

CONSOLIDATION OF A BY-LAW OF THE CITY OF LETHBRIDGE TO ESTABLISH
A DEVELOPMENT AND SUBDIVISION APPEAL BOARD

WHEREAS Section 627(1) of the Municipal Government Act, Chapter M-26.1, 1994 provides that a municipality must by by-law establish a Subdivision and Development Appeal Board;

NOW THEREFORE, THE COUNCIL OF THE CITY OF LETHBRIDGE, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

1. This By-law may be cited as "The Lethbridge Development and Subdivision Appeal Board By-law".
2. In this By-law:
 - (1) "ACT" means the Municipal Government Act.
 - (2) "CITY" means the City of Lethbridge.
 - (3) "COUNCIL" means the Municipal Council of the City of Lethbridge.
 - (4) "MEMBERS" means the members of a Subdivision and Development Appeal Board duly appointed pursuant to this By-law.
 - (5) "BOARD" means the Subdivision and Development Appeal Board of the City of Lethbridge, established pursuant to this By-law.
 - (6) "SECRETARY" means the person(s) delegated by a Designated Officer to act as Secretary of the Subdivision and Development Appeal Board and as a non-voting member of the Board.
 - (7) "DEVELOPMENT OFFICER" means the Development Authority appointed by Council to act as the Development Officer.
 - (8) "APPELLANT" means the person who has served written notice of an appeal on the Subdivision and Development Appeal Board from a decision or order of a Development and/or Subdivision Authority.
 - (9) All other terms used in this By-law shall have the meaning assigned to them by the Municipal Government Act.
3. The Board shall be composed of:
 - (1) Five (5) citizens at large appointed by Resolution of Council each for a term of one (1) year.

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5. A person who is an employee of the municipality may not be appointed as a member of the Subdivision and Development Appeal Board.

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7. Board members hold office during good behaviour and may be removed from office at any time by Resolution of Council.

8. Where a member of the Board ceases to be a member before the expiration of his term, Council may appoint another eligible person for the unexpired portion of the term of that member.

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

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

B/L/ 11. Three members of the Board constitute a quorum for making all decisions and for
6142 taking any action or permitted to be taken by the Board.
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12. A member of the Board who is unable to attend the whole or part of any Hearing of an Appeal shall not participate in the deliberations or decisions made by the Board upon the Appeal.

13. 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.

14. 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 dismissed and the decision of the Subdivision Authority and/or Development Appeal Authority, as the case may be, shall prevail.

15. The hearings of an appeal 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.
16. 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.
17. The procedure of meetings of the Board shall as far as applicable adhere to the Procedure By-law of the City of Lethbridge.
18. The office of the Secretary of the Subdivision and Development Appeal Board is hereby constituted.
19. The Secretary of the Board and/or his Designate shall:
 - (1) Perform such functions as may be necessary to ensure that the Board is in full compliance with its duties under The Municipal Government Act.
 - (2) Have authority to sign development and subdivision appeal decisions and order.
 - (3) Attend all meetings of the Board and shall keep the following records with respect thereto:
 - (a) the minutes of all meetings and hearings;
 - (b) all appeals;
 - (c) records of all notices of hearings and of persons to whom they were sent;
 - (d) copies of all written representations of the Board;
 - (e) notes as to each representation;
 - (f) the names and addresses of those making representations at the Hearing;
 - (g) the decision of the Board;
 - (h) the reason for the decision of the Board;
 - (i) the vote of the members of the Board on the decision;
 - (j) records of all notices of decision and of persons to whom they were sent;

- (k) all notices, decision and orders made on appeal from the decisions of the Board;
 - (l) such other matters as the Board may direct or the Secretary may determined;
 - (m) give notice to all those person(s) as required and outlined in the Municipal Government Act and the Land Use By-law.
- (4) 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.
- (5) Shall make available for public inspection before the commencement of the public hearing all relevant documents and materials respecting the appeal including:
- (a) the application for the development permit or subdivision application, the decision and the appeal therefrom, or
 - (b) the order of the Development Authority.
- (6) Notify the Development Officer and members of the Municipal Planning Commission of the decisions of the Board.
20. By-law No. 3503 is hereby repealed.