

**SUMMER VILLAGE OF BURNSTICK LAKE
BYLAW 18-95**

**BEING A BYLAW OF THE SUMMER VILLAGE OF BURNSTICK
LAKE IN THE PROVINCE OF ALBERTA TO ESTABLISH A
SUBDIVISION AND DEVELOPMENT APPEAL BOARD.**

WHEREAS Section 627 of the Municipal Government Act being Chapter 26.1 RSA 1995 and amendments thereto requires the establishment of a Subdivision and Development Appeal Board;

AND WHEREAS Sections 145 and 628 of the Municipal Government Act, RSA 1995 requires Council to provide for the procedure and conduct and functions and duties of a Subdivision and Development Appeal Board established by Council;

NOW THEREFORE the Council of the Summer Village of Burnstick Lake in the Province of Alberta duly assembled, hereby enacts as follows:

There is hereby established a Subdivision and Development Appeal Board for the Summer Village of Burnstick Lake;

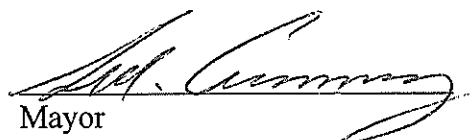
1. No person shall be appointed as a member of the board:
 - a. who is an employee of the Summer Village;
 - b. who carries out subdivision or development powers, duties and functions on behalf of the Summer Village; or
 - c. who is not a property owner or spouse of a property owner owning property in the Summer Village.
2. The membership of the Board shall consist of four (4) members appointed by resolution of Council of which no more than one (1) member may be a councillor. The term of office shall be as Council shall deem proper.
3. Vacancies on the Board caused by resignation of a member of the Board shall be filled by resolution of Council.
4. Subject to clause 5, the rules of conduct relating to pecuniary interest contained in Sections 169,170 and 172 of the Municipal Government Act c M 26.1 as amended from time to time, shall be deemed to apply to members of the Board.
5. Council may by resolution terminate the appointment of any member of the Board if:
 - a. the member uses information obtained through his position as a member of the Board to gain a pecuniary benefit in respect of any matter in which he or his family have a pecuniary interest or
 - b. the member otherwise conducts himself in a manner that Council considers to be improper.
6. Subject to and in accordance with the provisions of the Act, the Board shall hear and make determinations in respect of appeals brought in respect of
 - a. decisions of a Subdivision Authority which are to be heard by the Board pursuant to Section 678(2) of the Act;
 - b. orders, decisions or development permits made or issued by a development authority as contemplated by Section 685 of the Act; and
 - c. such other matters as the Board may now or may hereafter be required to hear by the Act or by bylaw of the Summer Village.
7. The Board shall at its first meeting in each year, elect by a majority vote of its members present, one (1) member for the office of Chairman and one (1) member for the office of Vice Chairman.




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8. The Chairman shall preside over any business before the Board.
9. The Vice-Chairman shall preside over any business before the Board in the event of the absence or inability to act of the Chairman.
10. Upon completion of a statutory notice to all affected parties, the Board shall meet when required to undertake the duties assigned under Clause 6. The place and time shall be appointed by the Chairman.
11. Subject to the ability to deliberate and make its decisions in meetings closed to the public pursuant to Section 197(2.1) of the Act, all meetings of the Board shall be conducted in public.
12. Two (2) members of the Board shall constitute a quorum at any meeting of the Board as long as one of those two members is not the councillor..
13. Council shall appoint a Secretary of the Board.
14. The Secretary shall record the minutes and decisions of the Board.
15. The Secretary shall prepare an agenda for each meeting of the board and prior to each meeting, shall deliver a copy of the agenda thereof to each member of the Board.
16. An order, decision, approval notice or other thing may, subject to Clause 17, be signed on behalf of the Board by the Secretary to the Board.
17. The Secretary of the Board shall not sign an order, approval or decision made by the Board unless the order, approval or decision has been first approved in writing:
 - a. by the Chairman or other member of the Board who chaired the hearing of the appeal to which the order, approval or decision relates, or
 - b. in the absence or inability to act of the person who chaired such hearing any other member of the Board who was present at such hearing.
18. Any document that has been signed by the Secretary shall be deemed to have been signed on behalf of and with the approval of the Board.
19. Each member of the Board present at a meeting of the Board shall have one vote. Notwithstanding however that only those members of the Board present during the entire length of the discussion pertaining to a matter being considered at a meeting of the Board shall have a vote on the matter.
20. A tie vote shall constitute a defeated vote.
21. Council may, by resolution establish fees for subdivision and development appeals which shall be sufficient to cover the cost to administer and process the appeal.
22. The Development Appeal Board Bylaw Number 5-92 is repealed upon this Bylaw coming into force.
23. The adoption of this Bylaw is effective upon the date of the passing of third and final reading of this Bylaw.

READ a first, second and third time this 14th day of November, AD 1995.


Mayor


Municipal Administrator