

BY-LAW 625/91

A BY-LAW OF THE TOWN OF MANNING FOR THE PURPOSE OF  
ESTABLISHING A DEVELOPMENT APPEAL BOARD

---

WHEREAS The Province of Alberta Planning Act, 1980 requires the Town of Manning to establish a Development Appeal Board, and

WHEREAS the establishment of a Development Appeal Board is an important part of the overall development permit process under the provincial planning legislation and the Town of Manning Land Use By-law, and

WHEREAS the Council of the Town of Manning deems it desirable and necessary to establish a Development Appeal Board

NOW THEREFORE the Council of the Town of Manning in Council duly assembled, ENACTS as follows:

DEVELOPMENT APPEAL BOARD

1.0 Interpretation

1. In this By-law, all words and expressions shall have the meanings assigned to them in the Province of Alberta Planning Act or the Town of Manning Land Use By-law.

2.0 Establishment Of The Development Appeal Board

1. The Town of Manning Development Appeal Board is hereby established, pursuant to the provisions of the Province Of Alberta Planning Act.
2. Appointment of Members:
  - (a) Town of Manning Council shall appoint members to the Development Appeal Board.
  - (b) Persons shall be appointed to the Development Appeal Board for a one (1) year term, with appointments to the Development appeal Board being made at the Town of Manning's annual organizational meeting.
  - (c) The Development Appeal Board shall consist of seven (7) members, with the members being Town Council.
  - (d) Notwithstanding Section 2.0(5)(b), when there is a vacancy on the Development Appeal Board, the remaining members, if there are at least three (3) of them, shall exercise and perform the duties of the Development Appeal Board.
3. A person ceases to be a member of the Development Appeal Board when the person is no longer a member of Town Council.
4. A member of the Development appeal Board is an "authorized person", as defined by the Province Of Alberta Planning Act, in order to carry out their duties as a member of the Development Appeal Board.

5. Development Appeal Board Decision-Making:

- (a) The Development Appeal Board shall carry out those functions assigned to the Development Appeal Board under the Province Of Alberta Planning Act.
- (b) Four (4) Development Appeal Board members constitute a quorum for making decisions at any Development Appeal Board meetings and hearings.
- (c) Only those members of the Development Appeal Board in attendance at a Development Appeal Board meeting or hearing may vote on any matter before the Development Appeal Board.
- (d) The decision of the majority of the members of the Development Appeal present at a meeting or hearing shall be deemed to be the decision of the Development Appeal Board. In the case of a tie vote, the motion will be defeated.
- (e) The Development Appeal Board shall give its decisions in writing, with reasons.

6. Appointment And Duties Of The Chairman:

- (a) The Development Appeal Board shall appoint one (1) of its members as Chairman.
- (b) The Chairman, or in the case of his absence another member of the Development Appeal Board, shall preside over all Development Appeal Board meetings and hearings.
- (c) The Chairman, or the member of the Development Appeal Board that acted as chairman, shall be the authorized person to sign any decisions, orders or other documents on behalf of the Development Appeal Board.

7. Town Council will establish remuneration, travelling and living expense rates for members of the Development Appeal Board.

3.0 Development Appeal Board Committee Meetings

- 1. Prior to the holding of a Development Appeal Board hearing, the Development Appeal Board may hold committee meetings to review: the agenda for a hearing; the procedures to be used at a hearing; and the determination of who is an affected person for the purpose of hearing notice.

4.0 Development Appeal Board Secretary

- 1. The office of the Secretary To The Development Appeal Board is hereby established.
- 2. The Secretary To The Development Appeal Board shall:
  - (a) Notify all members of the Development Appeal Board of any meetings or hearings,
  - (b) Prepare and maintain a file of written minutes of the proceedings of Development Appeal Board meetings and hearings, including a summary of the evidence presented at hearings,

(c) Issue notices, decisions and other material to all persons affected by or in attendance at a Development Appeal Board meeting or hearing; and

(d) Carry out other duties assigned by the Development Appeal Board.

3. The Secretary to The Development Appeal Board shall ensure that all proper Development Appeal Board administrative procedures have been carried out in accordance to the Province Of Alberta Planning Act.

4. The Secretary to The Development Appeal Board shall make available for public inspection all relevant documents and materials respecting an appeal. This material could include a copy of the development permit application, the decision of the Development Officer, and relevant section of the Town of Manning Land Use By-law.

4.0 Advisors To The Development Appeal Board

1. The Executive Director of the Mackenzie Regional Planning Commission or his representative shall be advisors to the Development Appeal Board.

2. The Development Appeal Board may request a person or persons to attend a meeting or hearing in an advisory capacity, such as a representative of a provincial government department.

5.0 Repeal Of Existing By-laws

1. Any Town of Manning by-laws, respecting the establishment of a Development Appeal Board for the Town of Manning are hereby repealed.

6.0 By-law Force And Effect

1. This by-law shall take force and effect upon the date of its final passage by Town of Manning Council.

READ A FIRST TIME THIS 11 DAY OF September 1991

DEPUTY MAYOR: [Signature]

SECRETARY-TREASURER: [Signature]

READ A SECOND TIME THIS 11 DAY OF September 1991

DEPUTY MAYOR: [Signature]

SECRETARY-TREASURER: [Signature]

READ A THIRD AND FINALLY PASSED THIS 11 DAY OF September 1991

DEPUTY MAYOR: [Signature]

SECRETARY-TREASURER: [Signature]