

Chapter 27
Appeals Committee By-law



1. Title and Scope

- 1.1 This By-law is enacted under the authority of the *Municipal Government Act*, SNS 1998, c. 18 including Section 172.
- 1.2 This By-law shall be known and may be cited as the “Appeals Committee By-law” of the Municipality of the County of Colchester.

2. Definitions

2.1 In this By-law:

- 2.1.1 “Act” means the *Municipal Government Act*, SNS 1998, c. 18;
- 2.1.2 “Appeals Committee” means the committee established pursuant to this By-law;
- 2.1.3 “By-law” means a by-law adopted by Council;
- 2.1.4 “Council” means Council for the Municipality of the County of Colchester;
- 2.1.5 “Councillor” means a person elected to Council, and for the purposes of this By-law, includes the mayor;
- 2.1.6 “Municipality” means the Municipality of the County of Colchester;
- 2.1.7 “Policy” means a policy adopted by Council.

3. Appeals Committee

- 3.1 Council hereby establishes the Appeals Committee.
- 3.2 The Appeals Committee will consist of five Councillors appointed by Council. A quorum of three members is required for the Appeals Committee to conduct business.
- 3.3 All decisions are by the majority of member in attendance. There shall not be any abstentions and a refusal to vote will be treated as a negative vote. If the vote of the members results in a tie vote the motion shall be deemed to be defeated.
- 3.4 The members of the Appeals Committee will be appointed for a two (2) year term unless the member is removed or resigns.

- 3.5 There shall not be any Ex Officio members on the Appeals Committee.
- 3.6 A member of the Appeals Committee will be eligible for re-appointment.
- 3.7 If any member of the Appeals Committee ceases holding office during the member's term on the Appeals Committee, that member's appointment to the Appeals Committee is vacated effective immediately.
- 3.8 Should a Councillor vacancy occur on the Appeals Committee, for any reason other than the expiration of the term of a member, Council will within 30 days of notification thereof, appoint a Councillor to fill the vacancy, and the Councillor so appointed will hold office for the remainder of the term of the member to whose place they were appointed.
- 3.9 The Appeals Committee will, at its first meeting of each two year term, elect from its members, a Chairperson and Vice-Chairperson. The Vice-Chairperson will act in the absence of the Chairperson.
- 3.10 The members of an Appeals Committee may be assisted by staff, legal counsel, or other advisors if deemed necessary for the hearing.
- 3.11 The Appeals Committee may determine the practice and procedures regarding the conduct of appeals.

4. Fees

- 4.1 Where an appeal to the Appeal Committee is unsuccessful, the person who made the appeal may be required to pay the fees that are set by Council policy under the authority of this By-Law, which may include the cost of Municipal resources such as hearing costs and staff costs.
- 4.2 Any fees levied under this By-law shall be due within 30 days of the official invoice date and are payable to the Municipality.
- 4.3 In addition to any fees levied pursuant to this section:
 - 4.3.1 Interest on any fees shall accrue, starting 30 days after the date of such fee, at a rate set from time to time by the Municipality; and
 - 4.3.2 Any such fees that remain outstanding for an excess of 30 days, including the interest as it accrues, may be added to and form part of the taxes payable on the real property as taxes in arrears pursuant to section 507 of the Act.
- 4.4 All fees collected become the property of the Municipality.

5. Jurisdiction

- 5.1 The Appeals Committee will hear all appeals that are directed to the Appeals Committee by a By-law or by Policy.

5.2 The Appeals Committee may exercise the same authority and discretion conferred on Council by the Act, a By-law or Policy.


6. Effective Date and Application

This By-law is effective the date of publication of the approval of the By-law in accordance with the Act and shall apply to any proceedings for which a notice of appeal has not yet been filed.

THIS IS TO CERTIFY, that Chapter 27 – Appeals Committee By-law was duly approved at a duly called meeting of the Municipal Council of the Municipality of the County of Colchester, duly convened and held on the 25th day of September, A.D., 2024.

GIVEN under the hand of the Municipal Clerk and under the corporate seal of said Municipality on this 10th day of October, A.D., 2024.

Dan Troke
Municipal Clerk



Colchester

Notice of Approval
Second Reading – Various By-laws

Take Notice that on Wednesday, September 25, 2024, Council of the Municipality of the County of Colchester approved, by way of Second Reading, adoption of Chapter 17 Appeals Committee By-law and, amendments to Chapter 55 Adult Entertainment By-law, Chapter 36 Commercial Dog Care Kennel Facility By-law, Chapter 57 Construction and Demolition By-law, Chapter 21 Dangerous or Unightly Premises By-law, Chapter 14 Livestock Control By-law, Chapter 29 Sewer Use By-law, Chapter 20 Taxi By-law and Chapter 56 Wind Turbine Development By-law.

The Appeals By-law enables the establishment of a Committee and puts mechanisms in place to deal with appeals relating to the above noted By-laws. Amendments to the other noted By-laws remove references to appeals provisions which would be handled under the Appeals Committee By-law. Additionally, amendments to the Dangerous or Unightly Premises By-law grants authority to the Appeals Committee to issue Orders pursuant to Section XV of the MGA.

The text of the new and amended By-laws may be obtained the Community Development Office, 1 Church Street, Truro, by emailing comdev@colchester.ca, or can be viewed on the County website at colchester.ca/administration/by-laws.

Dated October 3, 2024

Dan Troke
Chief Administrative Officer

I, Dan Troke, Municipal Clerk of the Municipality of the County of Colchester, do hereby certify that the adjacent Notice of Approval is a true copy of the Notice of Approval of Chapter 27 – Appeals Committee By-law, duly advertised in the Thursday, October 3, 2024, issue of the Truro News.

Given under the hand of the Municipal Clerk and under the corporate seal of said Municipality this 14th day of November, 2024.

Dan Troke
Municipal Clerk

First Reading: August 29, 2024
Notice of Intent: September 4, 2024 (Municipal website)
Second Reading: September 25, 2024
Notice of Approval: October 3, 2024 (Truro News)