



AGENDA ITEM SUMMARY

TO: Chair and Directors, Cariboo Regional District Board

AND TO: Janis Bell, Chief Administrative Officer

FROM: Alice Walters, Corporate Officer DATE: September 3, 2009

DATE OF MEETING: September 18, 2009

SHORT SUMMARY: Bylaw Offence Notice Enforcement Bylaw No. 4463, 2009

VOTING: Corporate Vote - Unweighted

MEMORANDUM: Cariboo Regional District Bylaw Offence Notice Enforcement Bylaw No. 4463, 2009 received three readings at the August 28, 2009 Board meeting. It is now presented for consideration of final adoption.

ATTACHMENT: Cariboo Regional District Bylaw Offence Notice Enforcement Bylaw No. 4463, 2009

POLICY IMPLICATIONS: This bylaw creates a regulatory process that reflects the policy decisions of the Board. Approval and adoption of this bylaw will indicate that the Board has considered and adopted this bylaw for valid economic and/or social reasons.

FINANCIAL IMPLICATIONS: Revenues generated through this process will be allocated to the Bylaw Enforcement function. Reviewed by the CFO:

OPTIONS:

1. Endorsement of the recommendation; or
2. Defer; or
3. Rejection of the proposed bylaw, with request for changes.

RECOMMENDATION: That the agenda item summary from Alice Walters, Corporate Officer, dated September 3, 2009, regarding Bylaw No. 4463, be received. Further, that Cariboo Regional District Bylaw Offence Notice Enforcement Bylaw No. 4463, 2009, be adopted this 18th day of September 2009.

Respectfully submitted,

Corporate Officer

Reviewed and concur:

Chief Administrative Officer



CARIBOO REGIONAL DISTRICT

BYLAW NO. 4463, 2009

A bylaw of the Cariboo Regional District, in the Province of British Columbia, respecting the enforcement of Bylaw Offence Notices.

The Board of Directors of the Cariboo Regional District, duly assembled in an open meeting, enacts as follows:

1. CITATION

- 1.1 This bylaw may be cited for all purposes as “Cariboo Regional District Bylaw Offence Notice Enforcement Bylaw No. 4463, 2009”.

2. SEVERABILITY

- 2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

3. DEFINITIONS

- 3.1 In this bylaw:

“**Act**” means the Local Government Bylaw Notice Enforcement Act;

“**Regional District**” means the Cariboo Regional District;

“**Registry**” means the Cariboo Regional District Bylaw Notice Dispute Adjudication Registry established pursuant to Part 8 of this Bylaw.

4. TERMS

4.1 The terms in this bylaw have the same meaning as the terms defined in the *Act*.

5. BYLAW CONTRAVENTIONS

5.1 The bylaw contraventions designated in Schedule “A” may be dealt with by bylaw notice.

6. OFFENCE AND PENALTY

6.1 The penalty for a contravention referred to in Part 5 is as follows:

- 6.1.1 subject to subsection 6.1.2 and 6.1.3, is the Penalty amount set out in column A1 of Schedule “A”,
- 6.1.2 if received by the *Registry* within 14 days of the person receiving or being presumed to have received the notice, is the Early Payment Penalty set out in column A2 of Schedule “A”,
- 6.1.3 if more than 28 days after the person received or is presumed to have received the bylaw notice, is subject to a late payment surcharge in addition to the penalty under subsection 6.1.1 and is the Late Payment Penalty set out in column A3 of Schedule “A”.

7. PERIOD OF PAYING A DISPUTED NOTICE

- 7.1 A person who receives a bylaw notice must, within 14 days of the date on which the person received or is presumed to have received the bylaw offence notice:
 - 7.1.1 pay the penalty in any manner prescribed on the reverse side of the bylaw offence notice, or
 - 7.1.2 request dispute adjudication by completing the form on the reverse side of the bylaw offence notice and delivering it to the *Registry* Office, Suite D, 180 North Third Avenue, Williams Lake, BC V2G 2A4.
- 7.2 A person may pay the indicated penalty after 14 days of receiving the bylaw offence notice, subject to the applicable surcharge for late payment in accordance with subsection 6.1.3, but no person may dispute the bylaw offence notice after 14 days of receiving the bylaw offence notice.

7.3 Where a person was not served personally with a bylaw offence notice and advises the Regional District, in accordance with the requirements of Section 25 of the *Act*, that they did not receive a copy of the original bylaw offence notice, the time limits for responding to a bylaw offence notice under Part 6 and Section 7.1 of this bylaw do not begin to run until a copy of the bylaw offence notice is re-delivered to them in accordance with the *Act*.

8. BYLAW NOTICE DISPUTE ADJUDICATION REGISTRY

8.1 The *Registry* is established as a bylaw notice dispute adjudication system in accordance with the *Act* to resolve disputes in relation to bylaw notices.

8.2 The civic address of the *Registry* is Suite D, 180 North Third Avenue, Williams Lake, BC V2G 2A4.

8.3 Every person who is unsuccessful in a dispute adjudication in relation to a bylaw offence notice or a compliance agreement under the dispute adjudication system agreement established under this section must pay the *Regional District* an additional fee of \$25.00 for the purpose of the *Regional District* recovering the costs of the adjudication system.

9. SCREENING OFFICERS

9.1 The position of Screening Officer is established.

9.2 The following are designated classes of persons that are appointed as Screening Officers:

9.2.1 Chief Building Official;

9.2.2 Manager Responsible for Bylaw Enforcement;

9.2.3 Manager of Planning;

9.2.4 Any person appointed to the position of Screening Officer by the *Regional District*.

10. POWERS, DUTIES AND FUNCTIONS OF SCREENING OFFICERS

- 10.1 The powers, duties and functions of Screening Officers are as set out in the *Act*, and include the following powers:
- 10.1.1 Where requested by the person against whom a contravention is alleged, communicate information respecting the nature of the contravention, the provision of the bylaw contravened, the facts on which the contravention allegation is based, the penalty for the contravention, the opportunity to enter into a compliance agreement (Schedule “B”), the opportunity to proceed to the bylaw notice dispute adjudication system and the fee or fees payable in relation to the bylaw notice enforcement process;
- 10.1.2 To communicate with any or all of the following for the purposes of performing their functions under this bylaw or the *Act*:
- a) The person against whom a contravention is alleged or their representative;
 - b) The officer issuing the notice;
 - c) The complainant or their representative;
 - d) *Regional District* staff and records regarding the disputant’s history of bylaw compliance.
- 10.1.3 To prepare and enter into compliance agreements under the *Act* with persons who dispute bylaw notices, including establishing terms and conditions for compliance the Screening Officer considers necessary or advisable. Including time periods for payment of penalties and compliance with the bylaw;
- 10.1.4 To provide for payment of a reduced penalty if a compliance agreement is entered into, as provided in column A4 of Schedule “A”; and
- 10.1.5 To cancel bylaw offence notices in accordance with the *Act* or *Regional District* policies and guidelines.
- 10.2 The bylaw contraventions in relation to which a Screening Officer may enter into a compliance agreement are indicated in column A4 of Schedule “A”.
- 10.3 The maximum duration of a compliance agreement is one year.

10.4 Where a compliance agreement is entered into, the penalty payable for the offence shall be reduced to one half of the penalty for the offence as listed in column A1 of Schedule “A” of this bylaw.

11. BYLAW ENFORCEMENT OFFICERS

11.1 Persons acting as any of the following are hereby designated as Bylaw Enforcement Officers for the purposes of this bylaw and the *Act*:

11.1.1 Special constables, officers, members or constables of:

- a) The provincial police force as defined in section 1 of the Police Act, or
- b) A municipal police force;

11.1.2 Members of the Royal Canadian Mounted Police;

11.1.3 Bylaw enforcement officers, building inspectors, animal control officers or other persons acting in another capacity on behalf of the *Regional District* for the purpose of enforcement of one or more of its bylaws.

12. FORM OF BYLAW NOTICE

12.1 The *Regional District* may from time to time provide for the form or forms of the bylaw offence notice to change, provided the bylaw notice complies with section 4 of the *Act*.

SCHEDULES

Schedule “A” – Designated Bylaw Contraventions and Penalties

Schedule “B” – Compliance Agreement

13. READINGS AND ADOPTION

READ A FIRST TIME THIS 28th day of August, 2009.

READ A SECOND TIME THIS 28th day of August, 2009.

READ A THIRD TIME THIS 28th day of August, 2009.

ADOPTED THIS ___ day of _____, 2009.

Chair

Corporate Officer

14. CERTIFICATION

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 4463 cited as the “Cariboo Regional District Bylaw Offence Notice Enforcement Bylaw No. 4463, 2009”, as adopted by the Regional District Board on the ___ day of _____, 2009.

Corporate Officer

SCHEDULE "A" to BYLAW NO. 4463, 2009

DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

The penalties shown in Column A2 below include a discount for early payment in accordance with section 6.1.2 of this bylaw.

The penalties shown in Column A3 below include a surcharge for late payment in accordance with section 6.1.3 of this bylaw.

Bylaw Notice Bylaw Citation	Section	Description	A1 Penalty	A2 Early Payment Option	A3 Late Payment Penalty	A4 Compliance Agreement Available	
CRD Building Bylaw No. 4374	7.1	Building without a valid permit	\$200.00	\$190.00	\$210.00	No	
	7.2	Construction of Works without a permit	\$200.00	\$190.00	\$210.00	No	
	18.5	Fail to obtain inspection approval	\$150.00	\$140.00	\$160.00	No	
	7.3,19.1	Occupancy without valid approval	\$100.00	\$90.00	\$110.00	No	
	7.5	Submit false or misleading information	\$100.00	\$90.00	\$110.00	No	
	7.6	Alter or remove posted notice	\$100.00	\$90.00	\$110.00	No	
	25.7	Disobey Stop Work Notice	\$200.00	\$190.00	\$210.00	No	
	7.7	Work at variance to approved plans	\$100.00	\$90.00	\$110.00	No	
	6.1	Change of Occupancy with no permit	\$100.00	\$90.00	\$110.00	No	
	CRD Noise Bylaw Nos. 3211, 4159, 4158 and 4375	6 (a)	Noise in/on public place	\$100.00	\$90.00	\$110.00	No
		6 (a)	Noise in/on private property	\$100.00	\$90.00	\$110.00	No
6 (c)		Sound amplification equipment that disturbs	\$100.00	\$90.00	\$110.00	No	
7 (a)		Conducting construction in a service area before 07:00 hrs. and after 22:00 hrs.	\$100.00	\$90.00	\$110.00	No	
CRD Unsightly Premises Bylaw		Unsightly premises	\$200.00	\$190.00	\$210.00	Yes	
Chilcotin Area Rural Land Use Bylaw No. 3500		Use of property contrary to permitted use	\$100.00	\$90.00	\$110.00	Yes	
		Fail to comply with setback requirements	\$100.00	\$90.00	\$110.00	Yes	
		Fail to comply with home occupation requirements	\$100.00	\$90.00	\$110.00	Yes	
		Fail to comply with home industry requirements	\$100.00	\$90.00	\$110.00	Yes	

SCHEDULE "A" to BYLAW NO. 4463, 2009

DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

Bylaw Notice Bylaw Citation	Section	Description	A1 Penalty	A2 Early Payment Option	A3 Late Payment Penalty	A4 Compliance Agreement Available
South Cariboo Area Zoning Bylaw No. 3501		Use of property contrary to permitted use	\$100.00	\$90.00	\$110.00	Yes
		Fail to comply with setback requirements	\$100.00	\$90.00	\$110.00	Yes
		Fail to comply with home occupation requirements	\$100.00	\$90.00	\$110.00	Yes
		Fail to comply with home industry requirements	\$100.00	\$90.00	\$110.00	Yes
Williams Lake Fringe and 150 Mile House Area Zoning Bylaw No. 3502		Use of property contrary to permitted use	\$100.00	\$90.00	\$110.00	Yes
		Fail to comply with setback requirements	\$100.00	\$90.00	\$110.00	Yes
		Fail to comply with home occupation requirements	\$100.00	\$90.00	\$110.00	Yes
		Fail to comply with home industry requirements	\$100.00	\$90.00	\$110.00	Yes
Central Cariboo Area Rural Land Use Bylaw No. 3503		Use of property contrary to permitted use	\$100.00	\$90.00	\$110.00	Yes
		Fail to comply with setback requirements	\$100.00	\$90.00	\$110.00	Yes
		Fail to comply with home occupation requirements	\$100.00	\$90.00	\$110.00	Yes
		Fail to comply with home industry requirements	\$100.00	\$90.00	\$110.00	Yes
Quesnel Fringe Area Zoning Bylaw No. 3504		Use of property contrary to permitted use	\$100.00	\$90.00	\$110.00	Yes
		Fail to comply with setback requirements	\$100.00	\$90.00	\$110.00	Yes
		Fail to comply with home occupation requirements	\$100.00	\$90.00	\$110.00	Yes
		Fail to comply with home industry requirements	\$100.00	\$90.00	\$110.00	Yes
North Cariboo Area Rural Land Use Bylaw		Use of property contrary to permitted use	\$100.00	\$90.00	\$110.00	Yes
		Fail to comply with setback requirements	\$100.00	\$90.00	\$110.00	Yes
		Fail to comply with home occupation	\$100.00	\$90.00	\$110.00	Yes

SCHEDULE "A" to BYLAW NO. 4463, 2009

DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

Bylaw Notice Bylaw Citation	Section	Description	A1 Penalty	A2 Early Payment Option	A3 Late Payment Penalty	A4 Compliance Agreement Available
No. 3505		requirements				
		Fail to comply with home industry requirements	\$100.00	\$90.00	\$110.00	Yes
Mobile Home Parks Bylaw No. 1019		Establish or construct a mobile home park without a permit	\$100.00	\$90.00	\$110.00	No
		Alter or subdivide a mobile home park without a permit	\$100.00	\$90.00	\$110.00	No
CRD Solid Waste Disposal No. 2898		Unauthorized deposit of waste	\$200.00	\$190.00	\$210.00	No
		Disposal of prohibited waste	\$200.00	\$190.00	\$210.00	No
		Use of vehicles outside of designated area	\$200.00	\$190.00	\$210.00	No
		Unauthorized burning	\$200.00	\$190.00	\$210.00	No
		Unauthorized removal/relocation of refuse	\$200.00	\$190.00	\$210.00	No
		Deposit solid waste outside of the trench	\$200.00	\$190.00	\$210.00	No
		Deposit solid waste outside of transfer bin	\$200.00	\$190.00	\$210.00	No
		Deposit of controlled waste outside of designated area at disposal site	\$200.00	\$190.00	\$210.00	No
	Deposit of specified waste outside designated area at transfer station	\$200.00	\$190.00	\$210.00	No	
	Removal/defacing of signs at disposal site	\$200.00	\$190.00	\$210.00	No	
	Removal/defacing of signs at transfer stations	\$200.00	\$190.00	\$210.00	No	
108 Greenbelt Community Use Property Control Bylaw No. 3670, 2001		Cut or remove trees/logs/brush/natural growth from greenbelt property	\$100.00	\$90.00	\$110.00	No
		Apply pesticide on greenbelt property without permission	\$100.00	\$90.00	\$110.00	No
		Remove/damage any fence/sign/structure without permission	\$100.00	\$90.00	\$110.00	No
		Camp on greenbelt property between 22:00 hrs. and 6:00 hrs.	\$100.00	\$90.00	\$110.00	No
	Use public beaches between 22:00 hrs. and 6:00 hrs.	\$100.00	\$90.00	\$110.00	No	

SCHEDULE "A" to BYLAW NO. 4463, 2009

DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

Bylaw Notice Bylaw Citation	Section	Description	A1 Penalty	A2 Early Payment Option	A3 Late Payment Penalty	A4 Compliance Agreement Available
		Construct or erect any fence, gate, sign or other structure	\$100.00	\$90.00	\$110.00	Yes
		Operate a motor vehicle on greenbelt property, without permission	\$100.00	\$90.00	\$110.00	No
		Camping overnight between 10:00pm and 6:00am	\$100.00	\$90.00	\$110.00	No
		Use any Public Beach between 10:00pm and 6:00am	\$100.00	\$90.00	\$110.00	No
		Operate an aircraft on greenbelt property	\$100.00	\$90.00	\$110.00	No
General		Obstruct building official	\$200.00	\$190.00	\$210.00	No
		Obstruct Bylaw Enforcement Officer	\$200.00	\$190.00	\$210.00	No

SCHEDULE "B" TO BYLAW NO. 4463, 2009

**COMPLIANCE AGREEMENT PURSUANT TO CARIBOO REGIONAL DISTRICT
BYLAW OFFENCE NOTICE ENFORCEMENT BYLAW 4463, 2009.**

I _____ (Name) of _____ (Address),
Acknowledge receipt of Bylaw Offence Notice(s) # _____ (the "Bylaw Notice"), and
wish to enter into this Compliance Agreement whereby I agree to fulfill the conditions below, in
exchange for a reduced penalty which shall be one half of the penalty identified on the face of
the Bylaw Offence Notice.

Specifically, I agree to pay the reduced penalty of \$ _____ on or before _____

I further agree to comply with the following terms and conditions of this agreement:

1. On or before _____ I will _____

_____ ; and

2. On or before _____ I will _____

_____.

I understand that this agreement is binding upon me for one year from the date of this Agreement.

I also understand that if I breach a term of this Agreement, or fail to observe or perform the above terms and conditions, the Regional District's Screening Officer may rescind this Agreement. I understand that if this Agreement is rescinded, I will have 14 days to dispute the Screening Officer's decision to rescind the Agreement and that, if I do not dispute this decision in that time, the full penalty stated in the Bylaw Notice(s) of \$ _____ will be immediately due and payable and subject to all fees and penalties as if the Bylaw Notice was not disputed.

Signature of Bylaw Notice Recipient

Signature of Screening Officer

Date

Date