BYLAW NO. 365
OF THE
VILLAGE OF SPRING LAKE
IN THE PROVINCE OF ALBERTA

A BYLAW OF THE VILLAGE OF SPRING LAKE IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING A SUBDIVISION AUTHORITY OF THE VILLAGE OF SPRING LAKE

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.

NOW THEREFORE the Council of the Village of Spring Lake, 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, S.A. 2000, as amended.

2.2. "Council" means the Mayor and Councillors of the Village of Spring Lake 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 Bylaw.

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 Village of Spring Lake 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 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 is set out in Schedule "A".

6. Responsibilities and Functions

6.1. The Subdivision Authority shall exercise those functions and powers within the Village of Spring Lake 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 Vilalge of Spring Lake 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 Village of Spring Lake 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 Village of Spring Lake or arrangements satisfactory to the Village of Spring Lake 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 Village of Spring Lake 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 Village of Spring Lake.

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.

7. Severability

7.1. Should any provision of the Bylaw be found to be invalid, the invalide provisio shall be severed and the remaining Bylaw shall be maintained.

8. Repeal

8.1. Upon third reading of Bylaw No. 365, Bylaw No. 284 and all amendments thereto are heeby repealed.

9. Effect

9.1. This bylaw comes into effect upon the date of the passing of third and final reading.

READ A FIRST TIME THIS 11th **DAY OF** September, **AD 2018.**

READ A SECOND TIME 11th **DAY OF** September, **AD 2018.**

READ A THIRD AND FINAL TIME 11th **DAY OF** September, **AD 2018.**

CHIEF ELECTED OFFICIAL

CHIEF ADMINISTRATIVE OFFICER

Schedule "A"

Service	Fees
Subdivision Fee at Application for up to 3 lots, including any remainder	$700 + $100 per lot
Subdivision Fee at Application for 4 or more lots, including any remainder	$700 + $250 per lot
Separation of Titles [MGA 652 (4)]**	$700
Condominium Plan Consent	$50 per unit
Extension	$250
Re-circulation	$250
Fee at Endorsement ** Endorsement fees are charged at time of endorsement for all subdivisions except Separation of Titles	$100 + ($150 per lot)
Current Land Title	$12 (per title)
Air Photo	$7 (per photo)