BYLAW NO. 03-2011

A BYLAW OF THE SUMMER VILLAGE OF BETULA BEACH IN THE PROVINCE OF ALBERTA TO ESTABLISH THE SUBDIVISION AUTHORITY OF THE SUMMER VILLAGE OF BETULA BEACH

WHEREAS Section 623 of the Municipal Government Act, R.S.A. 2000, as amended ("the Act") requires that a Municipal Council must establish a Subdivision Authority by bylaw;

AND WHEREAS the Council of the Summer Village of Betula Beach has determined that it must change its Subdivision Authority;

NOW THEREFORE the Council of the Summer Village of Betula Beach, duly assembled, enacts as follows.

1. Name

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

2. Definitions

The following words and phrases mean:

2.1. "Act" means the Municipal Government Act, R.S.A. 2000, as amended.

2.2. "Council" means the Mayor and Councillors of the Summer Village of Betula Beach for the time being elected pursuant to the provisions of the Act, whose term is unexpired, who has 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 the Subdivision and Development Appeal Board Bylaw of the Summer Village of Betula Beach.

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

3. Establishment of Subdivision Authority

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

3.2. The Subdivision Authority shall consist of persons appointed by resolution of the Council.

3.3. If the appointed persons shall die, retire or resign, other persons may be appointed by resolution of the Council.

3.4. Council may remove the persons from the position of Subdivision Authority by resolution at any time.

4. Term of Office

4.1. Subject to Section 3.4 of this bylaw, the Subdivision Authority shall be appointed at the pleasure of the Council for a term of one (1) year and may be reappointed upon the expiry of the term at the pleasure of Council.

5. Fees and Expenses

5.1. The fees for applications to the Subdivision Authority for all manner of activities and approvals within the purview of the Subdivision Authority may be set by resolution by Council.

6. Responsibilities and Functions

6.1. The Subdivision Authority shall exercise those functions and powers within the Summer Village of Betula Beach as are described in the Act and the Regulations.

6.2. The Subdivision Authority may delegate any of its responsibilities as provided for under the Act or the Regulations, except for the responsibility to approve, approve subject to conditions, or refuse subdivision applications, to another person or company.

6.3. The Subdivision Authority shall ensure statutory notices and decisions are provided to such persons as the Act and the Regulations require.

6.4. The Subdivision Authority is not required to hold a hearing in considering an application for subdivision.

6.5. The Subdivision Authority shall have prepared and maintain a file for each application made to it, including a record of its decisions, copies of which shall be available to the Chief Administrative Officer of the Summer Village of Betula Beach and the Council at their request at all times.

6.6. The Subdivision Authority may make rules as are necessary for the conduct of its business that are consistent with this Bylaw, the Summer Village of Betula Beach Land Use Bylaw, and the Act.

6.7. The Subdivision Authority must not approve an application for subdivision approval unless:

6.7.1. 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.

6.7.2. the proposed subdivision confirms to the provisions of any statutory plan and, subject to section 6.8. of this bylaw, any Land Use Bylaw that affects the land proposed to be subdivided.

6.7.3. the proposed subdivision complies with the Act and the Regulations, and

6.7.4. all outstanding property taxes on the land proposed to be subdivided have been paid to the Summer Village of Betula Beach or arrangements satisfactory to the Summer Village of Betula Beach have been made for their payment pursuant to Part 10 of the Act.

6.8. 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 Betula 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

(b) the proposed subdivision conforms with the use prescribed for that land in the Land Use Bylaw of the Summer Village of Betula Beach.

6.9. The Subdivision Authority may approve, approve subject to conditions, or refuse an application for subdivision approval.

6.10. 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.

6.11. 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.

6.12. The power to extend the periods pursuant to Section 657(6) of the Act is delegated by the Council to the Subdivision Authority.

6.13. 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.

READ A FIRST TIME THIS 8TH DAY OF DECEMBER, A.D. 2011

READ A SECOND TIME THIS 8TH DAY OF DECEMBER, A.D. 2011

READ A THIRD TIME AND FINALLY PASSED THIS 8TH DAY OF DECEMBER, A.D. 2011

Robert Dickie, Mayor

Linda Bolton, Chief Administrative Officer