SECTION 3 ISSUANCE OF DEVELOPMENT PERMITS, NOTICES, AND ENFORCEMENT

3.1 Development Permit Notification

(1) A decision of the Development Authority on an application for a Development Permit shall be given in writing and a copy of it sent to the applicant.

(2) When an application for a Development Permit is approved for a permitted use, the Development Authority may mail a notice in writing to all adjacent landowners stating the location of the property for which the application has been made and the Development Permit approved.

(3) In the case of a permit issued for a permitted use where the provisions of the Bylaw have not been relaxed or varied, the Development Authority is not required to notify adjacent or affected land owners.

(4) When an application for a Development Permit is approved for a discretionary use, the Development Authority shall:

(a) Immediately mail a notice in writing to all adjacent landowners advising of the decision and the right to appeal the decision; and/or

(b) Immediately publish a notice in a newspaper circulating in the municipality, stating the location of the property for which the application has been made and the use approved.

(5) When an application for a Development Permit is refused, an official of the Village shall mail a notice in writing by registered mail, to the applicant or his agent stating the reasons for refusal.

(6) For the purposes of this Bylaw, notice of the decision of the Development Officer is deemed to have been given on the day when Notice of Decision has been published in a newspaper, and/or posted on the development site, and upon a decision of refusal, mailed to the applicant.

3.2 Conditions of a Development Permit

(1) The Development Authority may require with respect to a development that, as a condition of issuing a development permit, the applicant enters into an agreement with the Village to do any or all of the following:

(a) To construct or pay for the construction of a public roadway required to give access to the development.

(b) To install or pay for the installation of utilities that are necessary to serve the development.

(c) To construct or pay for the construction of:

i. Off-street or other parking areas; and

ii. Loading and unloading areas.

(d) To apply an off-site levy or redevelopment imposed by Bylaw.

(2) When, in the opinion of the Development Authority, sufficient details of the proposed development have not been included with the application for a Development Permit, the Development Authority may return the application to the applicant for further details. The application so returned shall be deemed not to have been in its complete and final form until all required details have been submitted to the satisfaction of the Development Officer.

(3) The Development Authority shall consider and decide on applications for Development Permits within forty (40) days of the receipt of the application in its complete and final form.

(4) Notwithstanding the above, an application shall, at the option of the applicant, be deemed refused when a decision is not made within forty (40) days of the receipt of the application in its complete and final form.

(5) When, in the opinion of the Development Authority, satisfactory arrangements have not been made by a developer for the supply of water, electrical power, sewage, and street access, or any of them, including payment of the costs of installation or construction, the Development Officer shall refuse to issue a development permit.

(6) The Development Authority may refer any application to the Mackenzie Municipal Services Agency or any other agency in order to receive qualified comment and advice.

(7) Notwithstanding any specific provisions and standards set out in this bylaw, the Development Officer may establish a more stringent standard for a discretionary use when it is deemed necessary to do so.

(8) A Development Permit lapses and is automatically void if the development authorized is not commenced within twelve (12) months from the date of issuing the permit, or within such longer periods as may be approved by the Development Officer.

(9) A Development Permit is automatically effective seventeen (17) days after issuing the permit unless an appeal is lodged.

(10) When an appeal is made, the development permit shall not come into effect until the appeal has been determined, at which time the permit may be modified or nullified thereby.

(11) When an application for a Development Permit has been refused, the submission of another application on the same parcel of land and for a similar use may not be accepted by the Development Authority for at least six (6) months from the date of refusal.

(12) The Development Authority shall consider and decide on the Development Permits within forty (40) days of receipt of the application in its complete and final form.

(13) A Development Permit is not transferable without prior consent of the Development Authority.

3.3 Compliance Certificates

(1) Any interested party may apply, in writing, to the Development Authority for a compliance certificate, upon payment of an application fee, as prescribed by resolution of Council for each property for which a letter of compliance is required.

(2) The application for a compliance certificate shall in respect to each property, provide the Development Authority with a Real Property Report or other documentation satisfactory to the Development Authority, which shows the location of all building(s) and structures within or on the boundaries of the property.

(3) The applicant for a compliance certificate shall in respect to each property, provide the Development Authority with a written statement describing all uses of the land and building(s) within the property, if not indicated in the Real Property Report or other documentation satisfactory to the Development Authority.

(4) If the Real Property Report or other documentation is dated more than thirty (30) days from the application for a compliance certificate, accompanying the Real Property Report shall be a Statutory Declaration indicating any or no changes, additions, or alterations to the land and/or building(s).

(5) Where all information required to be supplied by the applicant for a compliance certificate is received by the Development Authority, and the property is in compliance with the provisions of the Land Use Bylaw, the Development Authority shall issue to the applicant a Compliance Certificate.

(6) Where a property is not in compliance with either the uses or standards prescribed under the Land Use Bylaw, the Development Authority shall issue a Certificate of Non-Compliance for the property, advising the applicant, in writing, of the particulars of the non-compliance and/or non-conformance or any enforcement proceedings the Village may deem necessary.

(7) The Development Authority shall issue a compliance certificate within five (5) business days from receipt of request or two (2) business days in response to an urgent request from the applicant, or such other time period as agreed by resolution of Village Council and subject to the payment of the necessary application fee.

3.4 Contravention

(1) If the Development Authority finds that a development, land use or use of a building is not in conformity with:

(a) the Land Use Bylaw, Part 17 of the Municipal Government Act or Subdivision and Development Regulation, or

(b) a development permit or subdivision approval, or a condition therein,

The Development Authority may, by written notice, order the owner, the person in possession of the land or building, or the person responsible for

the contravention, or any or all of them, to

(c) stop the development or use of the land or building in whole or in part as directed by the notice,

(d) demolish, remove or replace the development, or

(e) carry out other actions required by the notice so that the development or use of the land or building complies with the Land Use Bylaw, Part 17 of the Municipal Government Act or Subdivision and Development Regulation, a development permit or subdivision approval, or a condition therein,

and in such order establish a time for reasonable compliance with such order.

(2) If a person fails or refuses to comply with an order under subsection (1) or an order of the Subdivision and Development Appeal Board made pursuant to Part 17 of the Municipal Government Act, the municipality may enter on the land or building and take any action necessary to carry out the order.

(3) The municipality may register a caveat under the Land Titles Act in respect of any order referred to in subsection (1) against the certificate of titles for the land that is the subject of the order, but if it does so the municipality must discharge the caveat when the order has been complied with.

(4) When the Council or a person appointed by it carries out an order, the Council shall cause the costs and expense incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned and the amount shall be collected in the same manner as taxes on land.