BYLAW 1519/20

ENVIRONMENTAL PROTECTION APPEAL BOARD BYLAW

STURGEON COUNTY, MORINVILLE, ALBERTA

A BYLAW OF STURGEON COUNTY, IN THE PROVINCE OF ALBERTA, TO ESTABLISH THE ENVIRONMENTAL PROTECTION APPEAL BOARD

WHEREAS, the *Environmental Protection and Enhancement Act*, RSA 2000, c. E-12 (the Act) seeks to support and promote the protection, enhancement, and wise use of the environment;

AND WHEREAS, section 183 of the Act states that if an inspector or investigator appointed under the Act considers any property when viewed from the highway to be unsightly property, the inspector or investigator may issue an environmental protection order to clean up the unsightly property;

AND WHEREAS, section 186(1) of the Act states that, where an environmental protection order has been issued under section 183 of the Act, the person to whom the order is directed may submit a request to the local authority of the municipality in which the property is located for a review of the order;

AND WHEREAS, section 186(3)(c) of the Act states that a request for review shall be heard by a committee appointed by the Council of the local authority where the land concerned is located in a municipality that is a municipal district;

AND WHEREAS, the Council of Sturgeon County considers it expedient to establish an Environmental Protection Appeal Board to hear appeals under the Act;

NOW THEREFORE, the Council of Sturgeon County, in the Province of Alberta, duly assembled, enacts as follows:

1. Title

1.1. This Bylaw may be referred to as the "Environmental Protection Appeal Board Bylaw".

2. Purpose

2.1. The purpose of this Bylaw is to establish the mandate and functions of the Environmental Protection Appeal Board.

3. Definitions

3.1. In this Bylaw:

(a) "Administration" means the County Commissioner and/or his designates.

(b) "Appellant" means the person who has served written notice of an appeal to the Clerk of the Board.

(c) "Board" means the Environmental Protection Appeal Board.

(d) "Clerk" means the person appointed by the County Commissioner to act as Clerk of the Board.

(e) "Council" means the Council of Sturgeon County.

(f) "County" means Sturgeon County.

(g) "County Commissioner" means the Chief Administrative Officer of the County.

(h) "Member" means a member of the Board.

(i) "Presiding Officer" means the Member "in charge" of a hearing who acts as the spokesperson for the Board to open and close a hearing and give instructions to the parties.

4. Establishment and Mandate

4.1. The Environmental Protection Appeal Board is established.

4.2. The mandate of the Board is to hear requests for review of environmental protection orders issued under section 183 of the Act.

4.3. The Board may confirm, rescind, or vary orders reviewed.

5. Membership

5.1. Council shall appoint three Councillors as Members of the Board.

5.2. All appointed Members may participate in hearings respecting requests for review filed under the Act.

6. Meeting Procedure

6.1. Quorum shall be a majority of Members of the Board.

6.2. Prior to each hearing, the Members shall elect a Presiding Officer to chair the hearing.

6.3. A Member who is for any reason unable to attend the whole or part of a request for review hearing shall not participate in the deliberations or decision of the Board on that request for review.

6.4. The Board may deliberate and make its decisions in meetings closed to the public.

6.5. Hearings shall be audio recorded and recordings shall be retained in accordance with the County's Corporate Records Structure.

7. Member Conduct

7.1. Members shall be subject to the Council Code of Conduct Bylaw.

8. Decisions

8.1. The Board shall issue its decision in writing together with reasons for the decision.

8.2. The decision of the majority of the Members is deemed to be the decision of the Board.

8.3. An order, approval, notice, or other things made, given, or issued by the Board shall be signed on its behalf by the Presiding Officer or the Clerk.

9. Clerk

9.1. The County Commissioner shall designate a member of Administration to serve as Clerk of the Board.

9.2. The Clerk shall receive requests for review, schedule hearings, send notices related to hearings, keep an accurate record of the proceedings of the Board, and communicate decisions to the affected parties.

9.3. The Board's files, including signed decisions and agenda packages of the Board, shall be retained in accordance with the County's Corporate Records Structure and any other governing legislation.

9.4. The Clerk shall provide an orientation to the whole Board at the first hearing of each calendar year, which shall include a review of this Bylaw.

10. Appeal Fees

10.1. Appellants must pay fees as established in the Fees and Charges Bylaw and payment must accompany a written notice of appeal in order to be accepted by the Clerk.

10.2. The appeal fee shall be refunded to the Appellant if the Board decides in the Appellant's favour.

11. Remuneration

11.1. Members shall be eligible for remuneration in accordance with the Elected Official Remuneration Policy.

12. Effective Date

12.1. This Bylaw shall come into force and take effect on January 1, 2021.

Read a first time this 13th day of October, 2020.

Read a second time this ____ day of ____, 20__.

Read a third time this ___ day of ____, 20__.

Alanna Hnatiw
MAYOR

Reegan McCullough
COUNTY COMMISSIONER (CAO)

_____
DATE SIGNED

If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.