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MUNICIPALITY OF CROWSNEST PASS

BYLAW NO. 493, 1998

A BYLAW OF THE MUNICIPALITY OF CROWSNEST PASS, IN THE PROVINCE OF ALBERTA, TO AMEND BYLAW NO. 365, 1995, BEING A BY-LAW TO ESTABLISH A MUNICIPAL SUBDIVISION AND DEVELOPMENT AUTHORITY.

The Council of the Municipality of Crowsnest Pass, in the Province of Alberta, hereby enacts as follows:

- 1. That Section 4 of ByLaw No. 365, 1995 be amended to read:

The Subdivision and Development Authority shall be comprised of not more than Seven (7) persons, five (5) of whom shall be appointed by Council from the citizens of the Municipality at large and two (2) elected officials of the Municipality.

- 2. That Section 13 of ByLaw No. 365, 1998 be amended to read:

"Four (4) of the members of the Subdivision and Development Appeal Board shall constitute a quorum."

ByLaw No. 442, 1997 is hereby repealed.

Received FIRST READING this 1st day of December, 1998.

CARRIED UNANIMOUSLY

Received SECOND READING this 1st day of December, 1998.

CARRIED UNANIMOUSLY

Received THIRD READING AND FINALLY PASSED this 1st day of December, 1998.

CARRIED UNANIMOUSLY


MAYOR


CHIEF ADMINISTRATIVE OFFICER

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MUNICIPALITY OF CROWSNEST PASS

BY-LAW NO. 365, 1995

- 1. A BY-LAW OF THE MUNICIPALITY OF CROWSNEST PASS, IN THE PROVINCE OF ALBERTA, TO ESTABLISH A MUNICIPAL SUBDIVISION AND DEVELOPMENT AUTHORITY.

AND WHEREAS, the Municipal Government Act, Chapter M-26.1, 1994 as amended from time to time requires the municipality to adopt a By-Law to establish a Municipal Subdivision and Development Authority by December 1, 1995;

AND WHEREAS, the Subdivision and Development Authority is authorized to make decisions on applications for subdivision and development approval in accordance with the administrative procedures, land uses and schedules established in the Municipal Land Use By-Law;

AND WHEREAS, this By-Law may be cited as the Municipality of Crowsnest Pass Subdivision and Development Authority By-Law;

NOW THEREFORE, the Council of the Municipality of Crowsnest Pass in the Province of Alberta duly assembled, enacts as follows:

- 2. DEFINITIONS

- (a) ACT: means the Municipal Government Act, Chapter M-26.1 as amended from time to time.
- (b) MUNICIPALITY: means the Municipality of Crowsnest Pass in the Province of Alberta.
- (c) COUNCIL: means the Municipal Council of the Municipality of Crowsnest Pass.
- (d) SUBDIVISION and DEVELOPMENT AUTHORITY: means the person or persons appointed, by By-Law, to exercise only such powers and perform duties as are specified:
 - (1) in the Act; or
 - (2) in the Municipality of Crowsnest Pass Land Use By-Law; or
 - (3) in this By-Law; or
 - (4) by resolution of Council.
- (e) MUNICIPAL PLANNING COMMISSION: means the Municipal Planning Commission of the Municipality of Crowsnest Pass as established by By-Law.
- (f) DESIGNATED OFFICER: means a person or persons authorized to act as the designated officer for the Municipality as established by By-Law.
- (g) MEMBERS: means the members of the Subdivision and Development Authority.
- (h) SECRETARY: means the person or persons appointed by Council to act as secretary of the Subdivision and Development Authority.
- (i) AUTHORIZED PERSONS: means a person or organization authorized by the Council to which the Municipality may delegate any of its Subdivision and Development Authority powers, duties or functions.
- (j) All other terms used in this By-law shall have the meaning as is assigned to them in the Municipal Government Act, as amended from time to time.

3. For the purpose of this By-Law, the Subdivision and Development Authority for the Municipality shall be the Municipal Planning Commission, except in such instances whereby the Designated Officer may be the Development Authority in accordance with the Land Use By-law.
4. The Subdivision and Development Authority shall be comprised of not more than Seven (7) persons who are three (3) elected officials and four (4) adult residents of the Municipality of Crowsnest Pass.
5. Appointments to the Subdivision and Development Authority shall be made by resolution of Council.
6. Appointments to the Subdivision and Development Authority shall be made for a term of Three (3) year(s).
7. Should an elected official not remain as a member of Council then he ceases to be a member of the Subdivision and Development Authority.
8. When a person ceases to be a member of the Subdivision and Development Authority before the expiration of his term, Council shall appoint another person for the unexpired portion of that term within sixty (60) days of receiving notice of the vacancy.
9. The members of the Subdivision and Development Authority shall elect one of themselves as Chairman, and one of themselves as Vice-Chairman to hold office for a term of one year from the date of election.
10. Each member of the Subdivision and Development Authority shall be entitled to such remuneration, travelling and living expenses as may be fixed from time to time by Council; and the remuneration, travelling and living expenses shall be paid by the Municipality of Crowsnest Pass.
11. The Council may, by resolution, appoint a secretary who shall be an employee of the Municipality and shall attend all meetings of the Subdivision and Development Authority, but shall not vote on any matter before the Subdivision and Development Authority.
12. The Subdivision and Development Authority shall hold regular meetings at least 12 times per year on a date to be determined by the Subdivision and Development Authority, and it may also hold special meetings at any time at the call of the Chairman.
13. Four (4) of the members of the Subdivision and Development Authority shall constitute a quorum.
14. The decision of the majority of the members present at a meeting shall be deemed to be the decision of the whole Subdivision and Development Authority.
15. The Subdivision and Development Authority may make its own orders, decisions, development permits, and approvals; and may issue notices with or without conditions.
16. The Subdivision and Development Authority may make rules to govern its hearings.
17. Members of the Subdivision and Development Authority shall not be members of the Subdivision and Development Appeal Board.

18. The secretary of the Subdivision and Development Authority shall attend all meetings of the Subdivision and Development Authority 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 Subdivision and Development Authority;
 - (e) notes as to each representation;
 - (f) the names and addresses of those making representations at the meetings;
 - (g) the decision of the Subdivision and Development Authority;
 - (h) the reasons for the decision of the Subdivision and Development Authority;
 - (i) the vote of the members of the Subdivision and Development Authority 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 Subdivision and Development Authority;
 - (l) such other matters as the Subdivision and Development Authority may direct.

19. When a person ceases to be a member of the Subdivision and Development Authority before the expiration of his/her term the Council may, by resolution, appoint another person for the unexpired portion of that term.

20. The Council of the Municipality of Crowsnest Pass hereby delegates the following subdivision powers, duties or functions to the Oldman River Regional Planning Commission:
 - (a) the providing of advice to applicants for subdivision;
 - (b) the processing of applications for subdivision;
 - (c) the collecting of all pertinent subdivision approval fees;
 - (d) the requirements for notification of applicants, pertinent agencies, government departments and adjacent land owners;
 - (e) the preparation of draft resolutions for consideration by the Subdivision Authority;
 - (f) the appearance at meetings of the Subdivision Authority as requested to do so from time to time;
 - (g) the compilation and documentation of all pertinent comments of those persons and local authorities to which the notice of application was given;
 - (h) the conduction of a site inspection (where feasible to do so) at the location of the proposed application for subdivision approval;

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- (i) the finalization and required endorsement of plans of survey or other instruments for registration purposes at Land Titles Office;
- (j) the conveyance of notification of final subdivision approval to the registered owner and/or the authorized agent;
- (k) the maintenance of a control registry and corresponding archival information relating to the application for subdivision approval on behalf of the Municipality;
- (l) the providing of all pertinent information for consideration at a hearing of the appropriate subdivision appeal board;
- (m) the appearance, for the purpose of providing pertinent information, at a hearing of a subdivision appeal board;
- (n) the performance of any other duties or functions as requested, by resolution of Council, as agreed to by the Oldman River Regional Planning Commission;

21. Upon the establishment of the Oldman River Intermunicipal Service Agency, the Service Agency will assume the subdivision powers, duties and functions included in Section 20.

22. This By-Law comes into effect on November 7, 1995.

23. By-Law No. 259, 1995 and amendments will then be repealed.

Read a first time this 3rd day of October, 1995.

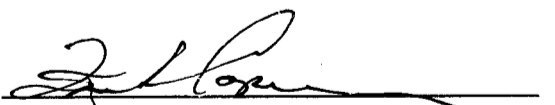
CARRIED

Read a second time this 3rd day of October, 1995.

CARRIED

Read a Third time and finally passed this 3rd day of October, 1995.

CARRIED


MAYOR


MUNICIPAL ADMINISTRATOR