

**VILLAGE OF ROSEMARY**  
In the Province of Alberta



**Bylaw No. 464-18**  
**Intermunicipal Subdivision and Development Appeal Board Bylaw**

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BEING a bylaw of the Village of Rosemary in the Province of Alberta, to establish an Intermunicipal Subdivision and Development Appeal Board;

AND WHEREAS, the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 as amended requires the municipality to adopt a bylaw to establish a Subdivision and Development Appeal Board;

AND WHEREAS, the Subdivision and Development Appeal Board is authorized to render decisions on appeals resulting from decisions of the Subdivision and Development Authority in accordance with; Provincial land use policies, the subdivision and development regulations, the local land use bylaw, and statutory plans;

AND WHEREAS, the Village of Rosemary and City of Brooks and the Town of Bassano and the Village of Duchess and the County of Newell (the Participating Municipalities) wish to establish an Intermunicipal Subdivision and Development Appeal Board to fill that role within their municipalities;

AND WHEREAS, this bylaw may be cited as the Intermunicipal Subdivision and Development Appeal Board Bylaw;

NOW THEREFORE, the Council of the Village of Rosemary in the Province of Alberta duly assembled, enacts as follows:

1. DEFINITIONS:

- (a) **Act** means the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended from time to time.
- (b) **Chief Administrative Officer (CAO)** means the Chief Administrative Officer of the Village of Rosemary regardless of any subsequent title that may be conferred on that officer by Council or statute, or designate;
- (c) **Clerk** means the person or persons appointed by the Councils of the Participating Municipalities to act as Clerk of the Intermunicipal Subdivision and Development Appeal Board.
- (d) **Council** means the Municipal Council of the Village of Rosemary.
- (e) **Member** means a member of the Intermunicipal Subdivision and Development Appeal Board.
- (f) **Municipality** means the Village of Rosemary in the Province of Alberta.
- (g) **Regional Pool** means the group of Subdivision and Development Appeal Board Members duly appointed by the Councils of the Participating Municipalities.
- (h) **Subdivision and Development Appeal Board (SDAB)** means the tribunal established to act as the Intermunicipal Subdivision and Development Appeal Board.

All other terms used in this bylaw shall have the meaning as is assigned to them in the Municipal Government Act, as amended from time to time.

2. The purpose of this Bylaw is to authorize the Village of Rosemary to enter into an Agreement to establish a SDAB.
3. The SDAB shall carry out the duties and responsibilities as set out in the Municipal Government Act, R.S.A. 2000, Chapter M – 26 as amended.
4. For the purpose of this bylaw, the Regional Pool of SDAB Members shall be comprised of persons who are adult residents within the geographical boundaries of the participating municipalities.
5. Appointments to the Regional Pool for the SDAB shall be made by resolution approved from time to time by the Councils of the County of Newell and the City of Brooks and the Town of Bassano and the Village of Duchess and the Village of Rosemary. Such appointments to be made in accordance with the provisions outlined within the Agreement to establish a SDAB.
6. If a vacancy shall occur at any time, the Councils of the participating municipalities shall by resolution, appoint another person to fill the vacancy.
7. Appointments to the SDAB shall be made for a term of four years.
8. Members appointed to the SDAB shall participate in and complete the mandatory training required for all SDAB members.
9. Council delegates authority to the Chief Administrative Officer to assign duly appointed members from the Regional Pool for SDAB hearings. Up to Five (5) members from the Regional Pool may be selected with quorum being Three (3) members.
10. The members of the SDAB selected to hear an appeal shall elect one of themselves as chairman for that particular hearing.
11. Each member of the SDAB shall be entitled to such remuneration, travelling, and living expenses in accordance with the provisions of the Intermunicipal SDAB Agreement. Expenses shall be paid by the municipality for which the hearing is being held.
12. Council may, by resolution, appoint a Clerk who shall attend meetings of the SDAB, but shall not vote on any matter before the SDAB. In the absence of a Council appointed Clerk, the CAO for the County of Newell is delegated authority to appoint a SDAB Clerk for hearings.
13. The SDAB shall hold meetings as required pursuant to the Act on a date determined by the SDAB, and it may also hold special meetings at any time at the call of the chairman or vice-chairman.
14. The decision of the majority of the members present at a meeting shall be deemed to be the decision of the whole SDAB for the specific hearing in question.
15. The SDAB may make its orders, decisions, development permits, and approvals, and may issue notices with or without conditions.
16. The SDAB may make rules to govern its hearings.
17. Members of the SDAB shall not be members of the Subdivision and Development Authority.

18. The Clerk of the SDAB shall attend all meetings of the SDAB and shall keep the following records with respect thereto:
  - (a) the minutes of all meetings;
  - (b) all applications;
  - (c) records of all notices of meetings and of persons to whom they were sent;
  - (d) copies of all written representations to the SDAB;
  - (e) notes as to each representation;
  - (f) the names and addresses of those making representations at the meeting;
  - (g) the decision of the SDAB;
  - (h) the reasons for the decision of the SDAB;
  - (i) the vote of the members of the SDAB on the decision;
  - (j) records of all notices of decision and of persons to whom they were sent;
  - (k) all notices, decisions and orders made on appeal from the decision of the SDAB;
  - (l) such other matters as the SDAB may direct.
19. Any appeal filed with the Clerk of the Subdivision and appeal Board shall be accompanied by the fee specified in the Schedule of Fees set by resolution of Council
20. This bylaw shall come into effect upon third and final reading thereof.
21. Bylaw No. 447-16 and amendments thereto are hereby rescinded.

READ a first time this 27<sup>th</sup> day of August 2018.

READ a second time this 27<sup>th</sup> day of August, 2018.

READ a third time and passed by unanimous consent this 27<sup>th</sup> day of August, 2018.

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**Mayor** – *William Marshall*

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**Chief Administrative Officer** – *Sharon Zacharias*