

**SUMMER VILLAGE OF HORSESHOE BAY
PROVINCE OF ALBERTA**

BY-LAW NO. 41/1995

Being a Bylaw of the Summer Village of Horseshoe Bay in the Province of Alberta to Establish the Subdivision Authority of the Summer Village of Horseshoe Bay

WHEREAS Section 623 of the Municipal Government Act, 1994, Chapter M-26.1 (“the Act”) requires that a Municipal Council must establish a Subdivision Authority By-Law,

NOW THEREFORE, the Council of the Summer Village of Horseshoe Bay, duly assembled, enacts as follows:

1. Name

1.1 This By-Law may be cited as the “Subdivision Authority By-Law”.

2. Definitions

The following words and phrases mean:

2.1 “Act” means the Municipal Government Act, 1994, Chapter M-26.1.

2.2 “Council” means the Mayor and Councillors of the Summer Village of Horseshoe Bay 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 Development Appeal Board By-Law.

2.5 "Subdivision Authority" means the persons established under Section 3 of the Subdivision Authority By-Law to perform the functions of a subdivision authority under the Act.

2.6 "Regulations" means the Regulations passed pursuant to the Act.

3. Establishment of Subdivision Authority

3.1 The Subdivision Authority of the Summer Village of Horseshoe Bay is hereby established.

3.2 The Subdivision Authority shall consist of one (1) person appointed by resolution of the Council.

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

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

4. Term of Office

4.1 Subject to Section 3.4 of this By-Law, 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 by-law.

6. Responsibilities and Functions

6.1 The Subdivision Authority shall exercise those functions and powers within the Summer Village of Horseshoe Bay 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 Administrator of the Summer Village of Horseshoe Bay 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 By-Law, the Summer Village of Horseshoe Bay Land Use By-Law, 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 Subdivision Authority, suitable for the purpose for which the subdivision is intended;
 - 6.7.2 the proposed subdivision conforms to the provisions of any statutory plan and, subject to section 6.8 of this By-Law, the Land Use By-Law that affects the land proposed to be developed;
 - 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 Horseshoe Bay or arrangements 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 By-Law of the Summer Village of Horseshoe Bay 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 By-Law of the Summer Village of Horseshoe Bay.
- 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 in Council this 13th day of November, A.D. 1995.

Read a second time in Council this 13th day of November, A.D. 1995.

Read a third time and finally passed in this 13th day of November, A.D. 1995.

Original signed by
A. Jackson
MAYOR

Original signed by
Ken Parsons
ADMINISTRATOR