

DISTRICT OF SECHELT

BYLAW NOTICE

ENFORCEMENT

IMPLEMENTATION

BYLAW

No. 515, 2012



Consolidated for convenience only September 2014

This Consolidation includes the following Bylaw Amendments:

515-1, 2014

515-2, 2014

This version of this bylaw is a consolidation of amendments to the original bylaw as of the date specified. This consolidation is done for the convenience of users and accurately reflects the status of the bylaw as of the specified date but must not be construed as the original bylaw and is not admissible in Court unless specifically certified by the Director of Corporate Services for the District of Sechelt. Persons interested in the definitive wording of this bylaw and its amendments should view the original bylaws at the District of Sechelt.

DISTRICT OF SEHELDT

Bylaw Notice Enforcement Implementation Bylaw No. 515, 2012

A bylaw respecting the enforcement of bylaw notices in conjunction with
District of Sechelt Bylaw Adjudication Registry

WHEREAS the *Local Government Bylaw Notice Enforcement Act*, SBC 2003, c. 60 provides that a local government may deal with the contravention of a bylaw by bylaw notice if the local government, by bylaw, designates bylaw contraventions that may be dealt with by bylaw notice, and establishes the amount of the penalty for a contravention and establishes the period for paying or disputing a bylaw notice, and establishes a bylaw notice dispute adjudication system to resolve disputes in relation to bylaw notices.

NOW THEREFORE the Council of the District of Sechelt enacts as follows:

PART 1 Citation

This bylaw may be cited as “Bylaw Notice Enforcement Implementation Bylaw No. 515, 2012”.

PART 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.

PART 3 Definitions

3.1 In this bylaw:

Act means the Local Government Bylaw Notice Enforcement Act;

Municipality means the District of Sechelt;

Registry means the District of Sechelt Bylaw Notice Adjudication Registry established pursuant to Part 8 of this bylaw.

PART 4 Terms

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

PART 5 Bylaw Contraventions

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

PART 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 Municipality 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.

PART 7 Period for 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 notice:

7.1.1 pay the penalty, or

7.1.2 request dispute adjudication by filling in the appropriate portion of the bylaw notice indicating either a payment or a dispute and delivering it, either in person during regular office hours, or by mail, to the District of Sechelt Municipal Offices.

7.2 A person may pay the indicated penalty after 14 days of receiving the notice, subject to the applicable surcharge for late payment accordance with subsection 6.1.3, but no person may dispute the notice after 14 days of receiving the bylaw notice.

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

PART 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 Every person who is unsuccessful in a disputed adjudication in relation to a bylaw notice or a compliance agreement under the dispute adjudication system established under this section must pay the Municipality an additional fee of \$25 for the purpose of the Municipality recovering the costs of the adjudication system.

PART 9 Screening Officers

- 9.1 The position of Screening Officer is established pursuant to the *Act*.
- 9.2 The Corporate Officer and Deputy Director of Development Services are hereby appointed as Screening Officers.

PART 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 a contravention, the opportunity to enter into a compliance agreement, 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) the municipal staff and consult 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 to establish terms and conditions for compliance that 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 notices in accordance with the *Act* or 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.

PART 11 Bylaw Enforcement Officers

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

11.1.1 Special constables, officers, members or constables of the provincial police force as defined in section 1 of the *Police Act*;

11.1.2 Bylaw enforcement officers appointed pursuant to the *Police Act* and *Community Charter*;

11.1.3 Local assistants to the fire commissioner under section 6 of the *Fire Services Act*;

11.1.4 Bylaw enforcement officers, licensing inspectors, building inspectors, animal control officers or other persons acting in another capacity on behalf of a municipality, regional district or local trust committee for the purpose of enforcement of one or more of its bylaws.

PART 12 Form of Bylaw Notice

11.1 The Municipality may from time to time provide for the form or forms of the bylaw notice, provided the bylaw notice complies with section 4 of the Act.

READ A FIRST TIME THIS	3 rd	DAY OF	October, 2012
READ A SECOND TIME THIS	20 th	DAY OF	February, 2013
READ A THIRD TIME THIS	20 th	DAY OF	February, 2013
ADOPTED THIS	6 th	DAY OF	March, 2013

Mayor

Corporate Officer

Schedule A
Designated Bylaw Contraventions and Penalties

*A4 - Maximum 50% reduction in penalty amount where compliance agreement is shown as 'Yes'

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	*A4 Compliance Agreement Available
		DOG LICENSING & CONTROL BYLAW	\$	\$	\$	
No. 221, 1994	3 (1)	No valid dog licence	100	50	125	y
No. 221, 1994	4	No control of dog	200	175	225	n
No. 221, 1994	4 (1)	Dog at large	100	50	125	n
No. 221, 1994	4 (4)	Dog off leash	100	50	125	n
No. 221, 1994	4 (13)	Dangerous dog in prohibited area	500	450	500	n
No. 221, 1994	4 (14)	Fail to control/enclose dangerous dog	250	225	275	n
No. 221, 1994	4 (16)	Fail to pick up dog excrement	100	50	125	n
No. 221, 1994	7	No dog tag affixed	75	40	95	y
No. 221, 1994	8 (a)	Harbor more than two dogs	100	50	125	y
No. 221, 1994	8 (b)	No kennel operation permit	100	50	125	y
		PROPERTY MAINTENANCE BYLAW				
No. 522, 2012	2	Failure to maintain property	100	50	125	y
No. 522, 2012	2 (d)	Accumulation of weeds	100	50	125	y
No. 522, 2012	2 (g)	Unsightly real property	100	50	125	y
No. 522, 2012	2 (h)	Hazardous real property	100	50	125	y

District of Sechelt Bylaw Notice Enforcement Implementation Bylaw No. 515, 2012
2014 CONSOLIDATION

No. 522, 2012	3 (f)	Failure to remove graffiti from real property	100	50	125	y
No. 522, 2012	6	Graffiti on public or private property	100	50	125	y
No. 522, 2012	8	Obstruct officer or employee	100	50	125	
		BUSINESS LICENCE BYLAW				
No. 520, 2012	3.1	No business licence	100	50	125	y
No. 520, 2012	7.1	Conduct business contrary to licence	100	50	125	y
No. 520, 2012	Schedule B	Short term rental contrary to bylaw	100	50	125	y
		HIGHWAYS AND PARKING				
No. 516, 2012	4 (h)	Park on wrong side of highway	50	25	65	y
No. 516, 2012	6 (b)	Parking longer than designated	50	25	65	y
No. 516, 2012	6 (c)	Parked on highway more than 48 hrs.	50	25	65	y
No. 516, 2012	9 (a) (i)	Vehicle length exceeding 15 m.	50	25	65	y
No. 516, 2012	9 (a) (ii)	Recreational vehicle over GVW	100	50	125	y
No. 516, 2012	9 (b)	Occupy camper, trailer on public property	75	37	95	n
No. 516, 2012	10 (c)	Parking in bicycle lane	50	25	65	y
No. 516, 2012	10 (f)	Park too close to fire hydrant	50	25	65	y
No. 516, 2012	10 (i)	Park too close to stop sign	50	25	65	y
No. 516, 2012	10 (s)	Park at marked curb	50	25	65	y
No. 516, 2012	12	Park in commercial loading zone	50	25	65	y
No. 516, 2012	26	Encroach on highway without permit	100	50	125	y
No. 516, 2012	27 & 40 (a)	Place materials on highway	75	40	95	y
No. 516, 2012	30	Fail to comply with encroachment permit	100	50	125	y
No 516, 2012	52	Obstruct officer or employee	100	50	125	

District of Sechelt Bylaw Notice Enforcement Implementation Bylaw No. 515, 2012
2014 CONSOLIDATION

		BUILDING BYLAW				
No. 409, 2003	9	No building permit	100	50	125	y
No. 409, 2003		Construct contrary to Building Bylaw	100	50	125	y
No. 409, 2003	18	Use without Occupancy Permit	100	50	125	y
No 409, 2003	2.6	Obstruct building official	100	50	125	
		OPEN AIR BURNING BYLAW				
No 486, 2012	2 (a)	Open fire without permit	100	50	125	y
No. 486, 2012	5	Open fire contrary to bylaw	100	50	125	y
		NOISE BYLAW				
No. 519, 2012	3	Noise which disturbs	100	50	125	n
No. 519, 2012	4 (1) (b)	Dog barking	100	50	125	n
No. 519, 2012	4 (1) (f)	Causing disturbance after hours	100	50	125	n
No. 519, 2012	6 (3)	Obstruct Bylaw Enforcement Officer	100	50	125	
		SIGN BYLAW				
No. 456, 2006	2 (a)	No sign permit	100	50	125	y
No. 456, 2006	8 (a)	Third party sign	100	50	125	y
No. 456, 2006	16	Obstruct Building Inspector or Bylaw Enforcement Officer	100	50	125	
		GARBAGE BYLAW				
No. 47, 1988	12	Garbage placed in violation of bylaw	150	75	190	y
No. 47, 1988	16 (4)	Obstruct Bylaw Enforcement or RCMP Officer	100	50	125	
		ZONING BYLAW				
No. 25, 1987	201	Use contrary to zone	100	50	125	y
No 25, 1987	307	Operating home occupation contrary to bylaw	100	50	125	y
No. 25, 1987	313	Over height fence	100	50	125	y

District of Sechelt Bylaw Notice Enforcement Implementation Bylaw No. 515, 2012
2014 CONSOLIDATION

No. 25, 1987	1202 (f)	Obstruct Authorized Officer	100	50	125	
		PARKS BYLAW				
No. 116, 1990	2 (f)	Place graffiti within the District	100	50	125	n
No. 116, 1990	5 (a)	Use skateboard or skates in restricted area	75	40	95	n
		HARBOUR BYLAW				
No. 494, 2010	7 (6)	Abandoned or derelict vessel	100	50	125	y
No. 494, 2010	7 (7)	Moorage unpaid	100	50	125	y
No. 494, 2010	7 (10)	Discharge waste in harbor	100	50	125	y
No. 494, 2010	Schedule B	Parking longer than designated	25	20	35	n
		PUBLIC PLACES BYLAW				
No. 518, 2012	2	Litter placed in public place or water	100	50	125	n
No. 518, 2012	3	Temporary or permanent abode	100	50	125	n
No. 518, 2012	4	Building encroaches public place	100	50	125	y
No. 518, 2012	5	Storage of items	100	50	125	n
No. 518, 2012	6	Campsite on public place	75	40	95	n
No. 518, 2012	7	Damage of public property	100	50	125	n
		GENERAL PROVISIONS				
		Obstruct Bylaw Enforcement Officer	100	50	125	y