

**TOWN OF LEGAL
BYLAW #07-2023
SUBDIVISION AUTHORITY BYLAW**

BEING A BYLAW OF THE TOWN OF LEGAL IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF ESTABLISHING THE SUBDIVISION AUTHORITY OF THE TOWN OF LEGAL.

WHEREAS, Section 623 of the Municipal Government Act, R.S.A. 2000, c. M-26, as amended, requires that a Municipal Council must establish a Subdivision Authority by bylaw.

NOW THEREFORE, the Council for the Town of Legal, in the Province of Alberta, duly assembled, hereby enacts as follows:

1.0 NAME

1.1 This bylaw may be cited as the "Subdivision Authority Bylaw."

2.0 DEFINITIONS

The following definitions are clarified for the purpose of this bylaw:

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

2.2 "Council" means the Mayor and Councillors of the Town of Legal 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 "Land and Property Rights Tribunal" means the Board established under Section 488 of the *Act*.

2.4 "Intermunicipal Subdivision and Development Appeal Board" means the Board established to hear development and subdivision appeals pursuant to the Intermunicipal Subdivision and Development Appeal Board Bylaw of the Town of Legal.

2.5 "Subdivision Authority" means the person(s) established under Section 3 of this Bylaw to perform the functions of a Subdivision Authority under the *Act*.

2.6 "Regulations" means the *Matters Related to Subdivision and Development Regulations*, AR 84/2022, as amended, and proclaimed pursuant to the *Act*.

3.0 ESTABLISHMENT OF SUBDIVISION AUTHORITY

3.1 The Subdivision Authority of the Town of Legal 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.

4.0 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.

5.0 FEES

5.1 The fees payable to the Subdivision Authority for all manner of applications, activities and approvals within the preview of the Subdivision Authority are set out in Schedule "A" of this Bylaw.

6.0 RESPONSIBILITIES AND FUNCTIONS

6.1 The Subdivision Authority shall exercise those functions and powers within Town of Legal as are described in the *Act* and the *Regulations*.

6.2 The Subdivision Authority is not required to hold a hearing in considering an application for subdivision.




- 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 may make rules as are necessary for the conduct of its business that are consistent with this Bylaw, the Town of Legal Land Use Bylaw, and the *Act*.
- 6.5 The Subdivision Authority must not approve an application for subdivision approval unless:
 - 6.5.1 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;
 - 6.5.2 the proposed subdivision conforms to the provisions of any statutory plan and, subject to Subsection 6.6 of this Bylaw, any Land Use Bylaw that affects the land proposed to be subdivided;
 - 6.5.3 the proposed subdivision complies with the *Act* and the *Regulations*; and,
 - 6.5.4 all outstanding property taxes on the land proposed to be subdivided have been paid to the Town of Legal, or arrangements satisfactory to the municipality have been made for their payment pursuant to Part 10 of the *Act*.
- 6.6 The Subdivision Authority may approve an application for subdivision approval even though the proposed subdivision does not comply with the Land Use Bylaw of Town of Legal if, in its opinion;
 - 6.6.1 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
 - 6.6.2 the proposed subdivision conforms with the use prescribed for that land in the Land Use Bylaw of Town of Legal.
- 6.7 The Subdivision Authority may approve or refuse an application for subdivision approval.
- 6.8 A decision of the Subdivision Authority must be given in writing to the applicant and to the Government departments, persons and local authorities to whom the Subdivision Authority is required by the *Regulations* to give a copy of the application.
- 6.9 A decision of the Subdivision Authority must state:
 - 6.9.1 whether an appeal lies to the Intermunicipal Subdivision and Development Appeal Board of Town of Legal or to the Land and Property Rights Tribunal; and
 - 6.9.2 if an application for subdivision approval is refused, the reasons for the refusal.
- 6.10 The power to extend the periods pursuant to Section 657(6) of the *Act* is delegated by Council to the Subdivision Authority.
- 6.11 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.

7.0 REPEAL

- 7.1 This Bylaw repeals Bylaw #07-2019 and any other existing bylaw establishing Subdivision Authority or Subdivision Authority Officer responsibilities.

READ A FIRST TIME THIS 5th DAY OF September, 2023



 Mayor



 Chief Administrative Officer

READ A SECOND TIME THIS 5th DAY OF September, 2023




 Mayor

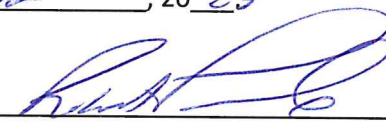


 Chief Administrative Officer

READ A THIRD TIME THIS 5th DAY OF September, 2023



 Mayor



 Chief Administrative Officer

SCHEDULE "A"

2023 MPS Subdivision Fees

Service (Effective September 1, 2023)	Fees
*Base Application Fee	750.00
*Per Lot Fee <i>*Payable with initial application</i>	250.00
Per Lot Endorsement Fee <i>Payable prior to endorsement</i>	200.00
Recirculation Fee <i>Minor changes to an application may be accepted at the office with no additional costs. If the change requires the application to be recirculated to the various agencies and/or adjacent landowners a recirculation fee shall apply.</i>	250.00
Extension Fee <i>If the applicant is unable to finalize the subdivision within one year from the date of the decision, an extension may be requested. If the extension is approved, an extension fee shall apply.</i>	350.00
Title Search <i>The title search fee is applicable when a recent land title (dated within 90 days from the time of application) is not provided by the applicant, and a land title is obtained by MPS.</i>	15.00

GST is applicable to all fees listed.