

SUMMER VILLAGE OF MEWATHA BEACH

BY-LAW 6/95

A Bylaw of the Summer Village of Mewatha Beach, in the Province of Alberta, for the purpose of providing for a subdivision authority to exercise subdivision powers and duties on behalf of the municipality.

WHEREAS the Municipal Government Act Chapter M-26.1 1994 and amendments thereto, Part II, Division 3, Sections 623 ^{to} inclusive, require that Council must establish a Subdivision Authority to exercise powers and duties on behalf of the municipality;

NOW THEREFORE the Council of the Summer Village of Mewatha Beach duly assembled, hereby enacts as follows:

1. Name

1.1 This Bylaw may be cited as the "Subdivision Authority Bylaw".

2. Definitions

2.1 "Act" means the Municipal Government Act, S.A. 1994 as amended.

2.2 "Council" means the Mayor and Councillors of the Summer Village of Mewatha Beach for the time being elected pursuant to the provisions of the Act, whose term is unexpired, who have not resigned and who continue to be eligible to hold office as such under the terms of the Act.

2.3 "Municipal Government Board" means the Board established under section 486 of the Act.

2.4 "Subdivision and Development Appeal Board" means the Board established to hear development and subdivision appeals pursuant to section 3 of the Subdivision and Appeal Board Bylaw.

2.5 "Subdivision Authority" means the persons established under section 3 of this bylaw to perform the functions of a Subdivision Authority under the Act.

2.6 "Subdivision Authority Officer" means the person occupying the position established under section 7 herein.

2.7 "Regulations" means the Regulations proclaimed pursuant to the Act.

3. Establishment of Subdivision Authority

3.1 The Subdivision Authority of the Summer Village of Mewatha Beach is hereby established.

3.2 The Subdivision Authority shall consist of all three members of Council, appointed by resolution of Council. In the event that it is required, due to a conflict of interest, or for any other reason that a member of Council cannot sit as a member for a particular meeting or series of meetings, the Council may appoint a member or members from the public-at-large to serve on the Authority for that particular meeting or series of meetings.

3.3 Any vacancies caused by the death, retirement or resignation of a member may be filled by resolution of the Council.

3.4 Council may remove a member from the Subdivision Authority by resolution at any time.

4. Term of Office

4.1 Subject to Section 3.4 each member of the Subdivision Authority shall be appointed at the

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pleasure of the Council, for a term to coincide with the term of office of the Council who appointed them, and may be reappointed upon the expiry of that term, at the organizational meeting of Council following any Election or By-Election.

4.2 Where members of Council are appointed as members of the Subdivision Authority, their appointment shall terminate upon ceasing to be a member of the Council.

5. Chairman

5.1 At the first meeting of the Subdivision Authority following the appointment of members, a chairman shall be elected by vote of the majority of the members.

5.2 A member may be re-elected to the position of Chairman.

5.3 A Chairman shall preside at the meetings of the Subdivision Authority.

6. Vice-Chairman

6.1 A Vice-Chairman shall be elected at the same time and under the same rules as the Chairman.

6.2 A member may be re-elected to the position of Chairman.

6.3 The Vice-Chairman shall preside at the meetings of the Subdivision Authority, in the absence of the Chairman.

7. Subdivision Authority Officer

7.1 The position of designated officer for the limited purpose of carrying out the function of the Officer to the Subdivision Authority is hereby established, To be known as "the Subdivision Authority Officer".

7.2 The Subdivision Authority Officer shall be appointed by resolution of the Council and shall not be a member of the Subdivision Authority.

7.3 The Subdivision Authority Officer shall have responsibilities and functions including the following.

7.3.1 Undertakes all those responsibilities and functions delegated to the Subdivision Authority Officer by the Subdivision Authority.

7.3.2 Ensures applications to the Subdivision Authority and statutory notices and decisions of the Subdivision Authority are provided to such persons as the Act and the Regulations require.

7.3.3 Sign orders, decisions, approval, notices, and other items given or done by the Subdivision Authority on its behalf.

7.3.4 Other duties as assigned.

8. Quorum and Meetings

8.1 A quorum of the Subdivision Authority Bylaw shall be two members of the Subdivision Authority.

8.2 The Subdivision Authority shall meet at such intervals as are necessary to consider and decide matters filed with it in accordance with the Act.



- 8.3 The Subdivision Authority shall have prepared and maintain a file of written Minutes of the business transacted at all meetings of the Subdivision Authority, copies of which shall be regularly filed with Council.
- 8.4 The Subdivision Authority may make rules as are necessary for conduct of its meetings, its hearings and its business that are consistent with this Bylaw, the Summer Village of Mewatha Beach Land Use Bylaw, and the Act.

9. Fees and Expenses

- 9.1 The remuneration, travelling, living and other expenses of the members of the Subdivision Authority shall be established by Council from time to time.
- 9.2 The fees for application to the Subdivision Authority for all manner of activities and approvals within the purview of the Subdivision Authority may be set by bylaw.

10. Responsibilities and Functions

- 10.1 The Subdivision Authority shall exercise those functions and powers within the Summer Village of Mewatha Beach as are described in the Act and the Regulations.
- 10.2 The Subdivision Authority may delegate any of its responsibilities as provided for under the Act or the Regulations to a Subdivision Authority Officer or to another person by resolution of the Subdivision Authority.
- 10.3 The Subdivision Authority is not required to hold a hearing in considering an application for subdivision.
- 10.4 The Subdivision Authority must not approve an application for subdivision approval unless:
 - 10.4.1 the land that is proposed to be subdivided is, in the opinion of the Subdivision Authority, suitable for the purpose for which the subdivision is intended.
 - 10.4.2 the proposed subdivision conforms to the provisions of any statutory plan and, subject to subsection 10.4 of this bylaw, any land use bylaw that affects the land proposed to be subdivided.
 - 10.4.3 the proposed subdivision complies with the Act and the Regulations, and
 - 10.4.4 all outstanding property taxes on the land proposed to be subdivided have been paid to the municipality where the land is located or arrangements satisfactory to the municipality have been made for their payment pursuant to Part 10 of the Act.
- 10.5 The Subdivision Authority may approve an application for subdivision approval even though the proposed subdivision does not comply with the land use bylaw of the Summer Village of Mewatha Beach if, in its opinion:
 - (a) the proposed subdivision would not:
 - (i) unduly interfere with the amenities of the neighbourhood, or
 - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and


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- (b) the proposed subdivision conforms with the use prescribed for that land in the land use bylaw of the Summer Village of Mewatha Beach.
- 10.6 The Subdivision Authority may approve or refuse an application for subdivision approval.
- 10.7 A decision of the Subdivision Authority must be given in writing to the applicant and to the Government departments, persons and local authorities to which the Subdivision Authority is required by the Regulations to give a copy of the application.
- 10.8 A decision of the Subdivision Authority must state:
- (a) whether an appeal lies to the Subdivision and Development Appeal Board or to the Municipal Government Board, and
 - (b) if an application for subdivision approval is refused, the reasons for the refusal.
- 10.9 The power to extend the periods pursuant to Section 651(6) of the Act is delegated by the Council to the Subdivision Authority. The Subdivision Authority may further delegate this power to a Subdivision Authority Officer.
- 10.10 The power to decide if an environmental reserve easement is to be applied to a parcel of land which is subject to a subdivision rather than an environmental reserve pursuant to Section 664 (2) of the Act is delegated by the Council to the Subdivision Authority.
11. This Bylaw shall have effect from September 1st, A.D. 1995.


Read a 1st time this 5th day of August, A.D. 1995.

Read a 2nd time this 5th day of August, A.D. 1995.

Read a 3rd time this 5th day of August, A.D. 1995 with unanimous consent and passed.



Mayor - Barry Walker



Administrator - Don Baillie