

BY-LAW NO. 803

**A BY-LAW OF THE TOWN OF MILK RIVER IN THE PROVINCE OF ALBERTA TO ESTABLISH A MUNICIPAL SUBDIVISION AND DEVELOPMENT AUTHORITY;**

**WHEREAS**, pursuant to Section 623 of the Municipal Government Act, Chapter M-26.1, 1994 as amended, a Council must by by-law provide for a subdivision authority to exercise subdivision powers and duties on behalf of the municipality;

**AND WHEREAS**, pursuant to Section 624 of the Municipal Government Act a Council must by by-law provide for a development authority to exercise development powers and duties on behalf of the municipality;

**NOW THEREFORE**, the Council of the Town of Milk River, in the Province of Alberta, duly assembled, enacts as follows:

1. **THAT** this By-Law shall be cited the Town of Milk River Subdivision and Development Authority By-Law.
2. **DEFINITIONS:**
  - (a) **Act** means the Municipal Government Act, Chapter M-26.1, 1994 as amended from time to time.
  - (b) **Municipality** means the Town of Milk River in the Province of Alberta.
  - (c) **Council** means the Municipal Council of the Town of Milk River.
  - (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:
    - (i) in the Act; or
    - (ii) in the Town of Milk River Land Use By-Law; or
    - (iii) in this By-Law; or
    - (iv) by resolution of Council
  - (e) **Designated Officer** means a person or persons authorized to act as the designated officer for the municipality as established by By-Law.
  - (f) **Members** means the members of the Subdivision and Development Authority.
  - (g) **Secretary** means the person or persons appointed by Council to act as secretary of the Subdivision and Development Authority.
  - (h) **Authorized persons** means a person or organization authorized by the council to act as secretary of the Subdivision and Development Authority.
  - (i) **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 composed of five persons comprised of two elected officials and three adult residents of the Town of Milk River.
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 one year.

7. 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 the term within 60 days of receiving notice of the vacancy.
8. 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.
9. 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 Town of Milk River.
10. 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.
11. The Subdivision and Development Authority shall hold regularly scheduled meetings a date to be determined by the Subdivision and Development Authority. Regularly scheduled meetings may be cancelled if no applications for development or subdivision are to be dealt with. It may also hold special meetings at any time at the call of the chairman.
12. Three members of the Subdivision and Development Authority shall constitute a quorum.
13. 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.
14. The Subdivision and Development Authority may make its orders, decisions, development permits, and approvals; and may issue notices with or without conditions.
15. The Subdivision and Development Authority may make rules to govern its hearings.
16. Members of the Subdivision and Development Authority shall not be members of the Subdivision and Development Appeal Board.
17. 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 meeting;
  - (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.
18. The Council of the Town of Milk River hereby delegates the following

subdivision powers, duties or functions to the Subdivision and Development Authority and or Planner and or Development Officer for the Town of Milk River:

- (a) the providing of advice to applicants for subdivision approval;
- (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;
- (i) the finalization and required endorsement of plans of survey or other instruments for registration purposes of 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.

**THAT** By-Law No. 698 hereby be repealed upon final reading of this By-Law.

**THAT** this By-Law shall come into full force and effect upon the third and final reading thereof.

**READ** a first, second and by unanimous consent of the Councillors present, a third and final time this 14th day of November A.D., 1995.

  
MAYOR - D. CAMERON MCKAY

  
C.A.O. - LAVINIA HENDERSON