

**TOWN OF DRUMHELLER
BYLAW NO. 22.10**

Being a bylaw of the Town of Drumheller in the Province of Alberta, pursuant to the provisions of Section 8(d) of the Municipal Government Act, R.S.A. 2000, c. M-26, to provide for the establishment of a Community Standards Appeal Board;

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF DRUMHELLER ENACTS AS FOLLOWS:

TITLE

1. This bylaw may be cited as the "Community Standards Appeal Board Bylaw".

DEFINITIONS

2. In this Bylaw unless the context otherwise requires;
 - (a) "*Applicant*" means a person who is seeking a Community Standards Appeal;
 - (b) "*Board*" means the Community Standards Appeal Board established by this Bylaw;
 - (c) "*Chairman*" means the Chairman of the Board;
 - (d) "*Community Standards Appeal*" means the appeal of:
 - (i) a Remedial Order issued pursuant to the Community Standards Bylaw 16.10;
 - (ii) an order issued pursuant to Section 545 of the Municipal Government Act R.S.A. 2000, c.M-26 regarding contraventions of other Bylaws or enactments that the Town is authorized to enforce;
 - (iii) an order issued pursuant to Section 546 of the Municipal Government Act R.S.A. 2000, c.M-26; or
 - (iii) an order issued under the Weed Control Act, R.S.A. 2008, c.W-5-1.

- (e) "Council" means the Municipal Council of the Town;
- (f) "Remedial Order" means an order written pursuant to Section 545 and Section 546 of the Municipal Government Act R.S.A. 2000, c.M-26.
- (g) "Town" means the Town of Drumheller, a municipal corporation and, where the context so requires, the area included within the boundaries of the said Municipal Corporation.

ESTABLISHMENT OF THE COMMUNITY STANDARDS APPEAL BOARD

- 3. (1) There is hereby established a Community Standards Appeal Board which shall have jurisdiction to hear and determine all appeals submitted by Applicants to the Town of Drumheller.
 - (i) The Board shall be a Committee of Council.
- (2) Council shall each year appoint by resolution not less than three members of Council to act as a Board of Appeal to review any Order issued under the Community Standards Bylaw 16.10 and Sections 545 and 546 of the Municipal Government Act R.S.A. 2000, c.M-26 and the Weed Control Act R.S.A. 2008, c.W-5-1.
- (3) In the event that any member of the Board is not in attendance at a meeting of the Board, any other member of Council may sit as substitute for that member on the Board.
- (4) The Chairman shall be elected by the members of the Board and they shall be entitled to vote in all decisions made by the Board.
- (5) In the event that the Chairman is not in attendance at a meeting of the Board, the members present may elect a chairman who shall chair the meeting of the Board for the duration of that meeting only.
- (6) Two members present shall constitute a quorum.
- (7) The Board may establish its own rules of procedure.

**APPEAL OF ORDERS ISSUED UNDER THE WEED CONTROL ACT, RSA. 2008,
c.W-5.1**

4. (1) Any notice of appeal filed with respect to a notice under this Section 11 of Bylaw 16.10 shall be accompanied by a deposit in the amount of \$500.00, which shall be refunded if the applicant's appeal is successful.
- (3) A notice of appeal will not be considered as having been filed unless the notice of appeal and fee referred to in Subsection (1) above have been received by the Town of Drumheller within ten (10) days of receiving the Order.
- (4) The fee referred to in Subsection (1) above shall not be waived under any circumstances.
- (5) The Town of Drumheller shall, upon receipt of a notice of appeal, set a date for the hearing of the appeal which hearing shall be held within five (5) days from the day of receipt of the Notice of Appeal pursuant to the provisions set out in the Weed Control Regulation 19/2010.
- (6) After reviewing the Order, the Board may confirm, rescind or vary the Order.

**APPEAL OF REMEDIAL ORDERS UNDER SECTION 545 AND 546 OF THE
MUNICIPAL GOVERNMENT ACT, RSA. 2000, c.M-26 AND THE COMMUNITY
STANDARDS BYLAW 16.10**

5. (1) Any notice of appeal filed with respect to a Remedial Order shall be accompanied by a deposit in the amount of \$100.00, which shall be refunded if the applicant's appeal is successful.
- (3) A person to whom a Remedial Order is directed may seek a review of the Remedial Order by filing an notice of appeal will not be considered as having been filed unless the notice of appeal and fee referred to in Subsection (1) above have been received by the Town of Drumheller within fourteen (14) days of receiving the Order issued under the provisions of Section 545 of the Municipal Government Act R.S.A. 2000, c.M-26, and within seven (7) days of receiving the Order issued under Section 546 Municipal Government Act R.S.A. 2000, c.M-26.
- (4) The fee referred to in Subsection (1) above shall not be waived under any circumstances.

(5) The Town of Drumheller shall, upon receipt of a notice of appeal, set a date for the hearing of the appeal which hearing shall be held within fifteen (15) days from the day of receipt of the Notice of Appeal.

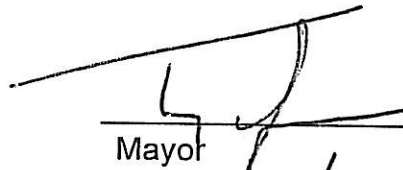
(6) After reviewing the Order, the Board may confirm, vary, substitute or cancel the Order.

This Bylaw shall take effect on the date of the third and final reading.

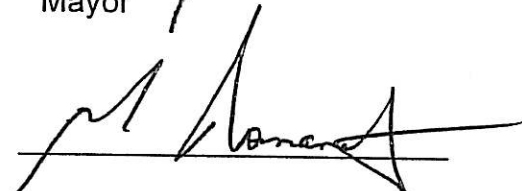
READ A FIRST TIME this 8th day of November, 2010.

READ A SECOND TIME this 8th day of November, 2010

READ A THIRD TIME AND PASSED this 8th day of November, 2010



Mayor



Chief Administrative Officer