

Section 2.0 Administrative Duties and Procedures

1) Development Officer

The office of the Development Officer is hereby established and shall be filled by a person appointed by resolution of Council.

- a) In the performance of his/her duties the Development Officer shall:
 - i. receive and process all Development Permit applications pursuant to this by-law
 - ii. keep and maintain for inspection by the public during normal office hours the following official records:
 - a) a copy of the by-law and all of the amendments thereto;
 - b) a register of all applications for development, including the decisions therein and the reasons therefore.
 - iii. carry out such other duties as may be prescribed in this by-law;
 - iv. ensure that copies of this by-law are obtainable by the public at a reasonable charge;
 - v. carry out such other administrative duties as Council may specify from time to time.
- b) The Development Officer is hereby declared to be an authorized agent of Council and may exercise on behalf of Council the approving and granting of Development Permit where an application is for permitted use, following the applicable regulations.
- c) All applications for discretionary uses shall be brought forwarded to the Town Planning and Land Use Committee for recommendation. Council shall have final approval for discretionary uses.
- d) When a permit has been granted the Development Officer shall, as soon as possible, and before construction has commenced:
 - i. Post a notice of the decision conspicuously on the lot for which the application has been made
 - ii. Post a notice of the decision in the municipal office

2) Town Planning and Land Use Committee

- a) Council may appoint a Town Planning and Land Use Committee.
- b) The Town Planning and Land Use Committee shall consist of seven members, two of which shall be selected from the Council and the remainder shall be from the residents of Norman Wells at large.
- c) The function of the Town Planning and Land Use Committee with respect to this by-law shall be to:
 - i. review and advise Council on all applications which do not conform to the requirements of this by-law;
 - ii. review applications for rezoning and/or other amendments to this by-law and make recommendations to the Council therein.
- d) The Development Officer shall keep a record of the minutes of the meetings of the Town Planning and Land Use Committee which shall be available, during regular office hours, to the public.

3) Development Appeal Board

Council shall appoint a Development Appeal Board in accordance with the provisions of Section 22 of the Planning Act.

- a. The Board shall consist of at least three (3) members, the majority of whom shall be persons other than members of the Council and shall include at least one (1) member of Council but shall not include employees of the Municipality or officials or servants of Council.
- b. The members of the Board shall elect a Chairperson
- c. The Board may meet as frequently as is necessary but it shall meet within 30 days after an application for appeal has been made to it.
- d. The Board shall appoint a secretary who may be a member of the Board.
- e. The secretary appointed under Section (d) shall:
- f. notify all members of the Board of the holding of each hearing and other meetings of the board;
 - i. notify all member of the Board of the holding of each hearing and other meetings of the Board;

- ii. ensure that reasonable notice of the hearing is given to the appellant and all persons who in the opinion of the Board may be affected;
- iii. prepare and maintain a file of minutes of the business transacted at all meetings of the Board and the reasons therefore;
- iv. serve the appellant and all affected persons who appeared at the hearing and provided an address for service to the secretary personally or by duly authorized agent or by registered mail, with a copy of the decision of the Board;
- v. carry out administrative duties as the Board may specify under their own procedures

4) Enforcement

a. Inspection of Premises

Any employee of the Town of Norman Wells acting under the direction of the Town Manager, may, at any reasonable hour (as set out by Council), enter and inspect a property or premises where there is reason to believe that any land has been used or any building or structure has been erected, altered, enlarged or used in violation of any of the provisions of this By-law.

b. Licenses and Permits

- i. No change shall be made in the type of use of any land, building or structure within any zone, without first obtaining confirmation from the Town to the effect that the proposed use conforms to this By-law.
- ii. No municipal permit, certificate, or licence shall be issued for a proposed use of land or a proposed erection, alteration, enlargement or use of any building or structure that is in contravention of any provision of this By-law.

c. Action to Restrain Contraventions of the By-law

- 1) In the case of any lot being used, any building or structure being erected, altered, reconstructed, extended or part therefore being used in contravention of any provision of this By-law, The Planning Act, a Development Permit or Subdivision Approval, such contravention may be restrained by the Town as per the enforcement provisions outlined in the Planning Act.

d. Revocation or Suspension of Development Permits

- 1) The Development Officer or Council, upon receipt of information that a Development Permit has been obtained by fraud or misrepresentation or that a development which has been issued a Development Permit is not being carried out or completed to the extent or in the manner originally approved, may suspend or revoke the Development Permit. Council may subsequently reissue the permit with any necessary amendments.

5) Severability

If any section, subsection, sentence, clause or phrase of this by-law is, for any reason, held to be invalid by the decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portion of this by-law.

6) Amending By-laws

- a) All applications for amendment to the Zoning By-law shall be made to the Council in the form adopted by the Council and shall be in written form and accompanied by:
- b) an application fee as prescribed in Section 3.0 of the Zoning By-law.
 - i. a certificate of search of the land affected or other documents satisfactory to the Development Officer including the applicant's interest in the said land, and
 - ii. a completed application form ("Schedule 4.0: Application for Zoning By-law Amendment")
 - iii. All drawings required to be submitted shall be drawn on standard drafting material to the satisfaction of the Development Officer and shall be fully dimensioned, accurately figures, explicit and complete.
- c) Council may at any time initiate an amendment to this by-law by directing the Development Officer to initiate an application.

7) Request for an Amendment

- a) All amendments to this by-law shall be made by Council by by-law and in conformance with Sections 25 to 29 inclusive of the *Planning Act*.
- b) Subject to the approval of the Director, an amendment to this by-law which clarifies a provision herein may be undertaken without the publishing or posting of an official notice of its intention to pass an amending by-law, or the holding of a public hearing thereon.
- c) No amendment to this by-law shall be made which would cause this by-law to be in contravention of the General Plan By-law.
- d) This By-law and the General Plan By-law may be amended concurrently.
- e) Where an amendment to this Zoning By-law is requested by an owner of land in the Town, the said owner shall complete and submit to the Town, prior to his request being considered, an application form for Amendment to

the Zoning By-law.

8) Variances

- a) All applications for variances received by the Development Officer are forwarded to the Town Planning and Land Use Committee for review and consideration. Based on advice from the Town Planning and Land Use Committee, the Development officer may issue a permit for a permitted use with appropriate variations to the development permit regulations where physical limitations prohibit an effective relationship between buildings, structures, open space, pedestrian and vehicular movement on the site provided that these variations will not unduly affect development on the adjoining property. Duly approved variations are deemed to conform with the regulations of this by-law.

9) Establishment of Fees

Fees for development permit applications, by-law amendments, and other fees related to zoning by-law services shall be in accordance with Schedule 3 Fees