



**TOWN OF PINCHER CREEK**  
**IN THE PROVINCE OF ALBERTA**  
**BYLAW 1543-25**

**A BYLAW OF THE MUNICIPALITY OF THE TOWN OF PINCHER CREEK IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF ESTABLISHING A MUNICIPAL DEVELOPMENT AND SUBDIVISION AUTHORITY (MDSA).**

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**WHEREAS** the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto requires the municipality to adopt a bylaw to establish a Municipal Development Authority and Municipal Subdivision Authority;

**AND WHEREAS** the Development Authority is authorized to make decisions on applications for development approval in accordance with the administrative procedures, land uses and schedules established in the Municipal Land Use Bylaw;

**AND WHEREAS** the Subdivision Authority is authorized to make decisions on applications for subdivision approval in accordance with Provincial land use policies, the subdivision and development regulations and the local land use bylaw and statutory plans;

**NOW THEREFORE** the Council of the Town of Pincher Creek in the Province of Alberta, duly assembled, hereby enacts as follows:

**1. TITLE**

- a) This bylaw may be cited as the Town of Pincher Creek Municipal Development and Subdivision Authority Bylaw.

**2. DEFINITIONS**

- a) **Authorized persons** means a person or organization authorized by Council to which the municipality may delegate any of its Development Authority or Subdivision Authority powers, duties or functions.
- b) **CAO** means the Chief Administrative Officer of the Town of Pincher Creek.
- c) **Council** means the Municipal Council of the Town of Pincher Creek.
- d) **Designated Officer** means a person or persons authorized to act as the designated officer for the municipality as established by bylaw pursuant to Section 210 of the MGA.

- e) **Development Authority** means the person or persons appointed, by bylaw, to exercise only such powers and perform duties as are specified;
  - i. in the MGA; or
  - ii. in the Town of Pincher Creek Land Use Bylaw; or
  - iii. in this Bylaw; or
  - iv. by resolution of Council
- f) **Municipal Development and Subdivision Authority** (“MDSA”) means the Municipal Development and Subdivision Authority of the Town of Pincher Creek as established by this bylaw.
- g) **Member** means a member of the Subdivision Authority and Development Authority and thereby a member of the Municipal Development and Subdivision Authority.
- h) **MGA** means the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto.
- i) **Municipality** means the Town of Pincher Creek in the Province of Alberta.
- j) **Planning Advisor** means the person appointed to act as the land use planning and development advisor for the municipality and shall include the person assigned to act as the planning advisor by the Oldman River Regional Services Commission for the Town of Pincher Creek.
- k) **Subdivision Authority** means the person or persons who exercise subdivision powers and duties on behalf of the municipality and perform duties as are specified:
  - i. in the MGA; or
  - ii. in the Town of Pincher Creek Land Use Bylaw; or
  - iii. in this Bylaw; or
  - iv. by resolution of Council
- l) All other terms used in this bylaw shall have the same meaning as is assigned to them in the Municipal Government Act, as amended from time to time.

### 3. Subdivision Authority

- a) This Bylaw hereby establishes the Subdivision Authority for the Town of Pincher Creek.
- b) The Subdivision Authority has those powers and duties as set out in the MGA, the Land Use Bylaw and this Bylaw, and any regulations made thereunder.
- c) The signing authority for all subdivision decisions and related matters is the MDSA Chair or delegate except in such instances whereby the CAO, Planning Advisor or regional services commission may act as the Subdivision Authority as delegated by

Council or per an agreement or in accordance with the land use bylaw and the powers and duties set out.

- d) When a subdivision registerable instrument is submitted for endorsement, the signing authority is authorized to accept minor modifications from that approved by the Subdivision Authority provided;
  - i. there is no increase to the number of parcels;
  - ii. municipal, school or environmental reserves are not compromised;
  - iii. municipal roads and standards are not compromised;
  - iv. changes comply with municipal bylaws, with the exception that minor changes to the Land Use Bylaw standards may be included as provided in Section 654(2) of the MGA.

#### **4. Development Authority**

- a) This Bylaw hereby establishes the Development Authority for the Town of Pincher Creek.
- b) The Development Authority has those powers and duties as set out in the MGA, the Land Use Bylaw and this Bylaw, and any regulations made thereunder.

#### **5. Municipal Development and Subdivision Authority**

- a) No person who is a member of the Subdivision and Development Appeal Board shall be appointed to serve as a member of the Municipal Development and Subdivision Authority. No municipal Town employee shall be appointed as a voting member of the MDSA and shall act in an advisory capacity only.
- b) Should an elected official not be appointed to the Municipal Development and Subdivision Authority or not remain as a member of Council then he/she ceases to be a member of the Municipal Development and Subdivision Authority.
- c) Appointments to the MDSA shall be made by Resolution of Council.
- d) The MDSA shall be comprised of not more than five (5) persons who are adult residents of the Town of Pincher Creek, three (3) of whom shall be an elected member of Council.
- e) Members shall be appointed to the MDSA by Council for up to a three (3) year term. The members appointment shall remain until such time that Council, by resolution, reappoints the member for another term or appoints another member to replace that member for a specified term, or revokes the appointment.
- f) A member may be appointed to serve a maximum of two consecutive three (3) year terms (six (6) years in total) but may later be reappointed to be a member provided that they have not served for an intermittent three (3) year term.

- g) If the Town advertises a vacant or available member position open to the public but is unsuccessful in receiving suitable applicants, Council has the discretion to waive section 5(f) until either a suitable applicant is found and appointed or as otherwise determined by Council.
- h) The member appointments and term periods shall be reviewed annually at the October organizational meeting of Council.
- i) Elected official appointments to the MDSA shall be conducted annually during the Towns Organizational Meeting and shall be for a period of one (1) year.
- j) Each member of the MDSA shall be entitled to such remuneration, travelling, and expenses as may be fixed from time to time by Council and in accordance with the Town of Pincher Creek Council Remuneration Bylaw 1578; and the remuneration, travelling, and expenses shall be paid by the Town of Pincher Creek.
- k) The MDSA shall elect a Chairperson from its members to preside for a term of one year from the date of election. The MDSA may elect a Vice-Chairperson for the same term as the Chairperson.
- l) Where the Chairperson is absent from a meeting of the MDSA, the Vice-Chairperson shall preside if one is appointed, or if in their absence, one of the other members shall be elected to preside over that meeting.
- m) The Chairperson shall run the meeting, maintain order and decorum, direct the agenda item discussions, and call for a motion to make decisions.
- n) When a person ceases to be a member of the MDSA before the expiration of his/her term, Council shall, by resolution, appoint another person for the unexpired portion of that term within 60 days of receiving notice of the vacancy.
- o) Should an elected official not remain as a member of Council then he/she ceases to be a member of the MDSA. Council, shall, by resolution, appoint another elected official for the unexpired portion of that term unless no other elected official is available to serve in that capacity.
- p) Council may, by Resolution, remove any member if the majority of Council is of the opinion the appointed member is not fulfilling their duties as an MDSA member or is not acting in a professional manner on behalf of the Municipality.
- q) The MDSA shall hold regular meetings as needed however not less than on a quarterly basis on a date to be determined by the MDSA, and it may also hold special meetings at any time at the call of the Chairperson.
- r) Three (3) of the members of the MDSA shall constitute a meeting quorum.
- s) In the event of a tie vote, any motion of the Municipal Development and Subdivision Authority shall be deemed defeated. In such an event, the MDSA shall make a second motion to refuse to approve the application and provide reasons as the

Development Authority and Subdivision Authority is obligated to provide reasons for the decision.

- t) The decision of the majority of the members present at a meeting shall be deemed to be the decision of the whole MDSA.
- u) The MDSA may make its orders, decisions, and approve or deny development permits and may issue notices with or without conditions.
- v) Annually after the third Monday in October at the first meeting MDSA shall hold an organizational meeting and schedule a training session on Provincial land use policies, the subdivision and development regulations, the land use bylaw and statutory plans.
- w) The Designated Officer or Delegate shall attend all meetings of the MDSA and shall keep the following records with respect thereto:
  - i. The minutes of all meetings
  - ii. All applications
  - iii. All notices of meetings and of persons to whom they were sent
  - iv. Copies of all written representations to the MDSA
  - v. The decisions of MDSA
  - vi. The reasons for the decisions of MDSA
  - vii. Notices of decision and of persons to whom they were sent
  - viii. Notices, decisions, and orders made on appeal from the decision of the MDSA
  - ix. Such other matters as the MDSA may direct.

## **6. APPLICABILITY**

- a) This Bylaw shall come into effect after three readings thereof.

## **7. REPEAL AND ADOPTION**

- a) Bylaw 1543-15, being the former Municipal Development and Subdivision Authority bylaw is hereby repealed.

READ A FIRST TIME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025.

READ A SECOND TIME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025.

READ A THIRD TIME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025.

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Mayor Don Anderberg

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CAO, Konrad Dunbar

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