Members of the Subdivision and Development Appeal Board may meet in committee to discuss any matter.

9. Hearing Meetings

The Board shall meet for the hearing of appeals as frequently as is necessary, and in any event within thirty (30) days of receipt of a notice of appeal duly filed pursuant to this Bylaw.

10. Special Meetings

Upon receipt of a notice of appeal duly filed pursuant to this Bylaw, the Secretary shall convene a special meeting of the Board to consider what persons are affected by the appeal and should be notified thereof. Such meeting shall be called not less than six (6) days prior to the date of the hearing.

IV SECRETARY

1. The Board shall appoint a Secretary who shall be an employee of the Municipality, and the Secretary shall attend all meetings and

hearings of the Board, but shall not vote on any matters before the Board.

2. Functions of the Secretary

The Secretary of the Board shall:

- (a) Perform such functions as may be necessary to ensure that the Board is in full compliance with its duties under The Municipal Government Amendment Act, 1995, and this Bylaw;
- (b) Shall attend all meetings of the Board and shall keep the following records with respect thereto:
  - (i) the minutes of all meetings and hearings,
  - (ii) all applications,
  - (iii) records of all notices of hearings and of persons to whom they were sent,
  - (iv) copies of all written representations to the Board,
  - (v) notes as to each representation,
  - (vi) the names and addresses of those making representations at the hearing,
  - (vii) the decision of the Board,
  - (viii) the reasons for the decision of the Board,
  - (ix) the vote of the members of the Board on the decision,
  - (x) records of all notices of decision and of persons to whom they were sent,
  - (xi) all notices, decisions and orders made on such other matters as the Board may direct or the Secretary may determine;
- (c) the Secretary shall:
  - (i) notify all members of the Subdivision and Development Appeal Board of the arrangements for the holding of each hearing and other meetings of the Board,
  - (ii) make available for public inspection before the commencement of the public hearing all relevant documents and materials respecting the appeal including:

In the case of an appeal on a development permit -

- the application for the development permit,
- its refusal and the appeal therefrom, or
- the order of the Development Officer under Section 645 of The Municipal Government Amendment Act, 1995, as the case may be.

In the case of an appeal on a proposed subdivision -

- the application for the proposed subdivision,
- its refusal by the Municipal Planning Commission and the appeal therefrom.

V NOTIFICATION

1. The written notice of the appeal shall be made on the Subdivision or Development Appeal Forms prescribed in Schedule "A", and signed by the appellant.

2. The Appellant may serve the Subdivision or Development Appeal on the Board by EITHER

(a) Mailing it to:

The Secretary  
Subdivision and Development Appeal Board  
Town of Morinville  
10125 - 100 Avenue  
Morinville, Alberta  
T8R 1L6

(b) by Registered Mail, so as to reach the above address not later than twelve midnight on the fourteenth (14) day (including Saturdays, Sundays and holidays) after the date the order, decision or permit issued by the Development Officer of decision of the Municipal Planning Commission was:

- (i) first published in a newspaper circulating in the area, or
  - (ii) posted on the site of the property the subject or the application, or
  - (iii) received by the appellant,
- whichever of these shall occur first.

OR

delivering it in person to a responsible official at the Municipal Office no later than 12 midnight on the fourteenth (14) day (including Saturdays, Sundays and holidays) after the date the order, decision or permit issued by the Development Officer or decision of the Municipal Planning Commission was:

- (i) first published in a newspaper circulating in the area, or
  - (ii) posted on the site of the property subject to the application, or
  - (iii) received by the appellant,
- whichever of these shall occur first.

3. Notification

- (a) The Secretary, on behalf of the Board, shall send written notice of the time and place of the hearing of an appeal, together with a summary of the application not less than five (5) days (including Saturdays, Sundays and holidays) prior to the hearing to:
  - (i) the Appellant, and
  - (ii) the Development Officer, and
  - (iii) the owners required to be notified under the Land Use Bylaw and other persons that the Subdivision and Development Appeal Board considers to be affected by the appeal.
- (b) In the case of the appellant, Notice of the Appeal Hearing shall be sent by regular mail to the address given on the appellant's Notice of Appeal.
- (c) In the case of those persons referred to in Section V 3(a) above, Notice of the Appeal Hearing shall be sent by Regular Mail to the address shown on the last revised assessment roll.

In addition to the notice required by Section V 3(a), the Board shall direct that the Secretary publish notice of the hearing in such manner as the Board may determine.

- (d) Where a hearing is adjourned or the decision is reserved and the Board does not at the time of adjournment fix a time and place for the further hearing of the application and announce it to those in attendance, it shall be the duty of the Chairman of the Board to announce to those in attendance that notice of the time and place for further hearing will be sent to only those persons who leave their name and address with the Secretary. Thereafter only such persons as do leave their name and address shall be entitled to notice of the further hearing.

## VI DECISIONS

The Secretary of the Board or the Chairman may make a verbal announcement of the decision upon an appeal at the conclusion of the public hearing, but in that event shall notify the parties that the verbal decision is not final or binding, and that the parties shall not act upon it until it has been submitted in writing and signed.

The written decision of the Subdivision and Development Appeal Board is final and binding on all parties and persons subject only to an appeal upon or question of jurisdiction or law pursuant to Section 688 of The Municipal Government Amendment Act, 1995.

Where the Board allows an appeal against the refusal of a permit by the Development Officer, the Development Officer shall issue a Development Permit in conformity with the board's decision, upon receiving notice of the board's decision.

VII SUPREME COURT APPEALS

The Secretary shall keep on file all notices of applications made for leave to appeal to the Court of Appeal from a decision of the Board pursuant to Section 688 of The Municipal Government Amendment Act, 1995.

VIII EFFECTIVE DATE

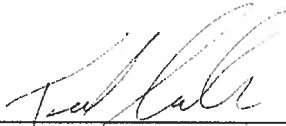
This Bylaw shall come into full force and effect upon the date of the final passing thereof.

Bylaws 5/84, 7/84, 9/84, 15/88, 29/95, 17/97 are hereby rescinded.

READ a first time the 8 day of May , A.D. 2001.

READ a second time the 22 day of May , AD. 2001.

READ a third time and finally passed the 22 day of May , A.D. 2001.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Town Manager

**SCHEDULE "A"**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD FORMS**

**- Notice of Appeal**

**- Notice of Appeal Hearing**

**- Notice of Appeal Decision**



# Town of • Ville de MORINVILLE

10125 - 100th Avenue  
Morinville, Alberta  
T8R 1L6

(403) 939-4361  
(Fax) 939-5633

## NOTICE OF APPEAL TO THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD PROPOSED DEVELOPMENT

DATE RECEIVED:	OFFICE USE ONLY
RECEIPT #:	
DEVELOPMENT PERMIT #:	
DATE OF HEARING:	

1. I/We \_\_\_\_\_

(ADDRESS) \_\_\_\_\_ (TELEPHONE) \_\_\_\_\_

hereby give notice to the Subdivision and Development Appeal Board that I/We wish to appeal against the decision of the Development Officer dated \_\_\_\_\_ Numbered \_\_\_\_\_

\_\_\_\_\_ in which he \_\_\_\_\_ REFUSED  
\_\_\_\_\_ GRANTED  
\_\_\_\_\_ GRANTED SUBJECT TO CONDITIONS

an application for \_\_\_\_\_

(briefly describe proposed development) \_\_\_\_\_

Located at \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Plan \_\_\_\_\_  
(address)

2. My reasons or grounds for appealing are as follows: (please attach additional sheets if necessary)  
\_\_\_\_\_  
\_\_\_\_\_

3. I enclose a \_\_\_\_\_ cheque, \_\_\_\_\_ money order for \$ \_\_\_\_\_ payable to the Town of Morinville.

4. Please send notification of the time and place of the appeal hearing to me/us at the following address:  
\_\_\_\_\_  
\_\_\_\_\_

5. I hereby declare that all information provided by me is to the best of my knowledge, true and correct in all respects.

\_\_\_\_\_  
Date Appellant

EITHER mail to or deliver to: (If this appeal is being made by a Company, the President or other authorized officer should sign here.)  
The Secretary  
Subdivision and Development Appeal Board  
10125-100 Ave. Morinville, AB T8R 1L6

SO, IN EITHER EVENT, AS TO REACH HIM NO LATER THAN 14 DAYS (INCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS), AFTER THE DATE OF ISSUANCE OF THE DECISION OF THE DEVELOPMENT OFFICER



Town of • Ville de  
**MORINVILLE**

10125 - 100th Avenue  
Morinville, Alberta  
T8R 1L6  
(780) 939-4361  
(Fax) 939-5633

Email [mori@town.morinville.ab.ca](mailto:mori@town.morinville.ab.ca)  
Website [www.town.morinville.ab.ca](http://www.town.morinville.ab.ca)

**NOTICE OF APPEAL HEARING**

Proposed Development

This is to notify you that an appeal has been made to the Subdivision and Development Appeal Board against a decision in respect of Application no. \_\_\_\_\_ which involves development described as follows:

\_\_\_\_\_  
\_\_\_\_\_

- |              |                             |     |
|--------------|-----------------------------|-----|
| The decision | 1. APPROVED                 | ( ) |
|              | 2. APPROVED WITH CONDITIONS | ( ) |
|              | 3. REFUSED                  | ( ) |

the application for proposed development for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_

PLACE OF HEARING: \_\_\_\_\_  
TIME OF HEARING: \_\_\_\_\_  
DATE OF HEARING: \_\_\_\_\_

Any person affected by the proposed development has the right to and may present a written brief prior to the hearing and to be present and be heard at the hearing. Persons requiring to be heard at the hearing may submit the written briefs to the Secretary of the Subdivision and Development Appeal Board no later than: \_\_\_\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Secretary  
Subdivision and Development Appeal Board



Town of • Ville de  
**MORINVILLE**

10125 - 100th Avenue  
Morinville, Alberta  
T8R 1L6

(403) 939-4361  
(Fax) 939-5633

**NOTICE OF APPEAL DECISION**  
**Proposed Development**

**APPLICATION NO.** \_\_\_\_\_

This is to notify you that an appeal was made to the Subdivision and Development Appeal Board against a decision in respect of Application No. \_\_\_\_\_ which involves application for development of the following lands:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The appeal was considered by the Subdivision and Development Appeal Board on \_\_\_\_\_ and the decision of the Subdivision and Development Appeal Board with regard to the appeal is as follows and for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Secretary  
Subdivision and Development Appeal Board

**NOTE:** A decision of the Subdivision and Development Appeal Board is final and binding on all parties and persons subject only to an appeal upon a question of jurisdiction or law pursuant to Section 688 of the Municipal Government Amendment Act 1995. An application for leave to appeal to the Court of Appeal shall be made:

- a) to a judge of the Court of Appeal, and
- b) within thirty (30) days after the issue of the order, decision, permit or approval sought to be appealed.

