

THE CITY OF SPRUCE GROVE

BYLAW C-1238-23

COMMUNITY STANDARDS APPEAL COMMITTEE BYLAW

WHEREAS, pursuant to the *Municipal Government Act*, RSA 2000 cM-26 and amendments thereto, a council may pass bylaws in relation to the establishment and functions of council committees, and to the procedures to be followed by council committees;

AND WHEREAS, pursuant to the *Municipal Government Act*, RSA 2000 cM-26 and amendments thereto, a person who has received an order under section 545 and 546 may request Council review the order;

AND WHEREAS, the *Municipal Government Act*, RSA 2000 cM-26 and amendments thereto, authorizes a council to delegate its powers, duties or functions to a council committee, including its duty to decide appeals imposed on it by this or another enactment or bylaw;

AND WHEREAS, Council wishes to establish a council committee to review orders under section 547 of the *Municipal Government Act*, RSA 2000 cM-26 and amendments thereto;

NOW THEREFORE, the Council for the City of Spruce Grove, duly assembled, hereby enacts as follows:

1. BYLAW TITLE

1.1 This bylaw is called the "Community Standards Appeal Committee Bylaw".

2. DEFINITIONS

2.1 "Act" means the *Municipal Government Act*, R.S.A. 2000 c M-26, as amended.

2.2 "Appeal" means review of an MGA Order pursuant to section 547 of the Act.

2.3 "Appellant" means a person who has submitted a Notice of Appeal.

- 2.4 “City” means the municipal corporation of the City of Spruce Grove in the Province of Alberta.
- 2.5 “City Manager” means the administrative head of the City of Spruce Grove.
- 2.6 “Clerk” means the City Manager or designate to act as a clerk.
- 2.7 “Closed Session” means a portion of the Committee meeting that is conducted in the absence of the public as per the Act.
- 2.8 “Committee” means the Community Standards Appeal Committee.
- 2.9 “Council” means the Council of the City of Spruce Grove elected pursuant to the *Local Authorities Election Act*, R.S.A. 2000 c L-21, as amended.
- 2.10 “MGA Order” means an order or decision issued a person pursuant to sections 545 and 546 of the Act.
- 2.11 “Mayor” means the City’s chief elected official.
- 2.12 “Notice of Appeal” means a written request, in a form acceptable to the Clerk, seeking adjudication of an Appeal.
- 2.13 “Public Member” means an individual appointed to the Committee.

3. ESTABLISHMENT, MANDATE AND TERMS OF REFERENCE

- 3.1 A council committee is hereby established and shall be referred to as the Community Standards Appeal Committee.
- 3.2 The Committee is delegated the powers, duties, and functions to hear and adjudicate Appeals.

4. MEMBERSHIP

- 4.1 The Committee shall be comprised of no less than three (3) Public Members.

4.2 The individuals that comprise the Subdivision and Development Appeal Board shall be appointed as Public Members of the Committee, provided that the individuals agree to the appointment.

4.3 Public Members shall not be:

- (a) members of Council;
- (b) the Mayor, including as an ex-officio member; or
- (c) current employees of the City.

5. TERM

5.1 The term of office for all Public Members shall be not more than three (3) years.

5.2 A Public Member may serve more than one (1) term but in no event shall a Public Member serve more than three (3) consecutive terms.

5.3 Council shall be at liberty to remove and replace any Public Member at any time prior to the expiry date of the Public Member's term, and any Public Member may resign at any time upon sending written notice to the Clerk.

5.4 In the event of a vacancy, Council may by resolution, appoint a new Public Member to serve for the remainder of the vacating Public Member's term.

6. QUORUM

6.1 A quorum at any hearing shall be three (3) Public Members.

6.2 No more than seven (7) Public Members shall sit at a hearing.

7. ORGANIZATIONAL MEETING

7.1 An annual organizational meeting shall be held at the beginning of each year.

8. CHAIR AND VICE-CHAIR

- 8.1 The Public Members shall elect from its membership on an annual basis a Chair and Vice-Chair during the annual organizational meeting.
- 8.2 The Chair and Vice-Chair may be re-elected for successive years as Chair and Vice-Chair.
- 8.3 In the event of absence or inability of the Chair to preside at a hearing, the Vice-Chair shall preside.
- 8.4 In the absence or inability of both the Chair and Vice-Chair to preside at a meeting, the Members present, in constituting a quorum, shall elect one of its Public Members to preside as Chair for that meeting.

9. RULES OF PROCEDURE

- 9.1 For those procedural matters not covered in the Act or the regulations thereto, this bylaw, or any other bylaw of the City, the Committee shall determine the procedures for the conduct of hearings.

10. FUNCTIONS AND DUTIES

- 10.1 The hearing shall be held within thirty (30) calendar days of the receipt of the Notice of Appeal and the appeal fee by the Clerk.
- 10.2 The Chair shall be responsible for the conduct of the hearing.
- 10.3 Once the hearing is closed, the Committee shall not hear or consider any additional verbal or written evidence.
- 10.4 After hearing the appeal, the Committee may go into Closed Session in order to deliberate provided that one of the exceptions to disclosure set out in the *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c F-25, as amended applies. In arriving at its decision, the majority vote of those Public Members present shall constitute the decision of the Committee.
- 10.5 In the event of a tie vote of the Committee, an appeal shall be deemed to be denied.

- 10.6 A decision of the Committee is not final until notification of the decision is given in writing. Notification of the decision on Appeal of an MGA Order and shall be provided within 15 business days of the date on which the decision of the Committee is made.
- 10.7 A Public Member who, for any reason, is unable to attend the whole of the hearing of an appeal shall not participate in the Committee's deliberations or the decision made by the Committee on that appeal.
- 10.8 If a Public Member has a pecuniary interest in any matter before the Committee, the Public Member shall declare the pecuniary interest to the Committee and shall abstain from discussion or voting upon such matter, and such abstention shall be recorded in the minutes.

11. CLERK OF THE BOARD

- 11.1 The position of a Designated Officer for the limited purpose of carrying out the functions of the Community Standards Appeal Committee Clerk is hereby established.
- 11.2 The City Manager or designate shall be the Clerk of the Committee.

12. SIGNING AUTHORITY

- 12.1 An order, decision, approval, notice, or other thing made or given by the Committee may be signed on behalf of the Committee by the Clerk.
- 12.2 The Clerk shall not sign an order, approval or decision made by the Committee unless the order, approval or decision has been first approved in writing:
 - (a) by the Chair or other Public Member who presided over the hearing to which the order, approval or decision relates; or
 - (b) in the absence or inability to act of the person who chaired or presided over such hearing, any other Public Member who was present at such hearing.

13. SEVERABILITY

13.1 Every provision of this bylaw is independent of all other provisions and if any provision is declared invalid by a Court, then the invalid provisions shall be severed and the remainder provisions shall remain valid and enforceable.

14. EFFECTIVE DATE

14.1 This bylaw comes into effect when it receives third reading and is duly signed.

First Reading Carried 11 April 2023

Second Reading Carried 11 April 2023

Third Reading Carried [Click here to enter a date.](#)

Date Signed [Click here to enter a date.](#)

Mayor

City Clerk