

**WOODLANDS COUNTY
BYLAW NO. 590/22**

**A BYLAW TO ESTABLISH AN ENFORCEMENT REVIEW COMMITTEE IN
ACCORDANCE WITH THE PROVISIONS OF THE MUNICIPAL GOVERNMENT ACT.**

WHERE AS, Section 145 of the Municipal Government Act, R.S.A. 2000, requires each municipality to establish Committees of Council by bylaw;

NOW THEREFORE, the Council for Woodlands County hereby establishes an Enforcement Review Committee in accordance with the following provisions;

1. DEFINITIONS:

- a. "Act" means the *Municipal Government Act*, R.S.A., 2000, c.M-26 and amendments thereto.
- b. "Agenda" is the list of items and orders of business for any meeting.
- c. "Bylaw" is a Bylaw of the County.
- d. "Chairperson" is the person appointed from among members to act as the presiding officer for the meeting.
- e. "Chief Administrative Officer" is the person appointed by Council as the Chief Administrative Officer or his designate, pursuant to the *Municipal Government Act*.
- f. "Council" is the Reeve and Councillors of Woodlands County elected pursuant to the provisions of the Local Authorities Election Act, R.S.A., 2000, c. L-21.
- g. "County" is Woodlands County.
- h. "Member" means a member of Council, or an authorized Council Committee, duly elected or appointed.
- i. "Organizational Meeting" is a meeting of Council held in accordance with Section 192 of the *Municipal Government Act*.

2. Establishment and Membership

- a. The Enforcement Review Committee (hereinafter called "the Committee") of Woodlands County is hereby established.
- b. The Committee shall consist of three (3) Council members selected on a rotational basis at the annual Organizational Meeting.
- c. The Committee shall appoint one (1) alternate Council member.

- d. Council members will not sit on reviews of any orders issued within their respective division.

3. Secretary

- a. The CAO Assistant for Woodlands County shall be the Enforcement Review Committee Secretary (hereinafter called "the Secretary").
- b. The Chief Administrative Officer for Woodlands County may, at their discretion, designate another Woodlands County employee to fill the role of Secretary.
- c. Any employee who may have any decision-making authority for any matters that may come before the Committee in their day-to-day responsibilities shall not be designated to fill the role of Secretary.
- d. The Secretary shall have responsibilities and duties including the following:
 - i. Receives and processes Enforcement Review Committee requests for consideration by the Committee,
 - ii. Makes and keeps a record of the Committee's proceedings.
 - iii. Drafts the orders, decisions, approval notices, and other items given by the Committee on its behalf,
 - iv. Ensures statutory notices and decisions of the Committee are provided to such persons as required, and
 - v. Schedules the members that will hear individual reviews.

4. Chairperson

- a. The Committee will elect a chairperson from among those members of the panel at the meeting, at the beginning of each meeting.
- b. A member may be re-elected to the position of Chairperson.
- c. A Chairperson shall preside at the meeting of the Enforcement Review Committee.
- d. Signs orders, decisions and approval notices issued by the Committee on its behalf.

5. Quorum and Meetings

- a. A quorum of the Committee for a hearing shall be a minimum of three (3) members of the Committee.

- b. The Committee shall meet at such intervals as are necessary to consider and decide review requests filed with it in accordance with the Act and this Bylaw.
- c. The Committee shall have prepared and maintain a file of written minutes of the business transacted at all meetings of the Committee.
- d. A member of the Committee who is for any reason, unable to attend the whole or a part of any hearing of a review shall not participate in the deliberations or decision of the Committee upon that review.
- e. The Committee may establish rules to govern the conduct of its meeting and its business that are consistent with this bylaw, and other County bylaws that govern the conduct of the Committees and the Act.
- f. The decision of the Committee, including reasons for the decision, will be issued within fifteen (15) days of the hearing date.

6. Fees and Expenses

- a. Remuneration, travelling, and other expenses of the members of the Committee shall be paid pursuant to Policy 1019 – Council Remuneration.
- b. Fees associated with the holding of hearings and meetings of the Committee shall be in accordance with the Woodlands County Schedule of Fees Bylaw as amended from time to time.

7. Order to Remedy Contraventions – Section 545 of the MGA

- a. The Committee shall hear review requests on orders issued under Section 545 of the Act.
- b. The Committee shall hear requests from any person issued an order by a Development/Enforcement Officer, who appeals within the time limitations and in the manner indicated within this Bylaw.
- c. Requests submitted to the Committee must be submitted on the review form approved by the Chief Administrative Officer. Requests must include the owner and occupants name, address and contact phone number, legal land description of property, a copy of the order issued under the relevant section and for the review.
- d. Requests for review must be submitted within fourteen (14) days of the date that the Order was issued.

- e. The Committee shall hold a review hearing respecting any order issued under Section 545 of the Act within thirty (30) days of receipt of a review request, unless an adjournment/postponement is granted by the Committee based on reasonable considerations.
- f. The Committee shall give at least five (5) days' notice in writing of the review hearing to:
 - i. the Owner/Occupant of the property issued the Order; and
 - ii. the Development/Enforcement Authority of Woodlands County;
- g. In determining the review, the Committee:
 - i. shall comply with Section 545 of the Act;
 - ii. shall comply with any Bylaws of the County;
 - iii. shall have regard to but not be bound to the Subdivision and Development Regulations established pursuant to Section 694 of the Act, non-statutory plans, and other County bylaws;
 - iv. shall have due regard to all relevant Woodlands County policies; and
 - v. may confirm, vary, substitute, or cancel the order, or any condition attached as per Section 547 of the Act.
- h. At the hearing the Committee shall hear:
 - i. the appellant or any person acting on behalf;
 - ii. The Development/Enforcement Authority from whose order was made;
 - iii. Any other person who was served with notice of the hearing;
 - iv. Any person who claims to be affected by the order;
- i. The Committee shall give its decision in writing together with reasons for the decision within fifteen (15) days of the conclusion of the review hearing.

8. Order to Remedy Dangers and Unsightly Properties – Section 546 of the MGA

- a. The Committee shall hear review requests on orders issued under Section 546 of the Act.
- b. The Committee shall hear requests from any person issued an order by an Enforcement Officer, who appeals within the time limitations and in the manner indicated within this Bylaw.
- c. Requests submitted to the Committee must be submitted on the review form approved by the Chief Administrative Officer. Requests must include the owner and occupants name, address and contact phone number, legal land description of property, a copy of the order issued under the relevant section and for the review.
- d. Requests for review must be submitted within fourteen (14) days of the date that the Order was issued.
- e. The Committee shall hold a review hearing respecting any order issued under Section 546 of the Act within thirty (30) days of receipt of a review request, unless an adjournment/postponement is granted by the Committee based on reasonable considerations.
- f. The Committee shall give at least five (5) days' notice in writing of the review hearing to:
 - i. the Owner/Occupant of the property issued the Order; and
 - ii. the Development/Enforcement Authority of Woodlands County;
- g. In determining the review, the Committee:
 - i. shall comply with Section 546 of the Act;
 - ii. shall comply with any Bylaws of the County;
 - iii. shall have regard to but not be bound to the Subdivision and Development Regulations established pursuant to Section 694 of the Act, non-statutory plans, and other County bylaws;
 - iv. shall have due regard to all relevant Woodlands County policies; and
 - v. may confirm, vary, substitute, or cancel the order, or any condition attached as per Section 547 of the Act.

h. At the hearing the Committee shall hear:

- i. the appellant or any person acting on behalf;
- ii. The Development/Enforcement Authority from whose order was made;
- iii. Any other person who was served with notice of the hearing;
- iv. Any person who claims to be affected by the order;

i. The Committee shall give its decision in writing together with reasons for the decision within fifteen (15) days of the conclusion of the review hearing.

9. Postponement/Adjournment Requests

a. Any party can submit a postponement/adjournment request to the Secretary after an established hearing date has been scheduled. The Committee may grant this request based on reasonable considerations. The Committee may determine postponement requests via email based on a majority decision.

10. Effective Date:

That this Bylaw shall come into force and have effect from and after the date of third and final reading thereof.

READ a first time this 22nd day of June, 2022.

READ a second time this 22nd day of June, 2022.

READ a third time this 20th day of July, 2022.

Original Signed

Reeve

Original Signed

Chief Administrative Officer