

## REGULAR MEETING OF COUNCIL

### AGENDA

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**DATE:** Monday, November 3, 2014  
**TIME:** 4:30 p.m.  
**LOCATION:** Council Chambers – Enderby City Hall

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**1. APPROVAL OF AGENDA**

**2. ADOPTION OF MINUTES**

[Regular Meeting Minutes of October 20, 2014](#)

pg 1-6

[Public Hearing Notes – October 20, 2014](#)

pg 7

**3. PUBLIC AND STATUTORY HEARINGS**

**4. PETITIONS AND DELEGATIONS**

**5. DEVELOPMENT MATTERS**

a. [0006-14-DVP-END](#)

pg 8-16

Lot 1, District Lot 226, ODYD, Plan KAP75600 – 601 Bass Ave  
Applicant: Vanko Services Ltd

**6. BUSINESS ARISING FROM THE MINUTES AND/OR UNFINISHED BUSINESS**

**7. BYLAWS – 3 Readings**

a. [Business License and Regulation Bylaw](#) – Memo from Chief Administrative Officer dated October 27, 2014

pg 17-19

[Business License and Regulation Bylaw No. 1558, 2014](#)

pg 20-26

b. [Municipal Ticketing Information \(MTI\) System Bylaw No. 1518, 2013 Amendment Bylaw No. 1559, 2014](#)

pg 27-30

c. [Revision Bylaws and Proposed Bylaw Revision to Official Community Plan further to Regional Context Statement Acceptance](#) – Memo from Chief Administrative Officer dated October 23, 2014

pg 31-32

[Official Community Plan Revision Bylaw No. 1554, 2014](#)

pg 33

d. [Zoning Revision Bylaw No. 1556, 2014](#)

pg 34

e. [Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1560, 2014](#)

pg 35-38

- f. [Intermunicipal Emergency Operations Service Bylaw Amendment](#) – Memo from Chief Administrative Officer dated October 28, 2014 pg 39-40
- [Intermunicipal Emergency Operations Services Bylaw No. 1462, 2010 Amendment Bylaw No. 1561, 2014](#) pg 41-72
- g. [Development Cost Charge Reserve Funds Expenditure Bylaw No. 1562, 2014](#) pg 73-74
- h. [Metered Water Rates Bylaw](#) – Memo from Chief Financial Officer dated October 30, 2014 pg 75-81
- [Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1557, 2014 – Various Options](#) pg 82-117

**BYLAWS – 2 Readings**

- i. [Official Community Plan Bylaw Revision No.1555, 2014](#) pg 118-119

**BYLAWS – Adoption**

- j. [Zoning Bylaw No. 1550, 2014](#) pg 120-241

**8. REPORTS**

- a. [Mayor and Council](#)
- b. [RCMP Policing Activity Report – Q3](#) pg 242-254
- c. [RCMP Victims Assistance Report – Q3](#) pg 255-257

**9. NEW BUSINESS**

- a. [Ray Brown and Clayton Castle EOCP certifications](#) – Memo from Chief Administrative Officer dated October 22, 2014 pg 258
- b. [Changes in Library Service Level at Enderby Branch](#) – Correspondence from Okanagan Regional Library dated October 24, 2014 pg 259-261
- c. [Restorative Justice Society Request for Funding](#) – Memo from Chief Financial Officer dated October 24, 2014 pg 262-264
- d. [Heritage Commission and Heritage Conservation Section of OCP](#) – Memo from Chief Administrative Officer dated October 26, 2014 pg 265-267
- e. [Heritage Commission Interpretive Sign Proposal](#) – Memo from Chief Administrative Officer dated October 26, 2014 pg 268-269

- f. [Digital Billboard Sponsorship Application – Anglican Church Women](#) – Memo from Assistant Corporate Officer and Planning Assistant dated October 28, 2014 pg 270-271
- g. [Digital Billboard Sponsorship Application – Enderby Volunteer Firefighters Association](#) – Memo from Assistant Corporate Officer and Planning Assistant dated October 29, 2014 pg 272-273
- h. [Remembrance Day Road Closure Request](#) – memo from Chief Administrative Officer dated October 28, 2014 pg 274-277
- i. [Okanagan Regional Library Request for Funding](#) – Memo from Chief Financial Officer dated October 28, 2014 pg 278-279
- j. [Enderby Community Christmas Committee – Request for Funding](#) – Correspondence dated October 29, 2014 pg 280
- k. [Upgrades to Mabel Lake Road](#) – Copy of correspondence to MoTI from Jim Suski pg 281
- l. [Christmas Office Closure](#) – Memo from Chief Administrative Officer dated October 29, 2014 pg 282
- m. [Enderby-Splatsin Active Transportation Plan](#) - Memo from Assistant Corporate Officer and Planning Assistant dated October 29, 2014 *(Plan package circulated under separate cover)* pg 283-285

**10. PUBLIC QUESTION PERIOD**

**11. CLOSED MEETING RESOLUTION**

Closed to the public, pursuant to Section 90 (1) (d), (e) and (k) of the *Community Charter*

**12. ADJOURNMENT**

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**THE CORPORATION OF THE CITY OF ENDERBY**

Minutes of a **Regular Meeting** of Council held on Monday, October 20, 2014 at 4:30 p.m. in the Council Chambers of City Hall

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**Present:** Mayor Howie Cyr  
Councillor Tundra Baird  
Councillor Brad Case  
Councillor Raquel Knust  
Councillor Greg McCune  
Councillor Earl Shipmaker

Chief Administrative Officer – Tate Bengtson  
Chief Financial Officer – Jennifer Bellamy  
Assistant Corporate Officer and Planning Assistant – Kurt Inglis  
Recording Secretary – Bettyann Kennedy  
The Press and Public

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**APPROVAL OF AGENDA**

Moved by Councillor Baird, seconded by Councillor Case that the agenda be approved as circulated.

Carried Unanimously

**ADOPTION OF MINUTES**

Regular Meeting Minutes of October 6, 2014

Moved by Councillor McCune, seconded by Councillor Case that the minutes of the regular meeting of October 6, 2014 be adopted as circulated.

Carried Unanimously

**PUBLIC AND STATUTORY HEARINGS**

The meeting gave way to the Public Hearing.

The regular meeting re-convened at 4:38 p.m.

**DEVELOPMENT MATTERS**

Waiving of Development Variance Fee for 601 Bass Avenue – Memo from Assistant Corporate Officer and Planning Assistant dated October 10, 2014

The Planning Assistant provided a brief review of his memo.

Moved by Councillor Case, seconded by Councillor Shipmaker that Council waive the Development Variance Permit Fee of \$450 for 601 Bass Avenue, as set out in the Fees and Charges Bylaw No. 1479, 2010, in order to vary the screening requirements along the western property boundary.

Carried Unanimously

**BYLAWS – 3<sup>rd</sup> Reading****City of Enderby Zoning Bylaw No. 1550, 2014**

Moved by Councillor Baird, seconded by Councillor Knust that Council amends the City of Enderby Zoning Bylaw No. 1550 as proposed; and

THAT Council consider the representations made by the public respecting matters contained in the City of Enderby Zoning Bylaw No. 1550, 2014; and

THAT Council give third reading to the City of Enderby Zoning Bylaw No. 1550, 2014; and

FURTHER THAT Council refer the City of Enderby Zoning Bylaw No. 1550, 2014 to the Ministry of Transportation and Infrastructure for final approval.

Carried Unanimously

**REPORTS****Councillor Baird**

Attended a Shuswap River Sustainability meeting.

**Councillor Shipmaker**

- Attended an Arts Council meeting. They have adopted a conflict of interest policy.
- Has received positive water meter feedback from lower consumption water users that have been subsidizing higher users.

**Councillor McCune**

Asked staff to report back on the development of a wood lot in Ashton Creek.

**Councillor Knust**

- Attended a FACT meeting. They have been told that they require insurance to distribute donated fruits and vegetables. It is discouraging that there are fewer people involved with this group.
- Community Resource Centre – there are changes coming and new programs for youth are starting up.
- Community Consultative meeting at High School. Public safety was discussed. High school enrollment has increased resulting in an increase to staffing levels. MV Beattie enrollment is also up. MV Beattie continues to experience speeding issues and have asked for the speed reader board to be set up at this location.
- High school poverty – they are feeding breakfast to 15-20 and 40 – 60 lunch. \$750 per month through donations as most grant monies go to elementary school programs.

**Councillor Case**

Chamber of Commerce

- Supportive of spray park project. There is a fund-raiser Feb 28<sup>th</sup> at the Drill Hall.
  - Declined to support mosquito control program.
  - Annual General Meeting is Nov. 25<sup>th</sup> at Seniors Centre.
  - Main focus for RV Park will be upgrades to the washrooms.
  - Feedback regarding the digital billboard is that there is too much bureaucracy involved.
- There is a Trail Alliance meeting tonight. There is a voluntary clean-up scheduled for this Saturday.

### Mayor Cyr

#### Fire Training Centre Policy Board Meeting:

- Examined the proposed budget – our contribution is 2.7% (\$2,950.80) for future years up to 2019.
- Facilities improvement plan to be submitted to the Board recommending improvements to enhance training options and generating more rentals.
- Fortis is excellent client. They typically use the facility between March – May for training. They have created an excellent underground training area.
- A new lease/sub-lease will be negotiated with the province. Not expected to be problematic.

#### Regional District of North Okanagan Committee of the Whole Meeting:

- Start of the new budget planning cycle.
- Discussed internal and external conditions that influence decisions.

#### Regional Growth Management Advisory Committee:

- Recommended to Board that City of Enderby Regional Context Statement be accepted subject to OCP amendment.
- Agreed in principle to support the 2015 Regional Growth Strategy Financial Plan.

#### Board of Directors RDNO:

- Presentation from Kevin Poole, Manager of Economic Development & Tourism for City of Vernon regarding the 2% hotel room tax they implemented in 2010. Generates \$400,000 in revenue to the City of Vernon to support tourism. Ripple effect benefits outside communities by increase in tourism to area.
- Steven Banmen, General Manager Finance was introduced. He comes to RDNO from Lake Country and starts at the end of October.

#### Building Permit Detail Report – September 2014

Moved by Councillor Baird, seconded by Councillor McCune that the report be received and filed.

Carried Unanimously

### **NEW BUSINESS**

Digital Billboard Policy Amendment for Commission Bulk Discount – Memo from Assistant Corporate Officer and Planning Assistant dated October 7, 2014

Moved by Councillor Case, seconded by Councillor Knust that Council amend the Digital Billboard Policy to enable the Enderby and District Services Commission to purchase digital billboard messaging at a bulk discount of 75%.

Carried Unanimously

Digital Billboard Sponsorship Application – Enderby and District Services Commission

Moved by Councillor Baird, seconded by Councillor Case that Council approve the Enderby and District Services Commission sponsorship application valued at \$5,900 in-kind.

Carried Unanimously

B C Seniors Games Acknowledgement

Moved by Councillor Baird, seconded by Councillor McCune that the City extend congratulations to local medal winners at the BC Seniors Games.

Carried Unanimously

District Heating System Feasibility – Memo from Chief Administrative Officer dated October 10, 2014

Moved by Councillor Case, seconded by Councillor McCune that Council direct staff to report back with a market analysis of the sale of biomass generated heat from the City of Enderby Public Works Yard.

Carried Unanimously

Community Christmas Road Closure Request – Memo from Chief Administrative Officer dated October 14, 2014

Moved by Councillor McCune, seconded by Councillor Shipmaker that the information be received and filed as approved by staff.

Carried Unanimously

Metered Water Rates – Rate Structure and Resident Concerns – Memo from Chief Financial Officer dated October 16, 2014

The Chief Financial Officer provided a reviewed her memo:

- Mock billings provided opportunity to obtain feedback to evaluate the rate structure.
- 5 written responses were received from people with concerns that bills were too high.
- Verbal comments were received also. Most people were happy with the mock bills. 63% were seeing a savings compared to the flat rate they have been paying.
- Base consumption was based on actual Enderby averages with a 20% reduction factored in for conservation.
- Most costs are fixed, with less than 20% being variable.
- A list of possible options to consider were presented for consideration.

A motion for new rate structure was moved by Councillor Shipmaker and seconded by Councillor Case. After debate and housekeeping amendments, the following motion was adopted:



THAT the existing flat rate of \$242.20 per single-family dwelling be maintained with the consumption threshold to be set at 180m<sup>3</sup> and with the rate for higher consumption not to exceed \$1.38 per m<sup>3</sup>.

Carried Unanimously

Moved by Councillor Shipmaker, seconded by Councillor Case that the main motion above be amended to instruct staff to reduce the flat rate of \$242.20 if a consumption rate of less than \$1.38 is determined.

Carried Unanimously

### PUBLIC QUESTION PERIOD

*Colleen Purnell of 16 Purnell Drive* stated that she has a 20 acre property with cows, so usage is high. She will be paying over \$1,000 per year and is seeking clarification. The \$406 average per household (frontage and flat rate consumption) would fund the system, with higher consumers paying additional. The low consumers would still be paying the existing flat rate of \$242. She commented that those with low mock bills will not be happy to hear that. She was also encouraged to contact the Chief Financial Officer to establish farming status for the property.

*Tim Schmidt of 125 Gunter Ellison* queried the amount of senior government grants that are needed. Approximately \$8 million for upgrades would be for treatment facility, wells, reservoir, pipes and pumps. He also queried if the water supplied to the Band was metered and taxed with the response being "yes".

*Paul McCaig of 333 Grandview Bench Rd, Grindrod* made reference to data quoted in Richard Vetter's letter and feels that the data being used by Enderby is not accurate. Revenue will not be neutral if user rates are collected. The Chief Financial Officer reported that the data was collected on Enderby stats and rates based on actual consumption. Mr. McCaig stated that he believes that better research is required.

*Marilyn Wallis of 111 Revel Crescent* read a letter from her neighbour Lynn Noble objecting to the high rates. Ms. Wallis feels that limited income families will be faced with high bills. The Chief Financial Officer stated that those consumers with minimum mock bills would have actually realised a savings. As long as consumption is kept below 180m<sup>3</sup> there will be no additional cost. A Kelowna property was quoted as having a total annual water billing of \$364. Ms. Wallis feels that more study is required and should await a new Council.

*Frank Lucianovich of 103 Gunter Ellison Rd* stated that a wealth of information was not calculated and that if Richard Vetter could find the data, why couldn't the City.

*Tony Vetter of 808 Sicamous St* sought clarity of whether the 2% increase was part of Council's motion. He questioned what the asset management amount to reserves meant. The Chief Financial Officer explained that 1% is placed into reserves for replacement of existing assets. The same is for capital, but we are falling behind for what we will need to reach even the 1/3 cost share for grant funding.

*Susan Kendall of 1702 George St* expressed concern that the mock billing base consumption amount was too low and that it needs to be a reasonable amount. Rates for seniors and lower income families will be difficult. The rate structure is too high. Billing cycle of every 4 months is

too long – it would be well into the 5<sup>th</sup> month before being advised of a leak. The negative impact to the community, as per her submitted letter, was repeated.

*Gerry Marshall of 149 West Enderby Rd* stated that his first mock bill was \$38.26 and his second bill was \$424.38, but that his water use did not change. He believes that the water meters are not to be trusted as they are exempt from weights and measures and their accuracy is not known. He challenges the numbers and stated that the solution is to prove the accuracy of each and every meter.

*Herman Hanson of 108 Larsen Ave* has received minimum mock bills of \$30. Rather than paying \$90 per year he will now have to continue paying the flat rate of \$242. He asked what the system's capacity is. He does not like that he will not be saving any money even though he consumes very little water.

*Frank Lucianovich* questioned the accuracy of the meters and why they are not CSA approved.

*Marilyn Wallis* asked if the City had responded to Richard Vetter's letter. She was referred to the information in the agenda package that addressed his comments in detail.

#### **CLOSED MEETING RESOLUTION**

Moved by Councillor Case, seconded by Councillor Baird that, pursuant to Section 92 of the *Community Charter*, the regular meeting convene In-Camera to deal with matters deemed closed to the public in accordance with Section 90 (1) (g) of the *Community Charter*.

#### **ADJOURNMENT**

The regular meeting reconvened at 6:40 p.m.

Moved by Councillor Case, seconded by Councillor McCune that the regular meeting adjourn at 6:40 p.m.

Carried Unanimously

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MAYOR

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CHIEF ADMINISTRATIVE OFFICER

**THE CORPORATION OF THE CITY OF ENDERBY**

Report of a **Public Hearing** held on Monday, October 20, 2014 at 4:32 p.m. in the Council Chambers of City Hall.

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**Present:** Mayor Howie Cyr  
Councillor Tundra Baird  
Councillor Brad Case  
Councillor Raquel Knust  
Councillor Greg McCune  
Councillor Earl Shipmaker

Chief Administrative Officer – Tate Bengtson  
Chief Financial Officer – Jennifer Bellamy  
Assistant Corporate Officer and Planning Assistant – Kurt Inglis  
Recording Secretary – Bettyann Kennedy  
Press and Public

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Mayor Cyr read the rules of procedure for the public hearings and introduced the following Bylaw:

City of Enderby Zoning Bylaw No. 1550, 2014  
A bylaw to adopt an Official Community Plan

The Planning Assistant provided an overview of the background information related to the Bylaw.

The Mayor called three times for members of the public to make representations respecting the bylaw. No speakers came forward and there were no written submissions.

The Public Hearing closed at 4:38 p.m.

Pursuant to Section 890 (7) of the *Local Government Act*, I, Tate Bengtson, hereby certify this to be a fair and accurate report of the Public Hearings held on October 20, 2014.

SAB  
Signature

Oct. 23/2014  
Date

Agenda

**CITY OF ENDERBY  
DEVELOPMENT PERMIT APPLICATION**

**File No: 0006-14-DVP-END**

**October 27, 2014**

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**APPLICANT:** Vanko Services Ltd.

**LEGAL DESCRIPTION:** Lot 1, District Lot 226, Osoyoos Division Yale District, Plan KAP75600

**PID #:** 025-945-203

**LOCATION:** 601 Bass Avenue, Enderby BC V0E 1V2

**PROPERTY SIZE:** 0.795 hectares

**ZONING:** Industrial Park (I.3)

**O.C.P DESIGNATION:** Industrial Park

**PROPOSED VARIANCE:** Vary the requirement to screen the western portion of an outside storage area

**RECOMMENDATIONS:**

THAT Council authorize the issuance of a Development Variance Permit for the property legally described as Lot 1, District Lot 226, Osoyoos Division Yale District, Plan KAP75600 and located at 601 Bass Avenue, Enderby B.C. to permit a variance to the following Section of the City of Enderby Zoning Bylaw No. 966, 1987:

- 403.1.a.i by leaving the western portion of the subject property's outside storage area free of screening.

**BACKGROUND:**

This report relates to a Development Variance Permit application for the property located at 601 Bass Avenue. The applicant has recently obtained a Development Permit which authorized the roof of an existing manufacturing building to be raised and associated lean-tos to be removed; the applicant proposed to continue to use the building for manufacturing purposes (welding and fabrication). Furthermore, the applicant also received a variance through the Development Permit in order to leave the northern portion of the property free of landscaping. The applicant is now seeking an additional variance to leave the western portion of the subject property's outside storage area free of screening.

### Site Context

The subject property is located along the north side of Bass Avenue, between Brickyard Road and McGowan Street. The subject property is a 'dog-leg' shaped lot and although not a corner lot, it has frontage and access off both Bass Avenue and McGowan Street. The lot is generally flat and is located within the Shuswap River Floodplain.

There are 4 existing buildings on the property:

- A manufacturing building in the southwest corner of the property;
- An office building in the southeast corner of the property;
- A dry storage building in the southeast corner of the property, north of the office building; and
- A shed in the northeast corner of the property.

The southern portion of the property near the existing buildings is paved while the northern portion of the property remains at a gravel standard, free of paving and landscaping.

The subject property and the properties to the west, north, and east (fronting Bass Avenue) are zoned Industrial Park (I.3) and designated in the Official Community Plan (OCP) as Industrial Park. The properties to the east (fronting McGowan Street) are zoned Country Residential (C.R) and are designated in the OCP as Residential Low Density. The property to the south is AL Fortune Secondary School which is zoned Assembly, Civic, & Public Service (S.1) and is designated in the OCP as School Site. The fronting roadway, Bass Avenue, is designated in the OCP as a Major Road.

### Site History and the Proposal

A Development Permit, with variances, was issued for the subject property in 2004 which facilitated the construction of a 76' x 120' manufacturing building and the siting of a 24' x 48' school district portable to be used as an office. The variances approved through the Development Permit reduced the required landscape buffers along Bass Avenue and McGowan Street from 9 m (29.53 feet) to 3 m (9.84 feet) and 2 m (6.56 feet) respectively. The Permit set out several conditions related to screening, parking, paving, signage, and the siting, form, and character of the manufacturing and office buildings. Council resolved to provide the applicant with 3 years to remove or relocate the office building which was sited on the property, without authorization through a Building Permit or Development Permit, in a location which was in contravention of the Zoning Bylaw.

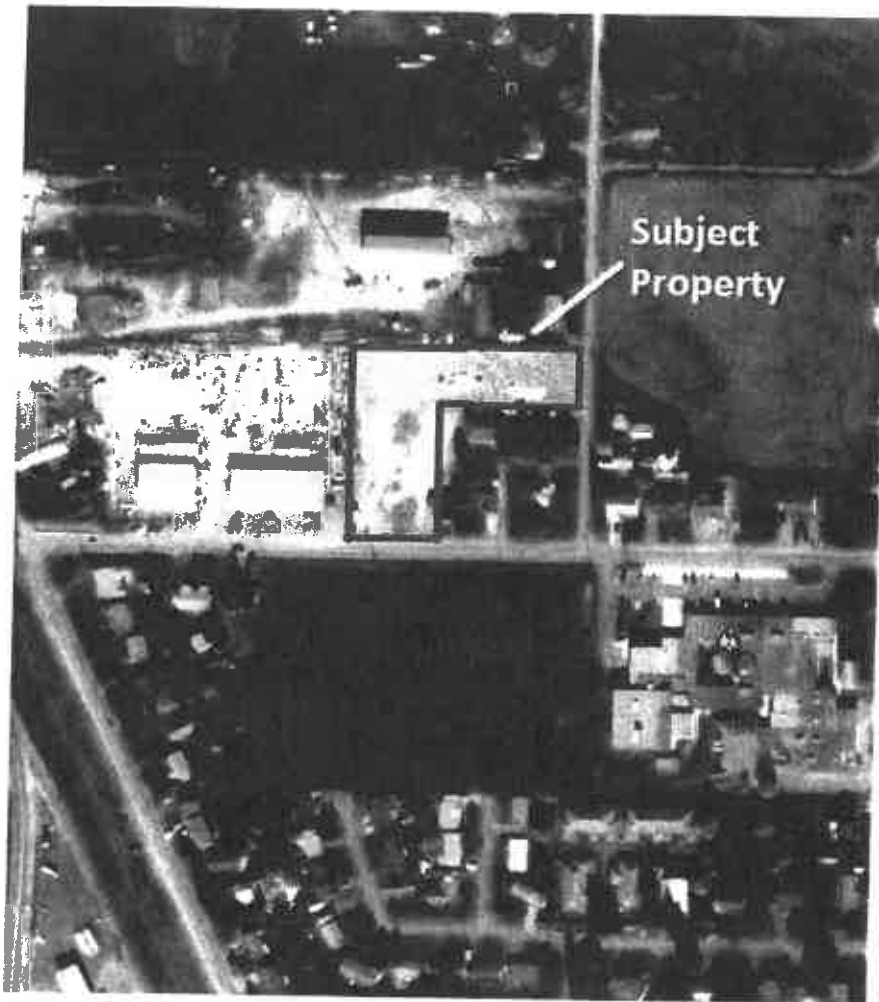
On May 15th 2006, Council reviewed an additional Development Permit application for the subject property, with variances, which related to the construction of a 204 m<sup>2</sup> (2,194 square feet) dry storage building and 18 off-street parking stalls. The requested variances proposed to reduce the front yard and special building line setbacks for the office building. Council resolved that prior to giving the application further consideration, the applicant be required to submit a revised site plan which showed the proposed future location of the office building and the shed currently located on the property, both of which were in contravention of the setback requirements of the Zoning Bylaw.

In December of the same year, a Development Variance Permit application was submitted for the subject property which proposed to reduce the side yard setbacks for a proposed dry storage building, existing office building, and existing shed from 6 m (19.68 feet) to 3 m (9.84 feet), 2.84 m (9.32 feet), 3.34 m (10.96 feet) respectively. The Permit was issued which in turn resolved all setback issues on the site, save for the front yard and special building line setbacks for the office building for which the applicant was applying for variances through the Development Permit application.

In January of 2008, the 2006 Development Permit was ultimately issued and it included variances to reduce the required front yard and special building line setback distances from 9 m (29.53 feet) to 7.86 m (25.79 feet) and 21 m (68.90 feet) to 19.25 m (63.16 feet), thus bringing the building into conformity with the Zoning Bylaw; these reduced setback distances were in accordance with the most recent location that the office building had been relocated to. The Development Permit contained conditions related to screening, parking, paving, off-street loading, and the siting, form, and character of the dry storage building. The City of Enderby received an irrevocable letter of credit equal to 1.5 times the estimated cost of landscaping and paving of the property. Ultimately, the business associated with the subject property went bankrupt and the City of Enderby released the letter of credit without all of the required works being completed.

As previously noted, the applicant obtained a Development Permit in May of 2014 which authorized the roof of an existing manufacturing building to be raised and associated lean-tos to be removed. Furthermore, the applicant also received a variance through the Development Permit process in order to leave the northern portion of the property free of landscaping. The requirement to screen the outside storage area was a condition on the Development Permit that was issued. The applicant is now seeking an additional variance to leave the western portion of the property free of screening.

The following orthophoto of the subject and surrounding properties was taken in 2004:



**ZONING BYLAW:**

The subject property is zoned Industrial Park (I.3). Uses permitted in the I.3 zone include accessory buildings and structures, accommodation, assembly and civic use, food service, limited agricultural, public service use, retail sales, service and repair, and manufacturing, processing, and storage. The proposal as compared to the I.3 zone requirements are as follows:

CRITERIA	PROPOSAL	ZONE REQUIREMENTS
Building Height (max.)	10.4 m (34 feet)	12 m (39.37 feet)
Lot Area (min.)	7,950 m <sup>2</sup> (85,573 square feet)	1,350 m <sup>2</sup> (14,532 square feet)
Lot Coverage (max.)	~15%	60%
Parking Stalls (min.)	4	4
Loading Zones (min.)	2	2
Setbacks (min.)		
- Manufacturing Building		
- Front Yard	> 15 m (49.21 feet)	9 m (29.53 feet)
- Exterior Side Yard	N/A	6 m (19.68 feet)
- Interior Side Yard	6.050 m (19.85 feet)	6 m (19.68 feet)

- Rear Yard	> 9 m (29.53 feet)	9 m (29.53 feet)
- Office Building		
- Front Yard	7.86 m (25.79 feet)	9 m (29.53 feet)
- Exterior Side Yard	N/A	6 m (19.68 feet)
- Interior Side Yard	2.84 m (9.32 feet)	6 m (19.68 feet)
- Rear Yard	> 9 m (29.53 feet)	9 m (29.53 feet)
- Dry Storage Building		
- Front Yard	> 9 m (29.53 feet)	9 m (29.53 feet)
- Exterior Side Yard	N/A	6 m (19.68 feet)
- Interior Side Yard	3 m (9.84 feet)	6 m (19.68 feet)
- Rear Yard	> 9 m (29.53 feet)	9 m (29.53 feet)
- Shed		
- Front Yard	> 9 m (29.53 feet)	9 m (29.53 feet)
- Exterior Side Yard	< 6 m (19.68 feet)	6 m (19.68 feet)
- Interior Side Yard	N/A	6 m (19.68 feet)
- Rear Yard	> 9 m (29.53 feet)	9 m (29.53 feet)

**OFFICIAL COMMUNITY PLAN:**

The Social Development Policies of the Official Community Plan state that Council recognizes that the development of land has social impacts and will act through the approval process to minimize negative and maximize positive impacts.

The General Objectives of the OCP state that it is the objective of Council:

- To maintain and enhance the City as a sustainable, diverse, vibrant, unique and attractive community;
- To maintain and enhance the social well being, development, and the quality of life for all citizens of Enderby; and
- To respect and preserve a process of open, flexible and participatory decision making in the ongoing planning and day-to-day decisions of the City.

**REFERRAL COMMENTS:**

The application was referred for comment to the City of Enderby Public Works Manager, Building Inspector, and Fire Chief.

The City of Enderby Public Works Manager and Building Inspector advised that they had no concerns with respect to the application.

No other comments were received in response to the referral.



**PLANNING ANALYSIS:**

Staff recommends that the variance request to waive the requirement to screen the western portion of the outside storage area be supported for the following reasons:

- Not screening the western portion of the outside storage area would have no impact to the property's visual projection to the roadway;
- The adjacent property to the west also houses an outside storage area, therefore from a pragmatic standpoint it is not necessary to screen an outside storage area from an adjacent outside storage area; and
- It is not anticipated that the variance would negatively affect the use and enjoyment of the subject or neighbouring properties.

**SUMMARY:**

This is an application for a Development Variance Permit requesting to waive the requirement to screen the western portion of an outside storage area located at 601 Bass Avenue. It is recommended that a Development Variance Permit be issued as the requested variance will not negatively affect the use and enjoyment of the subject or neighbouring properties.

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**Prepared By:**

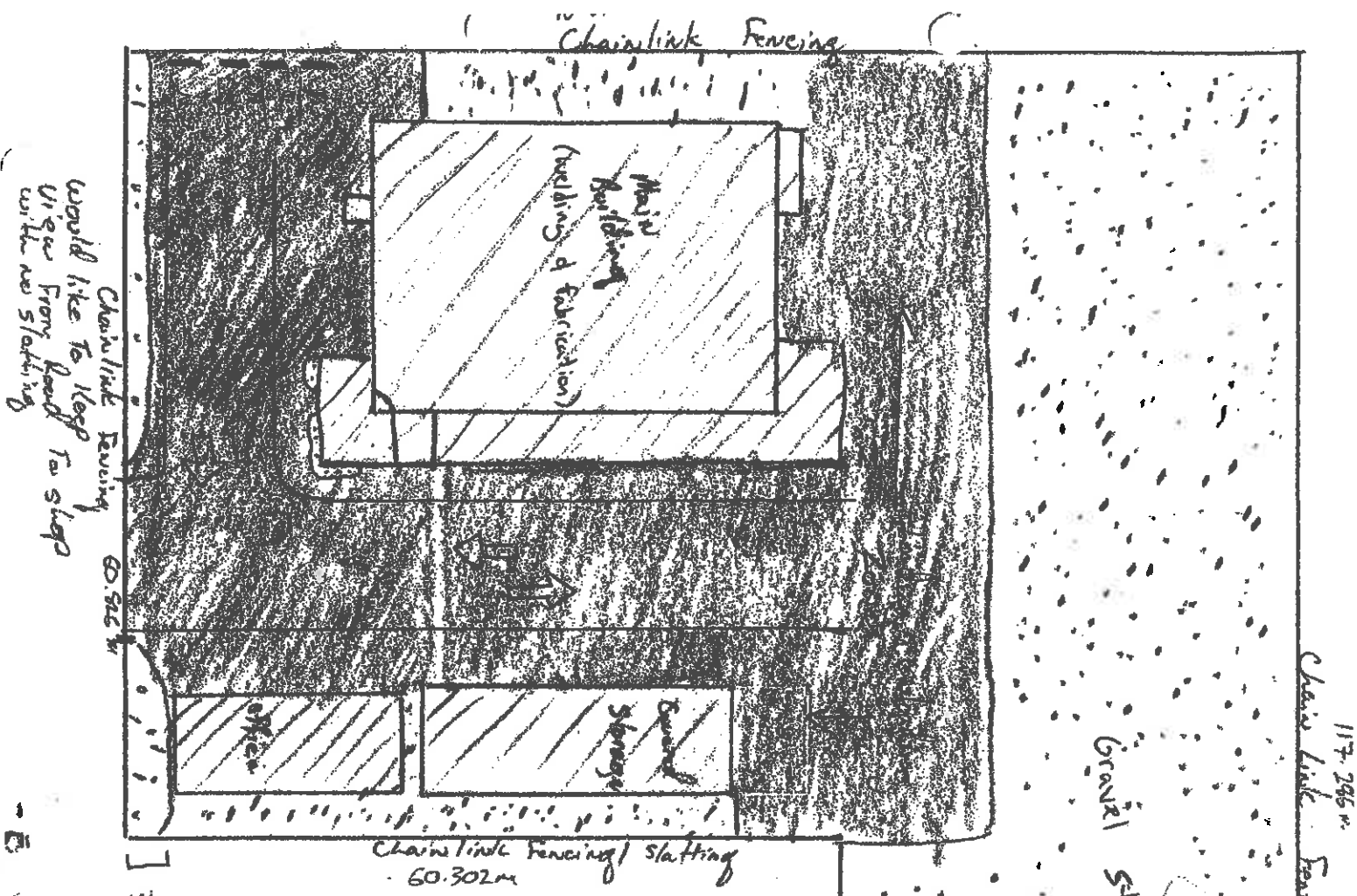


**Kurt Inglis**  
Assistant Corporate Officer and Planning Assistant

**Reviewed By:**



**Tate Bengtson**  
Chief Administrative Officer



117.246 m  
Chainlink Fencing / Slatting

Gravel Storage Area

Chainlink Fencing / Slatting  
60.302m

Chainlink Fencing / Slatting  
56.398 m

Chainlink Fencing  
30.423 m

Access off McBowman will remain but ensuring access only  
2m  
N

Notes

- ① All parking stalls are 2.8 m x 6 m
- ② All maneuvering aisles are 8 m wide
- ③ Screening will consist of compact evergreen hedging, at least 2 m in height, around the perimeter of the parcel except for the front property line fronting Bass Avenue
- ④ Setbacks for Dry Storage Building are as follows:
  - Interior side yard = 3 m (DVR in place)
  - Front yard = > 9 m
  - Rear yard = > 9 m
- ⑤ Setbacks for office building are as follows:
  - Interior side yard = 2.84 m (DVR in place)
  - Front yard = 2.86 m (DVR in place)
  - Rear yard = > 9 m

parking stalls

landscaped

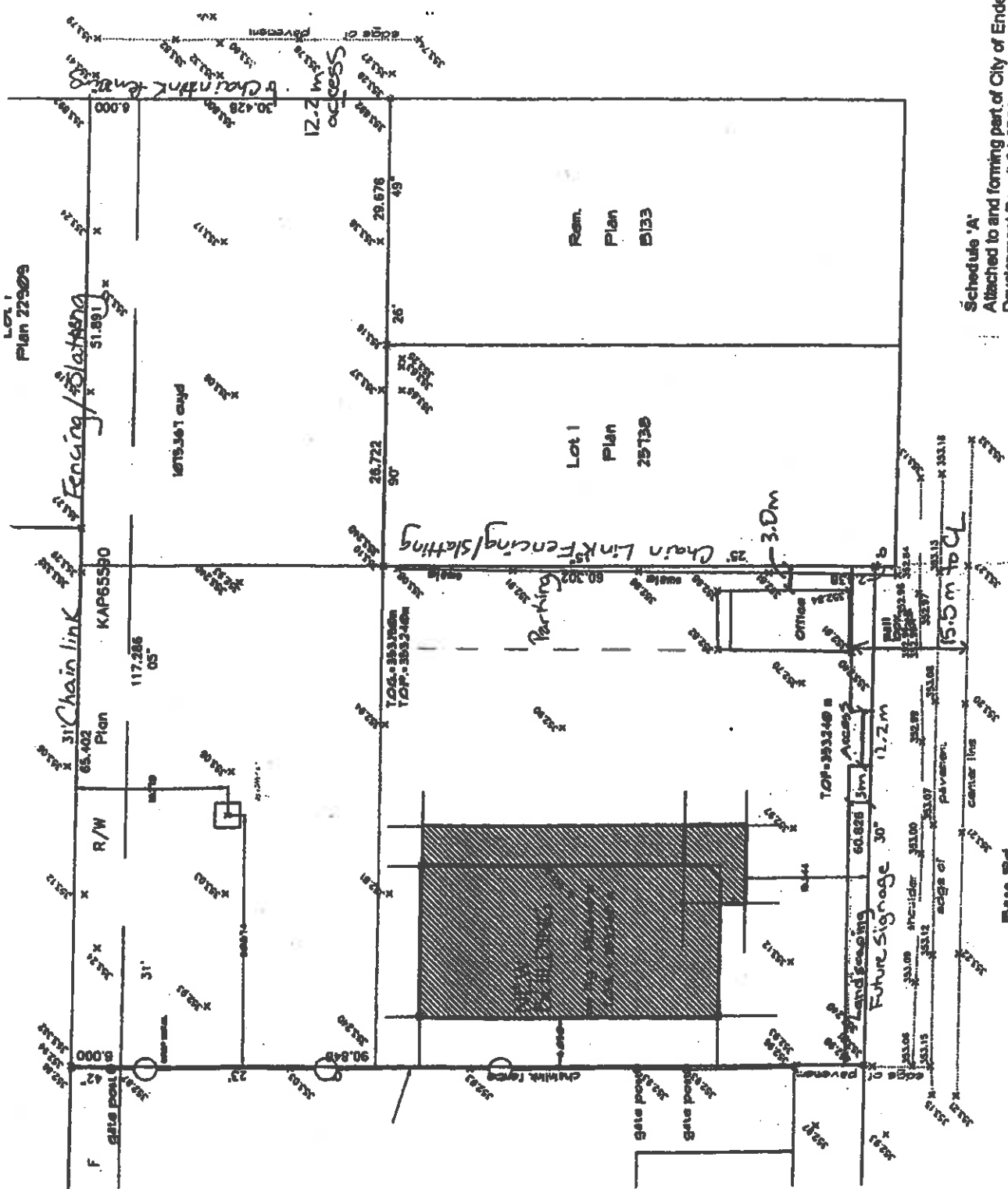
building

paved

asphalt

3 m  
would like to loop wire from road to slope with no sloping





LOT 1  
Plan 22509

Fencing/Slating  
51.991

KAP55590  
117.286  
05°

65.402  
Plan  
R/W

Chain Link Fencing/Slating  
25.722  
90°

Lot 1  
Plan  
25730

Rem.  
Plan  
B133

60.828 m  
Future Signage 30°  
17.2 m

15.5 m to CL



SITE PLAN  
LOT 1 PLAN KAP10000

Schedule 'A'  
Attached to and forming part of City of Enderby  
Development Permit 04-0789-END-DP  
Dated this 25th day of October, 2004  
*[Signature]*  
Administrator

**THE CORPORATION OF THE CITY OF ENDERBY**

**MEMO**

To: Mayor and Council  
From: Tate Bengtson, CAO  
Date: October 27, 2014  
Subject: Business License and Regulation Bylaw

---

**RECOMMENDATION**

THAT Council gives three readings to Business License and Regulation Bylaw No. 1558, 2014;  
AND THAT Council gives notice of its intention to adopt Business License and Regulation Bylaw No. 1558, 2014 by posting notice at the public notice board at City Hall and provides an opportunity for persons who consider they are affected by the proposed bylaw to make representations to Council at its regular meeting on November 17, 2014;

AND FURTHER THAT Council gives three readings to City of Enderby Municipal Ticketing Information (MTI) System Bylaw No. 1518, 2013 Amendment Bylaw No. 1559, 2014.

**BACKGROUND**

The proposed bylaw is primarily to address procedural and housekeeping matters that have arisen since the adoption of Business License Bylaw No. 1408, 2009. The impetus for the revision was to provide a mechanism for the removal of businesses that have ceased; while the previous annual renewal provisions provided an obvious trigger for removing defunct businesses (e.g. no renewal application was made by the business owner), the implementation of a perpetual licensing scheme has necessitated a consequential amendment.

Further to that, Business License Bylaw No 1408, 2009 was compared to similar bylaws in neighbouring communities and also evaluated relative to enabling legislation and recent case law. The bylaw was also restructured to make it more user-friendly. As a result, a more involved revision is proposed for Council consideration.

The main changes are as follows:

1. Added "Medical Marihuana Producers" to the "business" definition and included a specific section under Business Regulations to clarify that this business activity does not fall within the exemption for agricultural producers. This is consistent with Zoning Bylaw Amendment Bylaw No. 1536, 2014.
2. Clarified appointment and authority of License Inspector.

3. Streamlined refusal, suspension, cancellation, and reconsideration provisions and eliminated potential inconsistencies between the bylaw and the enabling statute (*Community Charter*).
4. Clarified license transfer provisions. The previous bylaw allowed for a transfer with the exact same provisions as if it were new application. Licenses have simply been made non-transferrable, which is consistent with the approach of most other communities.
5. Eliminated enumerated list of reasons for refusing or cancelling a license in light of evolving body of case law that the License Inspector needs to consider.
6. Added a provision to cancel the licenses of businesses which cease to exist, as the adoption of perpetual licenses eliminated the renewal provisions that previously triggered a cancellation.
7. Clarified the basis on which refunds will be issued for a withdrawn or refused application.
8. Added a provision for Council to withhold a business license pursuant to Section 929(5) of the *Local Government Act* if the applicant's business activity is inconsistent with a bylaw in preparation.
9. Provided an opportunity for an event exceeding 7 days to proceed, subject to a written exemption from the License Inspector.
10. Removed unnecessary language in the bylaw with respect to the City's hours of operation, content of the application form, and license fee, which are properly addressed outside of the confines of the Business License and Regulation Bylaw.
11. Removed prescriptive language with respect to how Council may conduct its right of reconsideration, while ensuring that such right is in accordance with fundamental justice.
12. Housekeeping amendments such as updated references to statutes and regulatory bodies and removal of definitions referring to matters no longer referenced in the bylaw.

Pursuant to Section 59(2) of the *Community Charter*, a Council must give notice of its intent to adopt Business License and Regulation Bylaw No. 1558, 2014 in a manner that it considers reasonable, and provide an opportunity for those who consider they are affected by the bylaw to make representations to Council. As the changes are primarily of a procedural and housekeeping nature, Staff recommend that posting notice in a manner comparable to that provided in Council Procedure Bylaw No. 1506, 2012 for meeting schedules and agendas is appropriate.

A consequential amendment to the MTI Bylaw is also required in order to align the designation of an offense with the relevant section of the new bylaw, subject to Council's favourable consideration of the latter. It is recommended that the penalty for not having a valid business license or obstructing the entry of an authorized person increases and a penalty is added for removal of a suspension notice. The current schedule specifies a penalty for an unapproved transfer of a business license; however, this can be addressed through Section 4(a)(ii) of the new Business License and Regulation Bylaw.

The amendment to the MTI Bylaw will also include a revised schedule for the new Zoning Bylaw.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tate Bengtson', with a long horizontal flourish extending to the right.

Tate Bengtson  
Chief Administrative Officer

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW No. 1558

A bylaw to regulate and license business

---

WHEREAS pursuant to Section 8(6) and Division 9 of the *Community Charter* a Council may regulate in relation to business;

AND WHEREAS pursuant to Section 15 of the *Community Charter* a Council may provide for a system of licenses, permits, or approvals;

NOW THEREFORE, the Council of the City of Enderby, in open meeting assembled, enacts as follows:

**1. CITATION**

- a. This Bylaw shall be cited as "City of Enderby Business License and Regulation Bylaw No. 1558, 2014".

**2. DEFINITIONS**

- a. In this bylaw:

"business" means the carrying on of a commercial or industrial undertaking of any kind, or the providing of professional, personal, or other services for the purpose of receiving income, profit or other form of consideration, but does not include an activity carried on by a Municipal, Provincial, or Federal Government, Crown Corporation, or a not-for-profit or charitable society, or agricultural producers not involved in retail or the production of medicinal marihuana;

"City" means the Corporation of the City of Enderby;

"Council" means the municipal council of the City of Enderby;

"Fire Inspector" means the official appointed by Council and shall include the City's Fire Chief, Deputy Fire Chief or any Fire Commissioner, including a Fire Commissioner's Assistant or Deputy, as appointed under the *Fire Services Act*;

"flea market" means an occasional or periodic sales activity held within a building, structure or open area where groups of individual sellers offer goods, new and used, for sale to the public;

"license" means a business license issued by the City of Enderby permitting the license holder to carry on business in the City of Enderby under the terms and conditions of this bylaw;

"farmers market" means an organization that provides and coordinates a premises for the occasional sale of products made, baked, grown, or made by the participating vendors;

"mobile vendor" means any person who sells or offers for sale food, merchandise or a service, or who advertises or takes orders for goods or services from a vehicle, bicycle, or temporary structure;

"non-profit organization" means an organization or operation registered and in good standing under the *Societies Act*, *School Act*, *Health Act* or any other Provincial or Federal Act that regulates the creation and conduct of organizations which do not define profit as an objective;



"person" includes, in addition to the regular meaning, a corporation, partnership, proprietorship, firm and the agent or representative of a person;

"premises" means a building, portion of a building, property parcel, or an area of land where business is carried on;

"trade show" means the business of organizing a group of merchants, suppliers, trades people or professionals together as a group in one location or building for a period of up to seven (7) days to display and offer their products or services for sale.

### 3. LICENSE INSPECTOR

- a. The Chief Administrative Officer shall appoint a person as the License Inspector for the purpose of enforcing and carrying out the provisions of this bylaw.
- b. Authority of License Inspector
  - i. The License Inspector shall classify and interpret each application for a license in accordance with the relevant bylaws.
  - ii. The License Inspector may grant a license if he or she is satisfied that the applicant has complied with the bylaws of the City regarding building, planning, health, and safety and other matters relevant to the practice of the business for which the license application is made.
  - iii. The License Inspector may require inspections and approvals from qualified building, planning, health, and safety officials.
  - iv. The License Inspector may refuse a license application pursuant to the requirements of Section 60(1) of the *Community Charter*.
  - v. The License Inspector may suspend or cancel a license pursuant to Section 60(2) of the *Community Charter*.
  - vi. The License Inspector must advise the applicant or license holder who is subject to the decision to refuse an application or suspend or cancel a license that he or she is entitled to have Council reconsider the matter. Council may restore, suspend, or cancel the license.
  - vii. The License Inspector, or duly appointed Bylaw Enforcement Officer at the direction of the License Inspector, shall have the authority to enter, at all reasonable times, upon any property subject to the regulations of this bylaw in order to ascertain whether such regulations are being observed.
  - viii. No person shall unreasonably obstruct or prevent a License Inspector from carrying out his or her duties as prescribed in this bylaw.
  - ix. Notwithstanding the License Inspector's authority, the License Inspector may refer any decision to Council.

### 4. LICENSING REGULATIONS

- a. License Requirement
  - i. No person shall carry on a business, including the soliciting of sales, within the City without having obtained a valid license.

- ii. A license authorizes only the person named on the license to carry on only the business described in the license and only at the premises or location described on the license.
- iii. Every person who carries on business from more than one premises within the City shall obtain a separate license for each premises.
- iv. All license holders shall be subject to the provisions of the City's bylaws and applicable Provincial and Federal statutes and regulations. The issuance of a license shall not be deemed to be a representation by the City that the business complies with applicable bylaws, statutes, or regulations. The business owner is solely responsible for ensuring compliance with all statutes, regulations, bylaws and other enactments.
- v. The license shall at all times be displayed prominently in the business area of the premises to which the public has access. Where the license holder has no business premises in the City, the license shall be carried upon the license holder's person at all times when he or she is engaged within the City in the business for which the License was issued.

**b. License Period**

- i. Licenses shall be issued in perpetuity for a business carried on in accordance with the original license issued from the date of issue or from the date of renewal in the case of an existing license with an expiry date prior to April 30, 2009.
- ii. The License Inspector may request confirmation of the ongoing nature of the business and, in the event that no confirmation is provided within a period of 60 days, may cancel the license.
- iii. The license period may be amended or cancelled by bylaw at any time by Council.
- iv. The license period for a trade show, performance, concert, exhibition, entertainment function or other event that is not ongoing in nature shall be for the duration of the event, not to exceed seven (7) days. Events exceeding seven (7) days must receive a written exemption from the License Inspector.

**c. License Application and Fee**

- i. Every person who wishes to acquire a license shall make application to the City on the prescribed form and pay a license fee.
- ii. Where an applicant applies for more than one license, a separate application and fee shall be submitted for each license.
- iii. The license fee paid at the time of application shall not be refunded on account of a person ceasing to do business.
- iv. A license fee shall be refunded in full only if the license application is withdrawn or refused by the License Inspector prior to the commencement of referrals or inspections. After the commencement of referrals or inspections, no refund will be provided even if the application is refused.

**d. Application Refusal**

- i. Where a License Inspector has refused to issue a license, the applicant is entitled to reconsideration by Council.

- ii. The License Inspector must provide to the applicant reasons for refusing to issue a license.
- e. License Transfer
- i. Licenses are not transferable and no change of location, name, ownership, controlling interest, or type of business shall be allowed without the license holder completing a new application, submitting the prescribed application fee and being issued a new license, subject to the conditions, requirements, and procedures of the Bylaw.
- f. License Suspension or Revocation
- i. The License Inspector may suspend a license for such period as may be determined by the License Inspector to be reasonable.
  - ii. Where a license has been suspended, the License Inspector shall notify the license holder and give reasons for the suspension. Such notification shall occur either by serving the notice upon the license holder, sending the notice by registered mail to the address of the business as shown on the application, or by posting the notice upon the premises for which the license was issued.
  - iii. The notice and opportunity to be heard referred to above is not required if the license holder, by reasonable efforts, cannot be found.
  - iv. The notice of suspension shall be posted upon the premises for which the license was issued and shall not be removed until the earlier of:
    - a) the license being reinstated; or
    - b) the former license holder ceasing to occupy the premises; or
    - c) a new business, other than one carried on by the license holder, is started at the premises.
  - v. Notwithstanding the preceding section, the License Inspector may choose not to post the notice of suspension until after Council has reconsidered the matter.
  - vi. The License Inspector may remove any license, or copy of license, on display at the premises of a business with a suspended or cancelled license.
  - vii. Any person whose license has been suspended or cancelled is entitled to reconsideration by Council.
- g. Withholding a License
- i. Notwithstanding the authority of the License Inspector or Council's powers, Council may by resolution withhold a license pursuant to Section 929(5) of the *Local Government Act*.
- h. Council Reconsideration
- i. Should the License Inspector refuse, suspend, or cancel a license, the affected applicant or license holder may request Council reconsideration by giving written notice to the Corporate Officer of the City. Such written notice shall state the grounds upon which the reconsideration is requested.
  - ii. Council shall provide the affected applicant or license holder with an opportunity to make representations before it.
  - iii. After reconsidering the refusal, suspension, or cancellation, Council may confirm, adjust, or set aside the decision of the License Inspector as it deems reasonable.

- iv. Council must provide written reasons to the applicant or license holder for confirming, adjusting, or setting aside the decision of the License Inspector after reconsideration.

## 5. BUSINESS REGULATIONS

- a. **Bulk Water Sales:** Every person carrying on the business of bottling and selling water supplied by the City shall supply the License Inspector with all applicable information pursuant to the City's Watering and Sprinkling Regulation, as amended from time to time.
- b. **Motor Vehicle Sales:** Every person who makes application for a license to sell or lease motor vehicles to retail consumers must provide verification of acceptance as a licensed motor vehicle dealer by the Motor Vehicle Sales Authority of BC.
- c. **Consumer Protection BC Regulated Activities:** All activities regulated by Consumer Protection BC, including debt collection, cemetery and funeral services, credit reporting, direct sales, home inspection services, payday lending, motion picture, telemarketing, and travel service industries must be licensed by Consumer Protection BC when applicable and must also obtain a license prior to carrying on a business within the City.
- d. **Fairs, Flea Markets, Farmers Markets, and Trade Shows:** The license for a fair, flea market, farmers market, or trade show shall be considered to cover all vendors. Such licenses shall be limited to operating one day per week at the specified premises unless authorized in writing by the License Inspector and subject to reconsideration by Council upon request of the license holder.
- e. **General and Subcontractors:** Every person licensed as a general contractor shall provide the License Inspector with a list of all subcontracting trades engaged on a specific job. Failure, neglect, or refusal to submit such list within two (2) weeks of commencing a specific job shall be deemed sufficient reason for the License Inspector to suspend or cancel a license. Every person carrying on the business of a general contractor, contractor, or subcontractor must obtain a license prior to carrying on business within the City, even when the general contractor has obtained a license.
- f. **Liquor Licensed Establishments:** Every person carrying on a business subject to the British Columbia Liquor Control Board shall comply with all Council policy and fees regarding liquor control and licensing at all times.
- g. **Medical Marihuana Producers:** Every producer of medical marihuana licensed under the Marihuana for Medical Purposes Regulations is a business and must obtain a valid and subsisting license.
- h. **Mobile Vendor:** No mobile vendor shall operate within the City without first having obtained a license.

All mobile vending units which sell food which is prepared for immediate consumption by the public, including those which may be covered by a flea market, farmers market, or special event license, must have a valid permit as issued by the Provincial Government authority having jurisdiction.

No mobile vendor shall operate on or from any municipally owned property, boulevards or highways unless and until the applicant has provided evidence of:

- i. Motor Vehicle Liability Insurance with a minimum coverage of \$2,000,000;

- ii. Comprehensive Public Liability and Property Damage Insurance for \$2,000,000 inclusive, with the City as named insured.

Every person who operates a mobile vending unit shall be responsible to provide suitable garbage collection containers, and to keep the area around the vending location free of any waste material originating from the vendor's business.

Mobile vending units must be attended by qualified staff at all times when on a site, and must be removed from the location when not staffed.

No mobile vendor shall operate within the City, except for the following conditions:

- i. when the Zoning Bylaw allows a mobile vendor as a permitted use;
- ii. by first obtaining written consent of Council for property, public spaces, boulevards, and highways owned or otherwise controlled by the City;
- iii. by first obtaining written consent of the Enderby and District Services Commission for property, public spaces, boulevards, and highways owned or otherwise controlled by the Commission;
- iv. by first obtaining written consent from School District #83 for school grounds.

Subject to the Zoning Bylaw and/or obtaining the written permission of the above authorities as applicable, where a mobile vendor is catering to or delivering to a residential site, business or construction site, such units shall not park or stop on the traveled portion of a highway, and shall not be stopped at one location longer than is necessary to serve customers, and at no time shall remain stopped for longer than twenty (20) minutes at any one location.

## 6. PENALTIES

- a. Any person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw or who neglects to do or refrains from doing any act or thing which violates any of the provisions of this bylaw shall be liable to the penalties hereby imposed. Each day that such violation is permitted to continue shall constitute a separate offence.
- b. Any person who violates any of the provisions of this bylaw shall, upon summary conviction, be liable to a penalty not exceeding \$10,000.
- c. This Bylaw is also enforceable by the City of Enderby Municipal Ticket Information Bylaw, as amended from time to time.

## 7. SEVERABILITY

- a. If any portion of this bylaw is for any reason held to be invalid, unlawful or unenforceable by the decision of any Court of competent jurisdiction, that portion shall be deemed to be severed from the bylaw and its severance shall not affect the validity of the remaining portions of this bylaw.

## 8. BYLAWS REPEALED

- a. This bylaw hereby repeals the following bylaw, and any and all amendments thereto:
  - i. City of Enderby Business License Bylaw No. 1408, 2009.

READ A FIRST TIME this \_\_ day of \_\_, 2014.

READ A SECOND TIME this \_\_ day of \_\_, 2014.

READ A THIRD TIME this \_\_ day of \_\_, 2014.

ADOPTED this \_\_ day of \_\_, 2014.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1559

A BYLAW TO AMEND THE MUNICIPAL TICKETING INFORMATION (MTI) SYSTEM BYLAW  
NO. 1518

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WHEREAS Council of the City of Enderby has adopted "City of Enderby Municipal Ticketing Information System Bylaw No. 1518, 2013";

AND WHEREAS Council wishes to amend Schedule 3 in accordance with City of Enderby Business License and Regulation Bylaw No. 1558, 2014;

AND WHEREAS Council wishes to amend Schedule 9 in accordance with City of Enderby Zoning Bylaw No. 1550, 2014

NOW THEREFORE Council of the City of Enderby, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "City of Enderby Municipal Ticketing Information (MTI) System Bylaw No. 1518, 2013 Amendment Bylaw No. 1559, 2014".
2. Schedule "A" of "City of Enderby Municipal Ticketing Information (MTI) System Bylaw No. 1518, 2013" is deleted and Schedule "A" Attached to and forming part of this bylaw is substituted therefore.
3. Schedule "3" is hereby deleted and Schedule "3" attached to and forming part of this Bylaw is substituted therefore.
4. Schedule "9" is hereby deleted and Schedule "9" attached to and forming part of this bylaw is substituted therefore.

READ a FIRST time this \_\_\_ day of \_\_\_\_, 20\_\_.

READ a SECOND time this \_\_\_ day of \_\_\_\_, 20\_\_.

READ a THIRD time this \_\_\_ day of \_\_\_\_, 20\_\_.

ADOPTED this \_\_\_ day of \_\_\_\_, 20\_\_.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

**Schedule "A"**

**MUNICIPAL TICKETING INFORMATION SYSTEM BYLAW NO. 1518**

<b>DESIGNATED BYLAWS</b>	<b>DESIGNATED BYLAW ENFORCEMENT OFFICERS</b>
Dog Control Bylaw No. 1469, 2010	<ul style="list-style-type: none"> <li>• Dog Control Officers</li> <li>• Royal Canadian Mounted Police</li> <li>• Bylaw Enforcement Officers</li> <li>• Chief Administrative Officer</li> <li>• Chief Financial Officer</li> </ul>
Water and Sprinkling Regulations Bylaw No. 1468, 2010	<ul style="list-style-type: none"> <li>• Director of Engineering and Public Works</li> <li>• Bylaw Enforcement Officers</li> <li>• Chief Administrative Officer</li> <li>• Chief Financial Officer</li> </ul>
Business Licence and Regulation Bylaw No. 1558, 2014	<ul style="list-style-type: none"> <li>• Bylaw Enforcement Officers</li> <li>• License Inspector</li> <li>• Chief Administrative Officer</li> <li>• Chief Financial Officer</li> </ul>
Good Neighbour Bylaw No. 1517, 2013, excluding Section VI	<ul style="list-style-type: none"> <li>• Royal Canadian Mounted Police</li> <li>• Bylaw Enforcement Officers</li> <li>• Fire Chief</li> <li>• Chief Administrative Officer</li> <li>• Chief Financial Officer</li> </ul>
Good Neighbour Bylaw No. 1517, 2013, Section VI	<ul style="list-style-type: none"> <li>• Royal Canadian Mounted Police</li> </ul>
Sanitary Sewer Regulation Bylaw No. 1470, 2010	<ul style="list-style-type: none"> <li>• Director of Engineering and Public Works</li> <li>• Bylaw Enforcement Officers</li> <li>• Chief Administrative Officer</li> <li>• Chief Financial Officer</li> </ul>
Street and Traffic Bylaw No. 1471, 2010	<ul style="list-style-type: none"> <li>• Director of Engineering and Public Works</li> <li>• Bylaw Enforcement Officers</li> <li>• Building Inspector</li> <li>• Royal Canadian Mounted Police</li> <li>• Chief Administrative Officer</li> <li>• Chief Financial Officer</li> </ul>
Fire and Emergency Services Bylaw No 1480, 2010	<ul style="list-style-type: none"> <li>• Bylaw Enforcement Officers</li> <li>• Fire Chief</li> <li>• Royal Canadian Mounted Police</li> <li>• Chief Administrative Officer</li> <li>• Chief Financial Officer</li> </ul>
Cemetery Regulation Bylaw No. 1515, 2013	<ul style="list-style-type: none"> <li>• Bylaw Enforcement Officers</li> <li>• Royal Canadian Mounted Police</li> <li>• Chief Administrative Officer</li> <li>• Chief Financial Officer</li> </ul>
Zoning Bylaw No. 1550, 2014	<ul style="list-style-type: none"> <li>• Director of Engineering and Public Works</li> <li>• Bylaw Enforcement Officers</li> <li>• Building Inspector</li> <li>• Royal Canadian Mounted Police</li> <li>• Chief Administrative Officer</li> <li>• Chief Financial Officer</li> </ul>



**SCHEDULE "3"**

**BUSINESS LICENCE AND REGULATION BYLAW NO 1558, 2014**

	<b>SECTION</b>	<b>FINE</b> <b>\$</b>	<b>Fine if</b> <b>Pd</b> <b>within</b> <b>30</b> <b>days</b> <b>\$</b>
No business license	4(a)(i)	500.	250.
Business License Not Valid for Person, Activity, or Premises	4(a)(ii)	100.	50.
No Business License for Each Premises	4(a)(iii)	100	50
Prohibit Entry of Authorized Person	3(b)(viii)	500.	250.
Fail to Display Business License	4(a)(v)	100.	50.
Removal of Suspension Notice	4(f)(iv)	200.	100.

**SCHEDULE "9"**

<b>Zoning Bylaw No. 1550, 2014</b>	<b>Section</b>	<b>Fine \$</b>	<b>Fine if Pd within 30 days \$</b>
Obstructing an inspection or inspector	101	100.	50.
Unlawful use of land, buildings, or structures	303.1	200.	100.
Off-street parking or loading contravention	305	100.	50.
Home occupation contravenes permitted use	307.2.a	100.	50.
Temporary building or structure contravenes permitted use	307.2.b	100.	50.
Boarding use contravenes permitted use	307.2.c	100.	50.
Tent, trailer, or mobile home use contravention	307.3.b	100.	50.
Unenclosed storage of vehicles in state of disrepair nor not licensed	307.3.c	100.	50.
Incineration or processing of fish, animal, or vegetable waste	307.3.d	100.	50.
Unauthorized parking and storage in residential zones	307.4.a	100.	50.
Failure to maintain screening	309.1.a	100.	50.
Sign not permitted	310.3.a	100.	50.
Prohibited sign	310.3.b	100.	50.
More than one home occupation, real estate or political sign	310.3.d	100.	50.
Illumination not permitted for home occupation, real estate or political signs	310.3.e	100.	50.
Failure to maintain sign	310.3.h	100.	50.

THE CORPORATION OF THE CITY OF ENDERBY

MEMO

To: Mayor and Council  
 From: Tate Bengtson, CAO  
 Date: October 28, 2014  
 Subject: Revision Bylaws and Proposed Bylaw Revision to Official Community Plan further to Regional Context Statement Acceptance

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**RECOMMENDATION**

THAT Council gives three readings to Official Community Plan Revision Bylaw No. 1554, 2014;  
 AND THAT Council gives three readings to Zoning Revision Bylaw No. 1556, 2014;  
 AND FURTHER THAT Council gives two readings to Official Community Plan No. 1549, 2014  
 Revision Bylaw No. 1555, 2014.

**BACKGROUND**

The Board of Directors for the Regional District of the North Okanagan ("RDNO") recently accepted the City of Enderby's Regional Context Statement, which was adopted by the City of Enderby as part of Official Community Plan Bylaw No. 1549, 2014 ("OCP"). Now that RDNO has accepted the Regional Context Statement, a few minor alterations need to be made to the OCP to align the "force and effect" provisions. The proposed revisions are:

Schedule "D" is added to the "force and effect" part of Section 1.4.a and removed from the "reference and convenience" part of Section 1.4.a; and

The subheading title is deleted from Section 16.0 ("16.1 Discussion").

Rather than go through a full OCP amendment, which can be time-consuming and expensive, the needed changes may be enacted pursuant to Section 140 of the *Community Charter* and its companion *Bylaw Revision Regulation 367/2003* ("Regulation"). For a narrowly circumscribed set of minor, non-policy, amendments (termed "revisions"), a Council may authorize such alterations in accordance with the Regulation in a manner that is expeditious and cost-effective. The permissible revisions are described in Section 1(2) of the Regulation and are:

- a) consolidating a bylaw by incorporating in it all amendments to the bylaw;
- b) omitting and providing for the repeal of a bylaw or a provision of a bylaw that is expired, inoperative, obsolete, spent or otherwise ineffective;
- c) omitting, without providing for its repeal, a bylaw or a provision of a bylaw that is of a transitional nature or that refers only to a particular place, person or thing or that has no general application throughout the municipality;

- d) combining 2 or more bylaws into one, dividing a bylaw into 2 or more bylaws, moving provisions from one bylaw to another and creating a bylaw from provisions of one or more bylaws;
- e) altering the citation and title of a bylaw and the numbering and arrangement of its provisions;
- f) adding, changing or omitting a note, heading, title, marginal note, diagram, map, plan or example to a bylaw;
- g) omitting the preamble and long title of a bylaw;
- h) omitting forms or schedules contained in a bylaw that can more conveniently be contained in a resolution, and adding to the bylaw authority for forms or schedules to be established by resolution;
- i) correcting clerical, grammatical and typographical errors;
- j) making changes, without changing the substance of the bylaw, to bring out more clearly what is considered to be the meaning of a bylaw or to improve the expression of the law.

As the City does not have a Revision Bylaw in place to authorize revisions to the OCP, this needs to be adopted before the specific revisions to the OCP may be adopted, and is represented by Bylaw No. 1554. A similar Revision Bylaw has also been prepared for the City's Zoning Bylaw, pending its adoption. Subject to Council resolution, the Zoning Revision Bylaw will be brought forward for adoption following adoption of the Zoning Bylaw. This will enable similar efficiencies for that bylaw as well. This is represented by Bylaw No. 1556.

Given the restricted nature of the eligible revisions, there is a regulatory requirement that the Corporate Officer certifies a proposed revision prior to third reading. Upon adoption, the revisions will be consolidated with the OCP. When a revised bylaw comes into force, the bylaw provisions that are revised are repealed to the extent that they are incorporated into the revised bylaw. A revised bylaw does not operate as new law but has effect as a consolidation of the law. As a result, the proposed revisions can only be given two readings at this time; Corporate Officer certification and third reading will proceed at the next Council meeting, with adoption to follow subject to Council approval.

With the Revision Bylaws in place, subsequent revisions to the OCP and the Zoning Bylaw may proceed in accordance with Part 5 of City of Enderby Council Procedure Bylaw No. 1506, 2012.

Upon adoption of the OCP bylaw revision, the City will fulfill its statutory obligations pursuant to Section 866 of the *Local Government Act* with respect to its Regional Context Statement.

Respectfully submitted,



Tate Bengtson  
Chief Administrative Officer

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1554

A BYLAW TO AUTHORIZE THE REVISION OF OFFICIAL COMMUNITY PLAN BYLAW NO.  
1549, 2014

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WHEREAS Section 140 of the *Community Charter* permits the Council to, by bylaw, authorize the revision of any of the bylaws of the municipality in accordance with the *Bylaw Revision Regulation B. C. Reg. 367/2003*;

AND WHEREAS the Council has adopted City of Enderby Official Community Plan Bylaw No. 1549, 2014;

AND WHEREAS City of Enderby Official Community Plan Bylaw No. 1549, 2014, as revised under this bylaw, must be adopted by bylaw in accordance with the *Bylaw Revision Regulation*;

AND WHEREAS City of Enderby Official Community Plan Bylaw No. 1549, 2014, as revised under this bylaw and adopted, is deemed to have been adopted as if all requirements respecting the approval and adoption of its provisions have been met, including consultation, notification and public hearing requirements;

NOW THEREFORE, the Council of the City of Enderby, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as "Official Community Plan Revision Bylaw No. 1554, 2014".
2. Council authorizes the revision of Official Community Plan Bylaw No. 1549, 2014 in accordance with the revisions authorized pursuant to Section 1(2) of *Bylaw Provision Regulation 367/2003*.
3. The Official Community Plan as revised under this Bylaw shall be brought before the Council for consideration of first, second and third readings and adoption in accordance with Part 5 of City of Enderby Council Procedure Bylaw No. 1506, 2012, as amended from time to time.

READ a FIRST time this day of , 201 .

READ a SECOND time this day of , 201 .

READ a THIRD time this day of , 201 .

ADOPTED this day of , 201 .

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1556

A BYLAW TO AUTHORIZE THE REVISION OF ZONING BYLAW NO. 1550, 2014

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WHEREAS Section 140 of the *Community Charter* permits the Council to, by bylaw, authorize the revision of any of the bylaws of the municipality in accordance with the *Bylaw Revision Regulation B. C. Reg. 367/2003*;

AND WHEREAS the Council has adopted City of Enderby Zoning Bylaw No. 1550, 2014;

AND WHEREAS City of Enderby Zoning Bylaw No. 1550, 2014, as revised under this bylaw, must be adopted by bylaw in accordance with the *Bylaw Revision Regulation*;

AND WHEREAS City of Enderby Zoning Bylaw No. 1550, 2014, as revised under this bylaw and adopted, is deemed to have been adopted as if all requirements respecting the approval and adoption of its provisions have been met, including consultation, notification and public hearing requirements;

NOW THEREFORE, the Council of the City of Enderby, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as "Zoning Bylaw Revision Bylaw No. 1556, 2014".
2. Council authorizes the revision of Zoning Bylaw No. 1550, 2014 in accordance with the revisions authorized pursuant to Section 1(2) of *Bylaw Provision Regulation 367/2003*.
3. The Zoning Bylaw as revised under this Bylaw shall be brought before the Council for consideration of first, second and third readings and adoption in accordance with Part 5 of City of Enderby Council Procedure Bylaw No. 1506, 2012, as amended from time to time.

READ a FIRST time this day of , 201 .

READ a SECOND time this day of , 201 .

READ a THIRD time this day of , 201 .

ADOPTED this day of , 201 .

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Mayor

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Chief Administrative Officer

Agenda

THE CORPORATION OF THE CITY OF ENDERBY  
MEMO

**To:** Tate Bengtson, CAO  
**From:** Jennifer Bellamy, CFO  
**Date:** October 28, 2014  
**Subject:** Fees and Charges Amendment - Business License & Campground Permit

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**Recommendation:**

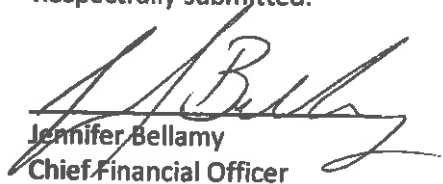
THAT Council give first, second and third readings of the bylaw cited as "City of Enderby Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1560, 2014"

**Background:**

The attached Fees and Charges Amendment Bylaw is to make the following housekeeping amendments:

1. Add the business license fee to Schedule 1 - this fee has been removed from the business license and regulation bylaw to be included in the fees and charges bylaw.
2. Add the campground permit fees to Schedule 8 - these fees have been removed from the zoning bylaw to be included in the fees and charges bylaw.

Respectfully submitted.

  
Jennifer Bellamy  
Chief Financial Officer

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1560

A BYLAW TO ESTABLISH FEES AND CHARGES FOR SERVICES AND INFORMATION

WHEREAS Council of the City of Enderby has adopted "City of Enderby Fees and Charges Bylaw No. 1479, 2010";

AND WHEREAS Council wishes to amend the fees and charges;

NOW THEREFORE Council of the City of Enderby, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "City of Enderby Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1560, 2014".
2. Schedule "1" and "8" of "City of Enderby Fees and Charges Bylaw No. 1479, 2010" is deleted and Schedule "1" and "8" attached to and forming part of this bylaw is substituted therefore.

READ a FIRST time this \_\_\_\_ day of \_\_\_\_\_, 2014.

READ a SECOND time this \_\_\_\_ day of \_\_\_\_\_, 2014.

READ a THIRD time this \_\_\_\_ day of \_\_\_\_\_, 2014.

RECONSIDERED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2014

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER



**SCHEDULE 1**

**CORPORATE SERVICE FEES**

a.	List of Electors (candidates for local government elected office shall receive the first copy at no charge	\$	20.00	
b.	Minutes of Council proceedings	\$	0.25	per page
c.	Copies of bylaws	\$	1.00	per page
d.	Photocopying	\$	0.50	per page
e.	Copy of the Official Community Plan – Text	\$	10.00	
	– Maps	\$	5.00	
f.	Copy of the Zoning Bylaw – Text	\$	20.00	
	– Map	\$	5.00	
g.	Copy of the Subdivision Bylaw	\$	100.00	
h.	Fax charges	\$	2.00	first page
		\$	1.50	each additional page
i.	Tax Certificates	\$	15.00	
j.	NSF cheques	\$	25.00	
k.	Copies of Infrastructure Maps	\$	1.00	per page
l.	Research and Copy of Property Service Cards	\$	5.00	
m.	Building Permit Deposit Liability	\$	350.00	
n.	Business License Fee	\$	75.00	

**SCHEDULE 8  
LAND USE FEES**

<b>Application Type</b>	<b>Fee \$</b>
Zoning Bylaw Amendment / Rezoning *	1,000.00
Official Community Plan Amendment *	1,000.00
Joint Official Community Plan Amendment / Zoning Bylaw Amendment	1,200.00
Development Variance Permit	450.00
Development Permit	330.00
Development Permit – Minor	0.00
Joint Development / Development Variance Permit	550.00
Campground Permit - First 50 Camping Spaces	100.00
- Each Additional Camping Space	2.00
Land Use Contract – Vary / Discharge (non-refundable)	750.00
Board of Variance Application (non-refundable)	225.00
Secondary Suite Decommission Application**	25.00
<b>Subdivision:</b>	
Application fee for the first lot proposed to be created	500.00
Application fee for each additional parcel or strata lot proposed to be created	155.00
Inspection fee on subdivisions creating 3 or more lots:	
3% of the first \$500,000.00	
2% on the second \$500,000.00	
1% on the balance over \$1,000,000.00	
(of the estimated costs of constructing services as approved by the City)	

\*If the application does not proceed to Public Hearing, \$350.00 will be refunded

\*\* In the event a decommissioned suite is rented without notification provided to the City, the applicable fees and charges will be charged retroactively and a 10% penalty will be applied to the property.

Agenda

**THE CORPORATION OF THE CITY OF ENDERBY**

**MEMO**

To: Mayor and Council  
From: Tate Bengtson, CAO  
Date: October 28, 2014  
Subject: Intermunicipal Emergency Operations Service Bylaw Amendment

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**RECOMMENDATION**

THAT Council gives three readings to City of Enderby Intermunicipal Emergency Operations Service Bylaw No. 1462, 2010 Amending Bylaw No. 1561, 2014.

**BACKGROUND**

Intermunicipal Emergency Operations Service Bylaw No. 1462, 2010 established the City of Enderby as a participant in the Intermunicipal Emergency Operations Service managed by the City of Vernon. Through this service, emergency planning and emergency social services are provided to all local authorities within the region. The bylaw was most recently amended in 2011.

An Intermunicipal Emergency Operations Service Agreement (Agreement) forms Schedule A to that bylaw. The Agreement expires June 1, 2015. As the service has evolved, certain provisions of the Agreement require modification. These changes include:

- Requires the local authority maintain capacity to activate an Emergency Operations Centre at level 1 (reduced from level 2);
- Identifies specific emergency management positions which the local authority has responsibility to fill, including incident response and command;
- Contemplates the need for flexibility in retaining Emergency Social Services workers in the future;
- removes all references to Joint Emergency Preparedness Program (JEPP) as the program no longer exists;
- includes an annual adjustment for inflation consistent with CPI; and
- minor housekeeping matters.

It is proposed that the amended Intermunicipal Emergency Operations Service Agreement takes effect January 1, 2015 for a term of 5 years.

The Policy Advisory Board, at a special meeting on July 15, 2014, passed a motion to recommend support for the revised Agreement to the participating local authorities.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tate Bengtson', with a long horizontal flourish extending to the right.

Tate Bengtson  
Chief Administrative Officer

THE CORPORATION OF THE CITY OF ENDERBY  
INTERMUNICIPAL EMERGENCY OPERATIONS SERVICE  
AMENDMENT BYLAW NO. 1561, 2014

A bylaw to amend  
Intermunicipal Emergency Operations Service Bylaw No. 1462, 2010.

WHEREAS the Intermunicipal Participants have agreed to establish an intermunicipal scheme in relation to Emergency Operations Services for which they have authority under the *Community Charter* or the *Local Government Act*;

AND WHEREAS the agreement previously entered into to establish the intermunicipal scheme in relation to Emergency Operations Services provides for the addition of a new party to that agreement, subject to certain conditions;

AND WHEREAS the nature the service is such that the interests of the inhabitants of the region are best served without reference to municipal boundaries;

AND WHEREAS the *Community Charter* provides that two or more municipalities may, by bylaw adopted by the council of each participating municipality, establish an intermunicipal scheme in relation to one or more matters for which they have authority under the *Community Charter* or the *Local Government Act*;

AND WHEREAS the *Local Government Act* provides that a regional district may by resolution or bylaw of its board of directors, enter into agreements with a public authority respecting activities, works or services within the powers of a party to the agreement, other than the exercise of regulatory authority, including agreements respecting the undertaking, provision and operation of activities, works and services;

NOW THEREFORE the Council of the City of Enderby enacts as follows:

1. This bylaw may be cited as "Intermunicipal Emergency Operations Service Bylaw No. 1462, 2010 Amending Bylaw No. 1561, 2014."
2. THAT the existing Schedule "A" Agreement be replaced with a new Schedule "A" Agreement attached to and forming part of this bylaw.
3. THAT the Mayor and Corporate Officer area authorized to execute the new Agreement shown in Schedule "A", attached to this bylaw.

READ A FIRST TIME this \_\_\_ day of \_\_\_\_, 20\_\_.

READ A SECOND TIME this \_\_\_ day of \_\_\_\_, 20\_\_.

READ A THIRD TIME this \_\_\_ day of \_\_\_\_, 20\_\_.

ADOPTED this \_\_\_ day of \_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

**SCHEDULE A TO**

**INTERMUNICIPAL EMERGENCY OPERATIONS SERVICE BYLAW**

THIS AGREEMENT dated for reference the \_\_\_\_ day of \_\_\_\_\_, 2014.

BETWEEN:

**CITY OF VERNON**, a municipal corporation incorporated under the *Local Government Act*, 3400 - 30th Street, Vernon, BC V1T 5E6  
("Vernon")

AND:

**DISTRICT OF COLDSTREAM**, a municipal corporation incorporated under the *Local Government Act*, 9901 Kalamalka Road, Coldstream, BC V1B 1L6  
("Coldstream")

AND:

**VILLAGE OF LUMBY**, a municipal corporation incorporated under the *Local Government Act*, Box 430, 1775 Glencaird Street, Lumby, BC V0E 2G0  
("Lumby")

AND:

**TOWNSHIP OF SPALLUMCHEEN**, a municipal corporation incorporated under the *Local Government Act*, 4144 Spallumcheen Way, Spallumcheen, BC V0E 1B6  
("Spallumcheen")

AND:

**CITY OF ARMSTRONG**, a municipal corporation incorporated under the *Local Government Act*, Box 40  
Armstrong, BC V0E 1B0  
("Armstrong")

AND:

**CITY OF ENDERBY**, a municipal corporation incorporated under the *Local Government Act*, Box 400, Enderby, BC V0E 1V0  
("Enderby")

AND:

**REGIONAL DISTRICT OF THE NORTH OKANAGAN**, a regional district incorporated under the *Local Government Act*, 9848 Aberdeen Road, Coldstream, BC V1B 2K9  
("RDNO")

**GIVEN THAT:**

- A. Coldstream and Vernon as partners established a joint Emergency Operations Service, and now wish to include other local governments at the request of those local governments;
- B. Section 14 of the *Community Charter* provides that two or more municipalities may establish an intermunicipal scheme in relation to one or more matters for which they have authority under the *Community Charter* or the *Local Government Act*;
- C. Section 176 of the *Local Government Act* provides that a regional district may by resolution or bylaw of its board of directors, enter into agreements with a public authority respecting activities, works or services within the powers of a party to

the agreement, other than the exercise of regulatory authority, including agreements respecting the undertaking, provision and operation of activities, works and services;

- D. Each of the municipal Parties has enacted a Bylaw and amended that Bylaw under section 14 of the *Community Charter* and the regional district party has enacted a Bylaw under section 176 of the *Local Government Act* to establish an intermunicipal scheme in relation to a number of Intermunicipal Services defined in the Bylaw;
- E. Under section 6 of the Bylaw, the Parties will provide the Intermunicipal Services in accordance with this Agreement and under section 7 of the Bylaw, a Party may withdraw from a Service in accordance with this Agreement;
- F. The Parties to this Agreement face significant hazards, including mass evacuations due to interface fires, floods and pandemic influenza, and the Parties recognize the need for emergency social services capabilities throughout the area of Regional District of North Okanagan, and so the Parties wish to share the costs of the Intermunicipal Services to realize economies of scale and to provide more robust levels of Emergency Operations Services;

THIS AGREEMENT WITNESSES that in consideration of their mutual covenants and agreements, and the payment by each Party of ten (\$10.00) dollars to each of the other Parties, the receipt and sufficiency of which is acknowledged by each of the Parties, the Parties covenant each with the others as follows:

## **PART 1 DEFINITIONS AND INTERPRETATION**

### **Definitions**

1.1 In this Agreement,

- (a) **“Advisory Board”** means the Intermunicipal Emergency Operations Advisory Board established under section 4.1 of this Agreement;
- (b) **“Available Cash”** means the amount by which cash on hand or on deposit with banks and other financial institutions, Available Credit, and the realizable value of short-term investments not otherwise pledged or required to be maintained as collateral or otherwise committed for the purpose of the Intermunicipal Services, any of which is held by or on behalf of the Intermunicipal Services, exceeds all unpaid cheques issued on and every overdraft in an Intermunicipal Services Account;
- (c) **“Business Day”** means any day except Saturdays, Sundays and statutory holidays in effect in British Columbia;
- (d) **“Bylaw”** means the Intermunicipal Emergency Operations Service Bylaw, originally adopted by each of the Parties as follows, as amended from time to time:

- (i) *Intermunicipal Emergency Operations Service Bylaw No 5249, 2010*, adopted by the Council of the City of Vernon on the 10th day of May, 2010;
  - (ii) *Intermunicipal Emergency Operations Service Bylaw No.1569, 2010*, adopted by the Council of the District of Coldstream on the 14<sup>th</sup> day of June 2010;
  - (iii) *Intermunicipal Emergency Operations Service Bylaw No.710, 2010*, adopted by the Council of the Village of Lumby on the 3<sup>rd</sup> day of May 2010;
  - (iv) *Intermunicipal Emergency Operations Service Bylaw No.1776, 2010*, adopted by the Council of the Township of Spallumcheen on the 10<sup>th</sup> day of May 2010;
  - (v) *Intermunicipal Emergency Operations Service Bylaw No.1651, 2010*, adopted by the Council of the City of Armstrong on the 10<sup>th</sup> day of May 2010;
  - (vi) *Intermunicipal Emergency Operations Service Bylaw No.1462, 2010*, adopted by the Council of the City of Enderby on the 17<sup>th</sup> day of May 2010; and
  - (vii) *Intermunicipal Emergency Operations Service Bylaw No. 2486, 2011*, adopted by the Board of the Regional District of the North Okanagan on the 6<sup>th</sup> day of April 2011;
- (e) **“Capital Costs”** means expenditures incurred or accrued by or on behalf of the Intermunicipal Services for the account and benefit of the Parties for or in connection with the acquisition or construction of fixed or capital assets which are required to be recorded as increases in fixed or capital assets in accordance with GAAP and includes such costs incurred or accrued after December 31, 2014;
  - (f) **“Capital Financial Plan”** has the meaning given to it in Section 7.6;
  - (g) **“CPI”** will be adjusted annually by the Consumer Price Index for BC, not seasonally adjusted, August over August, all products in and that such adjustment be made as at December 1 of each year of the 2014-2018 term of Council, commencing December 1, 2015 through to and including December 1, 2020;
  - (h) **“Disaster”** means a calamity that:



- (i) is caused by accident, fire, explosion, technical failure, a spill or by the forces of nature, and
  - (ii) has resulted in serious harm to the health, safety or welfare of people, or in widespread damage to property;
- (i) **"Emergency"** means a present or imminent event or circumstance that:
- (i) is caused by accident, fire, explosion, technical failure or the forces of nature; and
  - (iii) requires prompt coordination of action or special regulation of persons or property to protect the health, safety or welfare of a person or to limit damage to property; and
  - (iv) is designated as an emergency by a First Responder; and
  - (v) is accompanied, mandated and limited by a Provincially-issued task number.
- (j) **"ESS"** means emergency social services as detailed in the ESS Field Guide;
- (k) **"ESS Field Guide"** means the *"Emergency Social Services Field Guide"* published by Emergency Management BC;
- (l) **"Event of Default"** means one of the events described in Section 11.1;
- (m) **"Facility"** means a work or structure constituting an asset of the Intermunicipal Service, including appurtenances and related interests in land, and contemplated under this Agreement to be used in relation to the provision of the Intermunicipal Services, which Facility is listed from time to time by the Manager as an Intermunicipal Service Asset of the Intermunicipal Service;
- (n) **"Financial Plan"** means the Operating Financial Plan, Maintenance Financial Plan and Capital Financial Plan;
- (o) **"First Responder"** means police, ambulance, paramedic, firefighting, or public works personnel or any other person or entity acting in the capacity of a first responder to an Incident on behalf of, or designated as such by, a Party to this Agreement;
- (p) **"GAAP"** means the generally accepted accounting principles (including the methods of application of the principles) established by the Canadian Institute of Chartered Accountants;

- (q) **"Intermunicipal Service Account"** means the bank accounts established under Section 6.1 and any other bank account established by the Parties to be used in connection with the Intermunicipal Services;
- (r) **"Intermunicipal Service Assets"** means all property and assets, present and future, of every nature whatsoever whether real or personal, corporeal or incorporeal, owned or rented by the Parties or possessed or rented on behalf of the Parties, including the Purchased Assets, in each case for the purposes of the Intermunicipal Services as listed on an inventory by the Intermunicipal Advisory Board, whether in the name of any of the Parties or the Intermunicipal Services, subject to sections 2.4. and 2.5;
- (s) **"Intermunicipal Services"** means the Emergency Operations Services and such other services as may be detailed in section 3 of the Bylaw, as the bylaw may be amended from time to time;
- (t) **"Intermunicipal Services Borrowing"** means indebtedness, liabilities and obligations incurred on account of funds borrowed by or on behalf of the Parties;
- (u) **"Intermunicipal Services Costs"** means the Operating Costs, Maintenance Costs and the Capital Costs;
- (v) **"Level 1", "Level 2" and "Level 3"** each has the meaning designated in the ESS Field Guide;
- (w) **"Limited Recourse"** with respect to a loan means that the right of any lender to recover any amounts, indebtedness or damages owing under or in connection with the loan (whether by reason of breach or default under any covenant, term, representation, warranty or other provisions relating to the loan or otherwise) or owing by the borrower at law or in equity or by statute or contract in connection with the loan, will be limited and restricted to the lender's rights to realize upon the property and assets of the borrower which have been mortgaged, pledged, charged or assigned as security for the loan; except each borrower and its successors and permitted assigns will be liable for and will pay to a lender the amount of any losses, liabilities, claims, damages and expenses caused by the fraud:
  - (i) committed by that borrower (and not by an agent of that borrower);
  - (ii) committed by or participated in by one or more persons as officers, council members or directors of that borrower;

- (x) **"Maintenance Costs"** means all costs, expenses, liabilities and charges incurred or accrued by or on behalf of the Intermunicipal Services for the account and benefit of the Intermunicipal Services which are properly chargeable as maintenance expenses of the Intermunicipal Services and includes such costs incurred and accrued on and after the date the Parties commence the provision of a Service under this Agreement;
- (y) **"Maintenance Financial Plan"** has the meaning given to it in Section 7.5;
- (z) **"Manager"** means the manager of the Intermunicipal Services appointed under part 5, his designate, or in their absence, the Vernon Fire Chief or his designate;
- (aa) **"Operating Costs"** means all costs, expenses, liabilities and charges, including the costs of studies, incurred or accrued by or on behalf of the Intermunicipal Services for the account and benefit of the Intermunicipal Services which are properly chargeable as operating expenses of the Intermunicipal Services and includes such costs incurred or accrued on and after the date the Parties commence the provision of a Service under this Agreement;
- (bb) **"Operating Financial Plan"** has the meaning given to it in Section 7.4;
- (cc) **"Participating Interest"** means the percentage interest of a Party in the Intermunicipal Services Assets and the surplus of the Intermunicipal Services, which will initially be as set out in Section 2.9;
- (dd) **"Party"** means Vernon, Coldstream, Lumby, Spallumcheen, Armstrong, Enderby and RDNO including their respective successors and permitted assigns, and **"Parties"** means all of them;
- (ee) **"Policy Board"** means the Intermunicipal Emergency Operations Policy Advisory Board established under section 4.12;
- (ff) **"Resources"** include officers, employees, agents, contractors or elected officials of a Party, and equipment, vehicles, materials or other things used by a party to respond to a Disaster or Emergency.

## **Interpretation**

1.2 For the purposes of this Agreement, except as otherwise expressly provided or as the context otherwise requires:

- (a) **"Agreement"** means this Agreement as from time to time supplemented or amended by one or more agreements entered into pursuant to the applicable provisions of this Agreement together with all other attachments

to it and reference to a Part or a Section means the corresponding Part or Section of this Agreement;

- (b) the word "including", when following any general term or statement, is not to be construed as limiting the general term or statement to the specific terms or matters set forth or to similar items or matters, but rather as permitting the general term or statement to refer to all other items or matters that could reasonably fall within the broadest possible scope of the general term or statement;
- (c) an accounting term not otherwise defined in this Agreement has the meaning assigned to it, and except as otherwise directed in this Agreement, every calculation to be made under this Agreement is to be made in accordance with GAAP;
- (d) except as otherwise expressly provided, all references to currency mean Canadian currency;
- (e) words in the singular include the plural and words importing a corporate entity include individuals and vice-versa;
- (f) reference in this Agreement to a particular numbered paragraph, article or section, or lettered appendix is a reference to the correspondingly numbered paragraph, article, or section, or lettered appendix of this Agreement;
- (g) reference in this Agreement to an enactment is a reference to an enactment as defined in the *Interpretation Act* (British Columbia), and includes a reference to an enactment of British Columbia, Vernon, Coldstream, Lumby, Spallumcheen, Armstrong, Enderby, and RDNO as applicable;
- (h) reference in this Agreement to an enactment is a reference to that enactment as amended, revised, consolidated or replaced;
- (i) reference in this Agreement to a party is a reference to a party of this Agreement; and
- (j) unless otherwise defined or specified in this Agreement, any capitalized word or terms in this Agreement shall have the same meaning as specified in the ESS Field Guide.

### **Governing Law**

1.3 This Agreement will be governed by and interpreted in accordance with the laws of the Province of British Columbia and the laws of Canada.

## **Headings**

1.4 The headings given to paragraphs, articles and sections in this Agreement are for convenience of reference only and do not form part of this Agreement and must not be used in the interpretation of this Agreement.

## **Severance**

1.5 If any clause or portion of this Agreement is declared or held invalid for any reason, the invalidity does not affect the validity of the remainder of that clause or this Agreement, and the terms and provisions of this Agreement continue to be in force and in effect and are to be construed as if the Agreement had been executed without the invalid portion.

## **PART 2 INTERMUNICIPAL SERVICES**

### **Formation and Purpose**

2.1 Subject to the terms and conditions of this Agreement, Vernon, Coldstream, Lumby, Spallumcheen, Armstrong, Enderby and RDNO have established the Intermunicipal Service in respect of the matters listed in section 3 of the Bylaw, which may be amended from time to time, provided that a Party participates in respect of a particular Intermunicipal Service under this Agreement only to the extent the Party has listed the Service as a matter under section 3 of its Bylaw and has not withdrawn from the Service under section 7 of the Bylaw.

### **Intermunicipal Services**

2.2 On and after the date of this Agreement coming into effect, the Parties must with due diligence and, subject to the terms and conditions set out in this Agreement, provide the Intermunicipal Services for the benefit of the inhabitants of their municipalities or regional districts in the Okanagan.

### **Name**

2.3 The name of the Intermunicipal Services will be "Emergency Operations Service" or such other name as from time to time the Intermunicipal Emergency Services Advisory Board determines. The business and affairs of the Intermunicipal Services will be concluded to the extent possible under such name or in the name of the Parties with the designation that they are doing business in respect of Intermunicipal Services under such name.

### **Dedication of Assets**

2.4 Each Party as long as it is a Party, dedicates for the purposes of the Intermunicipal Services, all its interest in Intermunicipal Services Assets and all its rights to use and enjoy Intermunicipal Services Assets.

2.5 Despite section 2.4, each Party as long as it is a Party may also dedicate for the purposes of the Intermunicipal Service an interest or portion of an interest in an asset of that Party and the right of the Intermunicipal Service to use and enjoy all or a portion of that Party's asset for the purposes of the Intermunicipal Service, provided that the asset shall not be listed as an Intermunicipal Service Asset.

### **Nature of Obligations**

2.6 Unless the Parties otherwise agree, the liabilities and obligations of the Parties under this Agreement, and under a Service Agreement contemplated by this Agreement, will be several to the extent of their respective Participating Interests and not joint or joint and several and all agreements made in relation to the Intermunicipal Services will, to the extent practicable, state the liability of the Parties to be several.

### **Partition**

2.7 Except on termination of this Agreement or withdrawal under Part 12, no Party will be entitled to demand partition of the Intermunicipal Services or the Intermunicipal Services Assets.

### **Representations and Warranties**

2.8 Each Party represents and warrants to the other as follows:

- (a) it has the power and capacity to enter into this Agreement;
- (b) this Agreement is valid and binding on it in accordance with its terms;
- (c) the performance of its obligations under this Agreement does not breach the terms of any other agreement or obligation to which it is a party; and
- (d) it now holds and will hold its Participating Interest beneficially and free and clear of all restrictions, liens, encumbrances, floating charges or agreements of any kind except:
  - (i) for the obligations created under this Agreement; or
  - (ii) as agreed among the Parties from time to time.

### **Participating Interest**

2.9 The Participating Interest of each of the Parties as at the date of this Agreement is the same as the apportionment of Operating Costs and Capital Costs as set out in Appendix A.

## **PART 3 AGREEMENTS**

### **Completion of Agreements**

3.1 Subject to any approval of the Councils of Vernon, Coldstream, Lumby, Spallumcheen, Armstrong, Enderby and the Board of the RDNO required by statute, each of the parties will cooperate fully and take all reasonable steps to negotiate, finalize and execute all agreements, instruments and other documents contemplated by or related to this Agreement.

## **PART 4 INTERMUNICIPAL EMERGENCY OPERATIONS ADVISORY BOARD AND POLICY ADVISORY BOARD**

### **Intermunicipal Emergency Operations Advisory Board**

4.1 There will be an Intermunicipal Emergency Operations Advisory Board (Advisory Board), composed of the CAO's or CAO's designates of the Parties. The CAO's designate of a Party is that party's alternate member of the Board to act in the absence, illness or other disability of the CAO. The powers, deliberations and decisions of the Advisory Board are subject to the *Community Charter, Local Government Act* and the Bylaw.

### **Chair of Advisory Board**

4.2 At the first meeting of the Advisory Board held after December 1 in each year, the Advisory Board must elect a chair and a vice chair. The vice chair has, during the absence, illness or other disability of the chair, all the powers of the chair and is subject to all rules applicable to the chair. If the chair and the vice chair are not present at a meeting of the Board, the members present may elect an acting chair who, during that meeting, has all the powers of the chair and is subject to all rules applicable to the chair. For the purposes of elections under this section, each member present at the meeting has one vote at each election for an office.

4.3 The function of the Advisory Board chair will be to carry out the functions and duties prescribed by the Advisory Board and, if present, to preside at meetings of the Board. The chair of the Advisory Board will be entitled to vote but will not be entitled to a second or casting vote.

### **Meetings of Advisory Board**

4.4 During each fiscal year of the Intermunicipal Services, the Advisory Board will hold at least two meetings at such times and places as the Advisory Board may determine. The chair will call additional meetings of the Advisory Board upon the request of any member of the Advisory Board.

### **Notice of Meetings of Advisory Board**

4.5 The chair will give to each member and alternate member of the Advisory Board 5 days' written notice of the place, date and time of any meeting, and the agenda for such meeting. The agenda will indicate the nature of the business to be transacted at the meeting. The requirement for 5 days' notice may be waived by resolution passed at the commencement of the meeting by all members or their alternate members.

### **Telephone Meetings of Advisory Board**

4.6 A member or alternate member may participate in a meeting of the Advisory Board by means of telephone or other communication facilities as permit all persons participating in the meeting to hear each other and will be deemed to be present at that meeting.

### **Quorum for Advisory Board**

4.7 A quorum for each meeting of the Advisory Board will be five members or alternate members.

### **Voting for Advisory Board**

4.8 Every decision of the Advisory Board will be decided by a simple majority of the members or alternates present and voting at a duly called and constituted meeting of the Advisory Board. A resolution in writing signed in whole or in counterparts by all of the members of the Advisory Board in respect of any matter falling within the competence of the Advisory Board will be effective as if adopted at a meeting. The chair of the Advisory Board will promptly send to the parties and each member a copy of any such resolution.

### **Minutes of Advisory Board**

4.9 The chair will cause minutes of each meeting of the Advisory Board to be kept and a copy to be circulated to each member and alternate member. A resolution in writing signed in whole or in counterparts by all of the members of the Advisory Board in respect of any matter falling within the competence of the Advisory Board will be effective as if adopted at a meeting. The chair of the Advisory Board will promptly send to the Parties and each member a copy of any such resolution.

### **Decisions of Advisory Board Binding**

4.10 Subject to Sections 4.21 and 4.22, all decisions of the Advisory Board made within its power under this Agreement will be binding on the Parties.

### **Advisory Board's Power**

4.11 In addition to the powers conferred on it by any provision of this Agreement, the Advisory Board must:

- (a) review, and recommend for the approval of the Parties, the Financial Plan;
- (b) review, and make recommendations to the Parties with respect to (but not to approve) any agreements to be entered into by the Parties;
- (c) conduct, direct and supervise the business, affairs and operations of the Intermunicipal Services;
- (d) give direction to the Manager;
- (e) make recommendations to the Parties with respect to any amendments to this Agreement;
- (f) initiate technical studies when deemed advisable;
- (g) prepare plans for capital expenditures;



- (h) review and approve the annual financial statements of the Intermunicipal Services.

#### **Intermunicipal Emergency Operations Policy Advisory Board**

4.12 There will be an Intermunicipal Emergency Operations Policy Advisory Board (Policy Board) composed of the six mayors, the Regional District Board Chair, and seven CAO's of the Parties. The Deputy Mayor, Vice Chair, Deputy Chair, and CAO's designate of a Party are that Party's alternate members of the Board to act in the absence, illness or other disability of the Mayor, Chair or CAO, as applicable. The powers, deliberations and decisions of the Policy Advisory Board are subject to the *Community Charter, Local Government Act* and the Bylaw.

#### **Chair of Policy Board**

4.13 At the first meeting held after December 1 in each year, the Policy Board must elect a chair and a vice chair from among the mayors and board chair. The vice chair has, during the absence, illness or other disability of the chair, all the powers of the chair and is subject to all the rules applicable to the chair. If the chair and the vice chair are not present at a meeting of the Policy Board, the members present may elect an acting chair who, during that meeting, has all the powers of the chair and is subject to all rules applicable to the chair. For the purposes of elections under this section, each member present at the meeting has one vote in each election for an office.

4.14 The function of the Policy Board chair will be to carry out the functions and duties prescribed by the Policy Board and, if present, to preside at meetings of the Policy Board. The chair of the Policy Board will be entitled to vote but will not be entitled to a second or casting vote.

#### **Meetings of Policy Board**

4.15 During each fiscal year of the Intermunicipal Services, the Policy Board will hold two meetings at such times and places as the Policy Board may determine.

#### **Notice of Meetings of Policy Board**

4.16 The chair will give to each member and alternate member of the Policy Board 5 days' written notice of the place, date and time of any meeting, and the agenda for such meeting. The agenda will indicate the nature of the business to be transacted at the meeting. The requirement for 5 days' notice may be waived by resolution passed at the commencement of the meeting by all twelve members or their alternate members.

#### **Telephone Meetings of Policy Board**

4.17 A member or alternate member may participate in a meeting of the Policy Board by means of telephone or other communication facilities as permit all persons participating in the meeting to hear each other and will be deemed to be present at that meeting.

### **Quorum for Policy Board**

4.18 A quorum for each meeting of the Policy Board will be nine members or alternate members.

### **Voting for Policy Board**

4.19 Every decision of the Policy Board will be decided by a simple majority of the members or alternate members present and voting at a duly called and constituted meeting of the Policy Board. A resolution in writing signed in whole or in counterparts by all the members of the Policy Board in respect of any matter falling within the competence of the Advisory Board will be effective as if adopted at a meeting. The chair of the Policy Board will promptly send to the Parties and each member and alternate member a copy of any such resolution.

### **Minutes of Policy Board**

4.20 The chair will cause minutes of each meeting of the Policy Board to be kept and a copy to be circulated to each member and alternate member.

### **Policy Board's Power**

4.21 In addition to the powers conferred on it by any provision of this Agreement, the Policy Board must:

- (a) review, and recommend for the approval of the Parties, the Financial Plan;
- (b) review, and make recommendations to the Parties with respect to (but not to approve) any agreements to be entered into by the Parties;
- (c) make recommendations to the Parties with respect to any amendments to this Agreement;
- (d) review and approve the annual financial statements of the Intermunicipal Services.

### **Limits on Powers of Advisory Board and Policy Board**

4.22 Despite Section 4.10 and 4.21, the Advisory Board and Policy Board will not have the power, without the approval of the Parties:

- (a) to do anything for which the Parties require authorization or approval under the *Community Charter, Local Government Act*, successor legislation or other applicable enactments without the prior confirmation from them that such authorization or approval has been obtained by each Party, as applicable;
- (b) to authorize incurring Capital Costs or Intermunicipal Services Borrowing or making an annual Financial Plan;
- (c) to authorize any distributions of available cash to the Parties; or

- (d) to authorize adding a new party.

### **Technical Committees**

4.23 The Advisory Board may from time to time establish technical committees, such as a Planning Committee, or working groups, as it considers appropriate in the circumstances. The Advisory Board may appoint to the technical committees the Parties' Directors of Engineering or other such persons as the Advisory Board considers appropriate.

### **Expenses**

4.24 The members and alternate members of the Advisory Board and Policy Board will not as such be entitled to be paid any compensation by the Intermunicipal Services and any remuneration that may be paid to them in such capacity by the Parties by which they have been appointed will not form part of the Operating Costs. All reasonable expenses incurred, pursuant to the written expense policy established by the Advisory Board, by the members or alternate member of the Advisory Board and Policy Board will be reimbursed by the Parties and will form part of the Operating Costs.

## **PART 5 MANAGEMENT**

### **Manager**

5.1 The Manager is Vernon. The Manager will:

- (a) make recommendations to the Advisory and the Policy Boards on matters relating to the Intermunicipal Services;
- (b) prepare and distribute agenda for the Advisory and the Policy Board meetings;
- (c) keep minutes of meetings of the Advisory and the Policy Boards;
- (d) administer this Agreement and any agreements made by or on behalf of the Intermunicipal Services;
- (e) make recommendations to the Advisory and the Policy Boards respecting the making, amending or implementation of agreements made by or on behalf of the Parties;
- (f) monitor the financial circumstances of the Parties;
- (g) generally do all things necessary or advisable in connection with the business of Intermunicipal Services in accordance with this Agreement; and
- (h) do such other acts and things in relation to the Intermunicipal Services as the Advisory and Policy Board Chairs may direct from time to time.

Except in regard to Vernon's operations within its own boundaries, none of the powers, authorities or discretions delegated to the Manager may encroach on powers, authorities or discretions properly exercisable by the Advisory and the Policy Boards, and the powers, authorities and discretion exercised by the Manager are subject to the direction of and guidelines established by the Advisory and the Policy Boards and any other restrictions, limitations and approvals set out in this Agreement, including the limitations set out in Section 4.22, and within the constraints of the Financial Plan from time to time.

#### **Term**

5.2 The appointment under Section 5.1 shall be subject to the termination of this Agreement.

#### **Liability Release and Indemnity**

5.3 The Parties release, indemnify and will save harmless the Manager, Advisory Board and Policy Board members, and the Parties' agents of and from any and all loss, costs, damages, expenses and liabilities suffered or incurred by the Parties or any of them in respect of the matters arising out of or attributable to any negligence of, or breach of the provisions of this Agreement by the Manager, Advisory Board members or Parties' agents, in connection with the observance and performance of any of the covenants, agreements or duties of the Manager, Advisory Board members or Parties' agents to be observed or performed under this Agreement, except losses, costs, damages, expenses and liabilities caused by the willful wrongful act of any one or more of the Manager, Advisory Board members or Parties' agents.

#### **Operations**

5.4 The Manager will operate the Intermunicipal Services on behalf of the Parties, subject to this Agreement and the Bylaw.

5.5 The Parties agree that in order to operate the Intermunicipal Services, Vernon may appoint two officers, or employees, to coordinate the Intermunicipal Services, one of whom shall be known as the Emergency Coordinator, and the other the Deputy. Vernon may also appoint an assistant to the Emergency Coordinator, and on-call ESS Response Coordinators. The costs of these officers or employees will be included in the Financial Plan.

#### **Emergency Operations Centres**

5.6 Each Party must establish and maintain an Emergency Operations Centre ("EOC") capability, and designate functional positions which include, at a minimum and in accordance with Incident Command System guidelines, First Responders and an Incident Commander for every Emergency, an EOC Director, an Information Officer, a Logistics Section Chief and a Finance and Administration Section Chief. Each Party will be responsible for the costs of establishing and maintaining its EOC, for training their EOC staff, and each EOC will provide backup for each of the other EOCs.

### **Parties' Responsibility for responding to Incidents**

5.7 Each Party will be responsible for responding to any Incident within its jurisdiction and will be responsible for its First Responders who respond to the Incident. Each Party will appoint an Incident Commander for tactical command, control and coordination of on-site emergency operations within their respective jurisdiction and it will be the Incident Commander's responsibility to designate an Incident as an Emergency. In the absence of a clearly defined Incident Commander or first response agency, the Manager will limit its support to reception of evacuees in accordance with provincially-established ESS guidelines and protocols. For certainty, the Manager will not undertake Incident Command, nor initiate tactical, life-safety evacuations, at the site of the Incident and will not provide services for any Incident unless it is designated as an Emergency.

### **Parties' Responsibility for Own Expenses**

5.8 Each Party is responsible for its own expenses in responding to any Incident and in the submission, tracking and cost-recovery of Expenditure Authorizations generated under a Provincially-issued task number, pursuant to emergency response operations within its jurisdiction.

### **Establishment of Reception Centres and Group Lodging Facilities**

5.9 Each Party must identify an evacuee Reception Centre and Group Lodging Facility in accordance with British Columbia standards.

5.10 Without limitation, a Party may coordinate with another Party the establishment of a jointly shared Reception Centre, Group Lodging Facility or both.

5.11 Without limiting section 5.6, the Parties acknowledge and agree that the TELUS EOC is the designated regional facility. Subject to sections 5.9 to 5.10, a Party may use the Vernon EOC in return for payment of Vernon's costs plus 15% for:

- (a) mobilization and demobilization of the facility, and
- (b) Vernon officers and employees deployed to staff the facility during use by the other Party.

### **Program Management by Manager**

5.12 Subject to this Agreement, the Manager will, through Vernon Fire Rescue Services, provide to the Parties ESS Program Management, including volunteer recruitment, training and response coordination up to Level 3. The Manager reserves the right to contract out Level 1 ESS responses on behalf of the Parties. The cost of this contracted service will be included in the Financial Plan.

### **Manager's Emergency Management Services**

5.13 The Manager will provide to the Parties the following emergency management services, in accordance with the BC Emergency Management System:

- (a) 24/7 on call Emergency Program Coverage;
- (b) Emergency Program Coordinator (“EPC”)/Liaison Officer support to staff and elected officials during Incidents, state of local emergency and Emergency Operations Centre activations;
- (c) Joint emergency preparedness grant applications;
- (d) Joint Emergency Program training and exercises including any training for the Parties in connection with this section, 5.13;
- (e) Joint municipal and public preparedness initiatives;
- (f) Emergency Preparedness Week;
- (g) Operational Support to First Responders and their contractors and designates during Incidents and liaison with other orders of government, neighbouring jurisdictions, emergency agencies and charitable organizations;
- (h) All hazards, Joint Emergency Program Planning;
- (i) Emergency satellite telephone communication;
- (j) Emergency Program Website and Social Media, subject to each Party’s responsibility for communications within its jurisdiction;
- (k) Use of the TELUS EOC;
- (l) Assistance with Local Authority Disaster Financial Assistance applications;
- (m) Communications with First Nations, and coordination of Emergency programs with First Nations, except that an Agreement with First Nations is subject to Sections 4.11, 4.21 and 4.22.

For the purposes of this Section 5.13, “joint” means mutually beneficial and mutually administered, but does not connote the existence of a legal partnership, joint venture, agency or the authority of one Party to bind or pledge the authority of another Party.

#### **Parties’ Responsibility for Costs**

5.14 For the purposes of this Agreement and the Emergency Management BC cost recovery Program, the City of Vernon and the other Parties to this Agreement are deemed to be “contractors” to each other. Each Party (“**Originating Party**”) must pay for its own costs for Resources deployed in relation to its own response to a Disaster or Emergency within its boundaries, and in addition must pay each other Party a sum equal to cost plus 15% for Resources of the other Party utilized in relation to a response to the Disaster or Emergency (except in respect of the

salaries and benefits, but not overtime, of the two officers and the assistant referred to in section 5.5). The other Party must invoice the Originating Party within 30 days of the other party's response, and the Originating Party must pay the other Party the amount of the invoice within 30 days of receipt of the invoice. An amount invoiced under this section is a debt due and owing from the Originating Party to the other Party. For certainty, each Party's costs include overtime rates in compliance with applicable labour law enactments and collective agreements. Each Party may recover from Emergency Management BC any reimbursement to which that Party is entitled for an incident.

- 5.15 Each Party is liable to another Party under section 5.14 whether or not the Originating Party receives cost recovery from the Province.

## **PART 6 FINANCES**

### **Bank Accounts, Deposits, Disbursement and Investment of Funds**

- 6.1 The Manager may open and maintain an Intermunicipal Services Account. All funds receivable by the Intermunicipal Services will upon receipt be deposited in the Intermunicipal Services Account. Any payment required to be made on behalf of the Intermunicipal Services will be made out of the Intermunicipal Services Account. The Manager's officers and employees on behalf of the Intermunicipal Services must, subject to this Agreement, prepare accounts receivable and payable, prepare Financial Plans, report quarterly to the Manager and pay a Party for work done under Section 5.11, and may invest any surplus funds in the Intermunicipal Services Account in the manner approved by the Advisory Board from time to time.

### **Cash Requirements**

- 6.2 The Parties will take all reasonable steps to ensure that sufficient funds are available to allow the Parties to complete transactions called for by agreement of the parties under this Agreement.

### **Application of Available Cash**

- 6.3 Available Cash will be applied to pay Operating Costs and Maintenance Costs as they fall due or in the normal course of operations.

### **Place of Payments**

- 6.4 All payments made under this Agreement to the Intermunicipal Services will be made into the Intermunicipal Services Account operated by the City of Vernon under section 5.4 and 6.1 of this Agreement.

### **Capital Cost Apportionment**

- 6.5 The Capital Costs will be apportioned among the parties as set out in Appendix A.

### **Operating Costs Apportionment**

6.6 The Operating Costs will be apportioned among the parties as set out in Appendix A.

### **Maintenance Costs Apportionment**

6.7 The Maintenance Costs will be apportioned among the parties on the basis of the percentage of the Capital Costs apportioned in respect of that party pursuant to the formulae in Appendix A.

### **Payment for Manager**

6.8 It is a fundamental term of this Agreement that the parties make all payments for the provision of the Intermunicipal Services by the Manager as required by this Agreement. The Manager will issue an invoice to each Party prior to the end of February in each calendar year.

6.9 Each Party must pay to the Manager on the basis of the Operating Financial Plan described in section 7.4 and the operating costs apportionment described in section 6.6, each Party must pay to the Manager prior to March 31 of each calendar year during the term of this Agreement an advanced payment of the cost of operating the Intermunicipal Service by the Manager in respect of that calendar year.

6.10 The Manager must, in February of each calendar year, make an adjustment for the previous calendar year to reflect the actual amount payable under section 6.9. Any overpayment for the previous year must be held by the Manager without allowance for interest and setoff against any other payments owing by a Party to the Manager under this Agreement. Any shortfall in the payment for the previous year must be paid by the Party within 30 days of the receipt of the adjustment invoice.

6.11 If a Party defaults in payment of any portion of an amount payable under sections 6.8 to 6.10, the entire amount payable shall immediately become due and payable as a debt due and owing to the Manager. For certainty, every reference to the "Manager" in sections 6.8 to 6.11 is a reference to the City of Vernon. Without prejudice to any other right or remedy the City of Vernon may have, the City may, at its sole discretion, and without terminating this Agreement, interrupt the provision of the Intermunicipal Services to that Party if the Party fails to pay any amount due and owing under this Agreement within 60 day's written notice to the Party of a default.

6.12 A Party's payment under sections 6.8 to 6.11 is a credit in respect of that Party's obligations under this Agreement in relation to operating costs.



## **PART 7 FINANCIAL PLANS**

### **Fiscal Year**

7.1 The fiscal year end of the Intermunicipal Services will be December 31.

### **Provisional Financial Plans**

7.2 The manager must submit to the Advisory Board for its review a financial plan that is reviewed and recommended for approval by the parties by the Advisory Board under section 4.11 and the Policy Advisory Board under section 4.21 prior to approval of the financial plan by the parties by March 31. For certainty, the financial plan may be amended at any time. The planning period for the financial plan is five years, that period being the year in which the plan is specified to come into force and the following four years.

### **Financial Plan**

7.3 The financial plan must include an operating financial plan, maintenance financial plan and capital financial plan and in each case, will include annual adjustments consistent with the CPI.

### **Operating Financial Plan**

7.4 The Operating Financial Plan will set out in reasonable detail the proposed operations, works and undertakings to be carried out in the Intermunicipal Services and will include for such fiscal year the amount, by category, of each component of Operating Costs and will indicate the amount of such Operating Costs estimated to be payable by each Party in accordance with the provisions of this Agreement, after taking into consideration anticipated revenues.

### **Maintenance Financial Plan**

7.5 The Maintenance Financial Plan will set out in reasonable detail the proposed maintenance operations, works and undertakings to be carried out in the Intermunicipal Services and will include for such fiscal year the amount, by category, of each component of Maintenance Costs and will indicate the amount of such Maintenance Costs estimated to be payable by each Party in accordance with the provisions of this Agreement, after taking into consideration anticipated revenues.

### **Capital Financial Plan**

7.6 The Capital Financial Plan will set out in reasonable detail all Capital Costs for the next five fiscal years. The Capital Financial Plan will set out in detail the proposed Capital Costs and will include for each fiscal year the amount, by category, of each component of Capital Costs and will indicate the amount of such Capital Costs estimated to be payable by each Party in accordance with the provisions of this Agreement, after taking into consideration anticipated revenues.

### **Operations in Conformity with Financial Plans**

7.7 Except as permitted by the Advisory Board (to the extent it has authority under this Agreement to so approve) or the unanimous direction of the Parties, subject to the advice and recommendations of the Policy Board, all operations of the Intermunicipal Services in each fiscal year will be conducted in conformity with the Financial plan applicable to that fiscal year approved by the Parties.

### **Effect of Approved Financial Plans**

7.8 The Manager, and any designated Party, as applicable under Part 5, will implement the approved Financial Plans and carry out all activities and operations of the Intermunicipal Services in accordance therewith. The Manager, and any designated Party, as applicable under Part 5, will not, without the approval of the Advisory Board and Policy Advisory Board (who may require the approval of the Parties under Section 4.22) incur or commit in any fiscal year on behalf of a Party any expenditure not provided for in the applicable Financial Plans.

## **PART 8 REPORTS AND RECORDS**

### **Accounting Books and Records**

8.1 The Manager will be responsible for the preparation of financial reports to be furnished, to the Advisory Board and the Manager hereunder, the maintenance of adequate accounts, books and records and the allocation between the Parties of Maintenance, Operating, and Capital Costs and will use reasonable efforts to ensure that such accounts, books, records and financial reports meet reasonable accounting and tax reporting requirements of each Party.

### **Quarterly Financial Reports**

8.2 The Manager will, as soon as reasonably possible but not later than 45 days from the end of each quarter, furnish the Advisory Board and to each Party unaudited financial statements in respect of the quarter, reflecting in reasonable detail, but in summary form, the results of operations and financial situation of the Intermunicipal Services for the quarter and for the year to date.

### **Location and Access to Records**

8.3 The Manager will cause all books and records relating to the budget and to delivery of the joint Intermunicipal Services to be kept in its offices. The Manager will permit each Party, its accountants and other representatives, at that Party's own expense and at all reasonable times, to examine and make copies of any and all documents under the control of the Manager. For certainty, Each Party will be responsible for the maintenance of all records pertaining to Emergency Responses in their respective jurisdictions. Freedom of Information requests shall be referred to the Party with care and control of related documents.

## **PART 9 RESTRICTIONS ON DISPOSITION**

### **No Disposition of Participating Interest**

9.1 A Party will not sell, assign, pledge, mortgage or otherwise dispose of its interest in this Agreement and the Intermunicipal Services Assets, except as set out in Section 9.2.

### **Right of First Refusal to Purchase Participating Interest**

9.2 If a Party receives a legally binding offer to purchase all of the Party's interest in this Agreement and the Intermunicipal Services Assets, the Party will not accept such offer (unless such acceptance is conditional on compliance with this Section 9.2) unless

- (a) it has delivered to the other Parties a copy of such offer, which delivery will be deemed to be an irrevocable offer by the first Party, to sell its interest in this Agreement and the Intermunicipal Services Assets on the same terms, and conditions as are set out in this offer, except that such offer shall be deemed to be an offer on the same terms and conditions but for each of the other Parties to purchase their pro-rated portion of the offering Parties' interest, where each Party's contribution to the purchase price is calculated in accordance with Appendix A.
- (b) the other Parties have not accepted the offer within 90 days of receipt thereof; and
- (c) if the other Parties consent, which consent is not to be unreasonably withheld or delayed, it completes the sale pursuant to the offer within 180 days after delivery of the offer to the other Parties and the purchaser enters into an agreement with the other Parties whereby the purchaser agreed to become a party to this Agreement and to assume and perform all of the obligations of the selling Parties hereunder.

9.3 If one of the other Parties to whom an offer is delivered under section 9.2 does not accept the offer within the time required by section 9.2, the Parties who delivered the offer under section 9.2 is deemed to offer to sell to the other Parties all of the offering Parties interest in this Agreement and the Intermunicipal Services Assets and that other remaining Parties has a further 30 days in which to accept that offer.

9.4 Any agreement of purchase and sale formed as provided in sections 9.2 and 9.3 will be completed on a Land Title Office business day that is not later than 180 days after the date on which the offer was first delivered to the other Parties under section 9.2(a) and that agreement of purchase and sale is subject to all of the following:

- (a) the agreement of purchase and sale formed thereby is an agreement in respect of which time is of the essence;
- (b) the selling Parties shall execute and deliver at completion of the agreement such transfers or other instruments of conveyance, in registrable form, as are necessary to transfer and convey to and in favour of the purchasing Parties all of the right, title and interest of the selling Parties in and to this Agreement and the Intermunicipal Services Assets and will do all such things and take all such actions as may be necessary to comply with and fulfill the intent of this Agreement and the agreement of purchase and sale;
- (c) the purchasing Parties will pay the purchase price for the interest in question and will execute and deliver all such documents and do all such things and take all such actions as may be necessary to fulfill the intent of this Agreement and the agreement of purchase and sale; and
- (d) the interest sold out by the selling Parties will be transferred free and clear of all financial liens, charges and encumbrances whatsoever.

9.5 Without limiting section 2.6, each of the Parties hereby irrevocably and conclusively waives the benefits of all provisions of law relating to actions for a partition or sale in lieu of partition or administration of real and personal property including, without limitation, the partition of *Property Act* (British Columbia) and each of the Parties agrees with the others that it will not result in any action at law or in equity for a partition or sale in lieu of partition of any real property that forms part of the Intermunicipal Services Assets or seek administration in respect thereof.

**PART 10 LIABILITY FOR THE INTERMUNICIPAL SERVICES**  
**Liability and Indemnification**

10.1 If a claim by any third party arising out of the operations of the Intermunicipal Services is made against the Parties or any of them, each of the Parties will share the liability (including interest and legal fees on a solicitor and client basis) for the claim pro rata to its Participating Interest and will indemnify and save harmless the other Parties against liability for the claim to the extent of its Participating Interest. Notwithstanding the foregoing, where a claim arose out of the negligence of one of the Parties, without any negligence of the other Parties, the Party who was negligent will be fully liable for such claim and will indemnify and save harmless from liability the other Parties with respect to such claim.

### **Notice of Claims**

10.2 Each Parties against whom a third party claim is advanced, will give prompt and timely notice of that claim to the other Parties and will allow the other Parties to participate in the defence, negotiation or settlement of such claim at the cost of the Parties.

## **PART 11 DEFAULT**

### **Default**

11.1 The occurrence of any of the following events will be an Event of Default by a Party under this Agreement:

- (a) the failure of a Party to perform or observe any of its covenants or agreements in this Agreement, if such failure is not cured within 45 days of written notice from the other Parties specifying such failure;
- (b) a Party:
  - (i) becomes insolvent;
  - (ii) commits an act of bankruptcy;
  - (iii) makes a general assignment for the benefit of its creditors;
  - (iv) acknowledges its insolvency;
- (c) Provincial Agent, a receiver or receiver-manager is appointed in respect of any property or asset of a Party and is not discharged within 45 days.

### **Remedies Upon an Event of Default**

11.2 Upon the occurrence of an Event of Default by or with respect to a Party:

- (a) the defaulting Party will forthwith upon the written request of the other Party given within 60 days after the Event of Default, sell its Participating Interest to the other Parties free and clear of all liens, charges and encumbrances other than security for liabilities incurred in the business of the Intermunicipal Services, for a price equal to the defaulting Party's Participating Interest in the net book value of the Intermunicipal Services Assets as at the date of the written request, less 10% of such book value;
- (b) if the Parties do not agree as to the net book value of the Intermunicipal Services Assets within 10 Business Days after the date of the written request, then at the direction of any of the Parties, the net book value will be determined by the accountants for the Intermunicipal Services if accountants have been appointed for the Intermunicipal Services and are willing to accept such engagement, and otherwise by a business valuator appropriately qualified by the Canadian Institute of Chartered Business Valuators selected by the non-defaulting Party, whose opinion will be

binding upon the Parties and whose fees and disbursements for these services will be borne by the defaulting Party;

- (c) the closing date for the sale of the defaulting Party's interest will be 45 calendar days after the determination of the purchase price and will be completed by the execution and delivery by the defaulting Party (the "Seller") of such transfers, bills of sale, assignments and other conveyancing documents from the seller to the purchasing Party (the "Buyer") in such form as reasonably required by the Buyer and by the delivery of possession of the Intermunicipal Services Assets to the Buyer;
- (d) the purchase price will be paid by the Buyer on the Closing Date:
  - (i) by set-off to the extent determined by the Buyer against monies due and owing by the Seller to the Buyer, if any;
  - (ii) by the assumption, to the extent determined by the Buyer, of the Seller's share of the liabilities of the Intermunicipal Services; and
  - (iii) as to any balance by certified cheque or bank draft payable to the Seller's order;
- (e) the obligation of the Buyer to complete the purchase is subject to the condition that all required consents and approvals to the sale have been obtained but this condition is for the sole benefit of the Buyer and may be waived in whole or in part by the Buyer at any time.

The rights and procedures set forth in this Section 11.2 will be concurrent with and in addition to and without prejudice to any other rights or remedies at law or in equity which any Party may have in respect of an Event of Default.

## **PART 12 TERM, WITHDRAWAL AND TERMINATION**

### **Term**

12.1 This Agreement will continue in force until five years from the date of the making of this Agreement, provided that this Agreement may be renewed by mutual agreement in writing.

### **Withdrawal**

12.2 A party may withdraw from this Agreement by adopting a withdrawal bylaw and delivering a copy to the other Parties on or before December 31 of the calendar year that is two years prior to the calendar year in respect of which the withdrawal will have taken effect, subject to the following conditions:

- (a) all capital funds provided to the date of the Notice of Withdrawal by the party proposing to withdraw from the Intermunicipal Services are deemed to be Intermunicipal Services Assets;

- (b) the additional operating costs arising from the withdrawal of a party under this Agreement must then be assumed by the remaining party or divided between the remaining parties based pro rata on the Participating Interests;
- (c) the additional maintenance costs arising from the withdrawal of the party must be assumed by the remaining party or apportioned between the remaining parties as outlined in Part 9;
- (d) the Intermunicipal Services Assets are, on and after the date of the Notice of Withdrawal given by the party withdrawing, solely assets of the remaining Party or Parties.

#### **Actions on Termination**

12.3 Upon the termination of this Agreement and the Intermunicipal Services, other than pursuant to Section 11.1(b), unless the Parties otherwise agree, the Parties will appoint a liquidator to act on their behalf to realize the Intermunicipal Services Assets, satisfy all Intermunicipal Services Liabilities and pay the balance of the proceeds of realization to the Parties in proportion to their Participating Interests at the time. Each of the Parties will be entitled to bid for and purchase the whole or any part of the Intermunicipal Services Assets on liquidation.

#### **Survival of Obligations**

12.4 The provisions of this Part 12 and all other provisions of this Agreement necessary to give full effect thereto will survive the termination of this Agreement and, despite termination of this Agreement or the Intermunicipal Services; no party will by reason of such termination be relieved of any obligation or liability toward any other party accrued hereunder prior to termination, all of which will remain unenforceable until fully satisfied.

### **PART 13 NEW PARTY**

#### **Applicable Conditions**

13.1 A new party may become a Party under this Agreement:

- (a) by enacting the Bylaw; and
- (b) by entering into an Agreement with the hitherto Parties that contains all of the terms and conditions set out in this Agreement; and
- (c) with the unanimous consent of the hitherto Parties.

#### **Repayment of Costs**

13.2 The new Party, shall, on the date of entering into the Agreement referred to in paragraph 13.1, pay to the Intermunicipal Services a sum mutually satisfactory to the hitherto Parties and the new Party.

## **PART 14 AMENDMENTS**

### **Amendments**

14.1 This Agreement may not be modified or amended except by written agreement of all the parties hereto and in accordance with the Bylaw.

## **PART 15 GENERAL**

### **Notices**

15.1 Any notice or other communication hereunder will be in writing and will be given by the delivery or rendering thereof to its addressee by hand, by prepaid first class mail or by facsimile transmission, to the address below:

(a) If to Vernon:

3400 - 30th Street  
Vernon BC V1T 5E6  
Attention: Corporate Officer

(b) If to Coldstream:

9901 Kalamalka Road,  
Coldstream BC V1B 1L6  
Attention: Corporate Officer

(c) If to Lumby:

Box 430  
1775 Glencaird Street  
Lumby BC V0E 2G0  
Attention: Corporate Officer

(d) If to Spallumcheen:

4144 Spallumcheen Way  
Spallumcheen BC V0E 1B6  
Attention: Corporate Officer

(e) If to Armstrong:

Box 40  
Armstrong BC V0E 1B0  
Attention: Corporate Officer

(f) If to Enderby:

Box 400  
Enderby BC V0E 1V0  
Attention: Corporate Officer

(g) If to RDNO

9848 Aberdeen Road  
Coldstream, BC V1B 2K9  
Attention: Chief Administrative Officer



Any notice or other communication so given will be deemed to have been received at the time of its delivery if delivered by hand, three Business Days after the date of mailing if mailed and at the time the sender receives a confirmation of dispatch if transmitted by facsimile transmission. Each party will notify the other parties of any change of address.

### **Miscellaneous**

15.2 This Agreement contains the entire agreement among the parties hereto with respect to the subject matter hereof and replaces and supersedes all previous agreements between the parties relating to the subject matter hereof. The Parties expressly disclaim any intent to create a legal partnership under the common law or *Partnership Act*, an agency or a joint venture with respect to the Intermunicipal Services or the ownership or operation of the Intermunicipal Services Assets, and disclaim any intent to create a partnership with respect to the exercise of their rights under this Agreement, the administration of the Intermunicipal Services Assets or any other matter relating to this Agreement. Except as provided in this Agreement, none of the Parties will have any authority, actual or implied, to act for the other as agent or otherwise or to bind the others, without the prior written consent of the others.

### **Arbitration**

15.3 In the case of a disagreement or a dispute between the parties hereto with respect to this Agreement or the interpretation thereof which has not been resolved within 45 calendar days of either Party giving notice to the other Party thereof, the dispute or disagreement will, upon notice from either Party to the other Party, be referred to a single arbitrator pursuant to the *Commercial Arbitration Act* (British Columbia) whose decision will be final and binding.

### **Enurement**

15.4 This Agreement will be binding upon and enure to the benefit of the parties hereto and their respective successors and permitted assigns hereunder.

### **Further Assurances**

15.5 Each party will perform any act and execute and deliver any document reasonably required by any other party, to carry out the terms of this Agreement in accordance with the true intent and meaning hereof.

### **Appendices**

15.6 The following Appendix is attached to and form part of this Agreement:

- (a) Appendix A - Cost Apportionment.

**Statutes**

15.7 The obligations of the parties under this Agreement are always subject to the requirements of the *Community Charter, Local Government Act*, and other applicable enactments.

IN WITNESS WHEREOF the parties have executed this Agreement as of the date first above written.

**CITY OF VERNON**

Per: \_\_\_\_\_  
Mayor

Per: \_\_\_\_\_  
Corporate Officer

**DISTRICT OF COLDSTREAM**

Per: \_\_\_\_\_  
Mayor

Per: \_\_\_\_\_  
Corporate Officer

**VILLAGE OF LUMBY**

Per: \_\_\_\_\_  
Mayor

Per: \_\_\_\_\_  
Corporate Officer

**TOWNSHIP OF SPALLUMCHEEN**

Per: \_\_\_\_\_  
Mayor

Per: \_\_\_\_\_  
Corporate Officer

**CITY OF ARMSTRONG**

Per: \_\_\_\_\_  
Mayor

Per: \_\_\_\_\_  
Corporate Officer

**CITY OF ENDERBY**

Per: \_\_\_\_\_  
Mayor

Per: \_\_\_\_\_  
Corporate Officer

**REGIONAL DISTRICT OF NORTH OKANAGAN**

Per: \_\_\_\_\_  
Chair

Per: \_\_\_\_\_  
Chief Administrative Officer

**APPENDIX A**

**Cost Apportionment**

The Parties will contribute to the Intermunicipal Emergency Operation Services Operating, Maintenance and Capital Costs, as applicable, on a per capita basis, as established by the most recent census.

**THE CORPORATION OF THE CITY OF ENDERBY**  
**MEMO**

**To:** Tate Bengtson, CAO  
**From:** Jennifer Bellamy, CFO  
**Date:** October 29, 2014  
**Subject:** Development Cost Charge Expenditure Bylaw

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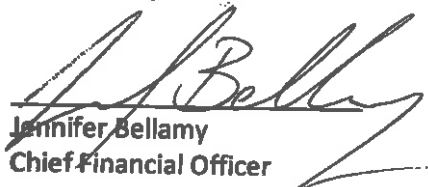
**Recommendation:**

THAT Council give first, second and third readings of the bylaw cited as "City of Enderby Development Cost Charge Reserve Funds Expenditure Bylaw No. 1562, 2014"

**Background:**

During the 2014 budget process Council approved the use of \$71,500 from storm DCC reserves to be applied against the cost of the Regent Avenue Lift Station Upgrade project. Attached is the DCC reserve fund expenditure bylaw to authorize the use of these funds which is required under Section 935(5) of the Local Government Act.

Respectfully submitted.

  
Jennifer Bellamy  
Chief Financial Officer

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW No. 1562

A bylaw authorizing the expenditure of money in the  
Development Cost Charge Storm Reserve Fund

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WHEREAS pursuant to Section 935 of the *Local Government Act*, Council may, by bylaw, provide for the expenditure of money in a development cost charge reserve fund and interest earned thereon;

AND WHEREAS Council deems it desirable to expend a portion of the monies set aside under the Development Cost Charge Storm Reserve Fund for the purpose of storm capital works;

AND WHEREAS the said capital works will serve, directly or indirectly, the developments in respect of which the charges were imposed;

NOW THEREFORE, the Council of the City of Enderby, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as "City of Enderby Development Cost Charge Reserve Funds Expenditure Bylaw No. 1562, 2014".
2. The sum of Seventy One Thousand Five Hundred Dollars (\$71,500) is hereby appropriated from the Development Cost Charge Storm Reserve Fund for the Regent Avenue Lift Station Upgrade project.

READ A FIRST TIME this \_\_ day of \_\_\_\_, 2014.

READ A SECOND TIME this \_\_ day of \_\_\_\_, 2014.

READ A THIRD TIME this \_\_ day of \_\_\_\_, 2014.

ADOPTED this \_\_ day of \_\_\_\_, 2014.

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MAYOR

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CHIEF ADMINISTRATIVE OFFICER

Agenda

THE CORPORATION OF THE CITY OF ENDERBY

MEMO

**To:** Tate Bengtson, CAO  
**From:** Jennifer Bellamy, CFO  
**Date:** October 30, 2014  
**Re:** Metered Water Rates - Bylaw

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Recommendation:

THAT Council gives first reading to one of the bylaw options provided cited as "City of Enderby Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1557, 2014";

AND THAT Council approves using the interest penalty system for overdue accounts at the rate established under Section 11(3) of the Taxation (Rural Area) Act.

AND THAT Council amends the "City of Enderby Fees and Charges Bylaw No, 1479, 2010 Amendment Bylaw No. 1557, 2014" to include a 2% increase to the flat rates for asset management and CPI and include any other adjustments directed by Council;

AND THAT Council gives second and third readings to the bylaw cited as "City of Enderby Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1557, 2014" as amended;

AND THAT Council directs staff to remove the sewer user rate and garbage fees from the property tax notice and include the fee on the utility billings;

AND THAT Council provides staff with direction for sending correspondence to properties identified with leaks each month;

AND FURTHER THAT Council directs staff to send utility bills to tenants, where this has been requested by the owner, and inter-period adjustments are not made for changes in tenancy.

Background/Discussion:

At the October 20, 2014 Council meeting, Council directed staff to bring forward revised water rates based on the existing flat rate of \$242.20 and a consumption rate not to exceed \$1.38 per m<sup>3</sup> for usage above 180 m<sup>3</sup>, with revenue from the consumption rate used to reduce the flat rate.

Attached are different bylaw options for Council to consider. The first option is based on a consumption rate of \$1.35 / m<sup>3</sup>, with additional options at a rate of \$0.50 / m<sup>3</sup> and \$0.30 / m<sup>3</sup>. These options are described in greater detail below.

With consumption rates of \$0.50 / m<sup>3</sup> and \$0.30 / m<sup>3</sup>, the incentive to reduce water usage is significantly decreased. At a rate of \$0.50 / m<sup>3</sup> the highest residential user in the summer period would pay an additional \$450, which decreases to \$270 at \$0.30 / m<sup>3</sup> even though this property uses 1,115% of the water that the average family uses. As an estimated 65.4% of residents are expected to pay no more than the flat rate, these residents no longer have an incentive to reduce their usage. Without the higher incentive to reduce usage or fix leaks, reduction may not be sufficient to defer capital projects and rates will need to be increased earlier than expected to pay for these upgrades.

#### **Option A**

The consumption rate for this option is \$1.35 / m<sup>3</sup> which is based on the rate per cubic meter using the \$242.20 flat rate (\$242.20 / 180 m<sup>3</sup>). The additional income provided was used to reduce the flat rates for residential properties by 22.5%. This option provides the most savings to those who conserve water. A risk with this option, as with Options B, C, A1, B1 and C1, is that reduction could be more than the estimated 20%, which would result in insufficient fees collected to operate the water system. Actual reduction will not be known until a year of actual billings has occurred.

Options A, B and C are all based on the tri-annual billing period, which allocated the 180 m<sup>3</sup> consumption base amongst the periods (90 m<sup>3</sup> in the summer period and 45 m<sup>3</sup> in the non-summer periods). This provides a greater incentive for customers who use over the base consumption to conserve water usage throughout the year. Annual billings would allow customers to minimize their usage in non-summer months and increase their usage in the summer months. Peak water usage is nearing the City's capacity to produce drinking water. For summer months, the City can currently produce approximately 4,753 m<sup>3</sup>. In 2013 the maximum daily demand was 4,479 m<sup>3</sup>. The summer months are where water consumption first needs to be reduced in order to defer capacity upgrades. Options for annual billing are described further below.

#### **Single Family Residential**

The flat rate for single family residential would decrease from \$242.20 to \$187.65 (or \$62.55 per period) for an annual savings of \$54.55 to each household. Using 180 m<sup>3</sup> as the base, 65.4% are expected to pay \$187.65 for the year. The savings will also provide higher consuming residents with an additional 40 m<sup>3</sup> to bring their total fees to \$242.20 in which it is estimated 75.3% of residents would be paying this amount or less.

For single family homes with legalized suites, the new flat rate would be decreased from \$339.10 to \$262.74 and would provide a base of 250 m<sup>3</sup>. This is based on homes with suites using 40% more services than a single family home.

#### **Strata Residential / Multi Family Residential**

The current flat rate for strata units and apartments is \$196.55 which would be reduced to \$152.25. This would allow a consumption base of 145 m<sup>3</sup> per unit.



**Business / Industrial / Institutional / Civic**

As there is a wide range of flat rate fees currently charged to non-residential properties, the lowest flat rate fee charged of \$98.85 was used as the base flat rate (fee for an office). This would provide a 72 m<sup>3</sup> consumption base. Usage from 72 m<sup>3</sup> to 180 m<sup>3</sup> would have a consumption charge of \$1.35 / m<sup>3</sup> and any usage above 180 m<sup>3</sup> would be charged at a rate of 0.50 / m<sup>3</sup>. This will allow businesses to also see a reduction in their water fees and is also based on the metered rate structure that the higher usage businesses currently pay.

**Business / Industrial with Residential**

The flat rate for a commercial property that includes a residence is based on a combination of the non-residential rate and the multi family rate and works out to \$147.75 per unit with 105 m<sup>3</sup> as a base consumption. Usage above this amount would follow the same structure as described above.

**Agricultural**

These rates would be for properties classified as farm properties by BC Assessment. For farm properties that include a single family dwelling, the single family residential flat rate would apply and any usage above the consumption base would be at a reduced rate of \$0.50 / m<sup>3</sup>.

**Option B**

The consumption rate for this option is \$ 0.50 / m<sup>3</sup>. The additional income provided was used to reduce the flat rates for residential properties by 9.2%. This option provides less savings to those who already conserve water, less of an incentive to reduce usage but reduces the cost for higher water users.

**Single Family Residential**

The flat rate for single family residential would decrease from \$242.20 to \$219.90 (or \$73.30 per period) for an annual savings of \$22.30 to each household.

For single family homes with legalized suites, the new flat rate would be decreased from \$339.10 to \$307.95.

**Strata Residential / Multi Family Residential**

The current flat rate for strata units and apartments is \$196.55 which would be reduced to \$178.50.

**Business / Industrial / Institutional / Civic & with Residential**

No change from Option A.

**Agricultural**

No change from Option A.

**Option C**

The consumption rate for this option is \$ 0.30 / m<sup>3</sup>. The additional income provided was used to reduce the flat rates for residential properties by 5.1%. This option provides even less savings to lower water users, less of an incentive to reduce usage but reduces the cost for higher water users.

#### **Single Family Residential**

The new flat rate for single family residential would decrease from \$242.20 to \$229.80 (or \$76.60 per period) for an annual savings of \$12.40 to each household.

For single family homes with legalized suites, the new flat rate would be decreased from \$339.10 to \$321.60.

#### **Strata Residential / Multi Family Residential**

The current flat rate for strata units and apartments is \$196.55 which would be reduced to \$186.45.

#### **Business / Industrial / Institutional / Civic & with Residential**

No change from option A.

#### **Agricultural**

The consumption rate would be equal to the \$0.30 / m<sup>3</sup> charged to residential properties.

#### **Options A1, B1, C1**

Each of the above options follow a billing cycle based on tri-annual billing periods. Options A1, B1, and C1 show the above options but billed annually instead of three times per year. This would allow residents to use the 180 m<sup>3</sup> during the full year instead of an amount being allocated to different periods; however, this is not recommended as customers could minimize their usage during non-summer months and consume more during the summer months as described above.

These options are also not recommended as the City would need to wait until the subsequent year to collect the user fees, which could pose cash flow issues. The water fund would need to borrow from the general fund, for which interest charges would apply. The system would essentially lose interest income it would have earned during the period, which would need to be made up through rate increases. This would also apply to the sewer fund if the sewer fees are billed on the utility bill annually.

Customers would receive regular usage statements under these options so they can monitor their usage during the year instead of only once at the end of the year when billing is done.

#### **Options A2, B2, C2**

The estimated revenue from the consumption rate that reduces the flat rate for the above options are based on consumption after the 20% reduction estimate. A concern was brought forward regarding the accuracy of the reduction estimate and having enough revenue to

operate the water system if actual reduction is higher than the estimate. These options are based on no reduction to the flat rate. A reduction would not be made to the flat rate until actual consumption and revenue is known. Any income realized in 2015 would be brought forward in the subsequent year for Council direction (i.e. provide a rebate, put to reserves, etc.). Council's direction to apply the estimated revenue against the flat rate was based on providing savings to those who are already conserving water. This option would potentially eliminate these savings but would ensure the water system collects enough revenue to operate. Ultimately, actual consumption will not be known until a full year of actual billing has been completed. This option is also based on tri-annual billing.

### **Options A3, B3, C3**

These options are based on Options A2, B2, and B3 but with the user fees billed annually instead of tri-annually. As with Options A1, B1, and C1, the concerns still remain in regards to the reduced incentive to reduce water and cash flow issues.

The metered rate structure will continue to be monitored during 2015 and revisions can continue to be made.

### **2015 Budget Consideration**

Staff is recommending that a 2% increase be applied to the flat rate, made up of a 1% increase for asset management and a 1% increase for CPI. Currently the annual investment required for the water capital replacement is underfunded by \$121,000 annually. For tri-annual billings, this would allow any budget increases to be allocated across three billing periods instead of concentrated in two.

### **Other Utility Billing Decisions**

#### **Utility Billings**

With water user fees being billed on a separate utility bill beginning in 2015, other utility fees should also be included on this bill (i.e. sewer and garbage). One of the many questions that the City receives is why taxes are so high compared to other communities. Taxes appear to be higher in Enderby as the utility fees are billed on the annual property tax notice whereas surrounding communities bill the fees separately. Including the fees on a separate utility notice will help change this perception.

#### **Leak Correspondence**

At the October 20, 2014 Council meeting, a request was made to send out letters to properties where a leak has been identified. Per the September meter readings, there were 80 properties with continuous leaks and 79 properties with intermittent leaks for a total of 159 leaks. A continuous leak is identified when the meter reads usage at least once every fifteen minutes during a 24-hour period. An intermittent leak is identified when usage occurs for more than 50% of the time during a 24-hour period. To send leak correspondence to each property with a leak identified would cost the City \$159.00 each month (based on postage and supply costs) or \$1,431.00 for the year (increased to \$1,908.00 with annual billing). The leak reports that staff receive indicate only the service address and not the mailing address or customer. To obtain this information, staff will need to view the account of each identified property. The hope is

that once the metered rates take effect customers will fix their leaks, which will reduce the cost and staff time.

To reduce the cost of the mailings and staff time, Council may wish to change the timing of mailings (i.e. bimonthly instead of monthly), and/or only send out letters to properties with continuous leaks. Alternatively, Council could decide not to send out extra mailings and rely on the leak info sent out with the utility bill.

### **Due Dates**

Meter readings are done as close to the end of the month as possible, depending on the availability of the City's Public Works crew. Once the readings are done, it takes time for staff to prepare and review the billings. Billings are expected to be mailed out by the middle of the month following the end of the billing period. Utility bills would be due two months after the end of the billing period, which would provide customers with approximately a month and a half to pay their utility bill. Example:

<b>Billing Period:</b>	<b>Mailing Date:</b>	<b>Due Date:</b>
May - August	Mid September	October 31

To make it easier for customers during tax season, instead of the June 30th due date for the January - April period, the due date would coincide with the property tax due date. Payments can be made in the same way that property tax payments are made, including through online banking.

### **Overdue Accounts**

An incentive should be set up to encourage customers to pay their utility bills on time for cash flow purposes. Below are the options available:

- **Discounts** - With a discount system, customers would receive a discount off of their utility bill if paid by a certain date. Although this system provides a greater incentive for customers to pay on time, rates need to be increased to accommodate the discount so everyone pays more. Another disadvantage is that the higher water users are the ones who benefit the most from this system, which contradicts the City's Water Conservation Plan.
- **Interest Penalty** - Interest is applied to overdue accounts. With this system, only those who pay late pay more and the system is easier to administer. Staff is recommending that an interest penalty system be put in place at a rate equivalent to the rate charged on property taxes in arrears or delinquent (currently at six percent).

With either of these systems, as utilities are property charges, any accounts left unpaid at the end of the year are transferred to property taxes as taxes in arrears.

### **Tenants / Landlords**

The City has received several requests for utility bills to be sent to the tenant rather than the owner for properties that are rented. Although the utility billing system is able to do this, billing

tenants essentially adds property management duties for staff. The larger challenge is when there is a change in tenants during the middle of a billing period and the owner wants the bill divided between the old and new tenants. Ultimately the utility bills are the responsibility of the owner and any unpaid bills and interest at the end of the year are added to the owners property taxes. Staff is recommending that utility bills be sent to tenants for property owners who request this; however, a bill will also be sent to the owner and inter-period adjustments will not be made for tenants who leave during the middle of a billing period.

Respectfully submitted



Jennifer Bellamy  
Chief Financial Officer

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1557

A BYLAW TO ESTABLISH FEES AND CHARGES FOR SERVICES AND INFORMATION

WHEREAS Council of the City of Enderby has adopted "City of Enderby Fees and Charges Bylaw No. 1479, 2010";

AND WHEREAS Council wishes to amend the fees and charges;

NOW THEREFORE Council of the City of Enderby, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "City of Enderby Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1557, 2014".
2. Schedule "4" of "City of Enderby Fees and Charges Bylaw No. 1479, 2010" is deleted and Schedule "4" attached to and forming part of this bylaw are substituted therefore.

READ a FIRST time this \_\_\_\_ day of \_\_\_\_, 2014.

READ a SECOND time this \_\_\_\_ day of \_\_\_\_, 2014.

READ a THIRD time this \_\_\_\_ day of \_\_\_\_, 2014.

RECONSIDERED and ADOPTED this \_\_\_\_ day of \_\_\_\_, 2014

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

**SCHEDULE 4  
WATER FEES  
Administered through the Water and Sprinkling Bylaw**

**USER FEES**

**Metered Rates**

	Flat Rate / Period	Consumption Rate / Period
<b>A. Single Family Residential</b>		
Jan-Apr / Sep-Dec	\$ 62.55	\$ 1.35 / m <sup>3</sup> over 45 m <sup>3</sup>
May - Aug	\$ 62.55	\$ 1.35 / m <sup>3</sup> over 90 m <sup>3</sup>
<b>B. Single Family Residential with Legalized Suite</b>		
Jan-Apr / Sep-Dec	\$ 87.58	\$ 1.35 / m <sup>3</sup> over 70 m <sup>3</sup>
May - Aug	\$ 87.58	\$ 1.35 / m <sup>3</sup> over 110 m <sup>3</sup>
<b>C. Strata Residential</b>		
Jan-Apr / Sep-Dec	\$ 50.75	\$ 1.35 / m <sup>3</sup> over 35 m <sup>3</sup>
May - Aug	\$ 50.75	\$ 1.35 / m <sup>3</sup> over 75 m <sup>3</sup>
Irrigation:		
Metered		\$ 1.35 / m <sup>3</sup>
Non-metered		\$ 1.35 / m <sup>3</sup> based on estimated volume
<b>D. Multi Family Residential</b>		
Jan-Apr / Sep-Dec	\$ 50.75	\$ 1.35 / m <sup>3</sup> over 35 m <sup>3</sup>
May - Aug	\$ 50.75	\$ 1.35 / m <sup>3</sup> over 75 m <sup>3</sup>
<b>E. Business / Industrial</b>	\$ 32.95	\$ 1.35 / m <sup>3</sup> over 24 m <sup>3</sup> to 60 m <sup>3</sup> \$ 0.50 / m <sup>3</sup> over 60 m <sup>3</sup>
<b>F. Business / Industrial with Residential</b>	\$ 49.25	\$ 0.50 / m <sup>3</sup> over 35 m <sup>3</sup> to 60 m <sup>3</sup> \$ 0.50 / m <sup>3</sup> over 60 m <sup>3</sup>
<b>G. Institutional / Civic</b>	\$ 32.95	\$ 1.35 / m <sup>3</sup> over 24 m <sup>3</sup> to 60 m <sup>3</sup> \$ 0.50 / m <sup>3</sup> over 60 m <sup>3</sup>
Irrigation on separate meter		\$ 0.50 / m <sup>3</sup>
<b>H. Agricultural</b>		
Properties with single family residential		
Jan-Apr / Sep-Dec		\$ 0.50 / m <sup>3</sup> over 45 m <sup>3</sup>
May - Aug		\$ 0.50 / m <sup>3</sup> over 90 m <sup>3</sup>
Land only		
Jan-Apr / Sep-Dec		\$ 0.50 / m <sup>3</sup>
May - Aug		\$ 0.50 / m <sup>3</sup>

\*Agricultural rates are only applicable to properties classified as a "Farm" property by BC Assessment and are located within the City limits.

**Non-Metered Rates**

- Where metering is not possible, consumption is based on the average usage for the same property class.
- Where metering is possible, but refused, an annual flat rate fee of \$726.40 will apply.
- For properties located out of town, an out of town parcel tax of \$291.60 will apply.

Interest shall be charged on any current amounts unpaid by a day designated by the Chief Financial Officer at the rate established under Section 11(3) of the Taxation (Rural Area) Act.

**MISC. CHARGES**

**Connection Charge**

<b>Size</b>	<b>Replace Existing Connection</b>	<b>New Connection</b>
19mm	At cost with minimum \$275 charge	At cost with minimum \$275 charge
Robinson-Vetter Subdivision on Knoll	N/A	Actual \$275 charge
25mm	At cost with minimum \$300 charge	At cost with minimum \$300 charge
32mm and larger	At cost with minimum \$900 charge	At cost with minimum \$900 charge

**Meter Installation**

At cost with deposit of \$900.00

**Failure or Refusal to Have a Water Meter Installed**

\$750 over and above the cost of the water meter for the installation of the chamber plus any additional costs that pertain to installing the water meter outside the building.

**Meter Reading Request**

Per request \$25.00.

**Hydrant Use**

**Water Usage**

Application fee .....	\$50.00
Fee per day or part thereof* .....	\$50.00
Water Wrench Deposit.....	\$35.00

\* Daily hydrant use fee shall not apply to a contractor retained by the City for City business.

**Supply of Water to Vendors for Resale**

Annual charge .....	\$1,000
Volume charge per 4,500 litre .....	\$ 2.20

**Turn-On Turn-Off**

Turn-Off for discontinuance of service .....	\$50.00
Turn-Off for temporary repairs .....	\$50.00
Turn-On .....	\$25.00

**Note:** No credit or rebate of charges paid or payable for the current calendar year will be granted following the cessation of service.



THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1557

A BYLAW TO ESTABLISH FEES AND CHARGES FOR SERVICES AND INFORMATION

WHEREAS Council of the City of Enderby has adopted "City of Enderby Fees and Charges Bylaw No. 1479, 2010";

AND WHEREAS Council wishes to amend the fees and charges;

NOW THEREFORE Council of the City of Enderby, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "City of Enderby Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1557, 2014".
2. Schedule "4" of "City of Enderby Fees and Charges Bylaw No. 1479, 2010" is deleted and Schedule "4" attached to and forming part of this bylaw are substituted therefore.

READ a FIRST time this \_\_\_\_ day of \_\_\_\_, 2014.

READ a SECOND time this \_\_\_\_ day of \_\_\_\_, 2014.

READ a THIRD time this \_\_\_\_ day of \_\_\_\_, 2014.

RECONSIDERED and ADOPTED this \_\_\_\_ day of \_\_\_\_, 2014

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

**SCHEDULE 4  
WATER FEES  
Administered through the Water and Sprinkling Bylaw**

**USER FEES**

**Metered Rates**

	Flat Rate / Annum	Consumption Rate
A. Single Family Residential	\$ 187.65	\$ 1.35 / m <sup>3</sup> over 180 m <sup>3</sup>
B. Single Family Residential with Legalized Suite	\$ 262.74	\$ 1.35 / m <sup>3</sup> over 250 m <sup>3</sup>
C. Strata Residential	\$ 152.25	\$ 1.35 / m <sup>3</sup> over 145 m <sup>3</sup>
Irrigation:		
Metered		\$ 1.35 / m <sup>3</sup>
Non-metered		\$ 1.35 / m <sup>3</sup> based on estimated volume
D. Multi Family Residential	\$ 152.25	\$ 1.35 / m <sup>3</sup> over 145 m <sup>3</sup>
E. Business / Industrial	\$ 98.85	\$ 1.35 / m <sup>3</sup> over 72 m <sup>3</sup> to 180 m <sup>3</sup> \$ 0.50 / m <sup>3</sup> over 180 m <sup>3</sup>
F. Business / Industrial with Residential	\$ 147.75	\$ 1.35 / m <sup>3</sup> over 105 m <sup>3</sup> to 180 m <sup>3</sup> \$ 0.50 / m <sup>3</sup> over 180 m <sup>3</sup>
G. Institutional / Civic	\$ 98.85	\$ 1.35 / m <sup>3</sup> over 72m <sup>3</sup> to 180 m <sup>3</sup> \$ 0.50 / m <sup>3</sup> over 180 m <sup>3</sup>
Irrigation on separate meter		\$ 0.50 / m <sup>3</sup>
H. Agricultural		
Properties with single family residential		\$ 0.50 / m <sup>3</sup> over 180 m <sup>3</sup>
Land only		\$ 0.50 / m <sup>3</sup>

\*Agricultural rates are only applicable to properties classified as a "Farm" property by BC Assessment and are located within the City limits.

**Non-Metered Rates**

- Where metering is not possible, consumption is based on the average usage for the same property class.
- Where metering is possible, but refused, an annual flat rate fee of \$726.40 will apply.
- For properties located out of town, an out of town parcel tax of \$291.60 will apply.

Interest shall be charged on any current amounts unpaid by a day designated by the Chief Financial Officer at the rate established under Section 11(3) of the Taxation (Rural Area) Act.

**MISC. CHARGES**

**Connection Charge**

Size	Replace Existing Connection	New Connection
19mm	At cost with minimum \$275 charge	At cost with minimum \$275 charge
Robinson-Vetter Subdivision on Knoll	N/A	Actual \$275 charge
25mm	At cost with minimum \$300 charge	At cost with minimum \$300 charge
32mm and larger	At cost with minimum \$900 charge	At cost with minimum \$900 charge

**Meter Installation**

At cost with deposit of \$900.00

**Failure or Refusal to Have a Water Meter Installed**

\$750 over and above the cost of the water meter for the installation of the chamber plus any additional costs that pertain to installing the water meter outside the building.

**Meter Reading Request**

Per request \$25.00.

**Hydrant Use**

**Water Usage**

Application fee .....	\$50.00
Fee per day or part thereof* .....	\$50.00
Water Wrench Deposit .....	\$35.00

\* Daily hydrant use fee shall not apply to a contractor retained by the City for City business.

**Supply of Water to Vendors for Resale**

Annual charge .....	\$1,000
Volume charge per 4,500 litre .....	\$ 2.20

**Turn-On Turn-Off**

Turn-Off for discontinuance of service .....	\$50.00
Turn-Off for temporary repairs .....	\$50.00
Turn-On .....	\$25.00

**Note:** No credit or rebate of charges paid or payable for the current calendar year will be granted following the cessation of service.

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1557

A BYLAW TO ESTABLISH FEES AND CHARGES FOR SERVICES AND INFORMATION

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READ a FIRST time this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

READ a SECOND time this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

READ a THIRD time this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

RECONSIDERED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2014

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

**SCHEDULE 4  
WATER FEES**  
Administered through the Water and Sprinkling Bylaw

**USER FEES**

**Metered Rates**

	Flat Rate / Period	Consumption Rate / Period
<b>A. Single Family Residential</b>		
Jan-Apr / Sep-Dec	\$ 80.75	\$ 1.35 / m <sup>3</sup> over 45 m <sup>3</sup>
May - Aug	\$ 80.75	\$ 1.35 / m <sup>3</sup> over 90 m <sup>3</sup>
<b>B. Single Family Residential with Legalized Suite</b>		
Jan-Apr / Sep-Dec	\$ 113.05	\$ 1.35 / m <sup>3</sup> over 70 m <sup>3</sup>
May - Aug	\$ 113.05	\$ 1.35 / m <sup>3</sup> over 110 m <sup>3</sup>
<b>C. Strata Residential</b>		
Jan-Apr / Sep-Dec	\$ 65.50	\$ 1.35 / m <sup>3</sup> over 35 m <sup>3</sup>
May - Aug	\$ 65.50	\$ 1.35 / m <sup>3</sup> over 75 m <sup>3</sup>
Irrigation:		
Metered		\$ 1.35 / m <sup>3</sup>
Non-metered		\$ 1.35 / m <sup>3</sup> based on estimated volume
<b>D. Multi Family Residential</b>		
Jan-Apr / Sep-Dec	\$ 65.50	\$ 1.35 / m <sup>3</sup> over 35 m <sup>3</sup>
May - Aug	\$ 65.50	\$ 1.35 / m <sup>3</sup> over 75 m <sup>3</sup>
<b>E. Business / Industrial</b>	\$ 32.95	\$ 1.35 / m <sup>3</sup> over 24 m <sup>3</sup> to 60 m <sup>3</sup> \$ 0.50 / m <sup>3</sup> over 60 m <sup>3</sup>
<b>F. Business / Industrial with Residential</b>	\$ 49.25	\$ 0.50 / m <sup>3</sup> over 35 m <sup>3</sup> to 60 m <sup>3</sup> \$ 0.50 / m <sup>3</sup> over 60 m <sup>3</sup>
<b>G. Institutional / Civic</b>	\$ 32.95	\$ 1.35 / m <sup>3</sup> over 24 m <sup>3</sup> to 60 m <sup>3</sup> \$ 0.50 / m <sup>3</sup> over 60 m <sup>3</sup>
Irrigation on separate meter		\$ 0.50 / m <sup>3</sup>
<b>H. Agricultural</b>		
Properties with single family residential		
Jan-Apr / Sep-Dec		\$ 0.50 / m <sup>3</sup> over 45 m <sup>3</sup>
May - Aug		\$ 0.50 / m <sup>3</sup> over 90 m <sup>3</sup>
Land only		
Jan-Apr / Sep-Dec		\$ 0.50 / m <sup>3</sup>
May - Aug		\$ 0.50 / m <sup>3</sup> Irrigation

\*Agricultural rates are only applicable to properties classified as a "Farm" property by BC Assessment and are located within the City limits.

**Non-Metered Rates**

- Where metering is not possible, consumption is based on the average usage for the same property class.
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Interest shall be charged on any current amounts unpaid by a day designated by the Chief Financial Officer at the rate established under Section 11(3) of the Taxation (Rural Area) Act.

**MISC. CHARGES**

**Connection Charge**

<b>Size</b>	<b>Replace Existing Connection</b>	<b>New Connection</b>
19mm	At cost with minimum \$275 charge	At cost with minimum \$275 charge
Robinson-Vetter Subdivision on Knoll	N/A	Actual \$275 charge
25mm	At cost with minimum \$300 charge	At cost with minimum \$300 charge
32mm and larger	At cost with minimum \$900 charge	At cost with minimum \$900 charge

**Meter Installation**

At cost with deposit of \$900.00

**Failure or Refusal to Have a Water Meter Installed**

\$750 over and above the cost of the water meter for the installation of the chamber plus any additional costs that pertain to installing the water meter outside the building.

**Meter Reading Request**

Per request \$25.00.

**Hydrant Use**

**Water Usage**

Application fee .....	\$50.00
Fee per day or part thereof* .....	\$50.00
Water Wrench Deposit.....	\$35.00

\* Daily hydrant use fee shall not apply to a contractor retained by the City for City business.

**Supply of Water to Vendors for Resale**

Annual charge .....	\$1,000
Volume charge per 4,500 litre .....	\$ 2.20

**Turn-On Turn-Off**

Turn-Off for discontinuance of service .....	\$50.00
Turn-Off for temporary repairs .....	\$50.00
Turn-On .....	\$25.00

**Note:** No credit or rebate of charges paid or payable for the current calendar year will be granted following the cessation of service.

(AB)

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1557

A BYLAW TO ESTABLISH FEES AND CHARGES FOR SERVICES AND INFORMATION

WHEREAS Council of the City of Enderby has adopted "City of Enderby Fees and Charges Bylaw No. 1479, 2010";

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RECONSIDERED and ADOPTED this \_\_\_\_ day of \_\_\_\_, 2014

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

**SCHEDULE 4  
WATER FEES  
Administered through the Water and Sprinkling Bylaw**

**USER FEES**

**Metered Rates**

	Flat Rate / Annum	Consumption Rate
A. Single Family Residential	\$ 242.20	\$ 1.35 / m <sup>3</sup> over 180 m <sup>3</sup>
B. Single Family Residential with Legalized Suite	\$ 339.10	\$ 1.35 / m <sup>3</sup> over 250 m <sup>3</sup>
C. Strata Residential	\$ 196.55	\$ 1.35 / m <sup>3</sup> over 145 m <sup>3</sup>
Irrigation:		
Metered		\$ 1.35 / m <sup>3</sup>
Non-metered		\$ 1.35 / m <sup>3</sup> based on estimated volume
D. Multi Family Residential	\$ 196.55	\$ 1.35 / m <sup>3</sup> over 145 m <sup>3</sup>
E. Business / Industrial	\$ 98.85	\$ 1.35 / m <sup>3</sup> over 72 m <sup>3</sup> to 180 m <sup>3</sup> \$ 0.50 / m <sup>3</sup> over 180 m <sup>3</sup>
F. Business / Industrial with Residential	\$ 147.75	\$ 1.35 / m <sup>3</sup> over 105 m <sup>3</sup> to 180 m <sup>3</sup> \$ 0.50 / m <sup>3</sup> over 180 m <sup>3</sup>
G. Institutional / Civic	\$ 32.95	\$ 1.35 / m <sup>3</sup> over 72m <sup>3</sup> to 180 m <sup>3</sup> \$ 0.50 / m <sup>3</sup> over 180 m <sup>3</sup>
Irrigation on separate meter		\$ 0.50 / m <sup>3</sup>
H. Agricultural		
Properties with single family residential		\$ 0.50 / m <sup>3</sup> over 180 m <sup>3</sup>
Land only	\$ 0.50 / m <sup>3</sup>	

\*Agricultural rates are only applicable to properties classified as a "Farm" property by BC Assessment and are located within the City limits.

**Non-Metered Rates**

- Where metering is not possible, consumption is based on the average usage for the same property class.
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- For properties located out of town, an out of town parcel tax of \$291.60 will apply.

Interest shall be charged on any current amounts unpaid by a day designated by the Chief Financial Officer at the rate established under Section 11(3) of the Taxation (Rural Area) Act.

**MISC. CHARGES**

**Connection Charge**

Size	Replace Existing Connection	New Connection
19mm	At cost with minimum \$275 charge	At cost with minimum \$275 charge
Robinson-Vetter Subdivision on Knoll	N/A	Actual \$275 charge
25mm	At cost with minimum \$300 charge	At cost with minimum \$300 charge
32mm and larger	At cost with minimum \$900 charge	At cost with minimum \$900 charge



**Meter Installation**

At cost with deposit of \$900.00

**Failure or Refusal to Have a Water Meter Installed**

\$750 over and above the cost of the water meter for the installation of the chamber plus any additional costs that pertain to installing the water meter outside the building.

**Meter Reading Request**

Per request \$25.00.

**Hydrant Use**

**Water Usage**

Application fee .....	\$50.00
Fee per day or part thereof* .....	\$50.00
Water Wrench Deposit .....	\$35.00

\* Daily hydrant use fee shall not apply to a contractor retained by the City for City business.

**Supply of Water to Vendors for Resale**

Annual charge .....	\$1,000
Volume charge per 4,500 litre .....	\$ 2.20

**Turn-On Turn-Off**

Turn-Off for discontinuance of service .....	\$50.00
Turn-Off for temporary repairs .....	\$50.00
Turn-On .....	\$25.00

**Note:** No credit or rebate of charges paid or payable for the current calendar year will be granted following the cessation of service.

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1557

A BYLAW TO ESTABLISH FEES AND CHARGES FOR SERVICES AND INFORMATION

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RECONSIDERED and ADOPTED this \_\_\_\_ day of \_\_\_\_, 2014

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

**SCHEDULE 4  
WATER FEES**  
Administered through the Water and Sprinkling Bylaw

**USER FEES**

**Metered Rates**

	Flat Rate / Period	Consumption Rate / Period
<b>A. Single Family Residential</b>		
Jan-Apr / Sep-Dec	\$ 73.30	\$ 0.50 / m <sup>3</sup> over 45 m <sup>3</sup>
May - Aug	\$ 73.30	\$ 0.50 / m <sup>3</sup> over 90 m <sup>3</sup>
<b>B. Single Family Residential with Legalized Suite</b>		
Jan-Apr / Sep-Dec	\$ 102.65	\$ 0.50 / m <sup>3</sup> over 70 m <sup>3</sup>
May - Aug	\$ 102.65	\$ 0.50 / m <sup>3</sup> over 110 m <sup>3</sup>
<b>C. Strata Residential</b>		
Jan-Apr / Sep-Dec	\$ 59.50	\$ 0.50 / m <sup>3</sup> over 35 m <sup>3</sup>
May - Aug	\$ 59.50	\$ 0.50 / m <sup>3</sup> over 75 m <sup>3</sup>
Irrigation:		
Metered		\$ 0.50 / m <sup>3</sup>
Non-metered		\$ 0.50 / m <sup>3</sup> based on estimated volume
<b>D. Multi Family Residential</b>		
Jan-Apr / Sep-Dec	\$ 59.50	\$ 0.50 / m <sup>3</sup> over 35 m <sup>3</sup>
May - Aug	\$ 59.50	\$ 0.50 / m <sup>3</sup> over 75 m <sup>3</sup>
<b>E. Business / Industrial</b>	\$ 32.95	\$ 1.35 / m <sup>3</sup> over 24 m <sup>3</sup> to 60 m <sup>3</sup> \$ 0.50 / m <sup>3</sup> over 60 m <sup>3</sup>
<b>F. Business / Industrial with Residential</b>	\$ 49.25	\$ 0.50 / m <sup>3</sup> over 35 m <sup>3</sup> to 60 m <sup>3</sup> \$ 0.50 / m <sup>3</sup> over 60 m <sup>3</sup>
<b>G. Institutional / Civic</b>	\$ 32.95	\$ 1.35 / m <sup>3</sup> over 24 m <sup>3</sup> to 60 m <sup>3</sup> \$ 0.50 / m <sup>3</sup> over 60 m <sup>3</sup>
Irrigation on separate meter		\$ 0.50 / m <sup>3</sup>
<b>H. Agricultural</b>		
Properties with single family residential		
Jan-Apr / Sep-Dec		\$ 0.50 / m <sup>3</sup> over 45 m <sup>3</sup>
May - Aug		\$ 0.50 / m <sup>3</sup> over 90 m <sup>3</sup>
Land only		
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**Non-Metered Rates**

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**MISC. CHARGES**

**Connection Charge**

<b>Size</b>	<b>Replace Existing Connection</b>	<b>New Connection</b>
19mm	At cost with minimum \$275 charge	At cost with minimum \$275 charge
Robinson-Vetter Subdivision on Knoll	N/A	Actual \$275 charge
25mm	At cost with minimum \$300 charge	At cost with minimum \$300 charge
32mm and larger	At cost with minimum \$900 charge	At cost with minimum \$900 charge

**Meter Installation**  
At cost with deposit of \$900.00

**Failure or Refusal to Have a Water Meter Installed**  
\$750 over and above the cost of the water meter for the installation of the chamber plus any additional costs that pertain to installing the water meter outside the building.

**Meter Reading Request**  
Per request \$25.00.

**Hydrant Use**

**Water Usage**

Application fee .....	\$50.00
Fee per day or part thereof* .....	\$50.00
Water Wrench Deposit .....	\$35.00

\* Daily hydrant use fee shall not apply to a contractor retained by the City for City business.

**Supply of Water to Vendors for Resale**

Annual charge .....	\$1,000
Volume charge per 4,500 litre .....	\$ 2.20

**Turn-On Turn-Off**

Turn-Off for discontinuance of service .....	\$50.00
Turn-Off for temporary repairs .....	\$50.00
Turn-On .....	\$25.00

**Note:** No credit or rebate of charges paid or payable for the current calendar year will be granted following the cessation of service.

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1557

A BYLAW TO ESTABLISH FEES AND CHARGES FOR SERVICES AND INFORMATION

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\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

**SCHEDULE 4  
WATER FEES  
Administered through the Water and Sprinkling Bylaw**

**USER FEES**

**Metered Rates**

	Flat Rate / Annum	Consumption Rate
A. Single Family Residential	\$ 219.90	\$ 0.50 / m <sup>3</sup> over 180 m <sup>3</sup>
B. Single Family Residential with Legalized Suite	\$ 307.95	\$ 0.50 / m <sup>3</sup> over 250 m <sup>3</sup>
C. Strata Residential	\$ 178.50	\$ 0.50 / m <sup>3</sup> over 145 m <sup>3</sup>
Irrigation:		
Metered		\$ 0.50 / m <sup>3</sup>
Non-metered		\$ 0.50 / m <sup>3</sup> based on estimated volume
D. Multi Family Residential	\$ 178.50	\$ 0.50 / m <sup>3</sup> over 145 m <sup>3</sup>
E. Business / Industrial	\$ 98.85	\$ 1.35 / m <sup>3</sup> over 72 m <sup>3</sup> to 180 m <sup>3</sup> \$ 0.50 / m <sup>3</sup> over 180 m <sup>3</sup>
F. Business / Industrial with Residential	\$ 147.75	\$ 1.35 / m <sup>3</sup> over 105 m <sup>3</sup> to 180 m <sup>3</sup> \$ 0.50 / m <sup>3</sup> over 180 m <sup>3</sup>
G. Institutional / Civic	\$ 98.85	\$ 1.35 / m <sup>3</sup> over 72m <sup>3</sup> to 180 m <sup>3</sup> \$ 0.50 / m <sup>3</sup> over 180 m <sup>3</sup>
Irrigation on separate meter		\$ 0.50 / m <sup>3</sup>
H. Agricultural		
Properties with single family residential		\$ 0.50 / m <sup>3</sup> over 180 m <sup>3</sup>
Land only		\$ 0.50 / m <sup>3</sup>

\*Agricultural rates are only applicable to properties classified as a "Farm" property by BC Assessment and are located within the City limits.

**Non-Metered Rates**

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Interest shall be charged on any current amounts unpaid by a day designated by the Chief Financial Officer at the rate established under Section 11(3) of the Taxation (Rural Area) Act.

**MISC. CHARGES**

**Connection Charge**

Size	Replace Existing Connection	New Connection
19mm	At cost with minimum \$275 charge	At cost with minimum \$275 charge
Robinson-Vetter Subdivision on Knoll	N/A	Actual \$275 charge
25mm	At cost with minimum \$300 charge	At cost with minimum \$300 charge
32mm and larger	At cost with minimum \$900 charge	At cost with minimum \$900 charge

**Meter Installation**

At cost with deposit of \$900.00

**Failure or Refusal to Have a Water Meter Installed**

\$750 over and above the cost of the water meter for the installation of the chamber plus any additional costs that pertain to installing the water meter outside the building.

**Meter Reading Request**

Per request \$25.00.

**Hydrant Use**

**Water Usage**

Application fee .....	\$50.00
Fee per day or part thereof* .....	\$50.00
Water Wrench Deposit .....	\$35.00

\* Daily hydrant use fee shall not apply to a contractor retained by the City for City business.

**Supply of Water to Vendors for Resale**

Annual charge .....	\$1,000
Volume charge per 4,500 litre .....	\$ 2.20

**Turn-On Turn-Off**

Turn-Off for discontinuance of service .....	\$50.00
Turn-Off for temporary repairs .....	\$50.00
Turn-On .....	\$25.00

**Note:** No credit or rebate of charges paid or payable for the current calendar year will be granted following the cessation of service.

82

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1557

A BYLAW TO ESTABLISH FEES AND CHARGES FOR SERVICES AND INFORMATION

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1. This bylaw may be cited as the "City of Enderby Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1557, 2014".
2. Schedule "4" of "City of Enderby Fees and Charges Bylaw No. 1479, 2010" is deleted and Schedule "4" attached to and forming part of this bylaw are substituted therefore.

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RECONSIDERED and ADOPTED this \_\_\_\_ day of \_\_\_\_, 2014

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER



**SCHEDULE 4  
WATER FEES**  
Administered through the Water and Sprinkling Bylaw

**USER FEES**

**Metered Rates**

	Flat Rate / Period	Consumption Rate / Period
<b>A. Single Family Residential</b>		
Jan-Apr / Sep-Dec	\$ 80.75	\$ 0.50 / m <sup>3</sup> over 45 m <sup>3</sup>
May - Aug	\$ 80.75	\$ 0.50 / m <sup>3</sup> over 90 m <sup>3</sup>
<b>B. Single Family Residential with Legalized Suite</b>		
Jan-Apr / Sep-Dec	\$ 113.05	\$ 0.50 / m <sup>3</sup> over 70 m <sup>3</sup>
May - Aug	\$ 113.05	\$ 0.50 / m <sup>3</sup> over 110 m <sup>3</sup>
<b>C. Strata Residential</b>		
Jan-Apr / Sep-Dec	\$ 65.50	\$ 0.50 / m <sup>3</sup> over 35 m <sup>3</sup>
May - Aug	\$ 65.50	\$ 0.50 / m <sup>3</sup> over 75 m <sup>3</sup>
Irrigation:		
Metered		\$ 0.50 / m <sup>3</sup>
Non-metered		\$ 0.50 / m <sup>3</sup> based on estimated volume
<b>D. Multi Family Residential</b>		
Jan-Apr / Sep-Dec	\$ 65.50	\$ 0.50 / m <sup>3</sup> over 35 m <sup>3</sup>
May - Aug	\$ 65.50	\$ 0.50 / m <sup>3</sup> over 75 m <sup>3</sup>
<b>E. Business / Industrial</b>	\$ 32.95	\$ 1.35 / m <sup>3</sup> over 24 m <sup>3</sup> to 60 m <sup>3</sup> \$ 0.50 / m <sup>3</sup> over 60 m <sup>3</sup>
<b>F. Business / Industrial with Residential</b>	\$ 49.25	\$ 0.50 / m <sup>3</sup> over 35 m <sup>3</sup> to 60 m <sup>3</sup> \$ 0.50 / m <sup>3</sup> over 60 m <sup>3</sup>
<b>G. Institutional / Civic</b>	\$ 32.95	\$ 1.35 / m <sup>3</sup> over 24 m <sup>3</sup> to 60 m <sup>3</sup> \$ 0.50 / m <sup>3</sup> over 60 m <sup>3</sup>
Irrigation on separate meter		\$ 0.50 / m <sup>3</sup>
<b>H. Agricultural</b>		
Properties with single family residential		
Jan-Apr / Sep-Dec		\$ 0.50 / m <sup>3</sup> over 45 m <sup>3</sup>
May - Aug		\$ 0.50 / m <sup>3</sup> over 90 m <sup>3</sup>
Land only		
Jan-Apr / Sep-Dec		\$ 0.50 / m <sup>3</sup>
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\*Agricultural rates are only applicable to properties classified as a "Farm" property by BC Assessment and are located within the City limits.

**Non-Metered Rates**

- Where metering is not possible, consumption is based on the average usage for the same property class.
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- For properties located out of town, an out of town parcel tax of \$291.60 will apply.

Interest shall be charged on any current amounts unpaid by a day designated by the Chief Financial Officer at the rate established under Section 11(3) of the Taxation (Rural Area) Act.

**MISC. CHARGES**

**Connection Charge**

<b>Size</b>	<b>Replace Existing Connection</b>	<b>New Connection</b>
19mm	At cost with minimum \$275 charge	At cost with minimum \$275 charge
Robinson-Vetter Subdivision on Knoll	N/A	Actual \$275 charge
25mm	At cost with minimum \$300 charge	At cost with minimum \$300 charge
32mm and larger	At cost with minimum \$900 charge	At cost with minimum \$900 charge

**Meter Installation**

At cost with deposit of \$900.00

**Failure or Refusal to Have a Water Meter Installed**

\$750 over and above the cost of the water meter for the installation of the chamber plus any additional costs that pertain to installing the water meter outside the building.

**Meter Reading Request**

Per request \$25.00.

**Hydrant Use**

**Water Usage**

Application fee .....	\$50.00
Fee per day or part thereof* .....	\$50.00
Water Wrench Deposit.....	\$35.00

\* Daily hydrant use fee shall not apply to a contractor retained by the City for City business.

**Supply of Water to Vendors for Resale**

Annual charge .....	\$1,000
Volume charge per 4,500 litre .....	\$ 2.20

**Turn-On Turn-Off**

Turn-Off for discontinuance of service .....	\$50.00
Turn-Off for temporary repairs .....	\$50.00
Turn-On .....	\$25.00

**Note:** No credit or rebate of charges paid or payable for the current calendar year will be granted following the cessation of service.

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1557

A BYLAW TO ESTABLISH FEES AND CHARGES FOR SERVICES AND INFORMATION

WHEREAS Council of the City of Enderby has adopted "City of Enderby Fees and Charges Bylaw No. 1479, 2010";

AND WHEREAS Council wishes to amend the fees and charges;

NOW THEREFORE Council of the City of Enderby, in open meeting assembled, enacts as follows:

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RECONSIDERED and ADOPTED this \_\_\_\_ day of \_\_\_\_, 2014

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

**SCHEDULE 4  
WATER FEES**  
Administered through the Water and Sprinkling Bylaw

**USER FEES**

**Metered Rates**

	Flat Rate / Annum	Consumption Rate
A. Single Family Residential	\$ 242.20	\$ 0.50 / m <sup>3</sup> over 180 m <sup>3</sup>
B. Single Family Residential with Legalized Suite	\$ 339.10	\$ 0.50 / m <sup>3</sup> over 250 m <sup>3</sup>
C. Strata Residential	\$ 196.55	\$ 0.50 / m <sup>3</sup> over 145 m <sup>3</sup>
Irrigation:		
Metered		\$ 0.50 / m <sup>3</sup>
Non-metered		\$ 0.50 / m <sup>3</sup> based on estimated volume
D. Multi Family Residential	\$ 196.55	\$ 0.50 / m <sup>3</sup> over 145 m <sup>3</sup>
E. Business / Industrial	\$ 98.85	\$ 1.35 / m <sup>3</sup> over 72 m <sup>3</sup> to 180 m <sup>3</sup> \$ 0.50 / m <sup>3</sup> over 180 m <sup>3</sup>
F. Business / Industrial with Residential	\$ 147.75	\$ 1.35 / m <sup>3</sup> over 105 m <sup>3</sup> to 180 m <sup>3</sup> \$ 0.50 / m <sup>3</sup> over 180 m <sup>3</sup>
G. Institutional / Civic	\$ 98.85	\$ 1.35 / m <sup>3</sup> over 72m <sup>3</sup> to 180 m <sup>3</sup> \$ 0.50 / m <sup>3</sup> over 180 m <sup>3</sup>
Irrigation on separate meter		\$ 0.50 / m <sup>3</sup>
H. Agricultural		
Properties with single family residential		\$ 0.50 / m <sup>3</sup> over 180 m <sup>3</sup>
Land only		\$ 0.50 / m <sup>3</sup>

\*Agricultural rates are only applicable to properties classified as a "Farm" property by BC Assessment and are located within the City limits.

**Non-Metered Rates**

- Where metering is not possible, consumption is based on the average usage for the same property class.
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- For properties located out of town, an out of town parcel tax of \$291.60 will apply.

Interest shall be charged on any current amounts unpaid by a day designated by the Chief Financial Officer at the rate established under Section 11(3) of the Taxation (Rural Area) Act.

**MISC. CHARGES**

**Connection Charge**

Size	Replace Existing Connection	New Connection
19mm	At cost with minimum \$275 charge	At cost with minimum \$275 charge
Robinson-Vetter Subdivision on Knoll	N/A	Actual \$275 charge
25mm	At cost with minimum \$300 charge	At cost with minimum \$300 charge
32mm and larger	At cost with minimum \$900 charge	At cost with minimum \$900 charge

**Meter Installation**  
At cost with deposit of \$900.00

**Failure or Refusal to Have a Water Meter Installed**  
\$750 over and above the cost of the water meter for the installation of the chamber plus any additional costs that pertain to installing the water meter outside the building.

**Meter Reading Request**  
Per request \$25.00.

**Hydrant Use**  
Water Usage  
Application fee ..... \$50.00  
Fee per day or part thereof\* ..... \$50.00  
Water Wrench Deposit ..... \$35.00

\* Daily hydrant use fee shall not apply to a contractor retained by the City for City business.

**Supply of Water to Vendors for Resale**  
Annual charge ..... \$1,000  
Volume charge per 4,500 litre ..... \$ 2.20

**Turn-On Turn-Off**  
Turn-Off for discontinuance of service ..... \$50.00  
Turn-Off for temporary repairs ..... \$50.00  
Turn-On ..... \$25.00

**Note:** No credit or rebate of charges paid or payable for the current calendar year will be granted following the cessation of service.



THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1557

A BYLAW TO ESTABLISH FEES AND CHARGES FOR SERVICES AND INFORMATION

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RECONSIDERED and ADOPTED this \_\_\_\_ day of \_\_\_\_, 2014

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

**SCHEDULE 4  
WATER FEES  
Administered through the Water and Sprinkling Bylaw**

**USER FEES**

**Metered Rates**

	Flat Rate / Period	Consumption Rate / Period
<b>A. Single Family Residential</b>		
Jan-Apr / Sep-Dec	\$ 76.60	\$ 0.30 / m <sup>3</sup> over 45 m <sup>3</sup>
May - Aug	\$ 76.60	\$ 0.30 / m <sup>3</sup> over 90 m <sup>3</sup>
<b>B. Single Family Residential with Legalized Suite</b>		
Jan-Apr / Sep-Dec	\$ 107.20	\$ 0.30 / m <sup>3</sup> over 70 m <sup>3</sup>
May - Aug	\$ 107.20	\$ 0.30 / m <sup>3</sup> over 110 m <sup>3</sup>
<b>C. Strata Residential</b>		
Jan-Apr / Sep-Dec	\$ 62.15	\$ 0.30 / m <sup>3</sup> over 35 m <sup>3</sup>
May - Aug	\$ 62.15	\$ 0.30 / m <sup>3</sup> over 75 m <sup>3</sup>
Irrigation:		
Metered		\$ 0.30 / m <sup>3</sup>
Non-metered		\$ 0.30 / m <sup>3</sup> based on estimated volume
<b>D. Multi Family Residential</b>		
Jan-Apr / Sep-Dec	\$ 62.15	\$ 0.30 / m <sup>3</sup> over 35 m <sup>3</sup>
May - Aug	\$ 62.15	\$ 0.30 / m <sup>3</sup> over 75 m <sup>3</sup>
<b>E. Business / Industrial</b>	\$ 32.95	\$ 1.35 / m <sup>3</sup> over 24 m <sup>3</sup> to 60 m <sup>3</sup> \$ 0.50 / m <sup>3</sup> over 60 m <sup>3</sup>
<b>F. Business / Industrial with Residential</b>	\$ 49.25	\$ 0.50 / m <sup>3</sup> over 35 m <sup>3</sup> to 60 m <sup>3</sup> \$ 0.50 / m <sup>3</sup> over 60 m <sup>3</sup>
<b>G. Institutional / Civic</b>	\$ 32.95	\$ 1.35 / m <sup>3</sup> over 24 m <sup>3</sup> to 60 m <sup>3</sup> \$ 0.50 / m <sup>3</sup> over 60 m <sup>3</sup>
Irrigation on separate meter		\$ 0.50 / m <sup>3</sup>
<b>H. Agricultural</b>		
Properties with single family residential		
Jan-Apr / Sep-Dec		\$ 0.30 / m <sup>3</sup> over 45 m <sup>3</sup>
May - Aug		\$ 0.30 / m <sup>3</sup> over 90 m <sup>3</sup>
Land only		
Jan-Apr / Sep-Dec		\$ 0.30 / m <sup>3</sup>
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**MISC. CHARGES**

**Connection Charge**

<b>Size</b>	<b>Replace Existing Connection</b>	<b>New Connection</b>
19mm	At cost with minimum \$275 charge	At cost with minimum \$275 charge
Robinson-Vetter Subdivision on Knoll	N/A	Actual \$275 charge
25mm	At cost with minimum \$300 charge	At cost with minimum \$300 charge
32mm and larger	At cost with minimum \$900 charge	At cost with minimum \$900 charge

**Meter Installation**

At cost with deposit of \$900.00

**Failure or Refusal to Have a Water Meter Installed**

\$750 over and above the cost of the water meter for the installation of the chamber plus any additional costs that pertain to installing the water meter outside the building.

**Meter Reading Request**

Per request \$25.00.

**Hydrant Use**

**Water Usage**

Application fee .....	\$50.00
Fee per day or part thereof* .....	\$50.00
Water Wrench Deposit.....	\$35.00

\* Daily hydrant use fee shall not apply to a contractor retained by the City for City business.

**Supply of Water to Vendors for Resale**

Annual charge .....	\$1,000
Volume charge per 4,500 litre .....	\$ 2.20

**Turn-On Turn-Off**

Turn-Off for discontinuance of service .....	\$50.00
Turn-Off for temporary repairs .....	\$50.00
Turn-On .....	\$25.00

**Note:** No credit or rebate of charges paid or payable for the current calendar year will be granted following the cessation of service.



THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1557

A BYLAW TO ESTABLISH FEES AND CHARGES FOR SERVICES AND INFORMATION

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\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

**SCHEDULE 4  
WATER FEES**  
Administered through the Water and Sprinkling Bylaw

**USER FEES**

**Metered Rates**

	Flat Rate / Annum	Consumption Rate
A. Single Family Residential	\$ 229.80	\$ 0.30 / m <sup>3</sup> over 180 m <sup>3</sup>
B. Single Family Residential with Legalized Suite	\$ 321.60	\$ 0.30 / m <sup>3</sup> over 250 m <sup>3</sup>
C. Strata Residential	\$ 186.45	\$ 0.30 / m <sup>3</sup> over 145 m <sup>3</sup>
Irrigation:		
Metered		\$ 0.50 / m <sup>3</sup>
Non-metered		\$ 0.50 / m <sup>3</sup> based on estimated volume
D. Multi Family Residential	\$ 186.45	\$ 0.30 / m <sup>3</sup> over 145 m <sup>3</sup>
E. Business / Industrial	\$ 98.85	\$ 1.35 / m <sup>3</sup> over 72 m <sup>3</sup> to 180 m <sup>3</sup> \$ 0.50 / m <sup>3</sup> over 180 m <sup>3</sup>
F. Business / Industrial with Residential	\$ 147.75	\$ 1.35 / m <sup>3</sup> over 105 m <sup>3</sup> to 180 m <sup>3</sup> \$ 0.50 / m <sup>3</sup> over 180 m <sup>3</sup>
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Irrigation on separate meter		\$ 0.50 / m <sup>3</sup>
H. Agricultural		
Properties with single family residential		\$ 0.30 / m <sup>3</sup> over 180 m <sup>3</sup>
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**Non-Metered Rates**

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**MISC. CHARGES**

**Connection Charge**

Size	Replace Existing Connection	New Connection
19mm	At cost with minimum \$275 charge	At cost with minimum \$275 charge
Robinson-Vetter Subdivision on Knoll	N/A	Actual \$275 charge
25mm	At cost with minimum \$300 charge	At cost with minimum \$300 charge
32mm and larger	At cost with minimum \$900 charge	At cost with minimum \$900 charge

**Meter Installation**  
At cost with deposit of \$900.00

**Failure or Refusal to Have a Water Meter Installed**  
\$750 over and above the cost of the water meter for the installation of the chamber plus any additional costs that pertain to installing the water meter outside the building.

**Meter Reading Request**  
Per request \$25.00.

**Hydrant Use**  
Water Usage  
Application fee ..... \$50.00  
Fee per day or part thereof\* ..... \$50.00  
Water Wrench Deposit ..... \$35.00

\* Daily hydrant use fee shall not apply to a contractor retained by the City for City business.

**Supply of Water to Vendors for Resale**  
Annual charge ..... \$1,000  
Volume charge per 4,500 litre ..... \$ 2.20

**Turn-On Turn-Off**  
Turn-Off for discontinuance of service ..... \$50.00  
Turn-Off for temporary repairs ..... \$50.00  
Turn-On ..... \$25.00

**Note:** No credit or rebate of charges paid or payable for the current calendar year will be granted following the cessation of service.

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MAYOR

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WATER FEES**  
Administered through the Water and Sprinkling Bylaw

**USER FEES**

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	Flat Rate / Period	Consumption Rate / Period
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Irrigation:		
Metered		\$ 0.30 / m <sup>3</sup>
Non-metered		\$ 0.30 / m <sup>3</sup> based on estimated volume
<b>D. Multi Family Residential</b>		
Jan-Apr / Sep-Dec	\$ 65.50	\$ 0.30 / m <sup>3</sup> over 35 m <sup>3</sup>
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<b>F. Business / Industrial with Residential</b>	\$ 49.25	\$ 0.50 / m <sup>3</sup> over 35 m <sup>3</sup> to 60 m <sup>3</sup> \$ 0.50 / m <sup>3</sup> over 60 m <sup>3</sup>
<b>G. Institutional / Civic</b>	\$ 32.95	\$ 1.35 / m <sup>3</sup> over 24 m <sup>3</sup> to 60 m <sup>3</sup> \$ 0.50 / m <sup>3</sup> over 60 m <sup>3</sup>
Irrigation on separate meter		\$ 0.50 / m <sup>3</sup>
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Properties with single family residential		
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**Connection Charge**

<b>Size</b>	<b>Replace Existing Connection</b>	<b>New Connection</b>
19mm	At cost with minimum \$275 charge	At cost with minimum \$275 charge
Robinson-Vetter Subdivision on Knoll	N/A	Actual \$275 charge
25mm	At cost with minimum \$300 charge	At cost with minimum \$300 charge
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**Meter Installation**

At cost with deposit of \$900.00

**Failure or Refusal to Have a Water Meter Installed**

\$750 over and above the cost of the water meter for the installation of the chamber plus any additional costs that pertain to installing the water meter outside the building.

**Meter Reading Request**

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**Hydrant Use**

**Water Usage**

Application fee .....	\$50.00
Fee per day or part thereof* .....	\$50.00
Water Wrench Deposit.....	\$35.00

\* Daily hydrant use fee shall not apply to a contractor retained by the City for City business.

**Supply of Water to Vendors for Resale**

Annual charge .....	\$1,000
Volume charge per 4,500 litre .....	\$ 2.20

**Turn-On Turn-Off**

Turn-Off for discontinuance of service .....	\$50.00
Turn-Off for temporary repairs .....	\$50.00
Turn-On .....	\$25.00

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WHEREAS Council of the City of Enderby has adopted "City of Enderby Fees and Charges Bylaw No. 1479, 2010";

AND WHEREAS Council wishes to amend the fees and charges;

NOW THEREFORE Council of the City of Enderby, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "City of Enderby Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1557, 2014".
2. Schedule "4" of "City of Enderby Fees and Charges Bylaw No. 1479, 2010" is deleted and Schedule "4" attached to and forming part of this bylaw are substituted therefore.

READ a FIRST time this \_\_\_\_ day of \_\_\_\_, 2014.

READ a SECOND time this \_\_\_\_ day of \_\_\_\_, 2014.

READ a THIRD time this \_\_\_\_ day of \_\_\_\_, 2014.

RECONSIDERED and ADOPTED this \_\_\_\_ day of \_\_\_\_, 2014

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

**SCHEDULE 4  
WATER FEES**  
Administered through the Water and Sprinkling Bylaw

**USER FEES**

**Metered Rates**

	Flat Rate / Annum	Consumption Rate
A. Single Family Residential	\$ 242.20	\$ 0.30 / m <sup>3</sup> over 180 m <sup>3</sup>
B. Single Family Residential with Legalized Suite	\$ 339.10	\$ 0.30 / m <sup>3</sup> over 250 m <sup>3</sup>
C. Strata Residential	\$ 196.55	\$ 0.30 / m <sup>3</sup> over 145 m <sup>3</sup>
Irrigation:		
Metered		\$ 0.30 / m <sup>3</sup>
Non-metered		\$ 0.30 / m <sup>3</sup> based on estimated volume
D. Multi Family Residential	\$ 196.55	\$ 0.30 / m <sup>3</sup> over 145 m <sup>3</sup>
E. Business / Industrial	\$ 98.85	\$ 1.35 / m <sup>3</sup> over 72 m <sup>3</sup> to 180 m <sup>3</sup> \$ 0.50 / m <sup>3</sup> over 180 m <sup>3</sup>
F. Business / Industrial with Residential	\$ 147.75	\$ 1.35 / m <sup>3</sup> over 105 m <sup>3</sup> to 180 m <sup>3</sup> \$ 0.50 / m <sup>3</sup> over 180 m <sup>3</sup>
G. Institutional / Civic	\$ 98.85	\$ 1.35 / m <sup>3</sup> over 72m <sup>3</sup> to 180 m <sup>3</sup> \$ 0.50 / m <sup>3</sup> over 180 m <sup>3</sup>
Irrigation on separate meter		\$ 0.50 / m <sup>3</sup>
H. Agricultural		
Properties with single family residential		\$ 0.30 / m <sup>3</sup> over 180 m <sup>3</sup>
Land only		\$ 0.50 / m <sup>3</sup>

\*Agricultural rates are only applicable to properties classified as a "Farm" property by BC Assessment and are located within the City limits.

**Non-Metered Rates**

- Where metering is not possible, consumption is based on the average usage for the same property class.
- Where metering is possible, but refused, an annual flat rate fee of \$726.40 will apply.
- For properties located out of town, an out of town parcel tax of \$291.60 will apply.

Interest shall be charged on any current amounts unpaid by a day designated by the Chief Financial Officer at the rate established under Section 11(3) of the Taxation (Rural Area) Act.

**MISC. CHARGES**

**Connection Charge**

Size	Replace Existing Connection	New Connection
19mm	At cost with minimum \$275 charge	At cost with minimum \$275 charge
Robinson-Vetter Subdivision on Knoll	N/A	Actual \$275 charge
25mm	At cost with minimum \$300 charge	At cost with minimum \$300 charge
32mm and larger	At cost with minimum \$900 charge	At cost with minimum \$900 charge



**Meter Installation**

At cost with deposit of \$900.00

**Failure or Refusal to Have a Water Meter Installed**

\$750 over and above the cost of the water meter for the installation of the chamber plus any additional costs that pertain to installing the water meter outside the building.

**Meter Reading Request**

Per request \$25.00.

**Hydrant Use**

**Water Usage**

Application fee .....	\$50.00
Fee per day or part thereof* .....	\$50.00
Water Wrench Deposit .....	\$35.00

\* Daily hydrant use fee shall not apply to a contractor retained by the City for City business.

**Supply of Water to Vendors for Resale**

Annual charge .....	\$1,000
Volume charge per 4,500 litre .....	\$ 2.20

**Turn-On Turn-Off**

Turn-Off for discontinuance of service .....	\$50.00
Turn-Off for temporary repairs .....	\$50.00
Turn-On .....	\$25.00

**Note:** No credit or rebate of charges paid or payable for the current calendar year will be granted following the cessation of service.

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1555

A BYLAW TO REVISE AN OFFICIAL COMMUNITY PLAN

---

WHEREAS the Council has adopted City of Enderby Official Community Plan Bylaw No. 1549, 2014;

AND WHEREAS the Council adopted Official Community Plan Revision Bylaw No. 1554, 2014 to authorize the revision of Official Community Plan Bylaw No. 1549, 2014 pursuant to Section 140 of the *Community Charter* and the *Bylaw Revision Regulation*;

AND WHEREAS the Official Community Plan has been revised and the Corporate Officer has certified that the Official Community Plan has been revised in accordance with Bylaw No. 1554, 2014;

AND WHEREAS an Official Community Plan revised pursuant to Section 140 of the *Community Charter* and the *Bylaw Revision Regulation* and adopted by the Council is deemed to have been adopted as if all requirements respecting the approval and adoption of its provisions have been met, including consultation, notification and public hearing requirements;

NOW THEREFORE the Council, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as "Official Community Plan No. 1549, 2014 Revision Bylaw No. 1555, 2014".
2. Schedule A of the Official Community Plan Bylaw No. 1549, 2014 is revised, effective as of the date of adoption of this bylaw, as follows:
  - a. Schedule "D" is added to the "force and effect" part of Section 1.4.a and removed from the "reference and convenience" part of Section 1.4.a; and
  - b. The subheading title is deleted from Section 16.0 ("16.1 Discussion")

READ a FIRST time this day of , 201 .

READ a SECOND time this day of , 201 .

CERTIFIED as revised in accordance with Official Community Plan Revision Bylaw No. 1554, 2014 this day of , 201 .

READ a THIRD time this day of , 201 .

ADOPTED this day of , 201 .

\_\_\_\_\_  
Certification by Corporate Officer

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer

Agenda

**THE CORPORATION OF THE CITY OF ENDERBY**

**MEMO**

To: Tate Bengtson, Chief Administrative Officer  
From: Kurt Inglis, Assistant Corporate Officer and Planning Assistant  
Date: October 29, 2014  
Subject: City of Enderby Zoning Bylaw No. 1550, 2014 - Adoption

---

**RECOMMENDATION**

THAT Council adopts the City of Enderby Zoning Bylaw No. 1550, 2014 as attached.

**BACKGROUND**

The City of Enderby received a Federal Gas Tax Grant to undertake an Integrated Community Sustainability Planning (ICSP) process followed by a policy and regulatory framework alignment. The ICSP process involved a significant level of public consultation which led to the identification of community values, objectives, and priorities related to the environmental, social, and economic pillars of sustainability. These objectives, values, and priorities were integrated into the City's recently adopted Official Community Plan (OCP). The City's Zoning Bylaw is now being rewritten to continue implementation of the ICSP.

Council gave First Reading and Second Reading to Zoning Bylaw No. 1550, 2014 on October 6, 2014 and referred the Bylaw to the Regional District of North Okanagan Planning Staff for review and comment. A number of comments were received from the Regional District's Deputy Planning Manager which informed a number of changes which were incorporated into the Bylaw. On October 20, 2014 Council gave the Bylaw Third Reading and referred it to the Ministry of Transportation & Infrastructure for Final Approval.

The Ministry gave Final Approval on October 22, 2014 and Council may now adopt the Bylaw.

Respectfully Submitted,



---

Kurt Inglis, Assistant Corporate Officer and Planning Assistant

**THE CORPORATION OF THE CITY OF ENDERBY**

**ZONING BYLAW NO. 1550, 2014**

**WHEREAS** the Council of The Corporation of the City of Enderby may, by bylaw, pursuant to Section 903 of the Local Government Act, adopt a Zoning Bylaw;

**NOW THEREFORE**, the Council of The Corporation of the City of Enderby in open meeting assembled enacts as follows:

1. Title

This Bylaw may be cited as "The Corporation of the City of Enderby Zoning Bylaw No. 1550, 2014".

2. The following attached schedules are hereby made part of this Bylaw;

- Schedule "A" – Zoning Bylaw Text
- Schedule "B" – Off-Street Parking
- Schedule "C" – Off-Street Loading
- Schedule "D" – Lot Frontage, Area, and Design Requirements
- Schedule "E" – Total Number of Animals Making up One Animal Unit
- Schedule "F" – Campground Regulations
- Schedule "G" – Water Body Provisions
- Schedule "G.1" – Floodplain Map
- Schedule "G.2" – Floodplain Map
- Schedule "H" – Zoning Map for the City of Enderby

3. The City of Enderby Zoning Bylaw No. 966, 1987, and all amendments is hereby repealed

4. This bylaw shall come into force and effect upon its adoption.

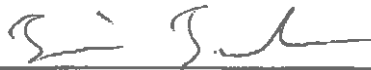
READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Advertised on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
and a Public Hearing held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Approved by the Ministry of Transportation & Infrastructure this 22 day of Oct,  
2014.

  
\_\_\_\_\_

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

\_\_\_\_\_  
MAYOR

# SCHEDULE "A"

## THE CORPORATION OF THE

## CITY OF ENDERBY

## ZONING BYLAW NO. 1550, 2014

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## DIVISION ONE – ADMINISTRATION AND ENFORCEMENT

### DIVISION ONE – ADMINISTRATION AND ENFORCEMENT

#### 101 Enforcement

1. **Inspection:** The Building Inspectors or any other employee of the City appointed by the Council to administer or enforce this Bylaw, are hereby authorized to enter at all reasonable times upon any property to ascertain whether the regulations and provisions of this Bylaw are being or have been complied with.
2. **Violation:**
  - a. It is an offence for any person to cause, suffer, or permit any building or structure to be constructed, reconstructed, altered, moved, extended, occupied, or used, or any land to be occupied or used, in contravention of this Bylaw or otherwise to contravene or fail to comply with this Bylaw.
  - b. It is an offence for any person to prevent or obstruct, or attempt to prevent or obstruct the authorized entry of the Building Inspectors or other employees appointed to administer and enforce this Bylaw.
3. **Offences:** Any person violating any provision of this Bylaw is liable on summary conviction to a maximum fine of \$10,000. A separate offence shall be deemed to be committed on each day during, or on which, a violation occurs or continues.
4. **Remedial Powers:** The Council may, in accordance with the provisions of the Local Government Act or Community Charter, authorize the demolition, the removal, or the bringing up to standard of any building, structure, or thing, in whole or in part, that is in contravention of this Bylaw.
5. **Severability:** If any section, subsection, sentence, clause, or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

## DIVISION TWO – INTERPRETATION

### DIVISION TWO – INTERPRETATION

In this Bylaw, unless the context otherwise requires:

**ACCESSORY** means customarily associated with or incidental to.

**ACCESSORY BUILDING OR STRUCTURE** means,

- a. a building or structure, the use or intended use of which is ancillary to or customarily associated with that of a principal building situated on the same lot; or
- b. a building or structure which is ancillary to or customarily associated with a principal use being made of the lot upon which such building is located.

**ACCESSORY PRODUCE AND FRUIT SALES USE** means a use accessory to an agricultural use providing for the retail sale of fruit and vegetable products which are produced on the same parcel.

**ADVERTISING USE** means a use of land, of a building exterior, or of a structure or thing located other than within a building, providing for the advertising, advancing, or promoting by visible means, of a product, service, place, or event.

**AGRICULTURAL USE, INTENSIVE** means a use providing for the growing, rearing, producing, and harvesting of agricultural products; including the preliminary grading of such products for shipment, and specifically includes feed lots, piggeries, mushroom growing, and the keeping of bees, horses, sheep, goats, dairy cows, fur bearing animals, rabbits, poultry, or other animals or birds of like kind in concentrations of more than six (6) animal units per hectare (2.428 animal units per acre).

**AGRICULTURAL USE, LIMITED** means a use providing for the growing, rearing, producing, and harvesting of agricultural products; including the preliminary grading of such products for shipment, and specifically includes riding stables, nurseries, greenhouses, and the keeping of pigeons, doves, or other animals or birds of like kind and the keeping of bees, horses, sheep, goats, cattle, dairy cows, fur bearing animals (except mink and fox), rabbits, poultry, or other animals or birds of like kind in concentrations of six (6) animal units or less per hectare (2.428 animal units per acre). Swine are also permitted to be kept provided that they are for the personal use of the owner only.

**AGRICULTURAL USE, RESTRICTED** means a use providing for the growing, rearing, producing, and harvesting of agricultural products provided that this does not create a nuisance by reason of sound, sight, or smell, and specifically includes nurseries, greenhouses, and the keeping of pigeons, rabbits, poultry, doves, bees, and other animals or birds of like kind for the personal use of the owner only. The keeping of horses, sheep, goats, cattle, or other animals of like kind is also permitted in concentrations of three (3) animal units or less per hectare (1.214 animal units per acre).

## DIVISION TWO – INTERPRETATION

For the purpose of this Section, an animal unit shall be as defined in Schedule “E” of this Bylaw.

**APARTMENT** means any building divided into not less than three (3) dwelling units each of which is occupied, or intended to be occupied as a permanent home or residence of one (1) family as distinct from a hotel or motel.

**ASSEMBLY USE** means a use providing for the assembly of persons or religious, charitable, philanthropic, cultural, recreational, or private educational purposes; includes churches, auditoriums, youth centres, social halls, group camps, private schools, kindergartens, play schools, day nurseries, day care schools, and specifically excludes residential use.

**AUCTION MART** means a place where goods are sold by auction on a regular basis.

**BACHELOR DWELLING UNIT** means a dwelling unit within a building where the dwelling unit has one (1) habitable room in addition to kitchen facilities and a bathroom.

**BASEMENT** means a space 2.2 m (7.218 feet) or more in height between two (2) floors, the lower floor of which is buried between 0.3 m (0.984 feet) and 1.5 m (4.921 feet) below the average finished ground level at the perimeter of the building.

**BED AND BREAKFAST** means a use that is carried out within a dwelling in which one (1) or more bedrooms, to a maximum of three (3) bedrooms, are rented out to persons other than persons occupying the dwelling unit as their residence, provided that the provision of such accommodation does not constitute a tenancy pursuant to the Residential Tenancy Act and excludes the preparation of meals within the rented units. For the purposes of this Bylaw, a bed and breakfast use does not include a boarding, lodging, or rooming house use.

**BOARDING, LODGING, OR ROOMING HOUSE** means a dwelling in which two (2) or more sleeping units are rented, with or without meals being provided, to two (2) or more persons, other than members of the family of the leasee, tenant, or owner; includes rest homes, fraternity houses, and group home facilities; excludes the preparation of meals within the rented units.

**BUFFER AREA** means an area free of all buildings and structures, the purpose of which is to separate different land uses.

**BUILDING** means a structure wholly or partly enclosed by a roof or roofs supported by walls or columns and used for the shelter or accommodation of persons, animals, chattels, or things. When a building is separated by party walls located upon lot lines, then each portion of such building shall be deemed a separate building.

**CELLAR** means a space between two (2) floors, the lower floor of which is 1.5 m (4.921 feet) or more below the average finished ground level at the perimeter of

## DIVISION TWO – INTERPRETATION

the building; or a space between two (2) floors less than 2.2 m (7.218 feet) high, the lower floor of which is below the average finished ground level at the perimeter of the building.

**CITY** means The Corporation of the City of Enderby.

**CIVIC USE** means a use providing for public functions; includes Federal, Provincial, and Municipal offices and yards, schools, colleges, public hospitals, community centres, libraries, museums, parking facilities, parks, playgrounds, cemeteries, streets, and waterways.

**CLUB OR LODGE** means a building or establishment used by an association or organization for fraternal, social, or recreation purposes which may include limited private sleeping unit accommodation with cooking facilities.

**COMMUNITY SEWER SYSTEM** means a system of sewage disposal is owned, operated, and maintained by an Improvement District, Municipality, or Regional District.

**COMMUNITY WATER SYSTEM** means a system of waterworks which is owned, operated, and maintained by an Improvement District, Municipality, Regional District, or water utility as defined in the Water Utility Act, (RSBC 1996).

**CONTROLLED ACCESS HIGHWAY** means a highway designated as a controlled access highway, under the Transportation Act, (SBC 2004).

**CORPORATE OFFICER** means the Corporate Officer of The Corporation of the City of Enderby.

**COUNCIL** means the Municipal Council of The Corporation of the City of Enderby.

**DOG KENNEL** means any building, structure, compound, group of pens or cages within a building or property in which, or where four (4) or more dogs are intended to be trained, cared for, boarded or kept for any purpose for which a fee is charged.

**DWELLING** means any building used for human habitation and which is supported on a permanent foundation extending below ground level and includes multiple dwellings, apartments, lodging, and boarding houses, and manufactured homes that meet the CSA A277 standards and which have a completed width of not less than 7.315 m (24 feet), but does not include mobile homes.

**DWELLING, MULTIPLE FAMILY** means any building consisting of three (3) or more dwelling units, each of which is occupied or intended to be occupied as the permanent home or residence of one (1) family.

**DWELLING, ROW HOUSING** means a block of at least four (4) and not more than eight (8) side-by-side family dwelling units, with each dwelling unit on a separate lot attached to its neighbour at its side, in which each family unit shall be separated from each other by a party wall.

## DIVISION TWO – INTERPRETATION

**DWELLING, SINGLE FAMILY** means any building consisting of one (1) dwelling unit which is occupied or intended to be occupied as a permanent home or residence of one (1) family.

**DWELLING, TWO FAMILY** means any building divided into two (2) dwelling units, each of which is occupied or intended to be occupied as a permanent home or residence of one (1) family.

**DWELLING UNIT** means one (1) or more rooms used for the residential accommodation of only one (1) family when such room or rooms contain or provide for the installation of sleeping, sanitary, and only one (1) set of cooking facilities.

**FAMILY** means two (2) or more persons related by blood, marriage, adoption, or foster parenthood sharing one (1) dwelling unit, or three (3) or fewer unrelated persons sharing one (1) dwelling unit.

**FEED LOT** means an area of land enclosed or covered by a fence, pen, corral, or other enclosure, building, or structure used for the feeding and keeping of bovine animals primarily for raising and fattening as beef and for the storage or processing of their feed or manure.

For the purpose of this Bylaw, a feed lot shall not include the pasturing of bovine animals, cow-calf operations, nor the keeping of bovine animals, within the enclosure or building, or on the subject property in concentrations of six (6) animal units per hectare (2.428 animal units per acre) or less.

For the purpose of this Section, an animal unit shall be as defined in Schedule "E" of this Bylaw.

**FLOOR AREA** means the total of the floor areas of every room and passageway contained in a building but not including the floor area of basements, attached garages, sheds, open porches, or breezeways.

**GROSS FLOOR AREA** means the sum of all areas of each storey in each building on a lot measured between the exterior walls of such building.

**HEIGHT OF BUILDINGS AND STRUCTURES** means the greatest vertical distance from the average finished ground elevation at the base of a structure to the highest point on such structure directly above.

**HIGHWAY** includes all public streets, roads, ways, trails, lanes, bridges, trestles, ferry landings and approaches, and any other public way.

**HOME OCCUPATION** means an occupation which is undertaken inside a residential building or accessory residential building or is accessory to an agricultural use but does not have connected with it the display of goods, sale of goods that are not produced on the premises, and does not contravene any health regulations, create noise, offensive odour, or generate excessive traffic.

**LAND** includes the surface of water.

## DIVISION TWO – INTERPRETATION

**LANDSCAPING** means the planting of lawns, shrubs, and trees, and the addition of fencing, walks, drives, or other structures and materials as used in landscape architecture.

**LANE** means a road allowance more than 3 m (9.842 feet) but less than 10 m (32.81 feet) in width.

**LOT** means a unit of land designated as a separate and distinct parcel and legally described on the records of the Land Title Office in which the title to such land is registered.

**LOT AREA** means the area of a lot taken in a horizontal plane; excluding land covered by a natural body of water.

**LOT COVERAGE** means the area of a lot covered by buildings and structures on a horizontal plane excluding land covered by a natural body of water.

**LOT LINE** means a legal boundary of a lot.

**LOT LINE, EXTERIOR SIDE** means the lot line or lines not being the front or rear lot line, common to the lot and a street.

**LOT LINE, FRONT** means the lot line or lines common to the lot and a fronting street, or where there is more than one (1) fronting street, the lot line or lines common to the lot and the fronting street towards which the majority of the buildings on adjacent lots are faced.

**LOT LINE, INTERIOR SIDE** means the lot line or lines, not being the front or rear lot line, common to more than one (1) lot or to the lot and a lane.

**LOT LINE, REAR** means the lot line or lines opposite to and most distant from the front lot line, and where the rear portion of the lot is bounded by intersecting side lot lines, shall be deemed to be the point of such intersection.

**LOT LINE, SIDE** means any lot line which is not a front or rear lot line.

**MANUFACTURING** means assembling, repairing, processing, wrecking, and also includes the generating and transforming of electrical energy, but does not include mining.

**MARIHUANA** means all parts of the genus cannabis whether growing or not and the seed or clone of such plants.

**MEDICAL MARIHUANA PRODUCTION FACILITY** means a facility used for the production, manufacturing, processing, testing, packaging, and distribution of marihuana and marihuana products for medical purposes as lawfully permitted and authorized through a licence under the Federal Marihuana for Medical Purposes Regulations and which would be considered a business for the purposes of the City of Enderby Business License Regulation Bylaw.

## DIVISION TWO – INTERPRETATION

**MOBILE HOME** means a manufactured home constructed to the CAN/CSA Z240 MH (Mobile Home) standard, capable of being moved from place to place and installed with skirting concealing the chassis and wheels of the home.

**MOBILE HOME PARK** means any lot on which are located two (2) or more mobile homes.

**NON-CONFORMING USE** means a lawful use being made of land or a building and includes use of a building which is under construction at the time of the adoption of this Bylaw upon completion of the construction of such building provided that such use would have been permitted under the provisions of the Zoning Bylaw of the City in force immediately prior to the adoption of this Bylaw.

**OFF-STREET PARKING** means a use providing for parking spaces for the temporary storage of vehicles.

**PARCEL** means any lot, block or block of lots, or other area in which land is held or into which land is subdivided.

**PARKS** means the land which is owned by a Government which is dedicated to public use for recreation purposes.

**PETROLEUM DISTRIBUTION INSTALLATIONS** means any building or land used or intended to be used for the wholesale of petroleum fuel or lubricants to commercial vehicles and industrial equipment, which may include key-lock methods of distribution, and excludes bulk storage facilities.

**PICKERS' CABIN (FRUIT AND PRODUCE) USE** means a use accessory to an agricultural use or a resource use where a building is used for one (1) dwelling or sleeping unit for the accommodation of an employee or employees working on the same parcel.

**PIGGERY** means an area of land enclosed or covered by a fence, pen, corral, or other enclosure, building, or structure used for the feeding and keeping of swine primarily for raising and fattening as pork and for the storage or processing of their feed or manure.

For the purpose of this Bylaw, a piggery shall not include the keeping of swine within the enclosure or building or on the subject property in concentrations of six (6) animal units per hectare (2.428 animal units per acre) or less.

For the purpose of this Section, an animal unit shall be as defined in Schedule "E" of this Bylaw.

**PRINCIPAL BUILDING** means an existing or proposed building which is the chief or main one among the buildings on a site.

**PRINCIPAL USE** means the primary and chief purpose for which land, buildings, and structures are used.

## DIVISION TWO – INTERPRETATION

**PRIVATE HOSPITAL USE** means a use providing for the care of the sick, injured, or aged other than in a public hospital and includes private hospitals, convalescent homes, nursing homes, and personal care homes.

**PUBLIC SERVICE USE** means a use providing for the essential servicing with water, sewer, electrical, telephone, and similar services where such use is established by the City of Enderby, another government body, or by a company operating under all applicable laws including the Utilities Commission Act (RSBC 1996); includes broadcast transmission facilities and excludes exterior storage, vehicle and equipment repair facilities and administrative offices.

**RESIDENTIAL USE** means a use providing for the accommodation and home life of a person or persons.

**RETAINING WALL** means a structure constructed for the purpose of retaining, stabilizing or supporting an earthen bank as a result of differences in lot grades.

**ROAD FRONTAGE** means that length of a parcel boundary which immediately adjoins a highway other than a lane or walkway.

**SECONDARY SUITE** means a self-contained, accessory dwelling unit located within a single family dwelling. A secondary suite has its own separate cooking, sleeping and bathing facilities. It has direct access to outside without passing through any part of the principal unit.

**SENIOR CITIZEN DWELLING UNIT** means a dwelling unit within a building for an apartment use provided for elderly persons by a corporation wholly owned by the Province or Municipality, or by a corporation constituted exclusively for charitable purposes.

**SERVICE STATION USE** means a use providing for the retail sale of motor fuels or lubricating oils including the servicing or repair of motor vehicles, the sale of automobile accessories, and the rental of trailers and motor vehicles; excludes all other sales and services, auto body shops, fender work, and painting.

**SHIPPING CONTAINER** means a portable structure referred to as a sea cargo container, storage container, or office container, and which is primarily designated, designed or used for transporting freight by commercial transportation. Excludes storage sheds that are assembled on-site.

**SLEEPING UNIT** means one (1) or more rooms used for the lodging of one (1) family when such unit contains no cooking facilities.

**STOREY** means a habitable space between two (2) floors or between any floor and the upper surface of the floor next above, except that the top most storey shall be that portion of a building included between the upper surfaces of the top most floor and the ceiling above. A basement which contains a self-containing dwelling unit shall be considered as a storey.



## DIVISION TWO – INTERPRETATION

**STREET** means a road allowance 10 m (32.81 feet) or more in width. For the purpose of this Bylaw, a street shall also be deemed to include an “access route” intended to serve lots created pursuant to the Strata Property Act (SBC 1998) and Bare Land Strata Regulations (BC Regulation 75/78).

**STRUCTURES** means any construction fixed to, supported by, or sunk into land or water, and specifically includes shipping containers.

**TRAILER** means any vehicle, coach, house-car, conveyance, or conveyance with an addition, designed to travel often on the highways, constructed or equipped to be used as temporary living or sleeping quarters by holiday makers.

**USE** means the purpose for which any lot, parcel, tract of land, building, or structure is used, occupied, or employed.

**USEABLE OPEN SPACE** means a compact, unobstructed area or areas available for safe and convenient use by all the building’s occupants, having no dimensions of less than 6 m (19.68 feet) and no slope greater than ten percent (10%), provided for greenery, recreational space, and other leisure activities normally carried on outdoors. Useable open space shall exclude areas used for off-street parking, off-street loading, and service driveways.

**USED FOR** means constructed, reconstructed, altered, moved, extended, or occupied as or for the purpose of.

**WAREHOUSING** means storage, distribution, and wholesaling.

**YARD, FRONT** means the area of a lot bounded by the front lot line, each side lot line, and a line drawn parallel to and perpendicularly distant from the front lot line, such perpendicular distance (depth) to be as specified by the provisions of this Bylaw for the Zone in which the lot is located.

**YARD, REAR** means the area of a lot bounded by the rear lot line, each side lot line, and a line drawn parallel to and perpendicularly distant from the rear lot line, such perpendicular distance (depth) to be as specified by the provisions of this Bylaw for the Zone in which the lot is located.

**YARD, EXTERIOR SIDE** means the area of a lot bounded by the exterior side lot line and a line drawn perpendicularly distant from and parallel to the exterior side lot line extending from the front lot line to the rear lot line for such lot, and such perpendicular distance (depth) shall be as specified under the provisions of this Bylaw for the Zone in which the lot is located.

**YARD, SIDE** means the area of a lot bounded by the side lot line and a line drawn perpendicularly distant from and parallel to the side lot line extending from the front lot line to the rear lot line for such lot, and such perpendicular distance (width) shall be as specified under the provisions of this Bylaw for the Zone in which the lot is located.

**ZONE** means a zone established under the Local Government Act of British Columbia and this Bylaw.

## **DIVISION THREE – GENERAL REGULATIONS**

### **DIVISION THREE – GENERAL REGULATIONS**

#### **301 Application**

The provisions of this Bylaw shall apply to the land within the City and to the uses, building, and structures thereon.

#### **302 Zones**

1. The boundary lines of said zones shall be the centre lines of road allowances, creeks, rivers, unless referenced to lot lines, Municipal boundaries, or shown otherwise on the attached Schedule “H” being the “Zoning Map of the City of Enderby”.
2. Where a zoning district boundary does not follow a legally defined line and where the distances are not specifically indicated, the location of the boundary shall be determined by scaling from the official zoning maps.
3. Metric units are used for all measurements in this Bylaw. The equivalent of those units, in imperial measure, shown in brackets following each metric measurement, are included for convenience only.

#### **303 Permitted Uses of Land, Buildings, and Structures**

1. The use of land, including the surface of water, of buildings, and of structures shall be in accordance with the permitted uses specified in this Bylaw.

#### **304 Siting, Size, Shape, and Dimensions of Land, Buildings, and Structures**

1. The construction, reconstruction, alteration, moving, or extension of buildings and structures within any zone shall be in conformity with the regulations for the siting, size, and dimensions of buildings and structures specified in this Bylaw.
2. Buildings existing at the time of the effective date of Zoning Bylaw No. 966, 1987 or for which a valid building permit has been obtained which do not conform with the siting requirements of these regulations are not considered non-conforming by virtue of their siting. All external additions shall conform to the regulations of this Bylaw.
3. Lots existing at the time of the effective date of this Bylaw which do not conform with the parcel size or frontage requirements of these regulations may be used for any of the permitted uses outlined in the respective zone provided that all other requirements applicable within that zone can be met and provided that no other regulations are contravened.

## DIVISION THREE – GENERAL REGULATIONS

4. Notwithstanding the provisions of this Bylaw, buildings, or structures of less than 10 m<sup>2</sup> (107.6 square feet) are exempt from the provisions of Sections 308.4.a.ii and iii. of this Bylaw.

### 305 Off-Street Parking and Loading Spaces

1. Off-street parking spaces and off-street loading spaces shall be provided in conformity with Schedule “B” (Off-Street Parking) and Schedule “C” (Off-Street Loading) of this Bylaw.

### 306 Agricultural Land Reserve

1. Notwithstanding anything in this Bylaw contained, land within the City designated as “Agricultural Land Reserve” shall be subject to:
  - a. the Agricultural Land Commission Act; and
  - b. regulations made under the Agricultural Land Commission Act; and
  - c. relevant orders of the Provincial Agricultural Land Commission made under the Agricultural Land Commission Act, that is to say, without limiting the generality of the foregoing where land within an “Agricultural Land Reserve” is also within a land zone established under this Bylaw, the Bylaw shall be binding only insofar as it is not contrary to, in conflict with, inconsistent with, or repugnant to the Agricultural Land Commission Act, regulations made thereunder, and orders of the Provincial Agricultural Land Commission, except that the uses listed under Section 3(1) of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (B.C. Reg 171/2002) shall not be permitted to be carried out on lands located within the Agricultural Land Reserve unless otherwise specifically regulated by provisions of this Bylaw.

### 307 Uses of Land, Buildings, and Structures

1. Non-Conforming Uses:
  - a. The regulations governing non-conforming use are set forth in the Local Government Act.
  - b. No use shall be established so as to render any existing use on the same lot non-conforming.
  - c. A use that was non-conforming or unlawful under the “Corporation of the City of Enderby Zoning Bylaw No. 966, 1987” shall continue to be non-conforming or unlawful unless it complies in every respect with the provisions of this Bylaw.

## DIVISION THREE – GENERAL REGULATIONS

### 2. Permitted Uses of Land, Buildings, and Structures:

- a. A home occupation use shall be permitted in all zones and:
  - i. except where it involves horticulture, shall be completely enclosed within the building used for residential use or accessory residential use; and
  - ii. shall only involve the retail sale of commodities produced on the premises or commodities produced off site which are incidental to a service being provided; and
  - iii. the display and storage area for retail commodities produced off site which are incidental to a service being provided is limited to 5% of the home occupation use and shall not exceed 2.25 m<sup>2</sup> (24.2 square feet); and
  - iv. shall occupy less than twenty percent (20%) of the floor area, not to exceed 45 m<sup>2</sup> (484.4 square feet), except that in the Country Residential zone a home occupation shall be allowed to be carried out within an accessory building not larger than 60 m<sup>2</sup> (645.8 square feet) in size; and
  - v. shall in no way indicate from the exterior that the premises are being so used except for one (1) home occupation sign permitted pursuant to Section 310 of this Bylaw; and
  - vi. shall not discharge or emit: (a) odorous, toxic, or noxious matter or vapour; (b) heat, glare, or radiation; (c) recurrently generated ground vibration; (d) noise; and
  - vii. shall employ at least one (1) person who resides in the residential building; and
  - viii. may employ a maximum of one (1) person who does not reside in the residential building; and
  - viiii. shall not generate excessive traffic.
- b. A temporary building or structure shall not be used as a dwelling and shall not be placed or erected on any lot, except in the case of a mobile home where permitted under the provisions of the Bylaw, and except where a permit for the replacement or erection and use and occupation of such temporary building or structure has been validly issued under the provisions of the Building Bylaw of the authority having jurisdiction and amendments thereto from time to time in force; provided that when such permit lapses or is revoked under the provisions of the said Bylaw such temporary building or structure shall be removed from the lot forthwith and the site of temporary building or structure shall be restored as neatly as possible to the condition existing prior to the placement

## DIVISION THREE – GENERAL REGULATIONS

or erection of such temporary building or structure. In the event that the site is not so restored within a period of thirty (30) days from the date that such temporary building or structure is removed from the lot, Council may cause such work to be done as may be necessary to restore the site as aforesaid and the costs of such work shall be paid by the owner of the lot concerned, to the City forthwith after the bill for such costs has been rendered to such owner. In the event of default of payment of such costs by the owner, such costs may be collected by the City in the same manner and with the like remedies as ordinary taxes upon land and improvements collected under the provisions of the Local Government Act and Community Charter.

- c. A boarding use shall be completely enclosed within a building used for residential purposes and shall accommodate not more than four (4) boarders provided one (1) additional boarder may be added for each 45 m<sup>2</sup> (484.4 square feet) of lot area in excess of 900 m<sup>2</sup> (9,688 square feet).
- d. Notwithstanding any other provisions of this Bylaw, parks and playgrounds shall be permitted in all zones and the minimum lot area requirement of the applicable zone shall not apply to the park or playground use.

### 3. Prohibited Uses of Land, Buildings, and Structures:

The following uses shall be prohibited in all zones:

- a. Living accommodation in cellars, basements, and shipping containers:
  - i. No person shall inhabit or otherwise occupy any suite, dwelling, or sleeping unit in any cellar anywhere within the City, except in the case of the family occupying the main floor of the building using such cellar for accommodation of his own family providing it meets City bylaws and Provincial safety regulations.
  - ii. No person shall inhabit or otherwise occupy any suite, dwelling unit, or sleeping unit in any basement, except in those areas of the City where the leasing, renting, or otherwise letting of a basement suite, dwelling unit, or sleeping units are permitted by this Bylaw and such suite, dwelling unit, or sleeping unit shall meet all City bylaws and Provincial safety regulations.
  - iii. No person shall inhabit or otherwise occupy any suite, dwelling, or sleeping unit in any shipping container anywhere within the City.

## DIVISION THREE – GENERAL REGULATIONS

- b. A use that is carried on wholly or partly in a tent, trailer, motorhome, or mobile home, except as may be specifically permitted under the provisions of this Bylaw or under the provisions of the Bylaws and regulations of the City generally.
  - c. The unenclosed storage of automobiles and trucks (including parts thereof) which are in a state of disrepair, wrecked, or being dismantled for salvage or which are not licensed for the current year, except where specifically permitted under the provisions of this Bylaw.
  - d. The incinerating or processing of fish, animal, or vegetable waste products, except where specifically permitted under the provisions of this Bylaw.
  - e. The manufacturing of pulp, paper, or petroleum.
  - f. Medical Marihuana Production Facilities, unless located within the Agricultural Land Reserve.
4. Parking and Storage in Residential Zones:
- a. No person at any time shall park or store any commercial vehicle, truck, bus, self-propelled camper, travel trailer, tow truck (or parts of any of the above) or any equipment or building material in a Residential zone, except:
    - i. one (1) truck or commercial vehicle not exceeding 1,000 kg G.V.W. (2,205 pounds G.V.W.) rated capacity; and/or
    - ii. one (1) self-propelled camper or travel trailer provided that the overall length does not exceed 10 m (32.81 feet); and/or
    - iii. one (1) utility trailer provided that the overall length does not exceed 4 m (13.12 feet); and/or
    - iv. trucks or equipment required for construction, repair, servicing, or maintenance of the premises when parking during normal working hours; and/or
    - v. one (1) boat or vessel not exceeding a length of 10 m (32.81 feet); and/or
    - vi. building materials when the owner, lessee, or occupier of the premises is in possession of a valid building permit, provided that the materials stored are in connection with the construction or development of the building situated on the same property as which the material is stored pursuant to the building permit.

## DIVISION THREE – GENERAL REGULATIONS

### 5. Storage Yards in Commercial and Industrial Zones:

No storage yard or area shall be permitted in a required front yard, nor in any required yard which abuts a lot in a Residential zone, or is separated therefrom by a street or main thoroughfare.

### 6. Location of Driveways:

No driveway or other roadway used for the purpose of gaining vehicular ingress to or egress from a lot shall be constructed or used in any zone where such driveway or roadway or any part thereof is located closer than 8 m (26.25 feet) of the point of intersection of the exterior side lot line of such lot with the front lot line or rear lot line thereof.

## 308 **Siting, Size, and Dimensions of Buildings and Structures**

### 1. Buildings Per Lot:

- a. One (1) or more buildings may be sited on one (1) lot, except as otherwise limited in this Bylaw.

### 2. Siting Exceptions:

Where under the provisions of this Bylaw, a yard free of all buildings and structures is required to be provided, all items of construction or other things (hereinafter called "projections") attached to such building or structure and which project out from the exterior wall of such building or structure, shall be deemed to be part of such building or structure for the purpose of measurement of the depth or width of the required yard, provided that:

- a. where such projections are chimneys, cornices, leaders, gutters, pilasters, belt courses, bay windows or ornamental features, the depth or width of the required yard into which such projections extend may be reduced by not more than 0.6 m (1.968 feet); and
- b. where such projections are steps, eaves, sunlight control projections, canopies, balconies or open porches, the depth of the required yard into which such projections extend may be reduced by not more than 1 m (3.281 feet); and
- c. an underground structure may be sited in any portion of a lot provided that the top surface of such structure shall at no point extend above the average finished ground elevation; and
- d. free-standing light poles, warning devices, antennas, masts, utility poles, wires, flag poles, signs and sign structures, may be sited on any portion of a lot provided that the location and design thereof is not prohibited under any other Bylaw or regulation of the City.

## DIVISION THREE – GENERAL REGULATIONS

- e. Retaining walls may be sited anywhere on a lot provided they comply with the height regulations outlined in Section 309 if this Bylaw.

### 3. Height Exceptions:

The height of buildings and structures permitted elsewhere in this Bylaw may be exceeded for industrial cranes, upright silos, grain elevators, towers, tanks, bunkers, radio and television antennas, church spires, belfries, domes, monuments, chimneys and smoke stacks, flag poles, drive-in theatre screens, stadium bleachers, lighting poles, apartment elevator shafts, stair towers, scenery lofts, fire and hose towers.

### 4. Accessory Residential Buildings and Structures in Residential Zones:

Notwithstanding the setback, building size, or height restrictions cited elsewhere in this Bylaw, accessory residential buildings and structures in all Residential zones of this Bylaw shall:

- a. be sited not less than:
  - i. 8 m (26.25 feet) from any front or exterior side lot line; and
  - ii. 1.5m (4.9210 feet) from any rear or side lot line; and
  - iii. 3 m (9.842 feet) from any other building or structure.

Notwithstanding the provisions of Subsection 4.a. above, a carport or garage opening onto a lane shall be sited not less than 2 m (6.562 feet) from any such lane and a detached garage may be sited not less than 4.5 m (14.76 feet) from the front or exterior side lot lines on lots exceeding twenty percent (20%) average natural slope determined from the uppermost point on the lot to the lowest point on the lot; and

- b. be not larger than 80.3m<sup>2</sup> (864 square feet) having a horizontal dimension of not more than 11m (36.1 feet) for domestic garages or shops and be not larger than 15m<sup>2</sup> (161.5 square feet) for all other accessory residential buildings and structures; and
- c. in the case of carports or garages, constructed so that the roof or ridge line shall not be in excess of 5 m (16.40 feet) above the driveway at the entrance to the garage or carport. All other accessory buildings shall be constructed with a maximum height of 5 m (16.40 feet).

### 5. Special Building Line Setbacks:

- a. Notwithstanding the setback provisions cited elsewhere in this Bylaw, the following building lines are hereby set on lands abutting certain highways within the City:



## DIVISION THREE – GENERAL REGULATIONS

- i. All buildings and structures shall be provided with a setback of not less than 10 m (32.81 feet) plus the required setback of the respective zone measured from the centre lines of George Street (Highway No. 97A) and Vernon Street.

All buildings and structures shall be provided with a setback of not less than 9 m (29.53 feet) plus the required setback of the respective zone measured from the centre line of First Avenue, Gunter-Ellison Road, West Enderby Road, King Avenue, Stanley Avenue, Cliffview Drive, Knight Avenue, Salmon Arm Drive, Howard Avenue, Kate Street, Bass Avenue, Evergreen Street, and Belvedere Street between Knight Avenue and Evergreen Street.

### 6. Restricted Agricultural Use (In Other Than a Rural Zone):

Where a restricted agricultural use is permitted in other than a Rural Zone pursuant to the provisions cited elsewhere in this Bylaw, all buildings and structures used for restricted agricultural purposes shall:

- a. not exceed two (2) per lot; and
- b. not exceed a height of 10 m (32.81 feet); and
- c. not exceed a site coverage of ten percent (10%); and
- d. not be sited less than:
  - i. 30 m (98.42 feet) from any front or exterior side lot line; and
  - ii. 8 m (26.25 feet) from any side or rear lot line; and
  - iii. 30 m (98.42 feet) from any lot line, for all buildings and structures used for housing and feeding animals, notwithstanding the requirements of Subsection d.ii. above; and
  - iv. 3 m (9.842 feet) from any other building.

### 7. Intensive Agricultural Use in Non-Rural Zones:

Where an intensive agricultural use is permitted in a non-rural zone of this Bylaw, pursuant to the provisions of Section 903 of the Local Government Act, the setback and site coverage provisions of Section 601 of this Bylaw shall apply to the intensive agricultural use.

## DIVISION THREE – GENERAL REGULATIONS

### 309 Screening and Landscaping:

#### 1. Screening:

a. Screening consisting of a solid 2.5 m (8.202 feet) fence or wall, which shall be uniformly painted and well maintained and not used for advertising or display purposes or for the posting of notices, shall be provided as follows:

i. In Commercial and Industrial zones, any part of a lot used or intended to be used as an outside storage area shall be closed by screening on any side not facing directly upon the principal building on the lot, and no material shall be piled to extend above such screening.

Required front screening shall be so situated as to conform with the front yard setback provisions of the applicable zone.

ii. Where any Commercial, Industrial, or Multi-Family Residential parking or display area abuts a lot in a Residential zone, or is separated by a lane therefrom, screening of 2 m (6.562 feet) in height shall be provided and properly maintained along the common property boundary.

iii. Notwithstanding the requirements of Subsection a.ii. above, screening along a lane shall be not less than 0.7 m (2.297 feet) and not more than 1.1 m (3.609 feet) in height for a distance of not less than 6 m (19.68 feet) from all points of ingress and egress to and from such parking or display area.

b. Screening of over 1 m (3.281 feet) in height or any lesser height which constitutes a traffic hazard shall not be permitted within the area described by three (3) lines interconnecting an exterior lot corner, a point on the front lot line 6 m (19.68 feet) from the exterior lot corner and a point on the exterior lot line 6 m (19.68 feet) from the exterior lot corner, the exterior lot corner being the point of intersection of the exterior side lot line and the front lot line.

c. The height of screening shall be determined by measurement from the ground level at the average grade level.

d. That portion of a retaining wall which projects above the surface of the ground which it supports shall be considered as a screen and subject to the regulations of this Subsection.

e. Notwithstanding Subsection 1.d. above, in cases where a retaining wall has been constructed along a property line, the height of screening shall be determined by the measurement from

## DIVISION THREE – GENERAL REGULATIONS

the surface of the ground which the retaining wall supports at the average grade level.

- f. Subject to the vision clearance provisions of Subsection 1.a.iii. and 1.b. above, the following height limitations shall apply to screening:
  - i. In all zones, fences not greater than 1.2 m (3.937 feet) in height may be located anywhere on a lot.
  - ii. In all zones, except Industrial zones, fences or walls not greater than 2 m (6.562 feet) in height may be located on any lot to the rear of a required front yard.
  - iii. In Industrial zones, fences or walls not greater than 2.5 m (8.202 feet) in height may be located on any lot to the rear of a required front yard.
  - iv. In Residential zones, where the rear line of a lot abuts the side line of an adjoining lot, the height of fences on such rear lot line shall be not greater than the height permitted on the side line of an adjoining lot at the point of abutment.
- g. Subsection 1.f. above shall not apply to open mesh or chain link type fences erected on cemetery, public playground, park, playfield, elementary, or high school areas, and in Commercial and Industrial zones. In these cases, no such fence shall exceed a height of 3.5 m (11.48 feet).
- h. Screening shall not consist of untreated plywood, corrugated metal or chain link fencing, except for chain link fencing that contains slat inserts to create a visual barrier.
- i. Retaining walls on all residential lots, except those required as a condition of subdivision approval, must not exceed a height of 1.2 m (3.94 feet) measured from grade on the lower side, and must be constructed so that multiple retaining walls are spaced to provide at least a 1.2 m (3.94 feet) horizontal separation between them.
- j. The combined height of a fence on top of a retaining wall at the property line or within 1 m of a property line shall not exceed 2.0 m (6.56 feet), measured from natural grade at the property line.
- k. A retaining wall may be higher than 1.2 m (3.94 feet), measured from grade, where the natural grade of the subject property is lower than the abutting property.

### 2. Landscaping:

- a. Landscaping shall be provided and well maintained at all times, as follows:

## DIVISION THREE – GENERAL REGULATIONS

- i. Where any commercial or industrial development abuts a lot in a Residential Zone, a landscaped buffer area shall be provided with a minimum width of 2 m (6.562 feet).
- ii. Where any commercial or industrial development abuts a Controlled Access Highway, a landscaped buffer area shall be provided with a minimum width of 2 m (6.562 feet).
- iii. Where any commercial or industrial development abuts any other highway, a landscaped buffer area shall be provided equal to the required front or exterior side yard requirement of the applicable zone.

The remainder of the property that is not used for buildings, display, parking, or access driveways shall be suitably landscaped.

- b. Landscaping shall consist of the following:
  - i. A grass to shrubbery ratio from 6:4 to 8:2.
  - ii. A minimum of five percent (5%) of the landscaped area shall be planted in trees using the canopy area of the trees as a measure of the number and size of trees required.
  - iii. A maximum of fifteen percent (15%) of the area shall be planted to annuals.
  - iv. Other accepted landscape materials may be utilized under the supervision of a competent landscape contractor or landscape architect.

### 310 Signs

#### 1. Interpretation:

For the purposes of this Section and unless the context otherwise requires:

**ANIMATED SIGN** means a sign which includes sound, action, or motion.

**BILLBOARD** means a sign of a permanent or semi-permanent nature intended for the display thereon of advertising messages which can be readily changed or altered.

**COPY** means the wording on a sign surface.

**COPY AREA** means the area(s) of the smallest geometric figure(s) which would enclose the copy of a sign.

**DIRECTIONAL SIGN** means a sign intended solely to give direction (i.e. direction to an "Entrance", "Exit", "Handicapped Access", etc.).

## DIVISION THREE – GENERAL REGULATIONS

**FLASHING SIGN** means a sign which is partially or wholly illuminated by an intermittent light source and specifically excludes public service signs displaying time, temperature, etc.

**FREE STANDING SIGN** means a sign which is supported independent of a building.

**HEIGHT OF SIGN** means the greatest vertical distance from the average finished ground elevation at the base of the sign to the highest point on the sign.

**HOME OCCUPATION SIGN** means a sign that advertises a home occupation as defined in this Bylaw.

**ILLUMINATED SIGN** means a sign which emanates or reflects artificial light.

**OFF PREMISE SIGN** means a sign which advertises or directs attention to a product, service, place, activity, person, institution, or business not sited on the same lot and specifically excludes signs advertising a product, service, place, activity, person, institution, or business located on a parcel that is owned by the owner of the parcel on which the sign is located.

**POLITICAL SIGN** means a sign promoting a political candidate, party, or issue.

**PORTABLE/TEMPORARY SIGN** means a sign not permanently attached to the ground, building, or structure and includes banners, pennants, flags, vehicles, search lights, balloons, and other similar devices.

**REAL ESTATE SIGN** means a temporary sign pertaining to the sale, lease, or rental of real estate.

**ROOF SIGN** means a sign erected upon or above the roof of a building or structure.

**SEASONAL OR HOLIDAY SIGN** means a sign or decoration installed temporarily for the celebration of a religious, civic, or other holiday and which does not contain any advertising.

**SIGN** means an identification, description, illustration, contrivance, or device visible from a public place which is intended to direct attention to a product, service, place, activity, person, institution, business, or solicitation.

**SIGN AREA** means the area of the sign(s) within a perimeter which forms the outside shape including any frame which forms an integral part of the display.

## DIVISION THREE – GENERAL REGULATIONS

**WALL AREA** means the area of all external, vertical wall surfaces, fascias, and trim bands making up any single face of a building facing a public road.

**WALL SIGN** means a sign that is painted on or incorporated into a building's awning, canopy, wall, fascia, or trim band surface.

### 2. Permit Application and Fees:

#### a. Permit Application:

With the exception of flag poles, signs that are painted on the side of a building, and those signs identified in Section 310.3.a.ii of this Bylaw, a Building Permit for a sign structure shall be obtained from the Building Inspector for the authority having jurisdiction.

### 3. General Regulations:

#### a. Permitted Signs:

i. Subject to the provisions of this Bylaw, signs shall be permitted to be located on a parcel of land only if they advertise a product, service, place, activity, person, institution, or business located on the same parcel or if they advertise a product, service, place, activity, person, institution, or business located on a parcel that is owned by the owner of the parcel on which the sign is located provided no more than 50% of the sign area is used for advertising the product, service, place, activity, person, institution, or business not located on the parcel on which the sign is located.

ii. Notwithstanding the provisions of Subsection 3.a.i. above and subject to the regulations contained elsewhere in this Bylaw, the following signs shall be permitted to be located on any parcel of land:

- construction signs
- directional signs
- government signs
- home occupation signs
- "neighbourhood watch" signs
- political signs
- real estate signs
- seasonal and holiday signs

#### b. Prohibited Signs:

Notwithstanding the provisions of Subsection 3.a. above, the location of the following signs on any parcel of land is prohibited:

## DIVISION THREE – GENERAL REGULATIONS

- animated signs
- billboards
- flashing signs
- off premise signs
- portable/temporary signs
- roof signs

c. Sign Area:

The sign area shall be not greater than:

- i. 0.4 m<sup>2</sup> (4.306 square feet) for home occupation and directional signs; or
- ii. 1.0 m<sup>2</sup> (10.76 square feet) for real estate and political signs located in a residential zone; or
- iii. 3.0 m<sup>2</sup> (32.29 square feet) for real estate and political signs located in other than a residential zone.

d. Number of Signs:

There shall be no more than one (1) each of a home occupation, real estate, and/or political sign located on a parcel of land.

e. Illumination:

Home occupation, real estate and political signs shall not be illuminated.

f. Setbacks:

- i. The setback of free standing signs from all property lines shall be not less than 1 m (3.281 feet).
- ii. Notwithstanding the setback requirements of Subsection 3.f.i. above, no sign shall be permitted to be located within a distance of 6 m (19.68 feet) from:
  - a. a lot corner adjacent to the intersection of two public highways; and
  - b. a lot corner adjacent to a public highway and common on two lots.

g. Construction Standards:

- i. Wall signs more than 8 cm (3.150 inches) thick shall be attached to the wall at a height of not less than 2.5 m (8.202 feet) above the finished grade of any sidewalk or ground surface immediately thereunder and not less than

## DIVISION THREE – GENERAL REGULATIONS

4.5 m (14.76 feet) above the finished grade of any driveway, lane, or parking space immediately thereunder.

ii. **Projecting signs shall:**

- a. be located only within the centre one-third portion of the building facade; and
- b. not project beyond any wall surface more than 5 cm (1.968 inches) for each 0.3 m (0.984 feet) of building frontage to a maximum projection of 2 m (6.562 feet); and
- c. be located at a height of not less than 3 m (9.842 feet) above the finished grade of any sidewalk or ground surface immediately thereunder and not less than 4.5 m (14.76 feet) above the finished grade of any driveway, lane, or parking space immediately thereunder; and
- d. not encroach on any space immediately above a public roadway.

h. **Maintenance:**

All signs shall be properly maintained and any sign located on a property which becomes vacant and unoccupied for a period of six (6) months, and any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned, and shall be removed by the owner of the land within thirty (30) days.

i. **Controlled Sign Permits:**

Notwithstanding any other requirements of this Bylaw, Council by special resolution, may issue a "controlled sign permit" for the following:

- i. Seasonal or holiday signs located on or above public land including highways (excluding Highway No. 97A).
- ii. One (1) portable/temporary sign including sidewalk and curb signs, banners, pennants, and streamers intended to advertise a special event such as the opening of a business, sale, fund raising drive, etc., provided that the sign is removed from the property within thirty (30) days of the issue of the permit.



## DIVISION THREE – GENERAL REGULATIONS

### 4. Specific Regulations - Assembly and Private Hospital, Commercial and Industrial Zones:

#### a. Sign Area:

The maximum sign area shall be not greater than:

- i. the square root of (the total wall area x 10) - for wall signs; or
- ii. the square root of (the total wall area x 2) - for free standing signs; or
- iii. 1.5 m<sup>2</sup> (16.15 square feet) for free standing signs for assembly and private hospital use.

Double sided free standing signs need only consider one face in determining the maximum sign area.

#### b. Copy Area:

The maximum copy area shall be not greater than forty-five percent (45%) of the sign area.

#### c. Height of Signs:

The height of free standing signs shall not exceed 6 m (19.68 feet) except that the height of free standing signs for assembly and private hospital use shall not exceed 2 m (6.562 feet).

#### d. Illumination:

Internal and external illumination of signs shall be permitted provided that the light source does not cause undue glare to adjacent properties or persons travelling on adjacent public highways.

#### e. Landscaping:

Free standing signs shall be co-ordinated with the landscaped areas of the parcel.

#### f. Number of Signs:

- i. The maximum number of free standing signs permitted on a parcel of land zoned assembly and private hospital, commercial or industrial shall be one (1) except that one (1) additional free standing sign may be permitted for lot frontages exceeding 100 m (328.1 feet).
- ii. The number of wall signs shall not be restricted.

## **DIVISION THREE – GENERAL REGULATIONS**

### **311 Temporary Residence for the Medical Care and Nursing of an Owner or an Immediate Relative**

1. Where a temporary residence is required for the purpose of providing a separate residence for the medical care and nursing of an owner of land, or an immediate relative, the following conditions shall apply:
  - a. The medical care must be for an owner, or for the spouse of the owner, or for an immediate relative of the owner, or an immediate relative of the owners spouse, being a father, mother, father-in-law, mother-in law, son, daughter, son-in-law, daughter-in-law, grandchild, brother, or sister; and
  - b. Before a building permit is issued for the temporary residence the need for close medical care and nursing shall be certified by a sworn affidavit from the owner of the parcel on which the temporary residence is proposed to be located and from the medical doctor of the person requiring medical care and nursing. The affidavits shall be delivered to the City and shall remain in force and effect for a period of one year.
  - c. Further affidavits, as required by Subsection 2. above, shall be delivered annually to the City on the anniversary of the date upon which the affidavits were first delivered. The need for close medical care and nursing of the infirm person shall be deemed to have ceased if the affidavits required under this Subsection are not delivered by the date upon which they are required to be delivered; and
  - d. No more than one (1) temporary residence shall be permitted on a lot and the lot shall be not smaller than 1 ha (2.471 acres); and
  - e. The temporary residence may include a manufactured home, modular manufactured home or a single family dwelling; and
  - f. The temporary residence shall be sited in conformity with the regulations of this bylaw; and
  - g. The gross floor area of a single family dwelling or manufactured home or modular manufactured home proposed to be used as a temporary residence shall be not larger than 115 square metres (1238 square feet); and
  - h. The temporary residence shall not be sited on a permanent foundation with a basement excavation and shall be removed from the owner's land when the need for medical care and nursing ceases except that the temporary residence may be converted to any non-residential use permitted within the applicable zone subject to:

## DIVISION THREE – GENERAL REGULATIONS

- i. compliance with all other regulations of the applicable zone with respect to density and the siting, size and dimensions of the building; and
  - ii. removal of all kitchen and bathroom cabinets, plumbing fixtures, hot water tanks, furnaces, and sewer connections except that some of said facilities may be retained for home occupation and workshop purposes as determined by the City; and
  - iii. refinishing of the exterior of the building to portray a building intended for the proposed use; and
  - iv. completion of the conversion within thirty (30) days of the end of the period of construction of the residence; and
- i. A covenant shall be registered, pursuant to the provisions of Section 219 of the Land Title Act, to permit the temporary residence during the period of medical care and nursing and to prohibit the temporary residential use from continuing after the period of medical care ceases. The covenant shall also include an agreement by the owner to indemnify and save harmless the City against all costs and expenses incurred by the City in converting, demolishing or removing the temporary residence in default by the owner in converting, demolishing or removing said residence, including any legal costs incurred in pursuing such legal remedies as the City sees fit. The covenant shall be registered as a condition precedent to the issuance of a building permit for the temporary residence.

### **312 Medical Marihuana Production Facilities within the Agricultural Land Reserve**

1. Subject to Section 307.3.f, for properties located within the Agricultural Land Reserve a minimum lot area of 5 ha (12.355 acres) is required to establish a Medical Marihuana Production Facility;
2. All uses associated with a Medical Marihuana Production Facility must take place entirely within a single, fully enclosed, standalone building. All uses associated with a Medical Marihuana Production Facility shall be the only uses permitted in a building so used;
3. For the purpose of the City's Fire Protection Bylaw, any building used for a Medical Marihuana Production Facility shall be considered an industrial building and shall be subject to fire inspections in accordance with the prescribed frequency;
4. Buildings must be sited a minimum of 30 meters from all property lines;

## **DIVISION THREE – GENERAL REGULATIONS**

5. No Medical Marihuana Production Facility shall be sited within 150 m of any residential zone, daycare facility, playground, community centre, school, public park, or any use catering to individuals under the age of 18;
6. Servicing of a property used for a Medical Marihuana Production Facility shall be in accordance with all applicable regulations and permitting; on site servicing may be permitted; and
7. A Medical Marihuana Production Facility must obtain a municipal Business License before any operation may begin.

### **313 Temporary Use Permits**

1. Pursuant to Section 920.2 of the Local Government Act, all zones within the City are designated as areas for the issuance of Temporary Use Permits, subject to the following general conditions:
  - a. The use is temporary or seasonal in nature;
  - b. The use is not noxious or undesirable because of smoke, noise, vibration, dirt, glare, odour, radiation, electrical interference, or an offensive trade within the meaning of the Health Act;
  - c. There are no negative impacts on the lands in the vicinity;
  - d. There is no significant increases in the level or demand for services;
  - e. There are no permanent alterations to the subject site; and
  - f. The use complies with all of the conditions specified by Council as a condition of the issuance of the Permit.

### **314 Shipping Containers**

1. Subject to the requirements set out in each zone, Shipping Containers are permitted in the following zones:
  - Industrial (I.1, I.2);
  - Service Commercial (C.4);
  - Country Residential (C.R); and
  - Assembly, Civic, and Public Service (S.1).
2. The use of Shipping Containers is deemed to be an accessory use limited to the following principal uses:
  - All uses permitted in Industrial zones (I.1, I.2);
  - All uses permitted in the Service Commercial zone (C.4);
  - Civic and public service, intensive agriculture, and limited agriculture uses in the Country Residential zone (C.R); and

## DIVISION THREE – GENERAL REGULATIONS

- Assembly, civic, and public service uses in the Assembly, Civic, and Public Service zone (S.1).
3. Shipping containers must meet the requirements of the BC Building Code, BC Fire Code, and all City of Enderby Bylaws.
  4. Notwithstanding Sections 314.1 and 314.2:
    - a. When a Building Permit has been issued for construction on a parcel in any zone, shipping containers may be used for temporary storage provided that they are removed within 30 days of final inspection of the building or structure for which the Building Permit has been issued;
    - b. Shipping containers may be used temporarily on a parcel in any zone for moving or storage purposes provided that they are not located on any parcel for longer than 30 days without approval of the City.
    - c. Shipping containers may be used temporarily for emergency purposes on a parcel in any zone provided they are not located on any parcel for longer than 90 days without approval of the City.
    - d. A shipping container must be sited such that:
      - i. It is located at least 8 m (26.25 feet) from any front or exterior side lot line; and
      - ii. It is located at least 1.5 m (4.92 feet) from any rear or side lot line; and
      - iii. It is located at least 3 m (9.84 feet) from any other building or structure; and
      - iv. There is a minimum separation of 6 m (19.69 feet) between the exits, windows or unprotected openings of any other building or structure and the shipping container; and
      - v. It is not located between the principal building or structure of the parcel and the front lot line; and
      - vi. The container doors face away from any other building or structure.
    - e. The siting requirements for shipping containers pursuant to Section 314.4.d shall not apply to shipping containers used temporarily for moving or storage uses or emergency purposes, except that the side yard setbacks of the applicable zone shall apply.
    - f. A shipping container used temporarily for moving or storage uses or emergency purposes shall be sited a minimum of 1.5 m (4.92 feet)

## **DIVISION THREE - GENERAL REGULATIONS**

- g. from any structure on site and a minimum of 3 m (9.84 feet) from any building or structure on adjacent properties.
- h. No flammable and combustible liquids or gases shall be stored in shipping containers.
- i. The number of shipping containers permitted on a property is limited to the following:
  - i. Two (2) for Industrial zones (I.1, I.2);
  - ii. Two (2) for Assembly, Civic, and Public Service zones (S.1);
  - iii. One (1) for Service Commercial (C.4) zones;
  - iv. One (1) for Country Residential (C.R) zones;
  - v. One (1) for moving or temporary storage; and
  - vi. No limitations for emergency purposes.
- j. The stacking of shipping containers is prohibited.
- k. Screening shall be provided consistent with the screening requirements for each zone outlined in Section 309. Screening is not required for the shipping containers when used temporarily for moving, storage, or emergency purposes.
- l. Except when used temporarily for storage, moving or emergency purposes, shipping containers shall have an exterior finish to match or compliment the exterior finish of the buildings on the subject property unless screened in accordance with Section 309.

### **315 Subdivision Without Community Sewer**

The minimum lot size for subdivision is 1 ha (2.471 acres) for parcels not connected to a community sewer system.

## **DIVISION FOUR – COMMERCIAL ZONES (C.1)**

### **DIVISION FOUR – COMMERCIAL ZONES**

#### **401 General Commercial Zone (C.1)**

1. Permitted Uses of Land, Buildings, and Structures:

The following uses and no others shall be permitted in the General Commercial Zone (C.1):

- a. Accessory buildings and structures
- b. Accommodation including apartments, dwelling units, hotels and Motels
- c. Assembly and civic use
- d. Educational facilities and professional studios including art studios, business colleges, dance studios, music studios, photography studios, radio studios, television studios, and trade schools
- e. Entertainment and recreation facilities including arcades, billiard halls, bowling alleys, cabarets, fraternal lodges, health spas, museums, neighbourhood pubs, night clubs, social clubs, sport clubs, sports facilities, and theatres
- f. Food service including bakeries, butcher shops, caterers, coffee shops, dairy bars, fish shops, and restaurants (excluding drive-through restaurants)
- g. Office and commerce facilities accommodating appraisers, architects, banks, bookkeepers, brokers, chartered accountants, credit unions, dentists, dental labs, doctors, engineers, finance companies, funeral homes, insurance agents, lawyers, management companies; massage therapy clinics, medical offices, labs, and clinics; mortuaries, newspapers, notaries, publishers, real estate agents, surveyors, travel agents, and veterinarians
- h. Public service use
- i. Retail sales (including parts and accessories) of appliances, automobile parts and accessories (new), beverages, bicycles, books, candy, clothing, computers, draperies, drugs, electronic equipment, fabric, flowers, food (including meat and fish), fruit, furniture, garden supplies, glass, gifts, groceries, hardware, hobby equipment, jewellery, liquor, medical supplies, musical supplies, novelties, office equipment and supplies, optical supplies, paint, pets, pet food, photographic supplies, plants, produce, sporting goods (including rental), stationery, tools and small equipment, toys, and watches

## DIVISION FOUR – COMMERCIAL ZONES (C.1)

- j. Service and repair including animal beauty parlours, appliance repair, automobile rental, barber shops, beverage container recycling and collection depot, costume rental, dry cleaners, hairdressers, interior decorators, laundromats, locksmith shops, optical shops, shoe repair, tailor shops, video rental shops, and watch repair shops
- k. Transportation facilities including commercial parking lots and garages, passenger transportation depots, and taxi dispatch offices.

### 2. Buildings Per Lot:

There shall be not more than one (1) principal building allowed per lot.

### 3. Floor Area:

- a. The floor area for a dwelling unit shall be not less than:
  - i. 27m<sup>2</sup> (290.6 square feet) within each bachelor dwelling unit; or
  - ii. 40 m<sup>2</sup> (430.6 square feet) within each one-bedroom dwelling unit; or
  - iii. 45 m<sup>2</sup> (484.4 square feet) within each two-bedroom dwelling unit; or
  - iv. 55 m<sup>2</sup> (592.0 square feet) within each three-bedroom dwelling unit.

The sum of the gross floor area of dwelling units located on the first storey level and entirely behind the commercial use must not exceed the gross floor area of the commercial use on the first storey level.

- b. The floor area for hotel and motel use shall be not less than:
  - i. 20 m<sup>2</sup> (215.3 square feet) within each sleeping unit; or
  - ii. 30 m<sup>2</sup> (322.9 square feet) within each kitchenette unit; or;
  - iii. 35 m<sup>2</sup> (376.7 square feet) within each one-bedroom unit; or
  - iv. 55 m<sup>2</sup> (592.0 square feet) within each two-bedroom or larger units.



## **DIVISION FOUR – COMMERCIAL ZONES (C.1)**

**4. Height of Buildings and Structures:**

The height of buildings and structures shall not exceed the lesser of 12 m (39.37 feet) or three (3) storeys.

**5. Lot Area:**

Subject to the provisions of Section 1101.2. of this Bylaw, each lot shall have an area of not less than:

- a. 2,000 m<sup>2</sup> (21,528 square feet) for hotel use; or
- b. 200 m<sup>2</sup> (2,153 square feet) for all other uses, except that each lot shall have an area of not less than 450 m<sup>2</sup> (4,844 square feet) where it abuts a Controlled Access Highway and is not served by a lane.

**6. Lot Coverage:**

Lot coverage shall be not greater than sixty percent (60%) of the lot area for all buildings and structures except that ninety percent (90%) lot coverage shall be allowed within the area designated as Downtown Designated Parking Area on Schedule "H" of this Bylaw.

**7. Lot Frontage:**

Subject to the provisions of Sections 1101.1.b. and c. of this Bylaw, each lot shall have a road frontage of not less than:

- a. 15 m (49.21 feet) for hotel use; or
- b. 7 m (22.97 feet) for all other uses, except that each lot shall have a road frontage of not less than 10 m (32.81 feet) where it abuts a Controlled Access Highway and is not served by a lane.

**8. Off-Street Loading:**

Off-street loading shall be provided and maintained in accordance with Schedule "C" of this Bylaw except that no off-street loading shall be required within the area designated as Downtown Designated Parking Area on Schedule "H" which is attached to and forms part of this Bylaw.

**9. Off-Street Parking:**

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule "B" of this bylaw and the number of parking spaces required to be provided on all lots shall be determined by the use or uses being carried out on such lots from time to time except as provided in section 901.5 of this bylaw.

## DIVISION FOUR – COMMERCIAL ZONES (C.1)

Where section 1001.5 does not apply, parking is required to be provided on lots lying within the Downtown Designated Parking Area designated on Schedule "H" this bylaw. The number of spaces required for such use may be reduced by the number of off-street parking spaces for which a fee of \$3,500.00 per parking space is paid to the City.

10. Setbacks: [Subject to the special building line setback provisions of Section 308.5. of this Bylaw]

a. Exterior Side Yard:

No exterior side yard shall be required.

b. Front Yard:

No front yard shall be required.

c. Rear Yard:

No rear yard shall be required except that where a lot abuts a lot in a Residential Zone, a rear yard free of all buildings and structures shall be provided with a depth of not less than 6 m (19.68 feet) and where a lot is serviced with a lane, a rear yard free of all buildings and structures shall be provided with a depth of not less than 3 m (9.842 feet).

d. Side Yards:

No side yards shall be required, except that:

i. where a lot abuts a Residential zone or is separated by a lane therefrom, a side yard free of all buildings and structures shall be provided with a width of not less than 3 m (9.842 feet); and

ii. where the parcel is not served by a lane, there shall be a minimum of 5 m (16.40 feet) side yard free of all buildings and structures on at least one (1) side.

e. Water Bodies:

Flood Construction Levels and Floodplain Setbacks of building and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule "G" of this bylaw.

11. Other Requirements:

a. No business or undertaking shall be carried on any lot or lots situate within this Zone unless the following requirements are first met:



## **DIVISION FOUR – COMMERCIAL ZONES (C.1)**

principal building, and not occupying more than 300 square metres in gross floor area.

## **DIVISION FOUR – COMMERCIAL ZONES (C.2)**

### **402 Highway and Tourist Commercial Zone (C.2)**

#### **1. Permitted Uses of Land, Buildings, and Structures:**

The following uses and no others shall be permitted in the Highway and Tourist Commercial Zone (C.2):

- a. Accessory buildings and structures
- b. Accommodation including apartments, dwelling units, hotels and motels
- c. Assembly and civic use and public service
- d. Food service including coffee shops, dairy bars, restaurants, bakeries, butcher shops, caterers, and fish shops
- e. Retail sales and service for: automobiles, farm equipment, boats, mobile homes, trucks, recreation vehicles, motorcycles, and sporting goods; also included is the rental of the aforementioned items
- f. Retail sales including servicing where applicable: confectionery stores, flowers, fruit, plants, produce, nurseries, green houses, tire shops, wine and beer shops, appliances, beverages, bicycles, electronic equipment, furniture, garden supplies, glass, hardware, paint, pets, pet food, plants, animal beauty parlours, bakery shops, hairdressers, locksmith shops, optical shops, shoe repair, tailor shops, and watch repair
- g. Service - repair and rental: service stations, garages for automobile service and repairs, mini storage facilities, car washes, petroleum distribution, costume rentals, and video rentals
- h. Transportation facilities including commercial parking lots, passenger transportation depots, taxi dispatch offices, and weigh scales
- i. Retail sales of beer, wine and liquor
- j. Educational facilities and professional studios including art studios, business colleges, dance studios, music studios, photography studios, radio studios, television studios, and trade schools
- k. Entertainment and recreation facilities including arcades, billiard halls, bowling alleys, drive-in clubs, sports clubs, and sports facilities
- l. Office and commerce facilities and accommodations for engineers, funeral homes, land surveyors, management companies, mortuaries, newspapers, publishing, real estate, surveyors,

## DIVISION FOUR – COMMERCIAL ZONES (C.2)

veterinarians, massage therapy clinics, dentists, doctors, and any other professional office

### 2. Buildings Per Lot:

Except for a motel use, there shall be not more than one (1) principal building allowed per lot.

### 3. Floor Area:

- a. The floor area for a dwelling unit shall be not less than:
  - i. 27 m<sup>2</sup> (290.6 square feet) within each bachelor dwelling unit; or
  - ii. 40 m<sup>2</sup> (430.6 square feet) within each one-bedroom dwelling unit; or
  - iii. 45 m<sup>2</sup> (484.4 square feet) within each two-bedroom dwelling unit; or
  - iv. 55 m<sup>2</sup> (592.0 square feet) within each three-bedroom dwelling unit.
- b. The gross floor area for dwelling units located entirely behind the commercial use on the first storey level must not exceed the gross floor area of the commercial use on the first storey level.
- c. The total floor area for retail sales of flowers, food (including meat and fish), fruit, groceries, plants, and produce shall be not greater than 150 m<sup>2</sup> (1,615 square feet).

### 4. Height of Buildings and Structures:

The height of buildings and structures shall not exceed:

- a. the lesser of 10 m (32.81 feet) or two (2) storeys for motel use; or
- b. the lesser of 12 m (39.37 feet) or three (3) storeys for all other uses.

### 5. Lot Area:

Subject to the provisions of Section 1101.2. of this Bylaw, each lot shall have an area of not less than:

- a. 1,100 m<sup>2</sup> (11,840 square feet) for service station use; or
- b. 2,000 m<sup>2</sup> (21,528 square feet) for hotel and motel use; or
- c. 560 m<sup>2</sup> (6,028 square feet) for all other uses.

## DIVISION FOUR – COMMERCIAL ZONES (C.2)

6. Lot Coverage:

Lot coverage shall be not greater than fifty percent (50%) of the lot area for all buildings and structures.

7. Lot Frontage:

Subject to the provisions of Sections 1101.1.b. and c. of this Bylaw, each lot shall have a road frontage of not less than 15 m (49.21 feet).

8. Off-Street Loading:

Off-street loading shall be provided and maintained in accordance with Schedule "C" of this Bylaw.

9. Off-Street Parking:

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule "B" of this Bylaw and the number of parking spaces required to be provided on all lots shall be determined by the use or uses being carried out on such lots from time to time except as provided in Section 901.5 of this Bylaw.

Where Section 901.5 does not apply, parking is required to be provided on lots lying within the Downtown Designated Parking Area designated on Schedule "H" of this bylaw. The number of spaces required for such use may be reduced by the number of off-street parking spaces for which a fee of \$3,500.00 per parking space is paid to the City.

10. Setbacks: [Subject to the special building line setback provisions of Section 308.5. of this Bylaw]

a. Exterior Side Yard:

An exterior side yard free of all buildings and structures shall be provided with a depth of not less than 4.5 m (14.76 feet) where applicable.

b. Front Yard:

A front yard free of all buildings and structures shall be provided with a depth of not less than 4.5 m (14.76 feet).

c. Rear Yard:

A rear yard free of all buildings and structures shall be provided with a depth of not less than 4.5 m (14.76 feet).

## DIVISION FOUR – COMMERCIAL ZONES (C.2)

d. Side Yards:

Side yards free of all buildings and structures shall be provided with a width of not less than 3 m (9.842 feet).

e. Water Bodies:

Flood Construction Levels and Floodplain Setbacks of building and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule "G" of this Bylaw.

11. Other Requirements:

a. No business or undertaking shall be carried on any lot or lots situated within this Zone unless the following requirements are first met:

i. The off-street parking requirements of Schedule "B" to this Bylaw applicable to the business or undertaking proposed to be carried on, are met.

ii. No business or undertaking shall be carried on on any lot or lots situate within this Zone unless the proprietor or owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained.

b. Screening and landscaping shall be provided in accordance with the requirements of Section 309 of this Bylaw.

c. Dwelling units:

i. shall be located entirely above and/or behind the commercial use, but being an integral part of these premises; and

ii. shall be permitted above a commercial use only where no advertising use is located above or extends above the first storey of the building; and

iii. shall be located entirely within the same building as the commercial use and shall not be permitted within standalone buildings; and

iv. shall have at-grade access that is separate from commercial uses; and

v. shall not exceed a gross density of sixty (60) units per hectare (24.28 units per acre).



## **DIVISION FOUR – COMMERCIAL ZONES (C.2)**

- d. A service station use shall not include body or frame repairs or painting.
- e. All auto parts, dismantled vehicles, and similar articles shall be stored within a building.
- f. With respect to service station use, the fuel pumps and accessory structures shall not be located closer than 17 m (55.77 feet) from the centre line of a controlled access highway.
- g. For the purposes of this Bylaw, a motel means a building or buildings used to provide accommodation to the travelling public on a daily or weekly rental basis. The rental units may include a room or combination of rooms but in no case shall more than fifty percent (50%) of the rental units contain kitchen facilities mentioned above includes such things as kitchen cabinets, kitchen sinks, kitchen stoves, kitchen sinks, dishwashers, other appliances, and associated plumbing and wiring services.

## **DIVISION FOUR – COMMERCIAL ZONES (C.4)**

### **403 Service Commercial Zone (C.4)**

#### **1. Permitted Uses of Land, Buildings, and Structures:**

The following uses and no others shall be permitted in the Service Commercial Zone (C.4):

- a. Accessory buildings and structures
- b. Accommodation including one (1) dwelling unit for the owner, operator, or employee of the principal and permitted use
- c. Assembly and civic use
- d. Educational facilities and professional studios including art studios, business colleges, dance studios, music studios, photography studios, radio studios, television studios, and trade schools
- e. Entertainment and recreation facilities including arcades, billiard halls, bowling alleys, drive-in theatres, fraternal lodges, health spas, social clubs, sports clubs, and sports facilities
- f. Food service including bakeries, butcher shops, caterers, coffee shops, dairy bars, fish shops, and restaurants
- g. Office and commerce facilities accommodating doctors, engineers, funeral homes, land surveyors, management companies, mortuaries, newspapers, publishing, real estate, surveyors, and veterinarians
- h. Public service use
- i. Retail sales (including parts and accessories) of appliances, automobiles (including service), beverages (excluding liquor), bicycles, boats (including service), building supplies, chemicals, electronic equipment, farm equipment (including service), feed and seed, fertilizers, flowers, furniture, garden supplies, gasoline and motor oil, glass, hardware, irrigation equipment (including service), lumber, mobile homes (including service), motorcycles (including service), paint, pets, pet food, plants, produce, recreation vehicles (including service), sporting goods (including rental), tools and small equipment, and trucks (including service)
- j. Service and repair including animal beauty parlours, appliance repair, auction marts (excluding the auction of livestock), automobile rental, automobile service and repair, barber shops, battery shops, boat service and repair, beverage container recycling and collection depot, car wash, crematoriums, costume rental, dry cleaners, glass shops, greenhouses, hairdressers, hatcheries, laboratories, laundromats, locksmith shops, machine

## DIVISION FOUR – COMMERCIAL ZONES (C.4)

shops contained wholly within a building with no outside storage, mini-storage facilities, nurseries, optical shops, petroleum distribution installations, printing shops, recreation vehicle servicing and rental, service stations, shoe repair, sign shops, tailor shops, taxidermists, tire shops, tools and small equipment servicing and rental, trade contractors' offices (including storage), truck service and repair, truck wash, upholstery shops, video rental shops, watch repair shops, warehousing (wholesale and distribution), and weigh scales

k. Transportation facilities including commercial parking lots and garages, passenger transportation depots, and taxi dispatch offices.

2. Buildings Per Lot:

There shall be not more than one (1) principal building allowed per lot.

3. Floor Area:

The floor area for a dwelling unit for the owner, operator, or employee of the principal and permitted use shall be not less than 60 m<sup>2</sup> (645.8 square feet).

4. Height of Buildings and Structures:

The height of buildings and structures shall not exceed the lesser of 12 m (39.37 feet) or three (3) storeys.

5. Lot Area:

Subject to the provisions of Section 1101.2. of this Bylaw, each lot shall have an area of not less than 560 m<sup>2</sup> (6,028 square feet).

6. Lot Coverage:

Lot coverage shall be not greater than sixty percent (60%) of the lot area for all buildings and structures.

7. Lot Frontage:

Subject to the provisions of Sections 1101.1.b. and c. of this Bylaw, each lot shall have a road frontage of not less than 15 m (49.21 feet).

8. Off-Street Loading:

Off-street loading shall be provided and maintained in accordance with Schedule "C" of this Bylaw.

9. Off-street parking shall be provided and maintained in accordance with the provisions of Schedule "B" of this bylaw and the number of parking

## DIVISION FOUR – COMMERCIAL ZONES (C.4)

spaces required to be provided on all lots shall be determined by the use or uses being carried out on such lots from time to time except as provided in Section 901.5 of this Bylaw.

Where Section 901.5 does not apply, parking is required to be provided on lots lying within the Downtown Designated Parking Area designated on Schedule "H" attached hereto and forming part of this Bylaw. The number of spaces required for such use may be reduced by the number of off-street parking spaces for which a fee of \$3,500.00 per parking space is paid to the City.

10. Setbacks: [Subject to the special building line setback provisions of Section 308.5. of this Bylaw]

a. Exterior Side Yard:

An exterior side yard free of all buildings and structures shall be provided with a depth of not less than 3 m (9.842 feet) where applicable.

b. Front Yard:

A front yard free of all buildings and structures shall be provided with a depth of not less than 3 m (9.842 feet).

c. Rear Yard:

No rear yard shall be required except where a lot abuts a lot in a Residential zone, a rear yard free of all buildings and structures shall be provided with a depth of not less than 6 m (19.68 feet) and where a lot is serviced with a lane, a rear yard free of all buildings and structures shall be provided with a depth of not less than 3 m (9.842 feet).

d. Side Yards:

No side yards shall be required, except that:

i. where a lot abuts a Residential zone or is separated by a lane therefrom, a side yard free of all buildings and structures shall be provided with a width of not less than 3 m (9.842 feet); and

ii. where the parcel is not served by a lane, there shall be a minimum of 5 m (16.40 feet) side yard free of all buildings and structures on at least one (1) side.

e. Water Bodies:

Flood Construction Levels and Floodplain Setbacks of buildings and structures and Riparian Assessment Area setbacks for all

## DIVISION FOUR – COMMERCIAL ZONES (C.4)

development must conform with the provisions of Schedule "G" of this Bylaw.

### 11. Other Requirements:

- a. No business or undertaking shall be carried on any lot or lots situated within this zone unless the following requirements are first met:
  - i. The off-street parking requirements of Schedule "B" to this Bylaw applicable to the business or undertaking proposed to be carried on, are met.
  - ii. No business or undertaking shall be carried on on any lot or lots situate within this Zone unless the proprietor or owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained.
- b. Where practical, every business or undertaking shall be conducted within a completely enclosed building, except for parking and loading facilities, and except in the case of lumber product storage.
- c. Screening and landscaping shall be provided in accordance with the requirements of Section 309 of this Bylaw.
- d. A dwelling unit for the use of the owner, operator, or employee of the principal and permitted use shall be located either at the second storey level or behind the commercial premises, but being an integral part of these premises.
- e. All auto parts, dismantled vehicles, and similar articles shall be stored within a building.
- f. With respect to service station use, the fuel pumps and accessory structures shall not be located closer than 17 m (55.77 feet) from the centre line of a controlled access highway.
- g. Nothing shall be done which is or will become an annoyance or nuisance to the surrounding areas by reason of unsightliness, the emission of odours, liquid effluence, dust, fumes, smoke, vibration, noise or glare; nor shall anything be done which creates or causes a health, fire, or explosion hazard, electrical interference, or undue traffic congestion.

## **DIVISION FIVE – INDUSTRIAL ZONES (I.1)**

### **DIVISON FIVE – INDUSTRIAL ZONES**

#### **501 Light Industrial Zone (I.1)**

1. Permitted Uses of Land, Buildings, and Structures:

The following uses and no others shall be permitted in the Light Industrial Zone (I.1):

- a. Accessory buildings and structures
- b. Accommodation including one (1) dwelling unit for the owner, operator, or employee of the principal and permitted use
- c. Civic use
- d. Food service including bakeries and coffee shops
- e. Limited agricultural use subject to the regulations of Section 501.10.e. of this Bylaw
- f. Public service use
- g. Retail sales (including parts and accessories) of automobiles, building supplies, chemicals, farm equipment (including service), gasoline and motor oil, heavy equipment and machinery, irrigation equipment (including service), lumber, mobile homes (including service), tools and small equipment, trucks, and other products manufactured or processed on site
- h. Service and repair including automobile body and paint shops, automobile service and repair, battery shops, boat service and repair, bottling plants, car wash, crematoriums, cold storage plants, frozen food lockers, greenhouses, heavy equipment and machinery, laboratories, machine shops, mini storage facilities, nurseries, petroleum distribution installations, printing shops, recreation vehicle servicing and rental, service stations, sign shops, taxidermists, tire shops, tools and small equipment servicing and rental, trade contractors offices including storage, truck service and repair, truck wash, trucking yards and terminals including cartage and freighting, upholstery shops, warehousing (wholesale and distribution), weigh scales, and welding shops
- i. Transportation facilities including passenger transportation depots and taxi dispatch offices
- j. Manufacturing, processing, and storage subject to the provisions of Section 501.10.h, except for the manufacturing, processing, storage of:

## DIVISION FIVE – INDUSTRIAL ZONES (I.1)

- chemical and allied products including compressed gases, disinfectants, gum and wood chemicals, insecticides, primer and plastics, and rubber
- food products including feed, flour, fruit, and grain
- machinery and transportation equipment or other products of like character and kind such as agricultural implements, boats, compressors, electrical machinery, engines, pumps, and turbines
- metal products including boilers and plates, fabricated and structural metals, and pipe tubing
- non-metallic mineral products or other products of like character and kind such as abrasive products, asbestos products; cement, plaster, lime, gypsum, and associated products; clay and clay products; concrete products or ready mix concrete; fibreglas products; rock, sand, and gravel; and stone products
- petroleum and coal products including asphalt, coal and tar products, coke, creosote, paving and roofing materials, and petroleum products
- synthetic fibres

2. Floor Area:

The dwelling unit shall have a minimum floor area of 60 m<sup>2</sup> (645.8 square feet) and shall be an integral part of the principal building.

3. Height of Buildings and Structures:

The height of buildings and structures shall not exceed 12 m (39.37 feet).

4. Lot Area:

Subject to the provisions of Section 1101.2. of this Bylaw, each lot shall have an area of not less than 650 m<sup>2</sup> (6,997 square feet).

5. Lot Coverage:

Lot coverage shall be not greater than sixty percent (60%) of the lot area for all buildings and structures.

6. Lot Frontage:

Subject to the provisions of Sections 1101.1.b. and c. of this Bylaw, each lot shall have a road frontage of not less than 20 m (65.62 feet).

7. Off-Street Loading:

Off-street loading shall be provided and maintained in accordance with Schedule "C" of this Bylaw.

## DIVISION FIVE – INDUSTRIAL ZONES (I.1)

8. Off-Street Parking:

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule "B" of this Bylaw and the number of parking spaces required to be provided on a lot or lots, shall be determined by the use or uses being carried on such lot or lots from time to time.

9. Setbacks: [Subject to the special building line setback provisions of Section 308.5. of this Bylaw]

a. Exterior Side Yard:

An exterior side yard free of all buildings and structures shall, where applicable, be provided with a depth of not less than 6 m (19.68 feet), except that where a lot is separated from a lot in a Residential or Rural zone by a street, an exterior side yard free of all buildings and structures shall be provided with a depth of not less than 9 m (29.53 feet).

b. Front Yard:

A front yard free of all buildings and structures shall be provided with a depth of not less than 6 m (19.68 feet), except that where a lot is separated from a lot in a Residential or Rural zone by a street, a front yard free of all buildings and structures shall be provided with a depth of not less than 9 m (29.53 feet).

c. Rear Yard:

No rear yard shall be required, except where a lot abuts a lot in a Residential or Rural zone or is separated by a lane therefrom, a rear yard free of all buildings and structures shall be provided with a depth of not less than 9 m (29.53 feet).

d. Side Yards:

No side yard shall be required, except that where a lot abuts a lot in a Residential or Rural zone or is separated by a lane therefrom, a side yard free of all buildings and structures shall be provided with a width of not less than 6 m (19.68 feet).

e. Water Bodies:

Flood Construction Levels and Floodplain Setbacks of building and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule "G" of this bylaw.



## DIVISION FIVE – INDUSTRIAL ZONES (I.1)

### 10. Other Requirements:

- a. No business or undertaking shall be carried on any lot or lots situate within this zone unless the following requirements are first met:
  - i. The off-street parking requirements of Schedule "B" to this Bylaw applicable to the business or undertaking proposed to be carried on, are met.
  - ii. No business or undertaking shall be carried on on any lot or lots situate within this Zone unless the proprietor or owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained.
- b. All permitted uses shall be housed completely within an enclosed building, except for outdoor display, rental, sale or storage yards, parking and loading facilities, and limited agricultural use.
- c. Nothing shall be done which is or will become an annoyance or nuisance to the surrounding areas by reason of unsightliness, the emission of odours, liquid effluence, dust, fumes, smoke, vibration, noise or glare; nor shall anything be done which creates or causes a health, fire, or explosion hazard, electrical interference, or undue traffic congestion.
- d. A dwelling unit for the use of the owner, operator, or employee of the principal and permitted use shall be located either at the second storey level or behind the industrial premises, but being an integral part of these premises.
- e. A limited agricultural use shall not be permitted on lots smaller than 1 ha (2.471 acres).
- f. Screening and landscaping shall be provided in accordance with the requirements of Section 309 of this Bylaw.
- g. With respect to service station use, the fuel pumps and accessory structures shall not be located closer than 17 m (55.77 feet) from the centre line of a controlled access highway.
- h. Manufacturing, processing, and storage shall not create fire, explosion, or safety hazards; noise in excess of average intensity of street and traffic noise in the area in question; emit smoke, dust, dirt, toxic, or offensive odours or gas; and shall not produce heat or glare perceptible from any lot line of the site on which the use is located.

## DIVISION FIVE – INDUSTRIAL ZONES (I.2)

### 502 General Industrial Zone (I.2)

1. Permitted Uses of Land, Buildings, and Structures:

The following uses and no others shall be permitted in the General Industrial Zone (I.2):

- a. Retail sales (including parts and accessories) of heavy equipment and machinery
- b. Service and repair including automobile wrecking and junk yards, bulk storage plants, contractors for general and heavy construction, machinery and heavy equipment repair
- c. Manufacturing, processing, and storage
- d. Uses permitted in the Light Industrial Zone (I.1)

2. Floor Area:

The dwelling unit shall have a minimum floor area of 60 m<sup>2</sup> (645.8 square feet) and shall be an integral part of the principal building.

3. Height of Buildings and Structures:

The height of buildings and structures shall not exceed 18 m (59.05 feet).

4. Lot Area:

Subject to the provisions of Section 1101.2. of this by-law, each lot shall have an area of not less than 650 m<sup>2</sup> (6,997 square feet).

5. Lot Coverage:

Lot coverage shall be not greater than sixty percent (60%) of the lot area for all buildings and structures.

6. Lot Frontage:

Subject to the provisions of Sections 1101.1.b. and c. of this By-law, each lot shall have a road frontage of not less than 20 m (65.62 feet).

7. Off-Street Loading:

Off-street loading shall be provided and maintained in accordance with Schedule "C" of this By-law.

8. Off-Street Parking:

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule "B" of this By-law and the number of parking spaces

## DIVISION FIVE – INDUSTRIAL ZONES (I.2)

required to be provided on a lot or lots, shall be determined by the use or uses being carried on on such lot or lots from time to time.

9. Setbacks: [Subject to the special building line setback provisions of Section 308.5. of this By-law]

a. Exterior Side Yard:

An exterior side yard free of all buildings and structures shall, where applicable, be provided with a depth of not less than 6 m (19.68 feet), except that where a lot is separated from a lot in a Residential or Rural zone by a street, an exterior side yard free of all buildings and structures shall be provided with a depth of not less than 9 m (29.53 feet).

b. Front Yard:

A front yard free of all buildings and structures shall be provided with a depth of not less than 6 m (19.68 feet), except that where a lot is separated from a lot in a Residential or Rural zone by a street, a front yard free of all buildings and structures shall be provided with a depth of not less than 9 m (29.53 feet).

c. Rear Yard:

A rear yard free of all buildings and structures shall be provided with a depth of not less than 3 m (9.842 feet), except where a lot abuts a lot in a Residential or Rural zone or is separated by a lane therefrom, a rear yard free of all buildings and structures shall be provided with a depth of not less than 9 m (29.53 feet).

d. Side Yards:

Side yards free of all buildings and structures shall be provided with a width of not less than 3 m (9.842 feet), except that:

- i. a side yard not flanked by a street, lane, or Residential or Rural zone may be reduced to nil, provided that the other side yard has a width of not less than 6 m (19.68 feet); and
- ii. where a lot abuts a lot in a Residential or Rural zone or is separated by a lane therefrom, a side yard free of all buildings and structures shall be provided with a width of not less than 6 m (19.68 feet).

e. Water Bodies:

Flood Construction Levels and Floodplain Setbacks of building and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule "G" of this bylaw.

## DIVISION FIVE – INDUSTRIAL ZONES (I.2)

### 10. Other Requirements:

- a. No business or undertaking shall be carried on on any lot or lots situate within this zone unless the following requirements are first met:
  - i. The off-street parking requirements of Schedule "B" to this By-law applicable to the business or undertaking proposed to be carried on, are met.
  - ii. No business or undertaking shall be carried on on any lot or lots situate within this Zone unless the proprietor or owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained.
- b. Where practical, all permitted uses shall be housed completely within an enclosed building.
- c. Nothing shall be done which is or will become an annoyance or nuisance to the surrounding areas by reason of unsightliness, the emission of odours, liquid effluence, dust, smoke, vibration, noise or glare; nor shall any activity be carried out which creates or causes health, fire, or explosion hazard, electrical interference, or undue traffic congestion.
- d. Screening and landscaping shall be provided in accordance with the requirements of Section 309 of this By-law.
- e. A dwelling unit for the use of the owner, operator, or employee of the principal and permitted use shall be located either at the second storey level or behind the industrial premises, but being an integral part of these premises.
- f. A limited agricultural use shall not be permitted on lots smaller than 1 ha (2.471 acres).
- g. With respect to service station use, the fuel pumps and accessory structures shall not be located closer than 17 m (55.77 feet) from the centre line of a controlled access highway.

## DIVISION SIX – RESIDENTIAL ZONES (R.1)

### DIVISION SIX – RESIDENTIAL ZONES

#### 601 Residential Single Family Zone (R.1)

1. Permitted Uses of Land, Buildings, and Structures:

The following uses and no others shall be permitted in the Residential Single Family Zone (R.1):

- a. Accessory residential
- b. Restricted agricultural use subject to the provisions of Sections 308.6. and 601.11.a. of this Bylaw
- c. Single family dwellings
- d. Secondary suites subject to the provisions of Section 601.11.b.
- e. Bed and breakfasts
- f. Civic and public service use

2. Accessory Residential Buildings:

The siting, size, and dimensions of accessory residential buildings and structures shall be in accordance with Section 308.4. of this Bylaw.

3. Buildings Per Lot:

The number of buildings allowed per lot shall be not more than:

- a. one (1) single family dwelling; and
- b. two (2) accessory residential buildings.

4. Floor Area:

The floor area for a single family dwelling shall be not less than 85 m<sup>2</sup> (914.9 square feet) on one (1) floor, except that the floor area on one (1) floor may be reduced to 60 m<sup>2</sup> (645.8 square feet) where there are two (2) floor levels exclusive of the basement floor.

5. Height of Buildings and Structures:

The height of residential dwellings shall not exceed the lesser of 9 m (29.53 feet) or two (2) storeys except where the average natural slope of the lot exceeds five percent (5%), in which case the height of residential dwellings on the downhill side of a road shall not exceed a height of 7 m (22.97 feet) above the centre line of the road immediately adjacent to the center of the front of the residence and residential dwellings located on the uphill side of the road shall not exceed a height of 7 m (22.97 feet)

## DIVISION SIX – RESIDENTIAL ZONES (R.1)

above the midpoint of the rear property line on which the residence is located. The average natural slope of the lot shall be measured from the lowest point on the lot to the uppermost point on the lot.

6. Lot Area:

Subject to the provisions of Section 1101.2. of this Bylaw, each lot shall have an area of not less than 560 m<sup>2</sup> (6,028 square feet).

7. Lot Coverage:

Maximum lot coverage shall be not greater than fifty percent (50%) of the lot area for all buildings and structures and together with driveways and parking areas shall not exceed sixty percent (60%).

8. Lot Frontage:

Subject to the provisions of Section 1101.1.a., b., and c. of this Bylaw, each lot shall have a road frontage of not less than 18 m (59.05 feet).

9. Off-Street Parking:

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule "B" of this Bylaw and the number of parking spaces required to be provided on a lot or lots, shall be determined by the use or uses being carried on such lot or lots from time to time.

10. Setbacks: [Subject to the special building line setback provisions of Section 308.5. of this Bylaw]

a. Exterior Side Yard:

An exterior side yard free of all buildings and structures shall be provided with a depth of not less than 5 m (16.40 feet) where applicable.

b. Front Yard:

A front yard free of buildings and structures shall be provided with a depth of not less than 6 m (19.68 feet) for single family dwellings except that the front yard may be reduced to 4.5 m (14.76 feet) on lots exceeding twenty percent (20%) average natural slope determined from the uppermost point on the lot to the lowest point on the lot.

c. Other Buildings:

Buildings shall not be sited within 3 m (9.842 feet) of any other building.

## DIVISION SIX – RESIDENTIAL ZONES (R.1)

d. Rear Yard:

A rear yard free of buildings and structures shall be provided with a depth of not less than 6 m (19.68 feet) for single family dwellings except that the rear yard may be reduced to 4.5 m (14.76 feet) on lots exceeding twenty percent (20%) average natural slope determined from the uppermost point on the lot to the lowest point on the lot.

e. Side Yards:

Side yards free of buildings and structures shall be provided with a width of not less than 1.2 m (3.94 feet) for single family dwellings.

f. Water Bodies:

Flood Construction Levels and Floodplain Setbacks of building and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule "G" of this bylaw.

11. Other Requirements:

- a. A restricted agricultural use shall not be permitted on lots smaller than 1 ha (2.471 acres).
- b. All Secondary suites must comply with the following:
  - i. Secondary suites are to be located only in a single family dwelling; and
  - ii. No more than one secondary suite shall be permitted within a single family dwelling; and
  - iii. The maximum floor area of a secondary suite shall not exceed the lesser of 90 m<sup>2</sup> or 40% of the habitable floor area of the single family dwelling. The minimum floor area of a secondary suite shall not be less than 36m<sup>2</sup>; and
  - iv. No portion of a building may be used as a secondary suite unless at least one (1) of the registered owners of the building resides within the building; and
  - v. One (1) off-street parking space must be provided for each secondary suite; and
  - vi. Secondary suites must comply with all relevant City Bylaws, and the BC Building Code; and

## **DIVISION SIX – RESIDENTIAL ZONES (R.1)**

- vii. Secondary suites must be located in a building and on property which is a single family real estate entity. No strata titling will be permitted.



## DIVISION SIX – RESIDENTIAL ZONES (R.1-A)

### 602 Residential Single Family Zone (R.1-A)

1. Permitted Uses of Land, Buildings, and Structures:

The following uses and no others shall be permitted in the Residential Single Family Zone (R.1-A):

- a. Accessory residential
- b. Restricted agricultural use subject to the provisions of Sections 308.6. and 602.11.a. of this Bylaw
- c. Single family dwellings
- d. Secondary suites subject to the provisions of Section 602.11.b.
- e. Bed and breakfasts
- f. Civic and public service use

2. Accessory Residential Buildings:

The siting, size, and dimensions of accessory residential buildings and structures shall be in accordance with Section 308.4. of this Bylaw.

3. Buildings Per Lot:

The number of buildings allowed per lot shall be not more than:

- a. one (1) single family dwelling; and
- b. two (2) accessory residential buildings.

4. Floor Area:

The floor area for a single family dwelling shall be not less than 60 m<sup>2</sup> (645.8 square feet).

5. Height of Buildings and Structures:

The height of residential dwellings shall not exceed the lesser of 9 m (29.53 feet) or two (2) storeys except where the average natural slope of the lot exceeds five percent (5%), in which case the height of residential dwellings on the downhill side of a road shall not exceed a height of 7 m (22.97 feet) above the centre line of the road immediately adjacent to the center of the front of the residence and residential dwellings located on the uphill side of the road shall not exceed a height of 7 m (22.97 feet) above the midpoint of the rear property line on which the residence is located. The average natural slope of the lot shall be measured from the lowest point on the lot to the uppermost point on the lot.

## DIVISION SIX – RESIDENTIAL ZONES (R.1-A)

6. Lot Area:

Subject to the provisions of Section 1101.2. of this Bylaw, each lot shall have an area of not less than 450 m<sup>2</sup> (4,844 square feet).

7. Lot Coverage:

Maximum lot coverage shall be not greater than fifty percent (50%) of the lot area for all buildings and structures and together with driveways and parking areas shall not exceed sixty percent (60%).

8. Lot Frontage:

Subject to the provisions of Section 1101.1.a., b., and c. of this Bylaw, each lot shall have a road frontage of not less than 15 m (49.21 feet).

9. Off-Street Parking:

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule "B" of this Bylaw and the number of parking spaces required to be provided on a lot or lots, shall be determined by the use or uses being carried on such lot or lots from time to time.

10. Setbacks: [Subject to the special building line setback provisions of Section 308.5. of this Bylaw]

a. Exterior Side Yard:

An exterior side yard free of all buildings and structures shall be provided with a depth of not less than 5 m (16.40 feet) where applicable.

b. Front Yard:

A front yard free of buildings and structures shall be provided with a depth of not less than 6 m (19.68 feet) for single family dwellings except that the front yard may be reduced to 4.5 m (14.76 feet) on lots exceeding twenty percent (20%) average natural slope determined from the uppermost point on the lot to the lowest point on the lot.

c. Other Buildings:

Buildings shall not be sited within 3 m (9.842 feet) of any other building.

d. Rear Yard:

A rear yard free of buildings and structures shall be provided with a depth of not less than 6 m (19.68 feet) for single family dwellings except that the rear yard may be reduced to 4.5 m (14.76 feet) on

## **DIVISION SIX – RESIDENTIAL ZONES (R.1-A)**

lots exceeding twenty percent (20%) average natural slope determined from the uppermost point on the lot to the lowest point on the lot.

**e. Side Yards:**

Side yards free of buildings and structures shall be provided with a width of not less than 1.2 m (3.94 feet) for single family dwellings.

**f. Water Bodies:**

Flood Construction Levels and Floodplain Setbacks of building and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule “G” of this bylaw.

**11. Other Requirements:**

- a. A restricted agricultural use shall not be permitted on lots smaller than 1 ha (2.471 acres).
- b. All Secondary suites must comply with the following:
  - i. Secondary suites are to be located only in a single family dwelling; and
  - ii. No more than one secondary suite shall be permitted within a single family dwelling; and
  - iii. The maximum floor area of a secondary suite shall not exceed the lesser of 90 m<sup>2</sup> or 40% of the habitable floor area of the single family dwelling. The minimum floor area of a secondary suite shall not be less than 36m<sup>2</sup>; and
  - iv. No portion of a building may be used as a secondary suite unless at least one (1) of the registered owners of the building resides within the building; and
  - v. One (1) off-street parking space must be provided for each secondary suite; and
  - vi. Secondary suites must comply with all relevant City Bylaws, and the BC Building Code; and
  - vii. Secondary suites must be located in a building and on property which is a single family real estate entity. No strata titling will be permitted.

## **DIVISION SIX – RESIDENTIAL ZONES (R.2)**

### **603 Residential Two Family Zone (R.2)**

#### **1. Permitted Uses of Land, Buildings, and Structures:**

The following uses and no others shall be permitted in the Residential Two Family Zone (R.2):

- a. Accessory residential
- b. Boarding, lodging, or rooming houses
- c. Convalescent, nursing, and personal care homes subject to the provisions of Section 603.11.b. of this Bylaw
- d. Restricted agricultural use subject to the provisions of Sections 308.6. and 603.11.a. of this Bylaw
- e. Single family dwellings
- f. Two family dwellings
- g. Secondary suites subject to the provisions of Section 603.11.c.
- h. Bed and breakfasts
- i. Civic and public service use

#### **2. Accessory Residential Buildings:**

The siting, size, and dimensions of accessory residential buildings and structures shall be in accordance with Section 308.4. of this Bylaw.

#### **3. Buildings Per Lot:**

The number of buildings allowed per lot for each of the following uses shall be not more than:

- a. one (1) single family dwelling or one (1) two family dwelling; and
- b. two (2) accessory residential buildings per dwelling unit.

#### **4. Floor Area:**

- a. The floor area for a single family dwelling shall be not less than 60 m<sup>2</sup> (645.8 square feet).
- b. The floor area for a two family dwelling shall be not less than 60 m<sup>2</sup> (645.8 square feet) per dwelling unit.

## DIVISION SIX – RESIDENTIAL ZONES (R.2)

### 5. Height of Buildings and Structures:

The height of residential dwellings shall not exceed the lesser of 9 m (29.53 feet) or two (2) storeys except where the average natural slope of the lot exceeds five percent (5%), in which case the height of residential dwellings on the downhill side of a road shall not exceed a height of 7 m (22.97 feet) above the centre line of the road immediately adjacent to the center of the front of the residence and residential dwellings located on the uphill side of the road shall not exceed a height of 7 m (22.97 feet) above the midpoint of the rear property line on which the residence is located. The average natural slope of the lot shall be measured from the lowest point on the lot to the uppermost point on the lot.

### 6. Lot Area:

Subject to the provisions of Section 1101.2. of this Bylaw, each lot shall have an area of not less than:

- a. 450 m<sup>2</sup> (4,844 square feet) for single family dwellings; or
- b. 700 m<sup>2</sup> (7,535 square feet) for two family dwellings; or
- c. 560 m<sup>2</sup> (6,028 square feet) for convalescent, nursing, and personal care home use.
- d. 350m<sup>2</sup> (4,036 square feet) for each half of a two family dwelling subdivided as per Section 603.10.e of this Bylaw.

### 7. Lot Coverage:

Maximum lot coverage shall be not greater than fifty percent (50%) of the lot area for all buildings and structures and together with driveways and parking areas shall not exceed sixty percent (60%).

### 8. Lot Frontage:

Subject to the provisions of Section 1101.1.a., b., and c. of this Bylaw, each lot shall have a road frontage of not less than:

- a. 15 m (49.21 feet) for single family dwellings; or
- b. 23 m (75.46 feet) for two family dwellings; or
- c. 18 m (59.05 feet) for convalescent, nursing, and personal care home use.
- d. 11 m (36.09 feet) for each half of a two family dwelling subdivided as per Section 603.10.e of this Bylaw.

## DIVISION SIX – RESIDENTIAL ZONES (R.2)

### 9. Off-Street Parking:

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule "B" of this Bylaw and the number of parking spaces required to be provided on a lot or lots, shall be determined by the use or uses being carried on such lot or lots from time to time.

### 10. Setbacks: [Subject to the special building line setback provisions of Section 308.5. of this Bylaw]

#### a. Exterior Side Yard:

An exterior side yard free of all buildings and structures shall be provided with a depth of not less than 5 m (16.40 feet) where applicable.

#### b. Front Yard:

A front yard free of buildings and structures shall be provided with a depth of not less than:

- i. 8 m (26.25 feet) for single family dwellings, two family dwellings, and for convalescent, nursing, and personal care home use; and
- ii. 4.5 m (14.76 feet) for single family dwellings and two family dwellings on lots exceeding twenty percent (20%) average natural slope determined from the uppermost point on the lot to the lowest point on the lot.

#### c. Other Buildings:

Buildings shall not be sited within 3 m (9.842 feet) of any other building.

#### d. Rear Yard:

A rear yard free of buildings and structures shall be provided with a depth of not less than:

- i. 8 m (26.25 feet) for single family dwellings, two family dwellings, service use, and convalescent, nursing, and personal care home use; and
- ii. 4.5 m (14.76 feet) for single family dwellings and two family dwellings on lots exceeding twenty percent (20%) average natural slope determined from the uppermost point on the lot to the lowest point on the lot.

## DIVISION SIX – RESIDENTIAL ZONES (R.2)

e. Side Yards:

Side yards free of buildings and structures shall be provided with a width of not less than:

- i. 3 m (9.842 feet) for two family dwellings, except that a two family dwelling shall be allowed to straddle a property line provided that the property line coincides with the party wall and provided that all other requirements of this Bylaw are met; and
- ii. 1.2 m (3.94 feet) for all other uses.

f. Water Bodies:

Flood Construction Levels and Floodplain Setbacks of building and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule “G” of this bylaw.

11. Other Requirements:

- a. A restricted agricultural use shall not be permitted on lots smaller than 1 ha (2.471 acres).
- b. A convalescent, nursing, and personal care home use shall be in conformity with the regulations of the Community Care and Assisted Living Act, (SBC 2004).
- c. All Secondary suites must comply with the following:
  - i. Secondary suites are to be located only in a single family dwelling; and
  - ii. No more than one secondary suite shall be permitted within a single family dwelling; and
  - iii. The maximum floor area of a secondary suite shall not exceed the lesser of 90 m<sup>2</sup> or 40% of the habitable floor area of the single family dwelling. The minimum floor area of a secondary suite shall not be less than 36m<sup>2</sup>; and
  - iv. No portion of a building may be used as a secondary suite unless at least one (1) of the registered owners of the building resides within the building; and
  - v. One (1) off-street parking space must be provided for each secondary suite; and
  - vi. Secondary suites must comply with all relevant City Bylaws, and the BC Building Code; and

**DIVISION SIX – RESIDENTIAL ZONES (R.2)**

- vii. Secondary suites must be located in a building and on property which is a single family real estate entity. No strata titling will be permitted.



## DIVISION SIX – RESIDENTIAL ZONES (R.3)

### 604 Residential Apartment and Multi-Family Zone (R.3)

1. Permitted Uses of Land, Buildings, and Structures:

The following uses and no others shall be permitted in the Residential Apartment and Multi-Family Zone (R.3):

- a. Apartment and multi-family residential subject to the provisions of Section 604.11.b. of this Bylaw
- b. Four family dwellings
- c. Row housing
- d. Three family dwellings
- e. Uses permitted in the R.2 zone
- f. Adult retirement housing

2. Accessory Residential Buildings:

The siting, size, and dimensions of accessory residential buildings and structures shall be in accordance with Section 308.4. of this Bylaw.

3. Buildings Per Lot:

The number of buildings allowed per lot for each of the following uses shall be not more than:

- a. one (1) single family dwelling or one (1) two family dwelling or one (1) three family dwelling or one (1) four family dwelling or one (1) row housing unit; and
- b. Two (2) accessory residential buildings per dwelling unit (one and two family only); and
- c. one (1) accessory residential building per dwelling unit (three and four family only).

The number of buildings for apartment and multi-family use including buildings accessory thereto and for adult retirement housing shall not be restricted.

4. Floor Area:

- a. The floor area for a single family dwelling or row housing unit shall be not less than 60 m<sup>2</sup> (645.8 square feet).
- b. The floor area for a two, three, and four family dwelling units shall be not less than 60 m<sup>2</sup> (645.8 square feet) per dwelling unit.

## DIVISION SIX – RESIDENTIAL ZONES (R.3)

- c. The floor area for apartment and multi-family use shall be not less than:
  - d.
    - i. 27 m<sup>2</sup> (290.6 square feet) within each senior citizen dwelling unit; or
    - ii. 27 m<sup>2</sup> (290.6 square feet) within each bachelor dwelling unit; or
    - iii. 40 m<sup>2</sup> (430.6 square feet) within each one-bedroom dwelling unit; or
    - iv. 45 m<sup>2</sup> (484.4 square feet) within each two-bedroom dwelling unit; or
    - v. 55 m<sup>2</sup> (592.0 square feet) within each three-bedroom or larger dwelling unit.

### 5. Height of Buildings and Structures:

The height of buildings and structures shall not exceed:

- a. the lesser of 9 m (29.53 feet) or two (2) storeys for residential dwellings except where the average natural slope of the lot exceeds five percent (5%), in which case the height of residential dwellings on the downhill side of a road shall not exceed a height of 7 m (22.97 feet) above the centre line of the road immediately adjacent to the centre of the front of the residence and residential dwellings located on the uphill side of the road shall not exceed a height of 7 m (22.97 feet) above the midpoint of the rear property line on which the residence is located. The average natural slope of the lot shall be measured from the lowest point on the lot to the uppermost point on the lot; or
- b. the lesser of 12 m (39.37 feet) or three (3) storeys for apartment and multi-family use; or
- c. 10 m (32.81 feet) for all other uses.

### 6. Lot Area:

Subject to the provisions of Section 1101.2. of this Bylaw, each lot shall have an area of not less than:

- a. 350 m<sup>2</sup> (3,767 square feet) for single family dwellings; or
- b. 700 m<sup>2</sup> (7,535 square feet) for two family dwellings; or
- c. 1,000 m<sup>2</sup> (10,764 square feet) for three family dwellings; or
- d. 1,300 m<sup>2</sup> (13,993 square feet) for four family dwellings; or

## **DIVISION SIX – RESIDENTIAL ZONES (R.3)**

- e. 1,900 m<sup>2</sup> (20,452 square feet) for apartment, multi-family and adult retirement housing use; or
- f. 220 m<sup>2</sup> (2,368 square feet) for each unit of a row housing development, except that the end unit shall have an area of not less than 330 m<sup>2</sup> (3,552 square feet); or
- g. 560 m<sup>2</sup> (6,028 square feet) for convalescent, nursing, and personal care home use.

### **7. Lot Coverage:**

Maximum lot coverage shall be:

- a. Not greater than fifty percent (50%) of the lot area for all buildings and structures for adult retirement housing;
- b. Not greater than fifty percent (50%) of the lot area for all buildings and structures for single family and two family dwellings, and together with driveways and parking areas shall not exceed sixty percent (60%).
- c. Not greater than 40% of the lot area for buildings and structures of all other uses.

### **8. Lot Frontage:**

Subject to the provisions of Section 1101.1.a., b., and c. of this Bylaw, each lot shall have a road frontage of not less than:

- a. 12 m (39.37 feet) for single family dwellings; or
- b. 23 m (75.46 feet) for two family dwellings; or
- c. 30 m (98.42 feet) for three and four family dwellings; or
- d. 35 m (114.8 feet) for apartment and multi-family dwellings; or
- e. 7.5 m (24.61 feet) for each unit of a row housing development, except that the end unit shall have a road frontage of not less than 11 m (36.09 feet); or
- f. 18 m (59.05 feet) for convalescent, nursing, and personal care homes.

### **9. Off-Street Parking:**

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule "B" of this Bylaw and the number of parking spaces required to be provided on a lot or lots, shall be determined by the use or uses being carried on such lot or lots from time to time.

## DIVISION SIX – RESIDENTIAL ZONES (R.3)

10. Setbacks: [Subject to the special building line setback provisions of Section 308.5. of this Bylaw]

a. Exterior Side Yard:

An exterior side yard free of all buildings and structures shall, where applicable, be provided with a depth of not less than 5 m (16.40 feet), except that an exterior side yard free of all buildings and structures shall be provided with a depth of not less than 8 m (26.25 feet) for apartment and multi-family use.

b. Front Yard:

A front yard free of buildings and structures shall be provided with a depth of not less than:

- i. 10 m (32.81 feet) for apartment and multi-family use; or
- ii. 6 m (19.68 feet) for row housing and adult retirement housing; or
- iii. 6 m (19.68 feet) for all other uses.

c. Other Buildings:

Buildings shall not be sited within 3 m (9.842 feet) of any other building.

d. Rear Yard:

A rear yard free of buildings and structures shall be provided with a depth of not less than:

- i. 10 m (32.81 feet) for apartment and multi-family use; or
- ii. 6 m (19.68 feet) for row housing and adult retirement housing; or
- iii. 6 m (19.68 feet) for all other uses.

e. Side Yards:

Side yards free of buildings and structures shall be provided with a width of not less than:

- i. 3 m (9.842 feet) for four family dwellings and apartment and multi-family use for a wall without a window or with a window to a non-habitable room, except that a two family dwelling shall be allowed to straddle a property line provided that the property line coincides with the party wall

## DIVISION SIX – RESIDENTIAL ZONES (R.3)

and provided that all other requirements of this Bylaw are met; or

- ii. 8 m (26.25 feet) for apartment and multi-family use with a wall with a balcony or with a window to a habitable room; or
- iii. 4 m (13.12 feet) for the outside wall of the end unit of a row housing project; or
- iv. 8 m (26.25 feet) for convalescent, nursing, and personal care home use; or
- v. 1.2 m (3.94 feet) for adult retirement housing and all other uses.

f. Water Bodies:

Flood Construction Levels and Floodplain Setbacks of building and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule "G" of this bylaw.

11. Other Requirements:

- a. A restricted agricultural use shall not be permitted on lots smaller than 1 ha (2.471 acres).
- b. The maximum permitted gross density for adult retirement housing, apartments or multi-family use shall not exceed sixty (60) units per hectare (24.28 units per acre).
- c. Useable open space shall be provided on the lot for each dwelling unit contained in an apartment or multi-family building based on the following ratio:
  - i. 45 m<sup>2</sup> (484.4 square feet) for each three-bedroom unit; and
  - ii. 35 m<sup>2</sup> (376.7 square feet) for each two-bedroom unit; and
  - iii. 25 m<sup>2</sup> (269.1 square feet) for each one-bedroom unit or bachelor unit.
- d. A convalescent, nursing, and personal care home use shall be in conformity with the regulations of the Community Care and Assisted Living Act, (SBC 2004).
- e. A row housing development shall be designed in such a manner so as to stagger each pair of dwelling units, with a minimum of 1 m (3.281 feet) offset.

## **DIVISION SIX – RESIDENTIAL ZONES (R.3)**

- f. Each dwelling unit contained in a row housing project shall be provided with a rear yard having access to a lane.
- g. Each row housing structure shall contain a minimum of four (4) and a maximum of eight (8) side-by-side family dwelling units.
- h. Screening shall be provided in accordance with the requirements of Section 309 of this Bylaw.
- i. The maximum permitted gross density for Adult Retirement Housing can be increased to 80 units/hectare (32 units/acre) provided that:
  - i. the entire development is owned and operated by a not-for-profit housing for seniors and;
  - ii. all dwelling units are rented to persons 55 years of age or older who have limited financial resources and;
  - iii. the society operating the Adult Retirement Housing has first prepared an admission/screening policy, including information for the residents and families of the services that are to be provided. Current copies of the admissions/screening policy are to be provided to the City, the tenant and families of the tenant prior to the occupation of the rental units.

## **DIVISION SIX – RESIDENTIAL ZONES (R.5)**

### **605 Residential Mobile Home Park Zone (R.5)**

#### **1. Permitted Uses of Land, Buildings, and Structures:**

Subject to the provisions of the City of Enderby Mobile Home Park Bylaw, the following uses and no others shall be permitted in the Residential Mobile Home Park Zone (R.5):

- a. Accessory buildings and structures
- b. Identification signs
- c. Mobile homes
- d. One (1) dwelling unit for the accommodation of the owner/operator
- e. Recreation areas
- f. Utility service buildings

## **DIVISION SEVEN – RURAL ZONES (C.R)**

### **DIVISION SEVEN – RURAL ZONES**

#### **701 Country Residential Zone (C.R.)**

1. Permitted Uses of Land, Buildings, and Structures:

The following uses and no others shall be permitted in the Country Residential Zone (C.R.):

- a. Accessory buildings and structures
- b. Accessory employee residential use subject to the provisions of Section 701.10.b. of this Bylaw
- c. Accessory produce and fruit sales
- d. Civic and public service use
- e. Boarding, lodging, or rooming houses
- f. Convalescent, nursing, and personal care homes
- g. Intensive agricultural use subject to the provisions of Section 701.10.a. of this Bylaw
- h. Limited agricultural use
- h. Mobile homes
- j. Single family dwellings
- k. Two family dwellings
- l. Secondary suites subject to the provisions of Section 701.10.g
- m. Bed and breakfasts
- n. Dog kennels

2. Buildings Per Lot:

The number of buildings allowed per lot for each of the following uses shall be not more than:

- a. one (1) single family dwelling or one (1) two family dwelling or one (1) mobile home; and
- b. one (1) accessory employee residential dwelling; and
- c. one (1) accessory produce and fruit sales.



## DIVISION SEVEN – RURAL ZONES (C.R)

### 3. Floor Area:

- a. The floor area for a single family dwelling or accessory employee residential dwelling shall be not less than 60 m<sup>2</sup> (645.8 square feet).
- b. The floor area for a two family dwelling shall be not less than 60 m<sup>2</sup> (645.8 square feet) per dwelling unit.
- c. The floor area for a fruit and produce pickers' cabin shall be not greater than 25 m<sup>2</sup> (269.1 square feet).
- d. The floor area for a mobile home shall be not less than 45 m<sup>2</sup> (484.4 square feet).

### 4. Height of Buildings and Structures:

The height of buildings and structures shall not exceed:

- a. 8 m (26.25 feet) for accessory residential use; or
- b. 10 m (32.81 feet) for residential use; or
- c. 20 m (65.62 feet) for agricultural use.

### 5. Lot Area:

Subject to the provisions of Section 1101.2. of this Bylaw, each lot shall have an area of not less than 2 ha (4.942 acres).

### 6. Lot Coverage:

Lot coverage shall be not greater than thirty percent (30%) of the lot area for all buildings and structures and not greater than ten percent (10%) for feed lot and piggery use.

### 7. Lot Frontage:

Each lot shall have a road frontage in accordance with the provisions of Sections 1101.1.b. and c. of this Bylaw.

### 8. Off-Street Parking:

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule "B" of this Bylaw and the number of parking spaces required to be provided on a lot or lots shall be determined by the use or uses being carried on such lot or lots from time to time.

### 9. Setbacks: [Subject to the special building line setback provisions of Section 308.5. of this Bylaw]

## DIVISION SEVEN – RURAL ZONES (C.R)

### a. Exterior Side Yard:

An exterior side yard free of buildings and structures shall, where applicable, be provided with a depth of not less than:

- i. 30 m (98.42 feet) for limited agricultural use and dog kennels; or
- ii. 60 m (196.8 feet) for intensive agricultural use, feed lots, and piggeries; or
- iii. 200 m (656.2 feet) for intensive agricultural use (excluding feed lots and piggeries) where the use is to be established adjacent to an existing Residential zone; or
- iv. 400 m (1,312 feet) for feed lots and piggeries where the use is to be established adjacent to an existing Residential zone; or
- v. 12 m (39.37 feet) for all other uses.

### b. Front Yard:

A front yard free of buildings and structures shall be provided with a depth of not less than:

- i. 30 m (98.42 feet) for limited agricultural use and dog kennels; or
- ii. 60 m (196.8 feet) for intensive agricultural use, feed lots, and piggeries; or
- iii. 200 m (656.2 feet) for intensive agricultural use (excluding feed lots and piggeries) where the use is to be established adjacent to an existing Residential zone; or
- iv. 400 m (1,312 feet) for feed lots and piggeries where the use is to be established adjacent to an existing Residential zone; or
- v. 12 m (39.37 feet) for all other uses.

### c. Other Buildings:

Buildings shall not be sited within 3 m (9.842 feet) of any other building, except that:

- i. buildings for dog kennels and limited agricultural use involving the keeping of animals shall not be sited within 30 m (98.42 feet) of any existing residential dwelling not sited on the farm unit; and

## DIVISION SEVEN – RURAL ZONES (C.R)

- ii. buildings for intensive agricultural use shall not be sited within 60 m (196.8 feet) of any existing residential dwelling not sited on the farm unit; and
- iii. feed lots and piggeries shall not be established within 100 m (328.1 feet) of any existing residential dwelling not sited on the farm unit.

d. Rear Yard:

A rear yard free of buildings and structures shall be provided with a depth of not less than:

- i. 30 m (98.42 feet) for dog kennels and limited agricultural use involving the keeping of animals where the use is to be established adjacent to an existing Residential zone; or
  - ii. 60 m (196.8 feet) for intensive agricultural use, feed lots, and piggeries; or
  - iii. 200 m (656.2 feet) for intensive agricultural use (excluding feed lots and piggeries) where the use is to be established adjacent to an existing Residential zone; or
  - iv. 400 m (1,312 feet) for feed lots and piggeries where the use is to be established adjacent to an existing Residential zone; or
  - v. 8 m (26.25 feet) for all other uses.
- e. Side Yards:

Side yards free of buildings and structures shall be provided with a width of not less than:

- i. 30 m (98.42 feet) for dog kennels and limited agricultural use involving the keeping of animals where the use is to be established adjacent to an existing Residential zone; or
- ii. 60 m (196.8 feet) for intensive agricultural use, feed lots, and piggeries; or
- iii. 200 m (656.2 feet) for intensive agricultural use (excluding feed lots and piggeries) where the use is to be established adjacent to an existing Residential zone; or
- iv. 400 m (1,312 feet) for feed lots and piggeries where the use is to be established adjacent to an existing Residential zone; or
- v. 3 m (9.842 feet) for all other uses.

## DIVISION SEVEN – RURAL ZONES (C.R)

f. Water Bodies:

Flood Construction Levels and Floodplain Setbacks of building and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule “G” of this bylaw.

10. Other Requirements:

- a. An intensive agricultural use shall not be permitted on lots smaller than 0.8094 ha (2.000 acres) and shall only be permitted on lands that are located within the Agricultural Land Reserve.
- b. An accessory employee residential use shall not be permitted on a lot of less than 4 ha (9.884 acres).
- c. A convalescent, nursing, and personal care home use shall be in conformity with the regulations of the Community Care and Assisted Living Act, (SBC 2004).
- d. The use of a mobile home as a dwelling shall be permitted provided that the mobile home is certified by the Canadian Standards Association to conform with the CSA Standard Z240.
- e. An accessory produce and fruit sales use shall not allow the sales of any product, produce, or fruit other than those vegetables or fruits grown on the same parcel.
- f. Fruit and produce pickers' cabin use:
  - i. A fruit and produce pickers' cabin use shall not be permitted on a lot of less than 4 ha (9.884 acres), unless such use existed prior to the adoption of this Bylaw.
  - ii. The use of a fruit and produce pickers' cabin as a rental unit is prohibited.
- g. All Secondary suites must comply with the following:
  - i. Secondary suites are to be located only in a single family dwelling; and
  - ii. No more than one secondary suite shall be permitted within a single family dwelling; and
  - iii. The maximum floor area of a secondary suite shall not exceed the lesser of 90 m<sup>2</sup> or 40% of the habitable floor area of the single family dwelling. The minimum floor area of a secondary suite shall not be less than 36m<sup>2</sup>; and

## **DIVISION SEVEN – RURAL ZONES (C.R)**

- iv. No portion of a building may be used as a secondary suite unless at least one (1) of the registered owners of the building resides within the building; and
  - v. One (1) off-street parking space must be provided for each secondary suite; and
  - vi. Secondary suites must comply with all relevant City Bylaws, and the BC Building Code; and
  - vii. Secondary suites must be located in a building and on property which is a single family real estate entity. No strata titling will be permitted.
- h. Insofar as residential buildings are concerned, where a lot of less than 0.5 ha (1.235 acres) was existing at the effective date of this Bylaw, the provisions of Section 601.10. of this Bylaw shall apply.

## DIVISION EIGHT – SPECIAL USE ZONE (S.1)

### DIVISION EIGHT – SPECIAL USE ZONE

#### 801 Assembly, Civic, And Public Service Zone (S.1)

1. Permitted Uses of Land, Buildings, and Structures:

The following uses and no others shall be permitted in the Assembly, Civic, and Public Service Zone (S.1):

- a. Accessory buildings and structures
- b. Accommodation including campgrounds and one (1) dwelling unit for the owner, operator, or employee of the principal and permitted use
- c. Assembly use
- d. Civic use
- e. Entertainment and recreation facilities including arcades, billiard halls, bowling alleys, drive-in theatres, golf courses and driving ranges, health spas, marinas, museums, outdoor entertainment, amusement and recreation facilities, ski hills, sports clubs, sports facilities, theatres, tourist amusement facilities, theme parks, and zoos
- f. Hospitals and medical professional use including dentist and doctor's offices
- g. Public service use
- h. Retail sales of sporting goods (including rental) accessory to the principal and permitted use
- i. Food concessions
- j. Arts and crafts sales

2. Floor Area:

- a. The floor area for a dwelling unit the owner, operator, or employee of the principal and permitted use shall be not less than 60 m<sup>2</sup> (645.8 square feet).
- b. The total floor area for retail sales of sporting goods (including rental) shall be not greater than 150 m<sup>2</sup> (1,615 square feet).

3. Lot Area:

Subject to the provisions of Section 1101.2. of this Bylaw, each lot shall have an area of not less than 560 m<sup>2</sup> (6,028 square feet), except that lots for

## DIVISION EIGHT – SPECIAL USE ZONE (S.1)

campgrounds shall have an area of not less than 0.5 ha (1.235 acres). The lot area for public service use shall not be restricted.

4. Lot Coverage:

Lot coverage shall be not greater than thirty percent (30%) of the lot area for all buildings and structures.

5. Lot Frontage:

Subject to the provisions of Sections 1101.1.b. and c. of this Bylaw, each lot shall have a road frontage of not less than 15 m (49.21 feet).

6. Off-Street Loading:

Off-street loading shall be provided and maintained in accordance with Schedule "C" of this Bylaw.

7. Off-Street Parking:

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule "B" of this Bylaw and the number of parking spaces required to be provided on a lot or lots shall be determined by the use or uses being carried on such lot or lots from time to time.

8. Setbacks: [Subject to the special building line setback provisions of Section 308.5. of this Bylaw]

a. Exterior Side Yard:

An exterior side yard free of all buildings and structures shall be provided with a depth of not less than 8 m (26.25 feet) where applicable.

b. Front Yard:

A front yard free of all buildings and structures shall be provided with a depth of not less than 8 m (26.25 feet).

c. Other Buildings:

Buildings shall not be sited within 3 m (9.842 feet) of any other building.

d. Rear Yard:

A rear yard free of all buildings and structures shall be provided with a depth of not less than 8 m (26.25 feet).

## DIVISION EIGHT – SPECIAL USE ZONE (S.1)

e. Side Yards:

Side yards free of all buildings and structures shall be provided with a width of not less than 2 m (6.562 feet).

f. Water Bodies:

Flood Construction Levels and Floodplain Setbacks of building and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule "G" of this bylaw.

9. Other Requirements:

a. Campgrounds shall conform with the requirements of Schedule "F" of this Bylaw.

b. No business or undertaking shall be carried on any lot or lots situated within this zone unless the following requirements are first met:

i. The off-street parking requirements of Schedule "B" to this Bylaw applicable to the business or undertaking proposed to be carried on, are met.

ii. No business or undertaking shall be carried on on any lot or lots situate within this Zone unless the proprietor or owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained.



## DIVISION EIGHT – SPECIAL USE ZONE (CD.1)

### 802 Comprehensive Development – Senior’s Housing (CD.1)

1. Permitted Uses of Land, Buildings and Structures:

The following uses and no others shall be permitted in the Comprehensive Development - Seniors Supportive Housing Zone (CD.1):

- a. Seniors housing subject to the provisions of Section 802.9.d of this Bylaw

2. Floor Area:

The floor area for seniors housing units shall be not less than:

- a. 27 m<sup>2</sup> (290.6 square feet) within each bachelor dwelling unit; or  
b. 40 m<sup>2</sup> (430.6 square feet) within each one-bedroom dwelling unit; or  
c. 45 m<sup>2</sup> (484.4 square feet) within each two-bedroom dwelling unit.

3. Height of Buildings and Structures:

The height of buildings and structures shall not exceed the lesser of 12 m (39.37 feet) or three (3) storeys.

4. Lot Area:

The minimum lot area is 4930 m<sup>2</sup> (53,068 square feet).

5. Lot Coverage:

Lot coverage shall not be greater than fifty percent (40%) of the lot area for all buildings and structures.

6. Lot Frontage:

The minimum lot frontage is 35 m (114.8 feet).

7. Off-Street Parking:

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule 'B' of this bylaw and the number of parking spaces required to be provided shall be 1 stall per 3 dwelling units.

8. Setbacks: [Subject to the special building line setback provisions of Section 308.5 of this bylaw]

## DIVISION EIGHT – SPECIAL USE ZONE (CD.1)

a. Exterior Side Yard:

An exterior side yard free of buildings and structures shall be provided with a depth of not less than 8 m (26.25 feet).

b. Front Yard:

A front yard free of buildings and structures shall be provided with a depth of not less than 7 m (22.96 feet).

c. Rear Yard:

A rear yard free of buildings and structures shall be provided with a depth of not less than 10 m (32.81 feet).

d. Side Yard:

A side yard free of buildings and structures shall be provided with a depth of not less than 8 m (26.25 feet).

9. Other Requirements:

a. The maximum permitted gross density for a seniors housing use shall not exceed eighty-one (81) units per hectare (32 units per acre).

b. Useable open space, including indoor common recreation areas, shall be provided on the lot for each dwelling unit contained in a seniors housing building based on the following ratio:

i. 35 m<sup>2</sup> (376.7 square feet) for each two bedroom unit; and

ii. 25 m<sup>2</sup> (269.1 square feet) for each one bedroom or bachelor unit.

c. Screening shall be provided in accordance with the requirements of Section 309 of this Bylaw.

d. Seniors housing means housing in the form of apartment housing which provides a combination of independent living units, supportive housing units and assisted living units that may incorporate personal care (meal provision and visual and electronic monitoring), hospitality services (laundry, housekeeping and social and recreational activities) and onsite medical personnel. This housing may or may not be licensed as required under the Community Care and Assisted Living Act.

## DIVISION EIGHT – SPECIAL USE ZONE (S.2)

### 803 Transportation Corridor Zone (S.2)

1. Permitted Uses of Land, Buildings and Structures:

The following uses and no others shall be permitted in the Transportation Corridor Zone (S.2):

- a. Railway
- b. Highway
- c. Off-street parking
- d. Cycling and pedestrian paths
- e. Public Service Use
- f. Accessory buildings and structures

2. Height of Buildings and Structures:

The height of accessory buildings and structures shall not exceed the lesser of 10 m (32.81 feet) or two (2) storeys.

3. Lot Area:

Each lot shall have an area of not less than 6 ha (14.83 acres).

4. Off-Street Parking:

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule 'B' of this bylaw.

5. Setbacks: [Subject to the special building line setback provisions of Section 308.5 of this bylaw].

a. Exterior Side Yard:

An exterior side yard free of buildings and structures shall be provided with a depth of not less than 4.5 m (14.76 feet).

b. Front Yard:

A front yard free of buildings and structures shall be provided with a depth of not less than 4.5 m (14.76 feet).

c. Rear Yard:

A rear yard free of buildings and structures shall be provided with a depth of not less than 4.5 m (14.76 feet).

**DIVISION EIGHT – SPECIAL USE ZONE (S.2)**

d. Side Yard:

A side yard free of buildings and structures shall be provided with a depth of not less than 4.5 m (14.76 feet).

6. Other Requirements:

- a. Screening shall be provided in accordance with the requirements of Section 309 of this Bylaw.

Schedule "A" to accompany "The Corporation of the City of Enderby Zoning Bylaw No. 1550, 2014".

I hereby certify this to be a true and correct copy of Schedule "A" attached to and forming part of "The Corporation of the City of Enderby Zoning Bylaw No. 1550, 2014".

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CHIEF ADMINISTRATIVE OFFICER

## DIVISION NINE – OFF-STREET PARKING – SCHEDULE “B”

### OFF-STREET PARKING – SCHEDULE “B”

#### 901 Off-Street Parking

1. Except as provided for in Section 401.9 of this Bylaw, where any building or structure is being erected, enlarged, or increased in capacity, provisions shall be made for off-street parking on the same lot as the principal building or on a lot within 60 m (196.8 feet) thereof in accordance with the table hereinafter set out.
2. Notwithstanding any other provisions of this Bylaw, all spaces provided for off-street parking, whether public or private, shall conform to the following requirements:

a. Size:

All parking spaces shall have a clear length of not less than 6 m (19.68 feet) and a clear width of not less than 2.8 m (9.186 feet) and a clear height of not less than 2.2 m (7.218 feet) except that forty percent (40%) of the total number of required parking spaces may be made up of small car parking spaces having a clear length or not less than 5.2 m (17.06 feet), a clear width of not less than 2.3 m (7.546 feet), and a clear height of not less than 2.2 m (7.218 feet). All small car parking areas shall be identified by a sign indicating “Small Car Parking Only”.

b. Access:

Ingress and egress to and from all parking spaces and parking areas shall be by means of unobstructed manoeuvring aisles of not less than 6 m (19.68 feet) for all angle parking up to sixty degrees (60°) from the manoeuvring aisles and not less than 8 m (26.25 feet) for right angle parking.

c. Layout:

Where more than four (4) parking spaces are provided, they must be so designed that vehicles are not required to back out onto a highway.

d. Location:

If parking is provided “on site”, the parking portion must be consolidated with the portion of the lot upon which the building is located so that the whole forms one (1) lot. If the parking is located on a lot not immediately adjacent to the site containing the building for which the parking is provided, the owner must enter into a registrable covenant with the City restricting the use of the lot to parking in conjunction with the building lot.

## DIVISION NINE – OFF-STREET PARKING – SCHEDULE “B”

e. Surface:

Every off-street parking area and maneuvering aisle shall:

- i. be graded to provide an even surface; and
- ii. be drained so that no surface water:
  - a. accumulates thereon; or
  - b. runs off onto any sidewalk; or
  - c. runs off onto any highway if the area is not paved; and
- iii. be surfaced with asphaltic concrete or cement pavement of the minimum thickness. In the case of asphalt, 6 cm (2.362 inches); in the case of portland cement, 10 cm (3.937 inches) reinforced, except in the following:
  - a. all Rural and Special Use zones; and
  - b. all Residential zones providing the use is single family residential; and
  - c. in Commercial zones where the property is vacant, pending sale or development, and no other use is being made of the lot; and the other provisions of this Section are being complied with; and curbs are erected to prevent gravel going onto sidewalks or highways, provided that:

in the case of Subsections iii. a., b., and c. above, the surface shall be:

    - i. kept free of weeds; and
    - ii. gravelled; and
    - iii. treated to suppress dust; and
    - iv. have access to and from highways as approved by the City and Provincial Ministries, where applicable.
  - d. in all zones, permeable surfaces approved by the City; examples of permeable surfaces include:
    - i. Porous asphalt and concrete;
    - ii. Permeable unit pavers;

## DIVISION NINE – OFF-STREET PARKING – SCHEDULE “B”

iii. Concrete grass pavers; and

iv. Plastic Grid Systems.

f. Curbs:

All parking lots shall be provided with curbs located to the requirements of the City and Provincial Ministries, where applicable.

g. Setbacks:

i. In Residential zones, where parking facilities are located on the same lot as the principal building, no part of the parking lot shall be located closer than 1.5 m (4.921 feet) to any dwelling and not more than 30 m (98.42 feet) from the farthest parking stall provided, to an entrance to the principal building.

ii. In commercial zones, for parking located on the same lot as the principal building, no part of the parking lot shall be located closer than 1.5 m (4.921 feet) to any dwelling and not more than 90 m (295.3 feet) from the farthest parking stall to the principal building.

h. Signs:

All parking lots for more than ten (10) vehicles, other than for gasoline service stations, shall have directional signs to as to provide traffic control.

i. Recreation Vehicle Parking:

Notwithstanding any other provisions of this Bylaw:

i. all recreation vehicle parking spaces shall have a clear length of not less than 12 m (39.37 feet) and a clear width of not less than 4 m (13.12 feet) and a clear height of not less than 4 m (13.12 feet); and

ii. all recreation vehicle parking areas shall be provided with unobstructed manoeuvring aisles having a width of not less than 12 m (39.37 feet); and

iii. all recreation vehicle parking areas shall be identified by a sign indicating “Recreation Vehicle Parking”, except when located within residential zones; and

iv. all recreation vehicle parking spaces provided shall be included in the calculations for the total required parking.

**DIVISION NINE – OFF-STREET PARKING – SCHEDULE “B”**

j. Handicapped Persons Vehicular Parking:

Notwithstanding any other provisions of this Bylaw, all parking spaces for handicapped persons shall be in accordance with the standards outlined in the B. C. Building Code.

All handicapped person vehicular parking shall be included in the calculations for the total required parking.

k. Tandem Parking:

Parking spaces may be configured in tandem for single family dwellings and for two family dwellings.

3. Schedule of Parking Requirements:

<u>Uses:</u>	<u>Minimum No. of Parking Spaces Req'd:</u>
Animal hospitals/kennels	1 per 2 employees and 3 per veterinarian
Auction (indoor)	1 per 10 m <sup>2</sup> (107.6 square feet) auction floor
Auto sales and repair	1 per 70 m <sup>2</sup> (753.5 square feet) sales floor and 1 per service bay and 1 per 2 employees
Bachelor dwelling unit	1 per dwelling unit
Bank	1 per 20 m <sup>2</sup> (215.3 square feet) gross floor area
Beach, swimming	1 per 8 m <sup>2</sup> (86.11 square feet) developed beach above high water mark
Bed and breakfast	2 plus 1 per rentable unit
Beverage Container Recycling and Collection Depot	2 spaces for each 50 m <sup>2</sup> of gross floor area
Billiard Hall	2 per table
Boarding, lodging, and rooming house	2 plus 1 per rentable living unit
Boat and recreation vehicle	1 per 2 employees and 1 per 90 m <sup>2</sup> (968.8 square feet) sales and repairs display area (covered and outside)
Bowling Alley	3 per alley
Building material supply	1 per 2 employees and 1 per 180 m <sup>2</sup> (1,937 square feet) covered sales and storage
Food services	1 per 4 seats
Food services - drive-through	2.5 per 100 m <sup>2</sup> (1,076 square feet)
Campground / overnight trailers	1 per space plus 2
Car wash	1 per 2 employees plus 4 off-street storage spaces
Church	1 per 10 seats
Clubs, lodges	1 per 4 seats
College	1 per employee and 1 per 5 students
Contractors yard, including	1 per 2 employees



**DIVISION NINE – OFF-STREET PARKING – SCHEDULE “B”**

public utility structures	
Convalescent, nursing, and personal care home	1 per 3 beds
Cultural facility (art gallery, etc)	1 per 40 m <sup>2</sup> (430.6 square feet) gross floor area
Dance, music, and photo studio	1 per 30 m <sup>2</sup> (322.9 square feet) gross floor area plus 1 per 2 employees
Funeral parlour	1 per 4 seats in chapel
Gas station	1 per 2 employees on duty and 2 per service bay
Golf course	150 stalls
Golf driving range	1 per tee plus 1 per 2 employees
Grocery, corner (confectionary)	1 per 15 m <sup>2</sup> (161.5 square feet) gross floor area of retail portion of building or 4, whichever is greater
Home Occupation	1 in addition to that required for the principal dwelling(s) plus 1 for any employee who does not reside in the residential building.
Health salon	1 per 10 m <sup>2</sup> (107.6 square feet) gross floor area
Hospital	1 per 2 employees plus 1 per 5 beds
Hotel	1 per 2 rooms and 1 per 6 seats (bar, cafe, etc) in the C.1 zone and 1.1 per room and 1 per 3 seats (bar, cafe, etc) in the C.2 zone
Ice cream stand	7 per sales clerk
Laboratory	1 per 2 employees
Laundromat	1 per 3 washing machines
Laundry/dry cleaning	1 per 2 employees counted as total of 2 shifts
Machinery sales	1 per 2 employees and 1 per 90 m <sup>2</sup> (968.7 square feet) sales floor
Manufacture/industrial	1.5 per 100 m <sup>2</sup> of industrial gross floor area
Marina	1 per 2 boat spaces and 1 per 2 employees
Mobile home sales and service	1 per 2 employees plus 1 per 450 m <sup>2</sup> (4,844 square feet) of display yard
Motel	1.1 per unit plus 1 per 3 seats in cafe, etc
Neighbourhood pub	1 per 3 seats
Nurseries/greenhouses	1 per 15 m <sup>2</sup> (161.5 square feet) gross floor area retail sales building
Offices, multi tenant	4 stalls per doctor or dentist; 1 per 40 m <sup>2</sup> (430.6 square feet) gross floor area all other uses
Offices, single tenant	1 stall per 40 m <sup>2</sup> (430.6 square feet) gross floor area
Police office	1 per 2 employees counted as total of 2 shifts

**DIVISION NINE – OFF-STREET PARKING – SCHEDULE “B”**

Pool, swimming	1 per 4 m <sup>2</sup> (43.06 square feet) pool water surface
Post office	1 per 2 employees counted as total of 2 shifts
Printing establishment	1 per 2 employees plus 1.5 per printing press
Prison	1 per 2 employees counted as total of 2 shifts
Public bus depot	1 per 20 m <sup>2</sup> (215.3 square feet) waiting room and 1 per 2 employees counted as total of 2 shifts
Recreation centre	1 per 10 m <sup>2</sup> (107.6 square feet) ice area and 1 per 4 m <sup>2</sup> (43.06 square feet) pool surface and 1 per 4 player capacity other sports
Residential, multi-family over 45 units per acre	1.5 per dwelling unit
Residential, multi-family senior citizen housing	1 per dwelling
Residential, multi-family up to 45 units per acre	2 per dwelling unit
Residential, single family and duplex	2 per dwelling unit
School, elementary	1 per employee
School, secondary	1 per employee plus 1 per 10 students
Shopping centres	4.4 per 100 m <sup>2</sup> (1,076 square feet) gross leasable area
Stadium	1 per 3 seats
Store, supermarket/liquor/other retail/personal service, including barber shop and beauty parlour, except corner grocery	1 per 23 m <sup>2</sup> (247.6 square feet) gross floor area
Taxi stand	1 per taxi plus 1 per office employee
Television and radio stations	1 per 2 employees counted as total of 2 shifts
Theatre, drive-in	1 per 2 employees
Theatre, not drive-in	1 per 6 seats
Tire repair	1 per 2 employees plus 1 per bay
Tourist attraction	1 per 4 persons capacity
Vegetable/produce stand	4 per sales clerk
Warehouse	1 per 2 employees counted as total of 2 shifts

**Note:** The figures include allowance for employees, customers, and visitors, but do not include any allowance for other company vehicles or for loading facilities.

**DIVISION NINE – OFF-STREET PARKING – SCHEDULE “B”**

4. Parking Requirements for Unspecified Uses:

Where in any zone, uses similar to the specified permitted uses are allowed, the minimum number of parking spaces required under 901.3. above for any such unspecified use shall be the minimum number or parking spaces required for the specified permitted use to which the unspecified permitted use is most similar.

5. Existing Buildings and Structures and Changes in Land Use in the “Downtown Designated Parking Area”:

Notwithstanding any other provisions of this bylaw, the regulations contained in this section shall not apply to buildings and structures existing on the effective date of this bylaw that are located in the “Downtown Designated Parking Area” designated on Schedule “A” attached to and forming part of the “Corporation of the City of Enderby Zoning Bylaw No. 966, 1987”, or to any change in the use of those buildings or structures except that:

- a. Off-street parking shall be provided and maintained in accordance with this section where the total floor area is increased in excess of ten percent (10%) over the existing floor area, in which case the amount of additional parking spaces required shall be calculated on the basis of:
  - i. the increase in the size of the existing structure exceeding ten percent
  - ii. the use of the addition
- b. Off-street parking existing on the effective date of this Bylaw shall not be reduced below the applicable off-street parking requirements of this section.

Schedule “B” to accompany “The Corporation of the City of Enderby Zoning Bylaw No. 1550, 2014”.

I hereby certify this to be a true and correct copy of Schedule “B” attached to and forming part of “The Corporation of the City of Enderby Zoning Bylaw No. 1550, 2014”.

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CHIEF ADMINISTRATIVE OFFICER

## DIVISION TEN – OFF-STREET LOADING – SCHEDULE “C”

### DIVISION TEN – OFF-STREET LOADING – SCHEDULE “C”

#### 1001 Off-Street Loading

Subject to the provisions of Section 1001.1. of this Bylaw, when any development takes place on any lot, off-street loading shall be provided and maintained in accordance with the regulations in this Schedule.

1. Existing Buildings, Structures, and Uses:

The regulations contained in this Schedule shall not apply to buildings, structures, or uses existing on the effective date of this Bylaw, except that:

- a. off-street loading shall be provided and maintained in accordance with this Schedule where there is a change in the principal use or where the total floor area is increased in excess of ten percent (10%) over the existing floor area; and
- b. off-street loading existing on the effective date of this Bylaw shall not be reduced below the applicable off-street loading requirement of this Schedule.

2. Unit of Measurement:

When calculating off-street loading requirements, the gross floor area shall include the floor area of accessory buildings or basements, except where they are used for parking or heating.

3. Mixed Occupancies:

In the case of mixed uses the total requirements for off-street loading facilities shall be the sum of the requirements for the various uses computed separately.

4. Required Off-Street Loading Spaces:

- a. On every site used as a retail store, business, industry, warehouse, or other similar use, the minimum number of spaces shall be as follows:

	<u>Total Gross Floor Area of Building(s)</u>	<u>Spaces Required</u>
i.	less than 450 m <sup>2</sup> (4,844 square feet)	1
ii.	450 m <sup>2</sup> (4,844 square feet) to 2,300 m <sup>2</sup> (24,756 square feet)	2
iii.	2,300 m <sup>2</sup> (24,756 square feet) to 4,600 m <sup>2</sup> (49,514 square feet)	3
iv.	each additional 4,600 m <sup>2</sup> (49,514 square feet) or each fraction thereof in excess of 2,300 m <sup>2</sup>	

**DIVISION TEN – OFF-STREET LOADING – SCHEDULE “C”**

(24,756 square feet)

1 additional

- b. On every site used as an office building, place of public assembly, hospital, institution, hotel, club or lodge, auditorium, public utility, school, or similar use, the minimum number of spaces shall be as follows:

<u>Total Gross Floor Area of Building(s)</u>	<u>Spaces Required</u>
i. less than 2,700 m <sup>2</sup> (29,062 square feet)	1
ii. 2,700 m <sup>2</sup> (29,062 square feet) to 5,500 m <sup>2</sup> (59,201 square feet)	2
iii. each additional 5,500 m <sup>2</sup> (59,201 square feet) or fraction thereof in excess of 2,700 m <sup>2</sup> (29,062 square feet)	1 additional

5. Location and Siting of Loading Facilities:

Off-street loading spaces and facilities shall be located on the same lot as the use served, but not within the required front yard, nor closer than 15.5 m (50.85 feet) to the nearest point of intersection of any two (2) road allowances.

6. Development and Maintenance Standards:

- a. The location of all points of ingress and egress to a loading area shall be subject to the approval of the City and Provincial Ministries, where applicable.
- b. All off-street loading and unloading spaces shall be of adequate size and with adequate access thereto to accommodate the types of vehicles which will be loading and unloading, but in no case shall be insufficient to accommodate a vehicle 9 m (29.53 feet) in length, 2.4 m (7.874 feet) in width, and 3.7 m (12.14 feet) in height. Ingress and egress to and from all loading and unloading zones shall be by means of unobstructed manoeuvring aisles of not less than 6 m (19.68 feet) in width.
- c. All loading areas shall be provided with adequate curbs in order to retain all vehicles within such permitted loading areas and to ensure that required fences, walls, hedges, or landscaped areas, as well as any buildings, will be protected from parked vehicles.
- d. Each loading space shall be surfaced with an asphalt, concrete, or similar pavement, or a permeable surfaced approved by the City, so as to provide a durable, dust-free surface and shall be so graded and drained so as to properly dispose of all surface water. Examples of permeable surfaces include:

**DIVISION TEN – OFF-STREET LOADING – SCHEDULE “C”**

- i. Porous asphalt and concrete;
  - ii. Permeable unit pavers;
  - iii. Concrete grass pavers; and
  - iv. Plastic Grid Systems.
- e. Any lighting used to illuminate any loading area shall be so arranged that all direct rays of light are reflected upon the loading area and not on any adjoining premises.

Schedule “C” to accompany “The Corporation of the City of Enderby Zoning Bylaw No. 1550, 2014”.

I hereby certify this to be a true and correct copy of Schedule “C” attached to and forming part of “The Corporation of the City of Enderby Zoning Bylaw No. 1550, 2014”.

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CHIEF ADMINISTRATIVE OFFICER

**DIVISION ELEVEN – LOT FRONTAGE, AREA, AND DESIGN REQUIREMENTS -  
SCHEDULE “D”**

**DIVISION ELEVEN – LOT FRONTAGE, AREA, AND DESIGN REQUIREMENTS –  
SCHEDULE “D”**

**1101 Lot Frontage, Area, and Design Requirement**

1. Lot Frontage:

- a. In addition to the frontage requirements cited elsewhere in this Bylaw, all corner lots for single family and two family use in Residential zones shall be increased in frontage by not less than 3 m (9.842 feet).
- b. Notwithstanding the frontage requirements cited elsewhere in this Bylaw:
  - i. the frontage of a parcel fronting a highway shall be not less than one-tenth of the perimeter of the parcel; and
  - ii. lot frontages of “pie-shaped” lots or other irregularly shaped or asymmetrical lots located in residential zones may be reduced to not less than 12 m (39.37 feet) in width, provided that the average lot width throughout a depth of 30 m (98.42 feet) measured along a perpendicular line on the centre of the property on the frontage street complies with the required minimum lot width.
- c. The Council may, upon application by the owner, exempt the owner from any frontage requirement of this Bylaw except that the frontage required for a panhandle lot shall, in no case be less than:
  - i. 10 m (32.81 feet) where the panhandle lot cannot be further subdivided; or
  - ii. 20 m (65.62 feet) where the panhandle lot can be further subdivided into two (2) or more lots.

2. Lot Area:

Where a parcel is a panhandle lot, that access strip or panhandle shall not be calculated as part of the minimum lot area.

3. Design:

a. Panhandle Lots:

- i. Where a parcel is a panhandle lot capable of further subdivision into two (2) or more lots, the panhandle shall be adequate with respect to grade, alignment, etc. to provide a future highway.

**DIVISION ELEVEN – LOT FRONTAGE, AREA, AND DESIGN REQUIREMENTS -  
SCHEDULE “D”**

- ii. Where a parcel is a panhandle lot that cannot be further subdivided, the panhandle shall have a continuous width of not less than 10 m (32.81 feet) and be suitable for entrance roadway standards of 4 m (13.12 feet) width and fifteen percent (15%) maximum grade.

b. Building Site:

All lots created within the Country Residential (C.R.) zone of this Bylaw shall contain a contiguous area of land 2,000 m<sup>2</sup> (21,528 square feet) or larger in size to serve as a suitable building site. Such building site shall be less than thirty percent (30%) natural slope and shall be accessible from a public highway in accordance with the following private access driveway design standards.

Commencing at the edge of the finished road surface, private access driveways shall:

- i. be as close to right angles as practicable to the finished road surface for a minimum distance of 6 m (19.68 feet); and
- ii. have a minimum width of 5.5 m (18.04 feet) for the distance specified in Subsection 3.b.i. above and 4 m (13.12 feet) minimum width thereafter; and
- iii. have a maximum slope of five percent (5%) over the distance specified in Subsection 3.b.i. above and a maximum slope of fifteen percent (15%) thereafter.

Schedule “D” to accompany “The Corporation of the City of Enderby Zoning Bylaw No. 1550, 2014”.

I hereby certify this to be a true and correct copy of Schedule “D” attached to and forming part of “The Corporation of the City of Enderby Zoning Bylaw No. 1550, 2014”.

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CHIEF ADMINISTRATIVE OFFICER



**DIVISION TWELVE – TOTAL NUMBER OF ANIMALS MAKING UP ONE ANIMAL UNIT – SCHEDULE “E”**

**DIVISION TWELVE – TOTAL NUMBER OF ANIMALS MAKING UP ONE ANIMAL UNIT – SCHEDULE “E”**

**1201 Animal Units**

For the purpose of this Bylaw, the total number of animals making up one (1) animal unit shall be:

4	swine (plus weaner pigs), or
1	dairy cow (plus calf), or
1	beef cow (plus calf), or
1	bull, or
2.5	beef feeders to be fed to a maximum weight of 340 kg (749.6 lbs.), or
1.67	beef feeders to be fed to a maximum weight of 500 kg (1,102 lbs.), or
10	veal calves to be fed to a maximum weight of 140 kg (308.6 lbs.), or
1	horse, (mare and foal, or stallion or gelding or donkey or mule or hinny), or
4	sheep (plus lambs) or goats (plus kids), or
12	feeder lambs, or
250	laying chicken hens, or
500	broiler chickens, roasters, or pullets, or
100	turkeys to be fed to a weight exceeding 5 kg (11.02 lbs.), or
200	turkeys to be fed to a weight of 5 kg (11.02 lbs) or less, or
125	geese or ducks, or
40	rabbits (bucks, or does plus progeny to weaning, or growers), or
80	mink (males, or females plus progeny to weaning, or growers), or
250,000	bees.

Schedule “E” to accompany “The Corporation of the City of Enderby Zoning Bylaw No. 1550, 2014”.

I hereby certify this to be a true and correct copy of Schedule “E” attached to and forming part of “The Corporation of the City of Enderby Zoning Bylaw No. 1550, 2014”.

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CHIEF ADMINISTRATIVE OFFICER

**DIVISION THIRTEEN – CAMPGROUND REGULATIONS – SCHEDULE “F”**

**DIVISION THIRTEEN – CAMPGROUND REGULATIONS – SCHEDULE “F”**

**1301 Campground Regulations**

1. Application:

- a. The provisions of Schedule “F” apply to any campground constructed or established after the adoption of this Bylaw and to any additional construction on an existing campground and to any alteration to the layout of an existing campground.

2. Interpretation:

For the purposes of this section and unless the context otherwise requires:

**APPROVAL** means approval in writing.

**CAMPGROUND** means a site operated and occupied as temporary accommodation for camping units. A campground includes accessory buildings for the common use of campground patrons such as washrooms and bathing facilities, or other facilities as are required in accordance with the Health Act, (RSBC 1996). A campground is not a manufactured home park, motel or hotel and specifically excludes rental cabins.

**CAMPING SPACE** means an area in a campground used for one (1) trailer or tent.

**DEPENDENT TRAILER** means a trailer other than an independent trailer.

**INDEPENDENT TRAILER** means a trailer equipped with a water-closet and a place for washing, wastes from both of which may be disposed of directly into a sewage-disposal system through a drain connection.

**OWNER** means an owner, agent, lessor, or manager of, or any person who operates a campground.

**SAFE WATER** means water which is approved for drinking purposes by the Medical Health Officer.

**ROADWAY** means road within a campground part or all of which is made suitable for normal vehicular use for access to abutting camping spaces and other facilities.

**SERVICE BUILDING** means a building, other than a privy, housing toilet or bathing facilities or such other sanitation facilities as are required by this Bylaw.

**SEWAGE DISPOSAL STATION** means a place where trailer sewage-storage tanks may be emptied and flushed.

**TRAILER** means any vehicle, coach, house-car, or conveyance, designed to

## DIVISION THIRTEEN – CAMPGROUND REGULATIONS – SCHEDULE “F”

travel on the highways, constructed or equipped to be used as temporary living or sleeping quarters by travellers.

### 3. Prohibitions:

- a. No person may construct or lay out a campground or any part of a campground without being in possession of a valid and subsisting permit for that purpose issued pursuant to the provisions of this Bylaw.
- b. No person may construct or lay out a campground or part of a campground in a manner not authorized or in a manner prohibited by the provisions of this Bylaw.

### 4. Administration:

- a. The Corporate Officer or such other officer appointed by the Council shall administer the provisions of this Section.
- b. The Corporate Officer or such other officer appointed under Subsection a. above may enter any campground at all reasonable times for the purpose of administering or enforcing the provisions of this Section.

### 5. Permit Required:

- a. No person shall construct, alter, extend, or expand a campground until written approval is received and permit is issued by the Corporate Officer.

### 6. Application, Approval, and Permit:

- a. All applications for campground approval and permit shall be made in writing to the Corporate Officer and shall contain:
  - i. the name and address of the applicant; and
  - ii. a general description of the location of the land and a full legal description of the land on which the proposed campground is to be established, constructed, altered, or extended; and
  - iii. two (2) full sets of working drawings to scale showing:
    - a. the area, dimensions, and legal description of the parcel(s) of land; and
    - b. the dimensions and location of the buffer area required under Section 1401.13. of this Bylaw; and
    - c. the number, location, dimensions, and designation of all camping spaces, and location and dimensions or all

## **DIVISION THIRTEEN – CAMPGROUND REGULATIONS – SCHEDULE “F”**

- roadways, the owner’s residential plot (if any), common recreation areas, and storage area (if any); and
  - d. the location of service buildings, any sewage-disposal station, or any other proposed structures; and
  - e. the internal layouts of all service ancillary buildings and other structures, apart from the owner’s residence; and
  - f. the location and details of the source of water, treatment plants, water distribution lines, and outlets; and
  - g. the location and details of all connections to the sewer, sewer-lines, septic tank(s) and sub-surface disposal field, or other private sewage treatment plants and disposal methods; and
  - h. the location of storm drains and catch basins; and
  - i. the location and details of all on-site garbage and refuse-disposal areas; and
  - j. a north arrow and notation of the scales used; and
  - k. a general landscaping plan for the site; and
  - l. all water courses or water frontage within or adjacent to the proposed campground; and
  - m. all steep banks or slopes within or adjacent to the land concerned; and
  - n. the relationship of the proposed campground to adjacent roads/highways.
- b. The City may require the applicant to provide additional relevant information, including but not limited to, topographic and soil condition data.

### **7. Approval and Permit:**

- a. The City shall examine each application for a campground permit and shall notify the applicant in writing within sixty (60) days either that the permit is issued or that it is refused.
- b. If a campground permit is refused, the City shall notify the applicant in writing of the reasons for refusal.

## DIVISION THIRTEEN – CAMPGROUND REGULATIONS – SCHEDULE “F”

- c. A campground permit shall permit the establishment of a campground on the land concerned only in compliance with the campground plan approved and permit issued.
- d. If the holder of the permit does not commence the construction permitted by the permit within one (1) year of the date of the permit issued, the permit lapses.

### 8. Other Regulations:

- a. Every campground shall comply with:
  - i. the plumbing, electrical, and building Bylaws and regulations in force; and
  - ii. all regulations, made pursuant to the Fire Services Act.
- b. Nothing in this Bylaw shall relieve owners of a campground from the responsibility to seek out and comply with all other applicable enactments.

### 9. Building Permit:

Prior to any work or construction in a campground, the applicant shall obtain a building permit for a building or structure from the Building Inspector of the City.

### 10. Drainage:

No person shall locate or extend a campground except on a site that is well drained and is at all times free of stagnant pools.

### 11. Camping Spaces:

Each camping space within a campground shall:

- a. have a minimum area of 84 m<sup>2</sup> (904.2 square feet) and be clearly identified by a number or similar designation; and
- b. accommodate only one (1) trailer or tent; and
- c. be no closer than 3 m (9.842 feet) to a roadway; and
- d. be no closer than 7.6 m (24.93 feet) to the boundary of the campground; and
- e. have one (1) conveniently located parking space adjacent to the roadway, all or part of which may be within the setback required under Subsection c. above.

**DIVISION THIRTEEN – CAMPGROUND REGULATIONS – SCHEDULE “F”**

**12. Buffer Area:**

- a. Campgrounds shall be provided with a landscaped buffer area not less than 8 m (26.25 feet) wide adjacent to a front lot line and not less than 4.5 m (14.76 feet) wide adjacent to all other lot lines and within which no camping space, residential accommodation, parking, garbage disposal areas, privies, service buildings or recreational areas, except for waterfront recreation, shall be permitted.
- b. The only roadways permitted in the buffer area are those which cross it as close to right angles as practicable and connect directly with the roadway system contained within the remainder of the campground.

**13. Recreation Area:**

- a. A campground shall have open space for playground, park, sports, games and similar recreation areas to serve the campground in the amount of not less than five percent (5%) of the area of the campground.
- b. The recreation areas shall not include buffer areas, parking areas, ancillary buildings, camping spaces, driveways, and storage areas.

**14. Signs:**

Notwithstanding any other requirements of this Bylaw, an identification sign to a maximum height of 2 m (6.562 feet) above ground and to a maximum area of 3 m<sup>2</sup> (32.29 square feet) may be located at the principal entrance to the campground.

**15. Owner’s Residence and Office Space:**

Within a campground, a dwelling unit including office space may be provided for the accommodation of the owner or operator of the campground. The minimum site area for such facility shall be 550 m<sup>2</sup> (5,920 square feet).

**16. Retail Facilities:**

A retail facility for the purpose of selling groceries, camping supplies, and souvenirs is permitted to serve the campground provided the maximum floor area does not exceed as prescribed below:

Number of Camping Spaces	Maximum Retail Floor Area
50 spaces or less	25 m <sup>2</sup> (269.1 square feet)
51 spaces or more	0.3 m <sup>2</sup> /space (3.229 square feet/space) in excess of 50 up to a maximum of 50 m <sup>2</sup> (538.2 square feet)

## DIVISION THIRTEEN – CAMPGROUND REGULATIONS – SCHEDULE “F”

### 17. Access:

- a. At least one (1) highway access shall be provided to a campground containing eighty (80) or less camping spaces.
- b. A second access from a public highway, separated by at least 50 m (164.0) feet from the first access shall be provided to each campground containing eighty-one (81) or more camping spaces.

### 18. Customer's Parking/Holding Area:

Within 30 m (98.42 feet) of the campground entrance or office, there shall be provided customer's parking/holding area in an amount of 18 m<sup>2</sup> (193.7 square feet) for each ten (10) camping spaces up to a maximum of 140 m<sup>2</sup> (1,507 square feet) for the convenience and safety of the customers.

### 19. Roadways:

- a. Access to and from a campground shall have a minimum roadway width of 13 m (42.65 feet) and a minimum hard surfaced or gravelled width of 6.7 m (21.98 feet). No parking shall be allowed on the access roadway.
- b. All camping spaces, owner's or operator's residence, service buildings, as well as other facilities where access is required shall have access by an internal roadway system.
- c. Roadways giving access to and from camping spaces shall have a minimum roadway width of 6.7 m (21.98 feet) and a minimum hard surfaced or gravelled width of 4.3 m (14.11 feet).
- d. Roadways in a campground shall be well drained, and maintained in such a manner as to render them free from dust at all times.
- e. Dead end roadways and cul-de-sacs shall have a turning circle at the end with a radius of at least 12 m (39.37 feet).

### 20. Water Supply:

The owner of a campground shall provide a potable water system in compliance with the authorities having jurisdiction.

### 21. Sewage Disposal:

The owner of a campground shall provide for the disposal of all wastewater and human excretion generated within the campground by causing all sewage and wastewater to be discharged into a community sewer system or into a private sewage disposal system in compliance with the authorities having jurisdiction.

**DIVISION THIRTEEN – CAMPGROUND REGULATIONS – SCHEDULE “F”**

**22. Service Buildings:**

- a. Where sewer and water systems are installed, the campground shall be provided with at least one (1) service building equipped with flush type fixtures and other sanitary facilities as prescribed below:

Number of Camping Spaces*	Toilets		Urinals	Washbasins		Showers		Other Fixtures
	Men	Women	Men	Men	Women	Men	Women	
1 – 15	1	1	1	1	1	1	1	1 slop Sink**
16 – 30	1	2	1	2	2	1	1	
31 – 45	2	2	1	3	3	1	1	
46 – 60	2	3	2	3	3	2	2	
61 – 80	3	4	2	4	4	2	2	
81 – 100	3	4	2	4	4	3	3	

For each campground having more than one hundred (100) camping spaces\*, there shall be provided one (1) additional toilet and washbasin, for each sex, for each additional thirty (30) camping spaces\*; one (1) additional shower for each sex for each additional forty (40) camping spaces\*; and one (1) additional men’s urinal for each additional one hundred (100) camping spaces\*.

\* Camping spaces for tents and dependent trailers only.

\*\* A conveniently located slop sink(s) for disposal of liquid wastes.

b. Service Buildings shall:

- i. be located at least 4.5 m (14.76 feet) and not more than 150 m (492.1 feet) from any camping space; the 150 m (492.1 feet) distance shall not apply to an independent trailer camping space; and
- ii. be of permanent construction and adequately lighted; and
- iii. have walls, floors, and partitions that can be easily cleaned and will not be damaged by frequent hosing, wetting, or disinfecting; and
- iv. have all rooms well ventilated, with all openings effectively screened; and
- v. provide separate compartments for each bathtub or shower and toilet and a tight partition to separate those facilities designated for males and females.



## DIVISION THIRTEEN – CAMPGROUND REGULATIONS – SCHEDULE “F”

- c. **Laundry Facilities:**
  - i. Laundry facilities shall be provided in the ratio of one (1) laundry unit for each thirty (30) camping spaces and shall be in a separate room of a service building or in a separate building.
  - ii. A laundry unit shall consist of not less than one (1) laundry tub and one (1) clothes washing machine in working order.
  - iii. If there are laundry facilities available to the public within 8 km (4.971 miles) of a campground, the requirements under Subsections i. and ii. above are waived.

### 23. Sewage Disposal Station:

- a. Where a campground contains camping spaces for use by trailers, the owner shall, except where direct sewer connections are available in, provide a trailer sewage disposal station for the purpose of receiving the contents of trailer sewage storage tank.
- b. Trailer sewage disposal station shall be located in an area apart from any roadway and out of which a trailer may be easily and conveniently moved.
- c. Trailer sewage disposal stations shall be constructed in accordance with the design shown in Appendix A to this Section.

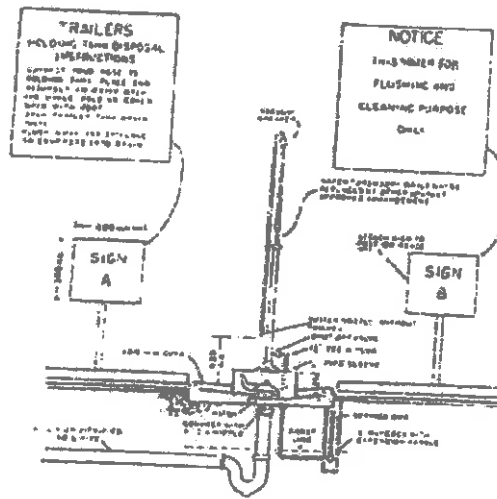
### 24. Garbage Disposal:

- a. The owner of a campground shall dispose or arrange for disposal of garbage or refuse.
- b. The owner of a campground shall:
  - i. provide at each camping space a container that is durable, fly tight, water tight, rodent proof for the disposal of all garbage; and
  - ii. maintain the containers so that they shall not become foul smelling, unsightly, or a breeding place for flies; and
  - iii. be responsible for ensuring that no person shall dispose of garbage, waste, or refuse except in accordance with the arrangements made for the campground.

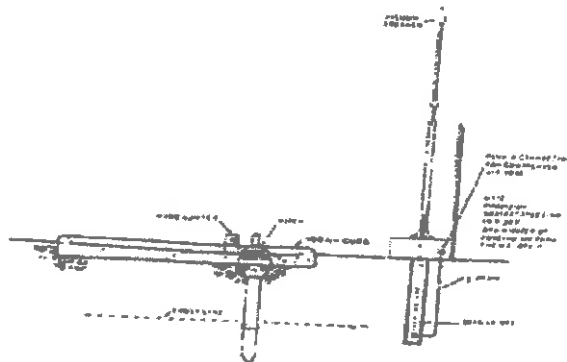


**DIVISION THIRTEEN – CAMPGROUND REGULATIONS – SCHEDULE “F”**

**n. VIEW A**



**VIEW B**



**DIVISION THIRTEEN – CAMPGROUND REGULATIONS – SCHEDULE “F”**

Schedule “F” to accompany “The Corporation of the City of Enderby Zoning Bylaw No. 1550, 2014”.

I hereby certify this to be a true and correct copy of Schedule “F” attached to and forming part of “The Corporation of the City of Enderby Zoning Bylaw No. 1550, 2014”.

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CHIEF ADMINISTRATIVE OFFICER

DIVISION FOURTEEN – WATER BODY PROVISIONS – SCHEDULE “G”

1401 Floodplain Management Provisions

The purpose of the floodplain management provisions is to reduce the risk of injury, loss of life, and damage to buildings and structures due to flooding. However, neither the City nor the Province of British Columbia represent to any person that any building or structure, including a manufactured home, used, constructed or located in accordance with the following provisions will not be damaged by flooding.

1. Interpretation

For the purposes of this Section, the following definitions shall apply:

**ALLUVIAL FAN** means an alluvial deposit of a stream where it issues from a steep mountain valley, or at the junction of a tributary stream with the main stream.

**DESIGNATED FLOOD** means a flood, which may occur in any given year, of such magnitude as to equal a flood having a 200-year recurrence interval, based on a frequency analysis of unregulated historic flood records or by regional analysis where there is inadequate stream flow data available. Where a large watercourse or body of water is controlled by a major dam, the designated flood shall be set on a site specific basis.

**DESIGNATED FLOOD LEVEL** means the observed or calculated elevation for the Designated Flood, which is used in the calculation of the Flood Construction Level.

**FLOOD CONSTRUCTION LEVEL** means a Designated Flood Level plus Freeboard, or where a Designated Flood Level cannot be determined, a specified height above a Natural Boundary, Natural Ground Elevation, or any obstruction that could cause ponding.

**FLOODPLAIN** means an area which is susceptible to flooding from an adjoining watercourse, lake, or other body of water and is designated in Section 1401.2 of this bylaw.

**FLOODPLAIN SETBACK** means the required minimum distance from the Natural Boundary or other reference line of a watercourse, lake, or other body of water to any landfill or structural support required to elevate a floor system or pad above the Flood Construction Level, so as to maintain a floodway and allow for potential land erosion.

**FLOODPLAIN WATERCOURSE** means any natural or man-made depression with well defined banks and a bed of 0.6 m, (1.968 feet) or more below the surrounding land serving to give direction to a current of water including rivers, creeks, springs, ravines, swamps and gulches, whether usually containing water or not.

## DIVISION FOURTEEN - WATER BODY PROVISIONS - SCHEDULE "G"

**FREEBOARD** means a vertical distance added to a Designated Flood Level, used to establish a Flood Construction Level.

**G.S.C.** means Geodetic Survey of Canada datum.

**HABITABLE AREA** means any space or room, including a manufactured home, that is or can be used for dwelling purposes, business, or the storage of goods which are susceptible to damage by floodwater.

**MANUFACTURED HOME** means a single family dwelling built in an enclosed factory environment, in one or more sections, intended to be occupied in a place other than of its manufacture. Manufactured homes include **MOBILE HOMES** and **MODULAR HOMES** which are either completely self-contained dwelling units, or are incomplete dwelling units which are fastened together and completed on site. All new manufactured homes must be constructed to either the CAN/CSA Z240 (mobile home) standard, the National Building Code of Canada, or the Provincial Building Code where manufactured.

**NATURAL BOUNDARY** means the visible high water mark of any lake, river, stream, or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the lake, river, stream, or other body of water a character distinct from that of the banks thereof, in respect to vegetation, as well as in respect to the nature of the soil itself, as defined in Section 1 of the Land Act, and also includes the edge of dormant side channels of any lake, river, stream, or other body of water, and marshes.

**NATURAL GROUND ELEVATION** means the undisturbed ground elevation prior to site preparation.

**PAD** means a paved surface on which blocks, posts, runners or strip footings are placed for the purpose of supporting a manufactured home, or a concrete pad for supporting a Habitable Area.

**STANDARD DYKE** means a dyke built to a minimum crest elevation equal to the Flood Level or Flood Construction Level and meeting standards of design and construction approved by the appropriate Provincial Ministry and maintained by an ongoing authority such as a local government body.

### 2. Floodplain Designation:

The following land is designated as Floodplain:

- a. Land shown as Floodplain on Schedules "G.1" and "G.2", being the Floodplain maps attached to and forming part of this Bylaw.
- b. Land lower than the Flood Construction Levels specified in Section 1401.3.a of this bylaw.

## DIVISION FOURTEEN - WATER BODY PROVISIONS - SCHEDULE "G"

- c. Land within the Floodplain Setbacks specified in Section 1401.3.b of this bylaw.

### 3. Floodplain Specifications:

#### a. Flood Construction Levels:

The following elevations are specified as Flood Construction Levels, EXCEPT THAT WHERE MORE THAN ONE (1) FLOOD CONSTRUCTION LEVEL IS APPLICABLE, THE HIGHER ELEVATION SHALL BE THE FLOOD CONSTRUCTION LEVEL:

- i. the Flood Construction Level for a specific property, as determined by interpolation from those Flood Construction Levels shown on Land shown as Floodplain on Schedules "G.1" and "G.2", being the Floodplain maps attached to and forming part of this bylaw; or
- ii. 1.5 m (4.921 feet) above the Natural Boundary of any watercourse, lake, marsh or pond.
- iii. Notwithstanding the Flood Construction Level requirements cited herein the following types of development are hereby exempted from the requirements, in respect to the Flood Construction Level provisions of this section:
  - A renovation of an existing building or structure that does not involve an addition thereto;
  - An addition to a building or structure that would increase the size of the building or structure by less than 25 percent of the floor area existing at the date of adoption of this bylaw provided that the degree of conformity regarding setbacks is not increased;
  - That portion of a building or structure to be used as a carport, garage or entrance foyer;
  - Farm buildings other than dwelling units and closed-sided livestock housing;
  - Hot water tanks and furnaces behind Standard Dykes;
  - Closed-sided livestock housing behind Standard Dykes;
  - Heavy Industry behind Standard Dykes;
  - On-loading and off-loading facilities associated with water-oriented industry and portable sawmills;
  - Farm dwelling units provided that they are located on parcels 8 hectares or greater in size that are located within the Agricultural Land Reserve, provided that they are located with the underside of a wooden floor system or the top of the Pad of any Habitable Area (or in the case of a Manufactured Home or Unit the top of Pad or the ground surface on which it is located) no lower than 1 metre above the Natural Ground Elevation taken at any point on the

## DIVISION FOURTEEN - WATER BODY PROVISIONS - SCHEDULE "G"

- perimeter of the building, or no lower than the Flood Construction Levels specified herein whichever is lesser;
- Closed-sided livestock housing not behind Standard Dykes provided that they are located with the underside of a wooden floor system or the top of the Pad (or in the case of a Manufactured Home or Unit, the top of Pad or the ground surface on which it is located) no lower than 1 metre above the Natural Ground Elevation taken at any point on the perimeter of the building, or no lower than the Flood Construction Levels specified herein whichever is the lesser;
- Industrial uses, other than main electrical switchgear, provided that they are located with the underside of a wooden floor system or the top of the Pad (or in the case of a Manufactured Home or Unit, the top of Pad or the ground surface on which it is located) no lower than 1 metre above the Natural Ground Elevation taken at any point on the perimeter of the building, or no lower than the Flood Construction Levels specified herein minus freeboard. Main electrical switchgear shall be no lower than the Flood Construction Level.

### b. Floodplain Setbacks:

Unless a greater setback is determined through an assessment under the Riparian Areas Regulation, the following distances are specified as Floodplain Setbacks, EXCEPT THAT WHERE MORE THAN ONE (1) FLOODPLAIN SETBACK IS APPLICABLE, THE HIGHER ELEVATION SHALL BE THE FLOODPLAIN SETBACK:

- i. 30 m (98.42 feet) from the Natural Boundary of the Shuswap River;
- ii. 15 m (49.21 feet) from the Natural Boundary of any other watercourse, lake, marsh, or pond, or
- iii. 15 m (49.21 feet) from any Standard Dyke right-of-way, or structure for flood protection or seepage control.

### 4. General Provisions

- a. The underside of any floor system, or the top of any pad supporting any space or room, including a manufactured home, that is used for dwelling purposes, business, or the storage of goods which are susceptible to damage by floodwater shall be above the Flood Construction Level specified in Section 1401.3.a above.
- b. Any landfill required to support a floor system or pad shall not extend within any setback from a watercourse or body of water specified in this bylaw.



## DIVISION FOURTEEN - WATER BODY PROVISIONS - SCHEDULE "G"

- c. Structural support or compacted landfill or a combination of both may be used to elevate the underside of the floor system or the top of the pad above the Flood Construction Level. Where landfill is used, the face of the landfill slope shall be protected against erosion from flows, wave action, ice, and other debris.
- d. The Flood Level or Flood Construction Level for any watercourse identified in Sections 1401.3.a and b above shall be taken perpendicular to the natural boundary of the watercourse at its highest perpendicular point.
- e. The Building Inspector, or such person appointed by Council may require that a British Columbia Land Surveyor's certificate be required to verify compliance with the Floodplain Elevations and Setbacks specified in Sections 1401.3.a and 1401.3.b of this bylaw. The cost of verification shall be assumed by the landowner.
- f. Pursuant to Section 910(5) of the Local Government Act, the City may grant exemptions from the application of floodplain setbacks and flood construction elevations provided that:
  - i. The property owner submits a written request for an exemption to the City; and
  - ii. The exemption is consistent with the Provincial Guidelines; or A professional engineer or geoscientist, or other prescribed person, certifies that the property can be safely used for the intended use.

### 1402 Riparian Areas Regulation Provisions

The Riparian Areas Regulation apply to all Development related to residential, commercial and/or industrial activities.

#### 1. Interpretation

For the purposes of this Section, the following definitions shall apply:

- a. **DEVELOPMENT** means any of the following associated with or resulting from the local government regulation or approval of residential, commercial or industrial activities to the extent that they are subject to local government powers under the Local Government Act:
  - i. removal, alteration, disruption or destruction of vegetation;
  - ii. disturbance of soils;
  - iii. construction or erection of buildings and structures;
  - iv. creation of non-structural impervious or semi-impervious

**DIVISION FOURTEEN - WATER BODY PROVISIONS - SCHEDULE "G"**

- surfaces;
  - v. flood protection works;
  - vi. construction of roads, trails, docks, wharves, and bridges;
  - vii. provision and maintenance of sewer and water services;
  - viii. development of drainage systems;
  - ix. development of utility corridors;
  - x. subdivision as defined in Section 872 of the Local Government Act.
- b. **HIGH WATER MARK** means the high water mark or water level in a watercourse that is reached during annual flood events, as indicated by the presence of soil and/or vegetation that due to the frequent presence of water is distinctly different from the vegetation of adjacent upland areas.
- c. **QUALIFIED ENVIRONMENTAL PROFESSIONAL (QEP)** means an applied scientist or technologist acting alone or together with another qualified environmental professional, if the individual is registered and in good standing in BC with an appropriate professional organization constituted under an act, acting under that associations code of ethics and subject to disciplinary action by that association, the individual's area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and the individual is acting within that individual's area of expertise.
- d. **RIPARIAN ASSESSMENT AREA** means the area within 30 metres of the high water mark of a riparian watercourse; within 30 metres of the top of the ravine bank in the case of a ravine less than 60 metres wide; and within 10 metres of the top of the ravine bank in the case of a ravine 60 metres wide or greater.
- e. **TOP OF RAVINE BANK** means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed.
- f. **RIPARIAN WATERCOURSE** means any natural or man-made depression with well defined banks serving to give direction to a current of water, including rivers, creeks, springs, ravines, swamps, and gulches and any of the following that provides fish habitat: a pond, lake, river, creek or brook, and; a ditch, spring or wetland that is connected by surface flow to a riparian watercourse.

## DIVISION FOURTEEN - WATER BODY PROVISIONS - SCHEDULE "G"

### 2. Riparian Area Setbacks

Development may not occur within the Riparian Assessment Area unless:

- a. a lesser setback is determined by an assessment completed by a QEP under the Riparian Areas Regulation, or
- b. an approval is granted under the Riparian Areas Regulation by the applicable provincial or federal agency, or
- c. in the case of a subdivision as defined in Section 872 of the Local Government Act, where no modifications are proposed within the Riparian Assessment Area and a Section 219 covenant has been registered on the title of the property restricting development within the Riparian Assessment Area and it has been deemed that a sufficient building envelope, suitable building site and sewage disposal area can be provided.

### 1403 Farming Area Provisions

#### 1. Interpretation

For the purposes of this Section, the following definitions shall apply:

**AGRICULTURAL UNIT** means equal to the live weight of 455 kg (1000 lbs) of livestock, poultry or farmed game or any combination of them equalling 455 kg.

**AGRICULTURAL WASTE STORAGE FACILITY** means a facility used to contain agriculture liquid or solid waste, or biosolids prior to use or disposal, but does not include a vehicle or any mobile equipment used for transportation or disposal of agriculture solid or liquid waste. An agriculture waste storage facility includes a structure, reservoir, lagoon, cistern, gutter, tank or bermed area for containing agricultural waste prior to its use or disposal.

**CHANNELIZED STREAM** means permanent or relocated streams that have been dyked, diverted or straightened and carry drainage flows from headwaters or significant sources of groundwater. Reaches of channelized streams may be confined by roads and fences and in many cases also meander through fields. Channels that divert irrigation water from a stream but return overflow water back to a stream in a manner that allows fish access are classified as channelized streams.

**CONFINED LIVESTOCK AREA** means an outdoor, non grazing area where livestock, poultry or farmed game is confined by fences, other structures or topography including feedlots, paddocks, corrals, exercise yards and holding area, but not including seasonal feeding areas.

**CONSTRUCTED CHANNELS AND DITCHES** means man made drainage channels that carry drainage water from more than one property but do not

## DIVISION FOURTEEN - WATER BODY PROVISIONS - SCHEDULE "G"

carry water from headwaters or significant sources of groundwater. Flows in agricultural constructed channels may be year round and are not regulated. Constructed channels may also deliver water for irrigation purposes.

**IMPERVIOUS SURFACE** means a building or constructed surface made of concrete, asphalt, plastic or other material that does not permit water to soak into the ground.

**NATURAL STREAM** means watercourses that have not been significantly altered by human activity and are predominantly in their natural state as defined by the watercourse definition in this Section.

**SEASONAL FEEDING AREA** means an area used for forage or other crop production and used seasonally for feeding livestock, poultry or farmed game that is primarily sustained by supplemental feed, but does not include a confined livestock area or grazing area.

**SOLID AGRICULTURAL WASTE** means agricultural waste that is 20% or more solid matter and will not flow when piled.

**TOP OF BANK** means the first break in a bank slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 m measured horizontally from the break. For multiple banks, the setback distance will be measured from the top of the bank that is farthest from the center of the stream.

**WATERCOURSE** means a natural watercourse or source of water supply, whether usually containing water or not, and a lake, river, creek, spring, ravine, swamp and gulch.

**DIVISION FOURTEEN - WATER BODY PROVISIONS - SCHEDULE "G"**

**TABLE 1**

**Building and Facilities Setbacks from Watercourses for Riparian Protection in Farming Areas<sup>\*ad</sup>**

Watercourse Type	Category 1 <sup>**</sup>	Category 2 <sup>**</sup>	Category 3 <sup>***</sup>	Category 4 <sup>***</sup>
	-Confined livestock area > 10 agricultural units -Seasonal feeding area -Solid agricultural waste field (storage with > 2 weeks storage time)	-Agricultural Waste Storage Facility -Chemical, compost and woodwaste storage -Confined Livestock Area < 10 agricultural units - Incinerator - Mushroom barn - On-farm composting -On-farm soilless medium production and storage - Silo -Petroleum storage	- Brooder house - Hatchery - Fur farming shed - Livestock barn - Livestock shelter - Milking facility - Stable	- Boiler Room - Cidery - Cold frame - Crop storage - Detention pond -Direct farm marketing - Granary - Greenhouse - Machinery Storage - On farm processing - On farm product preparation - Retention pond - Impervious surfaces
Natural Stream	30m	15m	15m	15m
Channelized Streams	30m	15m	15m	2 X channel width <sup>b</sup> Minimum 10 m Maximum 15m
Constructed Channels and Ditches <sup>c</sup>	30m	15m	5m	5m

Floodplain Provisions may require larger setbacks in some instances and will then override the setback standards shown here.

**\*\* Categories 1 and 2 are set by the Agricultural Waste Control Regulation under the Environmental Management Act.**

**\*\*\* Unless a lesser setback is determined by an assessment completed by a Qualified Environmental Professional and in accordance with Floodplain regulations.**

**a Setback distances are measured horizontally from the watercourse top of bank to the outside of the foundation wall.**

**b Channel width is determined from the top of bank to top of bank.**

**c There is no differentiation between constructed channels and constructed ditches for the purposes of building setbacks, only for drainage maintenance purposes.**

**d The setback from a domestic water intake for uses noted within this table is 30 m.**

Schedule "G" to accompany "The Corporation of the City of Enderby Zoning Bylaw No. 1550, 2014".

I hereby certify this to be a true and correct copy of Schedule "G" attached to and forming part of "The Corporation of the City of Enderby Zoning Bylaw No. 1550, 2014".

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

# **POLICING ACTIVITY REPORT**

Armstrong, Enderby, Falkland, Lumby,  
Spallumcheen, Splots'in, OKIB  
3<sup>rd</sup> Quarter 2014 July - Sept



## **Vernon North Okanagan Detachment**

*Committed to preserve the peace, uphold the law and provide quality service in partnership with our communities*

Superintendent R. G. Burgess  
Officer in Charge  
Vernon/North Okanagan Detachment  
3402 - 30<sup>th</sup> Street  
Vernon, B.C.  
V1T 5E5

Date: October 15<sup>th</sup>, 2014

**Re: Vernon North Okanagan Detachment Policing Activity Report – 3<sup>rd</sup> Quarter 2014**

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All Crime Statistics are featured at the end of this report and reflect monthly totals for July through September, 2014 with comparisons to the previous year, 2013.

Vernon/North Okanagan Detachment (VNOD) had set out to maintain yearly target reductions of 5% of both Criminal Code and Property Crime offences in the 2014/15 Annual Performance Plan (APP). VNOD recorded a 1.0 % increase in criminal code this quarter moderating the year to date criminal code increase to 10.3%. The trend of increased property crime continued through the quarter showing a 22% increase, a significant reduction from the previous quarter. Property Crime year to date shows an increase of 31%. Significant resource draining serious crime incidents and high calls for service demands continued to tax our ability to consistently and proactively target our prolific offenders in this quarter but some success was achieved and arrests made late in the quarter which helped to slow the negative trend.

Traffic enforcement is showing an increase of 37% year to date over 2013 and is on pace to produce near record numbers that were set in 2012. Our Road Check initiative continued posting negative numbers for the second consecutive quarter recording only 23 compared with 39 in 2013. The ongoing fallout from the busy first quarter and the busy summer months continues to adversely impact our ability to participate in this type of labor intensive work.

Earlier this year the Vernon Integrated Case Assessment Team (ICAT), a partnership of community agencies that come together to review highest risk domestic violence cases for the primary purpose of ensuring victim safety, was nominated for a Premier's Award within the North/Interior Region. These awards recognize excellence by BC public service employees/teams for their positive contributions to clients and the public at large. ICAT was selected as a finalist in this process and at a webcast held in September was announced as the Regional winner. While this award recognizes ICAT specifically it also reflects on the great work by our Detachment members and staff with respect to domestic violence cases, including the hard work by our front line members and supervisors in conducting quality investigations and risk assessments, as well as the dedication of our Victim Assistance staff and volunteers.

This report reflects a representative sampling of our policing activities for the 3<sup>rd</sup> Quarter of 2014.

**RURAL GENERAL INVESTIGATION SECTION (GIS):**

- Sex Assault: In July 2014 Provincial/Rural GIS assisted Armstrong Detachment with several tasks arising from a sex assault that had occurred in previous weeks. Provincial GIS members conducted surveillance and assisted with the arrest of a male for sexual assault and other related charges. Subsequent to the arrest GIS members conducted the interview of the male suspect and obtained 3 separate search warrants in relation to this investigation. The male remains in custody pending trial.
- Update on Trinity Valley Road Shooting: June 30<sup>th</sup> - This incident was determined to be drug related and resulted in the suspect male being charged with several offences. The male pled

guilty and has been sentenced. A second suspect, the male's father, has been charged with tampering with evidence (obstruction) and his trial is pending.

- The Provincial GIS section has had a busy summer assisting both Vernon GIS and Targeted Policing units with a number of their investigations. These investigations included drugs, property crime and child pornography related offences. Provincial GIS also has additional drug and criminal code investigations that are moving forward.

#### **Targeted Policing:**

- Provincial Tactical Enforcement Priority (PTEP): Targeted Policing continues to participate in this policing priority of identifying, profiling, selecting and targeting individuals and/or groups that are involved in criminal activity which, due of their association to gangs/organized crime, pose a safety risk to the community.

#### **Domestic Violence Unit:**

- There were 5 new ICAT referrals this quarter and 3 ongoing ICATs.
- On July 23<sup>rd</sup>, 2014 ICAT assessed a file where the victim was reporting criminal harassment / threats she had received from an ex-boyfriend who has mental health and substance abuse issues. The accused has an extensive police history and was also charged in Salmon Arm for a serious domestic violence assault in his previous relationship. ICAT assessed the matter as high risk and are monitoring the situation.
- On Sept 5<sup>th</sup>/14 a referral was made to ICAT which was assessed as high risk. The offender has significant mental health issues, is currently on probation from Alberta relating to the same victim and has repeatedly breached his conditions. The offender and victim were located in a local hotel where he was arrested for assault, sexual assault, forcible confinement, fail to comply times 3 and cruelty to animals. The offender is also facing charges in Alberta and remains in custody here for court.
- On Sept 13<sup>th</sup>, 2014 a referral was made to ICAT which was assessed as high risk. The victim reported abuse by the partner over a period of a year to police. There had been assaults, criminal harassment and stalking/jealousy behaviors. The accused suffers medical as well as mental health issues. The accused has choked and assaulted previous girlfriends and also killed the family hamster by choking it and throwing it against a wall. Police are seeking a warrant for his arrest.
- Currently there are over 15 domestic violence files that are actively involved in the court process. This does not include files that have a court outcome and are involved with Probation or Parole.

#### **SIGNIFICANT INVESTIGATIONS/INCIDENTS:**

- File 2014-12975: On June 28<sup>th</sup>, 2014 at 6:00 p.m. a youth riding a tube pulled by a boat operated by an adult female fell off the tube and as the driver negotiated a turn the boat ran over the youth critically injuring him. The youth was airlifted to Kelowna hospital where he died from his injuries. The file was assigned to Vernon Serious Crimes Unit to determine if any criminal responsibility existed. Alcohol was not a factor and the matter is under investigation.

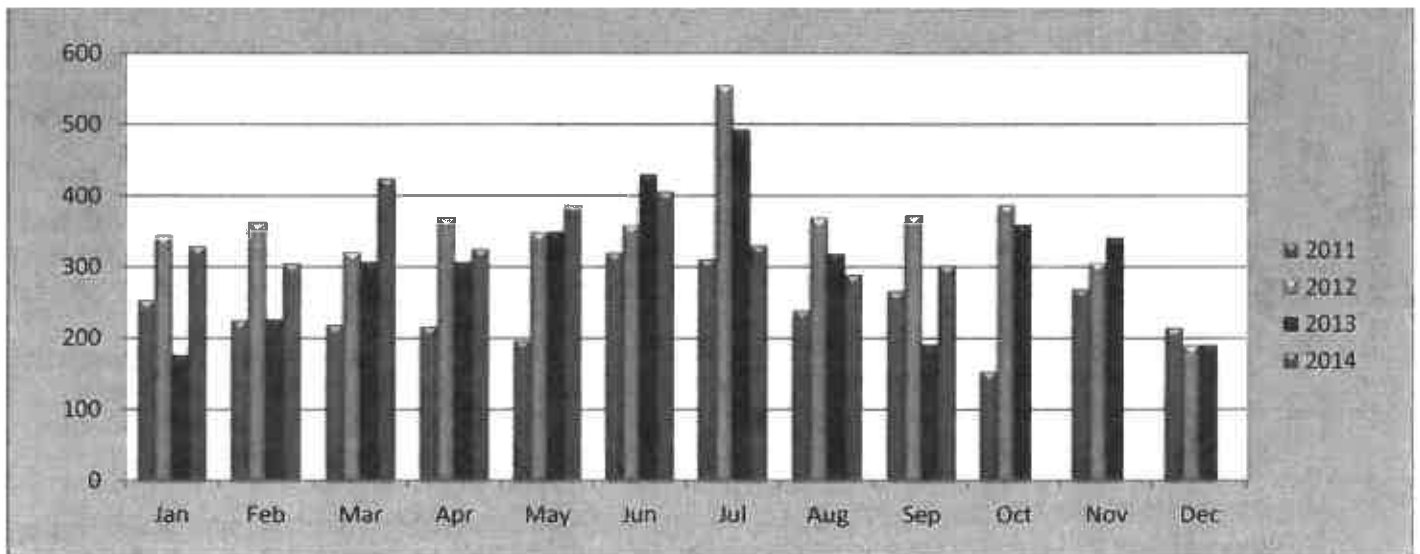


- File 14-13120: On June 30<sup>th</sup>, 2014 at 3:37 a.m. the North Okanagan RCMP responded to a report of males arguing and a gun shot was heard in the area of Trinity Valley Road and Miska Road, Enderby. A second complaint was received shortly after of a male knocking at the door of a residence on Trinity Valley Road. RCMP officers located a male victim who had run to a residence and knocked on the door asking for help. The victim stated he had been shot at after he got into a confrontation with a male he had been hanging out with during the night. The argument appears to have been drug related. The victim was not injured and the suspect was arrested outside his residence. A search warrant was issued and the RCMP conducted a search of the suspect's residence, however the firearm used in this incident was not located. Police believe somebody entered the residence while police were applying for the search warrant and removed the rifle. A second investigation began and the suspect's father was arrested for obstruction for removing the firearm. The suspect and his father have both been charged and are awaiting trial.
- File 2014-10161: After a lengthy 2 month investigation the North Okanagan RCMP arrested and charged a male for sexual assault, unlawful confinement, choking to overcome resistance and uttering threats stemming from an incident that occurred on May 27<sup>th</sup>, 2014 in Armstrong, BC. The suspect has a history of sexual assault and was not known to the victim. The male remains in custody awaiting trial. There is a publication ban on the investigation.
- File 2014-15768: On July 28<sup>th</sup>, 2014 at 6:45 p.m. Vernon North Okanagan Detachment received a report of a small plane down in the area of six Mile Creek Rd. off the west side of Okanagan Lake. Vernon Search and Rescue were activated to assist the police, Okanagan Indian Band Fire Department and ambulance personal. All attended the area to search for the aircraft and passengers. Several residents who live nearby and heard the plane go down assisted as well. Shortly after 8:00 p.m. Vernon/North Okanagan RCMP received information that the aircraft had been located and the pilot and lone occupant walked away from the crash. The pilot was taken to the hospital by ambulance for his injuries. Police continue to assist in this investigation.
- File 2014-11674: On July 30<sup>th</sup>, 2014, the RCMP underwater rescue team, assisted by Search and Rescue and KBM towing, recovered a small black pickup truck from the Shuswap River as a result of a collision that occurred on June 14<sup>th</sup>, 2014. The driver died as a result of the collision and his body was recovered with his truck. The file is being investigated by the coroner.
- File 2013-25328: On August 27<sup>th</sup>, 2014, Logan Scott was arrested for manslaughter in relation to the death of 27 year old Jillian McKinty on November 27<sup>th</sup>, 2013 at her residence in Armstrong, BC. The investigation continues with the Southeast District Major Crime Unit.
- File 2014-19083: On August 31<sup>st</sup>, 2014 at 11:10 p.m. two females were operating an ATV on Belvedere St, Enderby when they failed to stop at the intersection of Cliff Ave and crashed the ATV into the front of the Okanagan Regional Library. Two RCMP members were in the area at the time of the collision and responded immediately. The two females were located on the street with serious injuries and were transported to the hospital. One female suffered a serious spinal cord injury and the other female received nonlife threatening facial injury. Alcohol and speed are believed to be a contributing factor. The RCMP continues to investigate.
- Files (2100) 2014-4011, 2014-4012: On September 6<sup>th</sup>, North Okanagan Traffic Services stopped two motorcycles on Hwy 97 near Falkland for excessive speeding. One was doing 160 KMH in the 90 zone and the second one was at one point doing in excess of 170 KMH. Both bikes were seized for 7 days and issued excessive speeding fines.

- File 2014-2046: On September 18<sup>th</sup>, 2014, the North Okanagan RCMP received a report that a 2003 Ford F350 had been stolen from Chase Falkland Rd, Falkland. An RCMP member responded to the complaint and soon discovered a rash of stolen Ford trucks. While on scene at the initial stolen truck complaint another stolen Ford F350 was located left in its place. The member spoke to the registered owner of the second stolen Ford F350 who had no idea his truck had been stolen. While at the residence a third stolen Ford F250 was discovered as well as a Ford F250 that had been broken into. Investigation continues.

**TRAFFIC ENFORCEMENT:**

- 14 Road blocks,
- 600 vehicles checked,
- Numerous warnings issued,
- 2 violation tickets issued,
- 2 IRP 3 day roadside suspensions issued,
- 1 IRP 90 day roadside suspensions issued,
- 1 24 hour prohibition issued.



Detachment	Violation Tickets/Warnings
Armstrong	17
Spallumcheen	125
Enderby	29
Falkland	12
Lumby	101
Westside	13

### **FORENSIC IDENTIFICATION SERVICE (FIS):**

- In the last 3 months Vernon FIS have averaged approximately 35 - 40 files a month. Call loads have been consistently high and all 3 members are in full rotation.
- Vernon FIS has seen a significant increase for calls overall. We are up 36% for the same period last year and remarkably, our Criminal Identifications were up 127% over the same period last year. We also had multiple Identifications to several Prolific Offenders which led to arrests.

### **3<sup>rd</sup> Quarter Results:**

- FIS received 33 calls for service in this quarter.

<b>Break and Enter</b>	15
<b>Theft Vehicle</b>	9
<b>Drugs</b>	0
<b>Theft</b>	3
<b>Mischief</b>	0
<b>Armed Robbery</b>	0
<b>Assault</b>	1
<b>Homicide/Attempt</b>	1
<b>Recovered Stolen Vehicle/ Misc Vehicle</b>	1/3

- During this quarter a total of 20 individuals were identified on 19 files through fingerprints or other types of physical evidence, this represents almost double the average.

### **RESERVISTS:**

- This past quarter our reservists have continued to provide dedicated traffic enforcement within the City and Coldstream jurisdictions as well as the Provincial jurisdiction, as funding permitted.
- Two of our Reservists were again involved in boating safety and enforcement activities within the North Okanagan this past summer, primarily funded by way of the South East District Boating initiative. Termination of the Regional District Boating initiative has resulted in the elimination of these dedicated patrols by our officers on the North Okanagan lakes under that program.
- All three of our active reservists have been and continue to be available to assist our regular detachment personnel in community event policing and support activities such as scene security during more serious or complex investigations.

## Reservists Traffic Enforcement July – Sept 2014

Detachment	Patrols	V.T.	Warnings	Other
Armstrong	0	10	6	0
Enderby	0	0	0	0
Falkland	1	5	0	0
Lumby	0	0	0	0
Spallumcheen**	0	0	0	0
Vernon Rural	0	0	0	0
Westside Road	2	16	0	0
<b>Total</b>	<b>5</b>	<b>31</b>	<b>6</b>	<b>0</b>

### POLICE DOG SERVICES (PDS):

- Police Dog Services has been reviewed at the Division level and as a result an initiative commenced in September which has identified designated on call of Police Dog Service teams during the peak hours, 7 days a week within the North Okanagan Corridor (Vernon/North Okanagan, Kelowna & Penticton Detachment areas). This was established in an attempt to align units for maximized shift coverage and reduce on call requirements. This initiative identifies one of the Vernon/North Okanagan Police Dog Service members to be on call for 2 weeks out of 3, covering from the Kelowna bridge north during off duty hours.

### AUXILIARY MEMBERS:

- This quarter the eleven active auxiliaries have contributed 240 hours to the local Communities in the North Okanagan. One specific auxiliary member logged an additional 264 hours participating in the Cops for Kids bike ride in September, for a combined total of 504 hours.
- Our auxiliaries played an integral part of Funstastic and Canada Day celebrations in the Park. They have also been out for community events including the IPE, Run for the Cure and the Terry Fox (school runs) in Armstrong and Enderby.
- On Sept 21<sup>st</sup> the RCMP held a team building event for the auxiliaries and their spouses which included an afternoon of golf at Hillview. The event was designed to help build a renewed enthusiasm for the program and was very much appreciated by all that attended.
- We are currently are in the process of recruiting and screening 18 new auxiliary candidates for our program. Ten are from Vernon, two from Coldstream and six from the Armstrong Enderby area.
- Most of the current active members are now up to date on their mandatories that are required. More training is in place for this fall.

### COMMUNITY ACHIEVEMENTS:

- Several of our members participated in red serge at the City of Vernon Canada Day Celebrations in Polson Park which are a hit every year.
- This summer many of our regular and auxiliary members experienced the great opportunity of participating in the Okanagan Military Tattoo.

- Anonymous Santa Toy Ride was attended and escorted by RCMP motorcycle.
- Presentation to the Vernon Downtown Business Association regarding arsons and how business can better protect themselves.
- Presentation to the Vernon Rotary club regarding arsons and how to mitigate the risks of being a target.
- Each year our members in red serge enjoy the opportunity to participate in the annual Kiwanis/Silver Star Rotary Club's Father & Daughter Ball and this year was no exception. Our members look forward to next year's event.

#### **HUMAN RESOURCES:**

- Vernon/North Okanagan Detachment has seen some slowing trend of transfers, with a few older moves having been completed this past quarter. There continues to be some impact on capacity as a result of administrative issues, such as medical absence and restricted duty. To offset this we have strived for and been successful in maintaining surplus resources which has assisted in maintaining minimum resource levels.
- At present we are awaiting the departure on transfer of two members, the retirement of one member, the resignation of one member and the arrival of 3 incoming members. We are also awaiting the process of identifying of a new Sgt. for one of the city watches, a process which unfortunately may take several months to finalize.

### 3rd Quarter Statistics - City of Armstrong

ACTIVITY TYPE	July 2013	July 2014	August 2013	August 2014	September 2013	September 2014
<b>Total Files</b>	107	90	108	121	103	71
Robbery						
Assault		1		2	3	1
Domestic Assault	N/A	1	N/A		N/A	1
Sex Offence	1			1	2	1
B&E Residence			1		2	
B&E Commercial						
Theft of Vehicle	2		2	3	2	2
Theft From Vehicle	4	1	6	5	3	4
Theft Over \$5000						
Theft Under \$5000	1	1	4	8	6	2
Drug Offence		1	4	3	4	1
Liquor Offences	6	1	2	6	1	2
Impaired Driving	4		3		2	2
24 Hour Driving Suspension	3		2			1
Motor Vehicle Accidents	1		1	3	3	

### 3rd Quarter Statistics - Spallumcheen

ACTIVITY TYPE	July 2013	July 2014	August 2013	August 2014	September 2013	September 2014
<b>Total Files</b>	110	101	107	110	88	81
Robbery			1			
Assault	1	2	4		2	
Domestic Assault	N/A	1	N/A		N/A	
Sex Offence		1				
B&E Residence				1	2	
B&E Commercial		2				
Theft of Vehicle	1		1			2
Theft From Vehicle			1			1
Theft Over \$5000				2		
Theft Under \$5000		1			4	
Drug Offence	2		1	1	2	
Liquor Offences	1			2	1	1
Impaired Driving	4		3	2	1	
24 Hour Driving Suspension	4	1	2	2	3	
Motor Vehicle Accidents	10	6	9	12	8	3

### 3rd Quarter Statistics - City of Enderby

ACTIVITY TYPE	July 2013	July 2014	August 2013	August 2014	September 2013	September 2014
<b>Total Files</b>	100	108	107	121	91	92
Robbery					1	
Assault	3	5	3	2	1	2
Domestic Assault	N/A		N/A	1	N/A	1
Sex Offence						
B&E Residence		3	2	1		1
B&E Commercial	1	1	1	1		
Theft of Vehicle			1	2		
Theft From Vehicle		2	1	6		2
Theft Over \$5000	1	1		1		1
Theft Under \$5000	1	2	5	3	1	1
Drug Offence		2	3	1	2	1
Liquor Offences	9	4	2	6	2	6
Impaired Driving		1	2	2	1	
24 Hour Driving Suspension	2		2		1	
Motor Vehicle Accidents	3	1	1	4	5	3

### 3rd Quarter Statistics - Enderby Rural

ACTIVITY TYPE	July 2013	July 2014	August 2013	August 2014	September 2013	September 2014
<b>Total Files</b>	92	91	86	107	73	62
Robbery						
Assault	3	2	4	3		1
Domestic Assault	N/A		N/A	2	N/A	1
Sex Offence			1	1		
B&E Residence		4		2	1	
B&E Commercial						
Theft of Vehicle				2	1	
Theft From Vehicle	1	1			1	
Theft Over \$5000			1			
Theft Under \$5000	4	5	5	1	3	3
Drug Offence	1	1	3		2	1
Liquor Offences	1		1	4	1	
Impaired Driving	1	1	2	4		2
24 Hour Driving Suspension					1	
Motor Vehicle Accidents	6	8	7	12	4	3

### 3rd Quarter Statistics - Village of Falkland

ACTIVITY TYPE	July 2013	July 2014	August 2013	August 2014	September 2013	September 2014
<b>Total Files</b>	28	17	26	14	18	20
Robbery						
Assault			1			
Domestic Assault	N/A		N/A		N/A	
Sex Offence						
B&E Residence			1			
B&E Commercial						
Theft of Vehicle	1					2
Theft From Vehicle				1	2	1
Theft Over \$5000						
Theft Under \$5000						
Drug Offence						
Liquor Offences						
Impaired Driving					1	
24 Hour Driving Suspension						
Motor Vehicle Accidents	2		1	1		

### 3rd Quarter Statistics - Falkland Rural

ACTIVITY TYPE	July 2013	July 2014	August 2013	August 2014	September 2013	September 2014
<b>Total Files</b>	53	58	53	50	47	47
Robbery	1					
Assault		1	2		1	
Domestic Assault	N/A	1	N/A		N/A	
Sex Offence						
B&E Residence	1			1		
B&E Commercial						4
Theft of Vehicle	1	1				1
Theft From Vehicle				2	3	
Theft Over \$5000						
Theft Under \$5000		1		1	1	2
Drug Offence	2					
Liquor Offences		1				
Impaired Driving			1		2	
24 Hour Driving Suspension	1			1		
Motor Vehicle Accidents	9	6	4	5	2	2



### 3rd Quarter Statistics - Village of Lumby

ACTIVITY TYPE	July 2013	July 2014	August 2013	August 2014	September 2013	September 2014
<b>Total Files</b>	37	62	42	50	45	52
<b>Robbery</b>						
<b>Assault</b>	3	3		1	3	2
<b>Domestic Assault</b>	N/A	1	N/A		N/A	1
<b>Sex Offence</b>	1					
<b>B&amp;E Residence</b>	2		1			1
<b>B&amp;E Commercial</b>	2					
<b>Theft of Vehicle</b>	1	1		1		1
<b>Theft From Vehicle</b>	1	1				1
<b>Theft Over \$5000</b>						
<b>Theft Under \$5000</b>	1	5	2	1		4
<b>Drug Offence</b>			2		1	
<b>Liquor Offences</b>		1	2		1	2
<b>Impaired Driving</b>		1	1		1	
<b>24 Hour Driving Suspension</b>	1	1		1		
<b>Motor Vehicle Accidents</b>		1	1	1	1	1

### 3rd Quarter Statistics - Lumby Rural

ACTIVITY TYPE	July 2013	July 2014	August 2013	August 2014	September 2013	September 2014
<b>Total Files</b>	74	64	71	57	45	49
<b>Robbery</b>						
<b>Assault</b>			2	1	2	
<b>Domestic Assault</b>	N/A		N/A	1	N/A	
<b>Sex Offence</b>						
<b>B&amp;E Residence</b>	1		1		1	
<b>B&amp;E Commercial</b>						
<b>Theft of Vehicle</b>	2					
<b>Theft From Vehicle</b>			1		1	
<b>Theft Over \$5000</b>						
<b>Theft Under \$5000</b>				1		
<b>Drug Offence</b>	2		1	1		
<b>Liquor Offences</b>		1				
<b>Impaired Driving</b>		1	1	1		
<b>24 Hour Driving Suspension</b>						1
<b>Motor Vehicle Accidents</b>	8	6	9	9	4	2

3rd Quarter Statistics - OKIB						
ACTIVITY TYPE	July 2013	July 2014	August 2013	August 2014	September 2013	September 2014
Total Files	65	47	54	54	55	35
Robbery						
Assault	6	1	2	1	2	2
Domestic Assault	N/A	1	N/A		N/A	
Sex Offence	1					
B&E Residence	1	2			1	1
B&E Commercial	2					
Theft of Vehicle	4		1	1		
Theft From Vehicle	3	1				1
Theft Over \$5000						
Theft Under \$5000		2	1		2	1
Drug Offence	1			1		
Liquor Offences	1	1				
Impaired Driving	1	1		1		
24 Hour Driving Suspension	2				5	
Motor Vehicle Accidents	3		3	4	1	4

3rd Quarter Statistics - Splatsin						
ACTIVITY TYPE	July 2013	July 2014	August 2013	August 2014	September 2013	September 2014
Total Files	37	35	43	29	29	21
Robbery						
Assault	4	1	4	2		
Domestic Assault	N/A	1	N/A	2	N/A	
Sex Offence						
B&E Residence				1		
B&E Commercial					1	
Theft of Vehicle					1	
Theft From Vehicle		1				1
Theft Over \$5000						
Theft Under \$5000	1	1	1		2	
Drug Offence			1		2	
Liquor Offences	2	2	4	3	1	2
Impaired Driving	2	1	1			
24 Hour Driving Suspension		1			1	1
Motor Vehicle Accidents	1	2	1	3	1	1

**NORTH OKANAGAN RCMP VICTIMS ASSISTANCE**  
**3rd QUARTER ACTIVITY REPORT**  
July 1<sup>st</sup> to September 30<sup>th</sup> 2014

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**CASELOAD:**

- Number of new files: 138
- Client type: Female: 93 Male: 45
- Adult: 120 Child: 2 Youth: 10 Senior: 6
- Number of new clients from family violence: 31
- Current average monthly active caseload: 330
- Number of hours out on call: 50 hours
- Number of volunteer in-office service hours: 433 hours
- Number of volunteer stand-by on-call hours: 2993 hours
- Number of volunteers: 12
- Number of staff: 3 Full time: 2 Part time: 2 Casual: 1

**HIGHEST NUMBER OF INCIDENT TYPES:**

- Domestic violence
- Sudden death
- Assault

**AREA OF COVERAGE:**

- Vernon
- Coldstream
- Armstrong
- Spallumcheen
- Enderby
- Lumby
- Cherryville
- Falkland

**CLIENT CONTACT/SUPPORT:**

- Daily in office client support
- Court support.
- After hour call-outs

## **NORTH OKANAGAN RCMP VICTIMS ASSISTANCE**

### **3rd QUARTER ACTIVITY REPORT**

July 1<sup>st</sup> to September 30<sup>th</sup> 2014

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#### **VOLUNTEER TRAINING/PROGRAM DEVELOPMENT:**

- Program monthly training for volunteers & staff
- Volunteer one on one meetings
- Volunteer training on Emergency Social Services (ESS) Reception Centre preparedness

#### **STAFF TRAINING & MEETINGS:**

- Weekly staff meetings/daily program file reviews
- Program Manager attended Police Victims Services Critical Incident Stress Management training in Delta BC July 8<sup>th</sup> and 9<sup>th</sup>
- Assistant Manager and Program Manager attended 3 day RCMP "E" Division Domestic Violence Forum Sept 23-25, in Richmond BC
- Assistant Manager and Program Manager attended RCMP "E" Division Crime Prevention Services workshop on 'Raising Awareness About Youth Suicide' September 30<sup>th</sup> in Kelowna BC

#### **COMMUNITY MEETINGS:**

- Integrated Case Assessment Team (ICAT) meetings
- Violence Against Women in Relationships (VAWIR) committee meetings
- Suicide Prevention committee meetings
- Homicide/Suicide Bereavement groups planning meetings
- Program Manager provided presentation on Victims Assistance Program to Crisis Line volunteers
- Program Manager meeting with Emergency Social Services (ESS) Director Helen Sinclair

#### **OPERATIONAL MEETINGS:**

- Detachment liaison meetings
- Detachment Unit/Section Heads meetings
- RDNO employee/liaison/staff meetings
- Program Manager and RDNO Administrator meetings
- Health and Safety meetings
- Quarterly Police Victim Services Region board meetings

I am including a Morning Star article written by a staff writer regarding our local ICAT team. The Regional awards recognize projects that impact a specific region. The categories that are awarded at both the Regional and Provincial levels are Innovation, Leadership, Organizational Excellence, and Partnership.

### **Community**

North Okanagan effort earns honor  
A18 Friday, September 12, 2014 – The Morning Star  
By Staff Writer - Vernon Morning Star

Posted Sep 12, 2014 at 1:00 AM

**NORTH OKANAGAN RCMP VICTIMS ASSISTANCE**  
**3rd QUARTER ACTIVITY REPORT**  
July 1<sup>st</sup> to September 30<sup>th</sup> 2014

Agencies involved in a North Okanagan collaboration have been recognized with a Premier's Award.

More than 280 employees and teams from B.C.'s Interior and north regions were recognized for developing new, more efficient ways of providing services to B.C. communities.

The collaborative effort of several North Okanagan agencies resulted in a streamlined approach to the highest risk domestic violence cases, which increases the safety and security of B.C. families.

The North Okanagan Integrated Case Assessment Team (ICAT) is a collaboration between the Ministry of Social Development and Social Innovation, the Ministry of Children and Family Development, members of the Vernon/North Okanagan RCMP, the Vernon Women's Transition House Society, Vernon Correction Services Canada, Community Corrections, the Interior Health Authority's Mental Health and Addictions branch and the local RCMP Victim Services.

Each agency involved in the program plays a unique role by sharing information, identifying safety risks to the family and taking proactive measures to help keep B.C. families safe.

ICAT created a best-practice, victim-centred approach to domestic violence cases where the victim is fully supported by several agencies without having to navigate each agency separately.

"Public servants across the Interior and north put their hearts into making B.C. an even better place to live, work, and raise a family," said Premier Christy Clark in announcing the recipients.

"Each recipient of this award has found a creative way to deliver the important services British Columbians depend on."

This year's regional recipients were selected by a group of independent adjudicators and announced via a streaming online video presentation.

**Completed by: Anita EILANDER**  
**Program Manager**

Agenda

**THE CORPORATION OF THE CITY OF ENDERBY**

**MEMO**

To: Mayor and Council  
From: Tate Bengtson, CAO  
Date: October 22, 2014  
Subject: Ray Brown and Clayton Castle EOCP certifications

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**RECOMMENDATION**

THAT Council receives and files this memorandum.

**BACKGROUND**

Management is pleased to advise Council of the following:

Utility Worker III, Ray Brown, has recently obtained his Multi-Utility Level I Wastewater Treatment Plant certification from the Environmental Operators Certification Program (EOCP);

and

Lead Hand, Clayton Castle, has recently obtained his Water Treatment Plant Operator Level I from EOCP. Earlier this year, Clayton also obtained his Wastewater Collections I.

In order to obtain EOCP certification, an operator needs to spend a certain number of hours working in a treatment plant and then write an exam, which is often preceded by coursework.

EOCP certifications are a critical requirement in demonstrating to regulatory bodies, particularly Interior Health (water) and the Ministry of Environment (wastewater), that the City of Enderby is providing operators which have sufficient knowledge and experience to operate the facilities. Treatment facilities are classified in terms of increasing complexity, with Class IV being the most complex. Both City of Enderby treatment facilities are Class III.

Management is pleased to report significant growth in the number of Public Works employees who have or will soon be certified at Level I or greater (3/5) in one of the four EOCP fields, with one other employee enrolled in the forthcoming Water Treatment II course.

Respectfully submitted,



Tate Bengtson  
Chief Administrative Officer

*Agenda*



Library Headquarters  
1430 K.L.O. Road, Kelowna, B.C. V1W 3P6  
250-860-4033 Fax: 250-861-8696  
E-mail: admin@ori.bc.ca  
Website: www.ori.bc.ca

October 24, 2014

Councillor Beryl Ludwig  
City of Enderby  
1324 Johnston Ave.  
Enderby, BC  
VOE 1V1

Dear Councillor Ludwig,

**Re: Changes in library service level at Enderby Branch**

Thank you for your continued support of and participation in the Okanagan Regional Library. I am writing to provide further details on the outcomes of the FAMA (financial allocation model analysis) report released last year.

As you know, in 2013, the ORL hired the accounting firm Grant Thornton to review spending levels at all Okanagan Regional Library Branches and verify that service expenditures matched local and provincial funding allocations from the service area for each branch. In a number of cases, this level did not match, and the ORL Board directed management to create a plan to ensure no community was receiving less in service expenditures than was being received in local and provincial funding.

In order to achieve this, service levels are being reviewed and in many cases reduced in communities where spending is higher than revenue. I am keenly aware of the funding challenges local governments face, so as our first response, the ORL will identify ways to reduce expenditures within the current levy structure. However, in some cases, communities may wish to discuss the option of directly funding improved service levels, and if this is the case for Enderby, now or in the future, we are open to working with you on this.

**STAFFING LEVELS**

For Enderby, as a result of a system-wide staffing level review, the following target for reduced staffing levels was set:

- Reduction of 2 hours of student page time

Due to attrition, the staffing level target for Enderby has already been reached, and no further action is anticipated.

**IMPACT**

For Enderby, the impact on branch service will be that staff are busier, but it will not result in a loss of open hours.

### **FINANCIAL VARIANCE**

The variance for Enderby in 2014 was calculated in the attached spreadsheet by ORL CFO Don Nettleton using the same methodology as was used in the Grant Thornton Report. Approximately \$35,000 in additional service expenditures above revenue were provided to Enderby (including revenue from ENDERBY, the RDNO, and provincial revenue targeted to the service population the library branch serves). The savings from the staffing level changes identified above are only expected to recoup \$1700 in savings. This is because the branch was already leanly staffed, and additional changes would not be operationally advisable. The ORL will also look to find centralized savings to help offset the imbalance, and facilities costs will be examined.

### **QUESTIONS AND CONSULTATION**

For the public, this information will be released shortly and an email address will be provided for comment, along with a comment form in the branch. Where interest is strong enough, a city hall or other public forum may be hosted by the ORL in the community.

I will be particularly interested in hearing from people about what is most important for them in their library service, and where they would like to see the service evolve over the next several years. I will review all public comments and take them into consideration as we plan our way forward.

In general, the ORL provides efficient service, using the economies of scale afforded by the regional model to provide service that is less expensive than the provincial average and more extensive than any one community could provide on its own. The library provides important support to children and families, to newcomers, job seekers, seniors, and various other groups.

The ORL strongly values its relationship with the city of Enderby, and I invite you to contact me if you have questions, concerns, or would like to see further follow up or discussion on this.

Sincerely,



**Stephanie Hall**  
CEO, Okanagan Regional Library

Attachment: 1

cc: Tate Bengston, CAO  
Mike MacNabb, Director, RDNO  
David Sewell, CAO, RDNO



**Taxpayer Funded Inputs by Tax Jurisdiction 2014**  
**Using Shared ORL Costs from Scenario 1 - as per approved 2014 budget**  
 Methodology for shared costs allocation:  
 Expenses are allocated to each branch based on its % of total population and data costs apportioned per 2014 est actual.

Tax Jurisdiction	Library Resources	Directly Funded Expenses	Shared Resource	Total Expenses	Population %	Population	Population	Variance
<b>Regional District</b>								
Golden		\$203,165	\$147,510	\$350,675	100%	\$350,675	\$328,545	\$22,130
Revelstoke	Golden Branch	\$197,813	\$167,680	\$365,492	93%	\$339,304	\$323,597	\$15,707
Salmon Arm	Revelstoke Branch	\$754,100	\$487,410	\$1,241,510	81%	\$985,170	\$710,220	\$264,950
Siemous	Salmon Arm Branch	\$157,338	\$82,314	\$239,652	69%	\$154,965	\$136,553	\$18,411
<b>List of Unincorporated/Other CSRD</b>								
Revelstoke Branch	Siemous Branch	\$197,813	\$167,680	\$365,492	7%	\$28,188	\$29,895	(\$1,707)
Salmon Arm Branch	Revelstoke Branch	\$754,100	\$487,410	\$1,241,510	19%	\$226,341	\$216,224	\$10,117
Siemous Branch	Salmon Arm Branch	\$157,338	\$82,314	\$239,652	35%	\$64,688	\$72,619	(\$7,931)
Falkland Branch	Siemous Branch	\$64,986	\$30,527	\$95,513	100%	\$95,513	\$76,212	\$19,301
North Shuswap Branch	Falkland Branch	\$99,539	\$52,659	\$152,198	100%	\$152,198	\$131,486	\$20,712
Silver Creek Branch	North Shuswap Branch	\$52,767	\$23,527	\$76,295	100%	\$76,295	\$58,738	\$17,557
South Shuswap Branch	Silver Creek Branch	\$144,821	\$78,222	\$223,043	100%	\$223,043	\$273,143	(\$50,100)
<b>Total</b>								
<b>Regional District of Central Okanagan</b>								
Kelowna		\$1,927,328	\$1,075,200	\$3,002,528	98%	\$2,931,973	\$2,927,180	\$4,793
Mission	Kelowna Branch	\$497,632	\$686,253	\$1,183,885	96%	\$1,158,905	\$1,491,831	(\$332,856)
Rutland	Mission	\$501,044	\$655,079	\$1,156,123	96%	\$1,324,256	\$1,050,748	\$273,408
Lake Country	Rutland	\$245,223	\$287,280	\$532,503	78%	\$415,817	\$488,818	(\$73,001)
Peachland	Lake Country Branch	\$39,626	\$30,983	\$70,609	100%	\$70,488	\$53,814	\$16,674
Westbank First Nation	Peachland Branch	\$186,320	\$115,784	\$302,104	96%	\$295,848	\$241,120	\$54,728
Westbank (West Kelowna)	Westbank Branch	\$558,449	\$687,728	\$1,246,175	18%	\$252,805	\$346,054	(\$89,449)
Unincorporated / Other RDGO	Westbank Branch	\$558,449	\$687,728	\$1,246,175	78%	\$1,107,807	\$1,398,284	(\$289,477)
<b>List of Unincorporated/Other RDGO</b>								
Kelowna Branches		\$1,927,328	\$1,075,200	\$3,002,528	2%	\$319,019	\$348,648	(\$27,629)
Mission		\$497,632	\$686,253	\$1,183,885	2%	\$70,555	\$62,471	\$8,084
Rutland		\$501,044	\$655,079	\$1,156,123	2%	\$27,890	\$33,636	(\$5,746)
Lake Country Branch		\$245,223	\$287,280	\$532,503	2%	\$31,867	\$41,729	(\$9,862)
Peachland Branch		\$186,320	\$115,784	\$302,104	2%	\$116,688	\$130,734	(\$14,049)
Westbank Branch		\$558,449	\$687,728	\$1,246,175	2%	\$6,258	\$4,981	\$1,277
<b>Total</b>					5%	\$65,763	\$83,098	(\$17,335)
<b>Regional District of North Okanagan</b>								
Armstrong		\$191,140	\$215,214	\$406,354	46%	\$193,787	\$193,787	\$4,460
Enderby	Armstrong Branch	\$171,125	\$168,304	\$339,429	40%	\$133,042	\$107,202	\$26,840
Lumby	Enderby Branch	\$112,396	\$99,868	\$212,262	38%	\$80,224	\$88,927	(\$8,703)
Vernon	Lumby Branch	\$1,690,430	\$1,278,967	\$2,969,397	65%	\$1,928,734	\$1,750,369	\$178,365
Caldstream (Outskirts of Vernon)	Vernon Branch	\$1,690,430	\$1,278,967	\$2,969,397	18%	\$521,441	\$403,435	\$118,006
Spallumcheen (Outskirts of Armstrong)	Armstrong Branch	\$191,140	\$215,214	\$406,354	51%	\$208,118	\$198,743	\$9,375
Unincorporated / Other RDGO								
Enderby Branch		\$171,125	\$168,304	\$339,429	60%	\$98,260	\$79,003	\$19,257
Lumby Branch		\$112,396	\$99,868	\$212,262	62%	\$196,387	\$186,756	\$9,631
Vernon Branch		\$1,690,430	\$1,278,967	\$2,969,397	17%	\$132,038	\$122,938	\$9,100
Cherryville Branch		\$82,115	\$20,497	\$102,612	100%	\$515,222	\$439,749	\$75,474
<b>Total</b>								
<b>Regional District of Okanagan Similkameen</b>								
Peniticon, Indian Band		\$65,000	\$65,000	\$65,000	100%	\$65,000	\$65,701	(\$701)
Keremeos	Keremeos Branch	\$154,182	\$249,143	\$403,325	31%	\$78,087	\$53,413	\$24,674
Oliver	Oliver Branch	\$313,686	\$194,609	\$508,295	54%	\$274,741	\$195,838	\$78,902
Osoyoos	Osoyoos Branch	\$166,465	\$146,858	\$313,323	72%	\$225,396	\$263,335	(\$37,939)
Princeton	Princeton Branch	\$110,245	\$69,418	\$179,663	100%	\$169,664	\$108,427	\$61,237
Summerland	Summerland Branch	\$253,207	\$328,055	\$581,262	75%	\$435,802	\$481,745	(\$46,943)
Unincorporated / Other RDOS								
Keremeos Branch		\$154,182	\$64,980	\$219,162	69%	\$1,098,143	\$687,849	\$400,294
Oliver Branch		\$313,686	\$194,609	\$508,295	46%	\$233,584	\$127,371	\$415,685
Osoyoos Branch		\$166,465	\$146,858	\$313,323	28%	\$37,926	\$172,877	\$60,887
Princeton Branch		\$110,245	\$69,418	\$179,663	25%	\$145,460	\$79,581	\$65,879
Summerland Branch		\$253,207	\$328,055	\$581,262	100%	\$35,144	\$168,529	(\$133,385)
Unincorporated / Other RDOS								
Keremeos Branch		\$154,182	\$64,980	\$219,162	100%	\$111,581	\$31,369	\$80,212
Oliver Branch		\$313,686	\$194,609	\$508,295	100%	\$111,581	\$95,581	\$16,000
Osoyoos Branch		\$166,465	\$146,858	\$313,323	100%	\$107,699	\$77,686	\$29,913
Princeton Branch		\$110,245	\$69,418	\$179,663	100%	\$203,713	\$145,055	\$58,657
Summerland Branch		\$253,207	\$328,055	\$581,262	100%	\$2,344,833	\$2,056,309	\$288,524
Unincorporated / Other RDOS								
Keremeos Branch		\$154,182	\$64,980	\$219,162		\$19,982,172	\$16,513,624	\$3,468,548
Oliver Branch		\$313,686	\$194,609	\$508,295				
Osoyoos Branch		\$166,465	\$146,858	\$313,323				
Princeton Branch		\$110,245	\$69,418	\$179,663				
Summerland Branch		\$253,207	\$328,055	\$581,262				
<b>Total</b>								
<b>TOTAL</b>								

THE CORPORATION OF THE CITY OF ENDERBY

MEMO

**To:** Tate Bengtson, CAO  
**From:** Jennifer Bellamy, CFO  
**Date:** October 24, 2014  
**Subject:** Request for Funding - Restorative Justice Society

---

**Recommendation:**

THAT Council refer the funding request for the Restorative Justice Society to the 2015 budget deliberations.

OR

THAT Council deny the funding request for the Restorative Justice Society.

**Background:**

Attached is correspondence from the Restorative Justice Society requesting funding for 2015. The Society is requesting \$2,528.36 from the City of Enderby.

Below is the motion from the December 2, 2013 Council meeting regarding the 2014 funding request:

Restorative Justice Society – North Okanagan – tabled from November 18<sup>th</sup> meeting  
Re: North Okanagan Funding Request

Moved by Councillor Shipmaker, seconded by Councillor McCune that the City decline the request for funding due to the services being a responsibility of the provincial government.

Carried Unanimously

No funding has been provided to the Society by the City in previous years.

Respectfully Submitted

  
Jennifer Bellamy  
Chief Financial Officer

20 October 2014

North Okanagan Municipalities and Electoral Areas

**Re: Restorative Justice Society – North Okanagan Funding Request**

In 2013 the Restorative Justice Society – North Okanagan (RJS-NO) put forth a request to the Regional District of North Okanagan (RDNO) to become a function under the RDNO in order to provide financial support to address the level of restorative justice services provided within the Vernon/North Okanagan (V/NOD) RCMP Detachment area. The RJS-NO did not become a function under the RDNO and funding was to be secured on an individual basis, with each Municipality and Electoral Area in V/NOD.

This time last year, the RJS-NO sent out a request to each Municipality and Electoral Area and received some financial support to continue operating restorative justice service. The funding request was based on a file review of the 2011-2012 Incident/Crime Location and the PWCH (person who caused harm) Home data that was provided to both the City of Vernon (COV) and the RDNO on the 3<sup>rd</sup> of May and the 26<sup>th</sup> of June 2013, respectively, indicating the level of service each municipality and electoral area received within the 2011-2012 timeframe. (See Appendix “A”)

The COV signed a Service Agreement covering 2014-2015 with the RJS-NO based on the following financial breakdown and RJS-NO budget of \$81,560 dollars per year. Please note this portion of the budget reflects the municipalities and electoral areas within the North Okanagan, which represent 95% and the other 5% is outside RDNO and/or outside V/NOD boundaries. The RJS-NO is providing a 0.7% reduction –across the board- due to funds already secured through our fundraiser in October and our grant application to the Ministry of Justice: Community Accountability Program.

Municipality/Electoral Area	Percentage	Budget Request for 2015
Armstrong	1.8	\$ 1,468.08
Enderby	3.1	\$ 2,528.36
Vernon	55.0	\$ 44,858.00
Coldstream	4.4	\$ 3,588.64
Spallumcheen	1.8	\$ 1,468.08
Lumby	3.1	\$ 2,528.36
Electoral Area - B	9.4	\$ 7,666.64
Electoral Area - C	3.1	\$ 2,528.36
Electoral Area - D	0.6	\$ 489.36
Electoral Area - E	0.6	\$ 489.36
Electoral Area - F	4.4	\$ 3,588.64
Percentage 0.7/per location	7.7	\$ 6,280.12
<b>TOTAL</b>	<b>95</b>	<b>\$ 77,482.00</b>

In addition to this request please be assured that the RJS-NO is actively looking to secure other funds to offset the costs to our municipalities and electoral areas. The RJS-NO as a stand-alone Society has the opportunity to seek other funding through grants, calls for proposals.

These are the other funding opportunities that we have been/will be actively seeking:

1. **The RJS-NO** submitted a third proposal to the Aboriginal Justice Strategy (AJS): Capacity-Building Fund in July 2013. AJS funding is project-specific and a portion would be used to cover core funding with the remainder covering the cost of the trainers, travel and meals for the project. The proposed project budget is just under \$11,000. We have recently received confirmation that the proposal will be funded.
2. **The RJS-NO** planned the “*Creative Justice Gala*” our 2<sup>nd</sup> fundraising event for the 3<sup>rd</sup> of October 2014. This event was to create more awareness of RJS-NO and the services it provides within the North Okanagan through an evening of entertainment. It is unfortunate that this fundraising event was postponed due to low ticket sales. The Board of Directors are in the planning stages for another event in the Spring of 2015 and we will look forward for your support at that time.
3. **The RJS-NO** will be submitting a grant application to the Ministry of Justice: Community Accountability Program (CAP) in October 2014. The CAP application is for \$7,500 and has been submitted with confirmation expected by the end of December.
4. **The RJS-NO** will be submitting an application for a Gaming Grant at the end of November 2014. Currently the RJS-NO is working with an agency that supports the development of Gaming Grant.

This funding request supports continued restorative justice services within the North Okanagan, and specifically as indicated, within your communities. The funding request as indicated above, from each Municipality and Electoral Area is based on services you have received in 2011-2012. Funding and in-kind support has been received since 2006 from the City of Vernon, and others, to develop a restorative justice service and to support the formation of the Restorative Justice Society – North Okanagan. Please call Margaret Clark, Executive Director at 250-550-7846 if you want to discuss this further and/or require additional information.

Sincerely,



Carole Lyons, A/President  
Restorative Justice Society – North Okanagan

Agenda

**THE CORPORATION OF THE CITY OF ENDERBY**

**MEMO**

**To:** Mayor and Council  
**From:** Tate Bengtson, CAO  
**Date:** October 26, 2014  
**Subject:** Heritage Commission and Heritage Conservation Section of OCP

---

**RECOMMENDATION**

THAT Council sends correspondence to the Enderby & District Heritage Commission thanking it for its commitment to the implementation of the heritage conservation objectives and policies of City of Enderby Official Community Plan Bylaw No. 1549, 2014.

AND THAT Council refers the implementation of the heritage conservation objectives and policies of City of Enderby Official Community Plan Bylaw No. 1549, 2014 to budget.

**BACKGROUND**

The Heritage Commission was created by City of Enderby Community Heritage Commission Bylaw No. 1185, 1996, which was amended in 1998 to include Area "F" of the Regional District of the North Okanagan. Its role is to advise Council on matters related to the heritage significance of buildings, structures, or landscape features, as well as to undertake or support Council-approved initiatives related to heritage management, planning, and public awareness.

In 2013, Council adopted the Integrated Community Sustainability Plan. One of the outcomes of that process was a policy alignment that recently resulted in the adoption of a substantially revised Official Community Plan (OCP). This included revision of the heritage conservation objectives and policies of the OCP; the new program will enable a more targeted conservation program that adds certainty to the real estate market and reduces red tape while enhancing education, awareness, and understanding of the City's character-defining heritage resources.

Objective 6.2(b) of the Heritage Conservation section of the OCP identifies a planning process to establish a community heritage vision and statement of significance, as well as inaugurate a Community Heritage Register in consultation with the community and property owners. It is at the level of the Community Heritage Register that the character-defining features of the community will be catalogued.

Further to that objective, I met with the Enderby & District Heritage Commission on October 15, 2014 for a preliminary discussion of the matter. The new approach was reviewed and sparked keen interest on the part of the Heritage Commission. As the attached correspondence affirms, the Heritage Commission is committed to working with the City to implement the Heritage Conservation policies of the new OCP.

The next step towards implementation of the new program will involve staff discussions with the BC Heritage Branch to compile examples of community heritage visions and statements of significance, as well as to recommend resources to assist with the technical implementation of the Community Heritage Register. The Heritage Commission will be engaged to leverage its previous visioning work regarding community heritage, to assist in the identification of properties with the highest heritage value, and to help engage the community in determining the best manner in which to implement the Community Heritage Register.

Respectfully submitted,

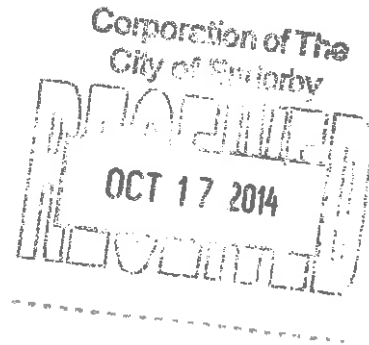
A handwritten signature in black ink, appearing to read 'Tate Bengtson', with a long horizontal flourish extending to the right.

Tate Bengtson  
Chief Administrative Officer

17 October 2014

Bob Cowan, chair  
Enderby and Dist. Heritage Commission  
Box 76  
Enderby, B.C. VOE 1V0

Mayor Howie Cyr and Council  
City of Enderby  
Enderby, B.C.



Dear Mayor Cyr and Council:

At our regularly scheduled meeting of the Enderby and District Heritage Commission on 15 October 2014, we had a presentation on the changes to the OCP regarding heritage conservation in Enderby. Tate Bengtson made a strong case for the changes. There was a great deal of debate and discussion amongst the members of the commission. In the end, the following resolution passed unanimously: That the Enderby and District Heritage Commission work closely with the City of Enderby to implement a Heritage Register for the preservation of heritage in Enderby.

Flowing from this resolution is the notion that the City of Enderby will not only keep us informed but engage us in the implementation of the new OCP Heritage policy.

Our next meeting has been scheduled for March 3, 2015 at 1:30 p.m. in Council Chambers. If you have any questions, please give me a call at 250-838-9641.

Yours truly,

  
Bob Cowan, chair

Agenda

**THE CORPORATION OF THE CITY OF ENDERBY**

**MEMO**

To: Mayor and Council  
From: Tate Bengtson, CAO  
Date: October 26, 2014  
Subject: Heritage Commission Interpretive Sign Proposal

---

**RECOMMENDATION**

THAT Council sends correspondence to the Enderby & District Heritage Commission inviting it to report back to staff with unit costs for its Heritage Interpretive Sign Proposal;

AND THAT Council refers the Heritage Interpretive Sign Proposal to budget.

**BACKGROUND**

The Heritage Commission was created by City of Enderby Community Heritage Commission Bylaw No. 1185, 1996, which was amended in 1998 to include Area "F" of the Regional District of the North Okanagan. Its role is to advise Council on matters related to the heritage significance of buildings, structures, or landscape features, as well as to undertake or support Council-approved initiatives related to heritage management, planning, and public awareness.

For a number of years, the Heritage Commission delivered a plaque program that celebrated heritage throughout the community. The City typically budgets around \$1,000 per year for the plaque program. More recently, the Heritage Commission used those funds to refurbish the interpretive signs along the Riverwalk.

The Heritage Commission now wishes to modify the program for the installation of new interpretive signs elsewhere in the community (see attached correspondence). The interpretive signs would be installed on public property.

Respectfully submitted,



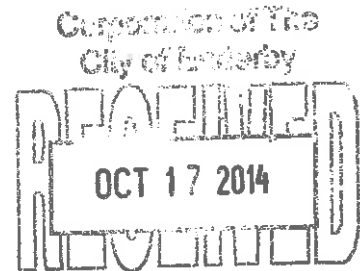
Tate Bengtson  
Chief Administrative Officer



October 17, 2014

Bob Cowan, chair  
Enderby and Dist. Heritage Commission  
Box 76  
Enderby, B.C. VOE 1V0

Mayor Howie Cyr and Council  
City of Enderby  
Enderby, B.C.



Dear Mayor Cyr and Council:

At our regularly scheduled meeting on October 15, 2014, we discussed our plaquing program and whether or not we should continue with it or initiate a different program. In the past, council has budgeted about \$1,000 per year for bronze plaques that have been placed on various building throughout the city. For several years, we have not used those funds for plaques, but instead, used that money to refurbish the Riverwalk signs.

At our meeting, we passed a motion that council consider funding a series of signs similar to those along the Riverwalk, but at various other locations in town. For example, a Riverwalk type sign on Belvedere across from the United Church near the two benches explaining the Enderby Creamery and Flour Mill, the cement posts, still visible, are all that remain of these two major industries. We have yet to explore costs, but the cost would be dependent on the number council might budget for in any given year. We would be happy to work with you as we did with the Riverwalk signs.

Our next meeting has been scheduled for March 3, 2015 at 1:30 p.m. in Council Chambers. If you have any questions, please give me a call at 250-838-9641.

Yours truly,  
  
Bob Cowan, chair

Agenda

**THE CORPORATION OF THE CITY OF ENDERBY**

**MEMO**

**To:** Tate Bengtson, Chief Administrative Officer  
**From:** Kurt Inglis, Assistant Corporate Officer and Planning Assistant  
**Date:** October 28, 2014  
**Subject:** Digital Billboard Sponsorship Application - Anglican Church Women

---

**RECOMMENDATION**

THAT Council considers the Anglican Church Women's sponsorship application valued at \$1,000 in-kind.

**BACKGROUND**

The Anglican Church Women have submitted a Digital Billboard Sponsorship Application and are requesting an in-kind sponsorship valued at \$1,000 (10 days of advertising) for messaging related to a fall tea event.

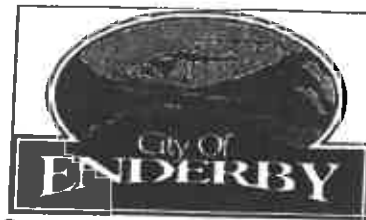
Although the Anglican Church Women are affiliated with a religious organization, their requested messaging is not religious in nature and would therefore be consistent with the Digital Billboard Policy.

Respectfully Submitted,

  
\_\_\_\_\_

Kurt Inglis, Assistant Corporate Officer and Planning Assistant

619 Cliff Avenue  
P. O. Box 400  
Enderby, B. C. V0E 1V0



The Corporation of the City of Enderby  
*Top of the Okanagan*

Tel: (250) 838-7230  
Fax: (250) 838-6007  
Website: www.cityofenderby.com

## Digital Billboard Sponsorship Application

Please Note: This form must be submitted at least 60 days prior to the requested start date of initial messaging.

**Name of Organization/Society:**

Anglican Church Women

**Name of Applicant:**

Sheila Forster

**Phone Number:**

838 6721

**Email:**

sforster31@hotmail.com

**Nature of Messaging:**

Fall tea

(community events, programming,  
announcements, etc.)

**Annual Sponsorship Needs:**

about 10 days

**Requested Value of Sponsorship:**

\$ 1,000

(NOTE: Each message will be displayed for a minimum of one week, which may be non-consecutive days, to a maximum of three weeks. One week of messaging = \$700 in-kind value.)

  
Signature of Applicant

Oct. 20 / 14  
Date

Agende

**THE CORPORATION OF THE CITY OF ENDERBY**

**MEMO**

To: Tate Bengtson, Chief Administrative Officer  
From: Kurt Inglis, Assistant Corporate Officer and Planning Assistant  
Date: October 29, 2014  
Subject: Digital Billboard Sponsorship Application - Enderby Volunteer Firefighters Association

---

**RECOMMENDATION**

THAT Council considers the Enderby Volunteer Firefighter Association's sponsorship application valued at \$3,500 in-kind.

**BACKGROUND**

The Enderby Volunteer Firefighters Association has submitted a Digital Billboard Sponsorship Application and are requesting an in-kind sponsorship valued at \$3,500 (5 weeks of advertising) for messaging related to fundraising events.

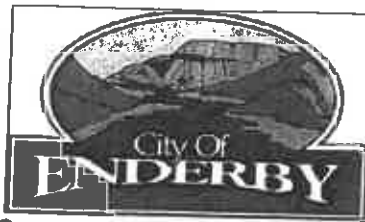
Respectfully Submitted,



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Kurt Inglis, Assistant Corporate Officer and Planning Assistant

619 Cliff Avenue  
P. O. Box 400  
Enderby, B. C. V0E 1V0



The Corporation of the City of Enderby  
*Top of the Okanagan*

Tel: (250) 838-7230  
Fax: (250) 838-6007  
Website: www.cityofenderby.com

## Digital Billboard Sponsorship Application

Please Note: This form must be submitted at least 60 days prior to the requested start date of initial messaging.

**Name of Organization/Society:**

Enderby Volunteer Firefighters Association

**Name of Applicant:**

Kevin Alstad

**Phone Number:**

250-804-6917

**Email:**

firechief@cityofenderby.com

**Nature of Messaging:**

Fundraising events

(community events, programming,  
announcements, etc.)

**Annual Sponsorship Needs:**

5 weeks

**Requested Value of Sponsorship:**

\$ 3,500

(NOTE: Each message will be displayed for a minimum of one week, which may be non-consecutive days, to a maximum of three weeks. One week of messaging = \$700 in-kind value.)

  
Signature of Applicant

Oct 29/2014  
Date

Agenda

**THE CORPORATION OF THE CITY OF ENDERBY**

**MEMO**

To: Mayor and Council  
From: Tate Bengtson, CAO  
Date: October 28, 2014  
Subject: Remembrance Day Road Closure Request

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**RECOMMENDATION**

THAT Council receives and files the attached application as approved by staff.

**BACKGROUND**

The Royal Canadian Legion Branch #98 has submitted a road closure request for the community's Remembrance Day Celebration. As this is not a new event, the closure has been approved by staff consistent with Council's policy on the matter.

The Legion has been advised that, while all road works are scheduled to be completed prior to November 11, some of the remaining work, particularly if related to asphalt, is weather dependent. As a result, Staff have advised the Legion to contact City Hall on November 7 to determine the current status of the project. If the final elements of the road works have not yet been completed, Staff will work with the Legion to ensure that additional supports are in place to aid ceremony attendees in accessing the site.

Respectfully submitted,



Tate Bengtson  
Chief Administrative Officer

**Schedule A**  
**Application for a Temporary Road Closure for a Community Event**

Is this a first-time or relocated event?      Yes      No

Name of Sponsoring Organization The Royal Canadian Legion Branch #98

Name of Contact Person Cindy Tottenham or Dee Corea-Jacobson

Telephone or Email (250) 838-7283      enderbylegion@gmail.com

Name of Event Remembrance Day Celebration

Date(s) of Closure November 11, 2014

Start time for Closure 10 AM      End time for Closure 12:30 pm

Location of Closure See attached map  
(Cenotaph - main area)

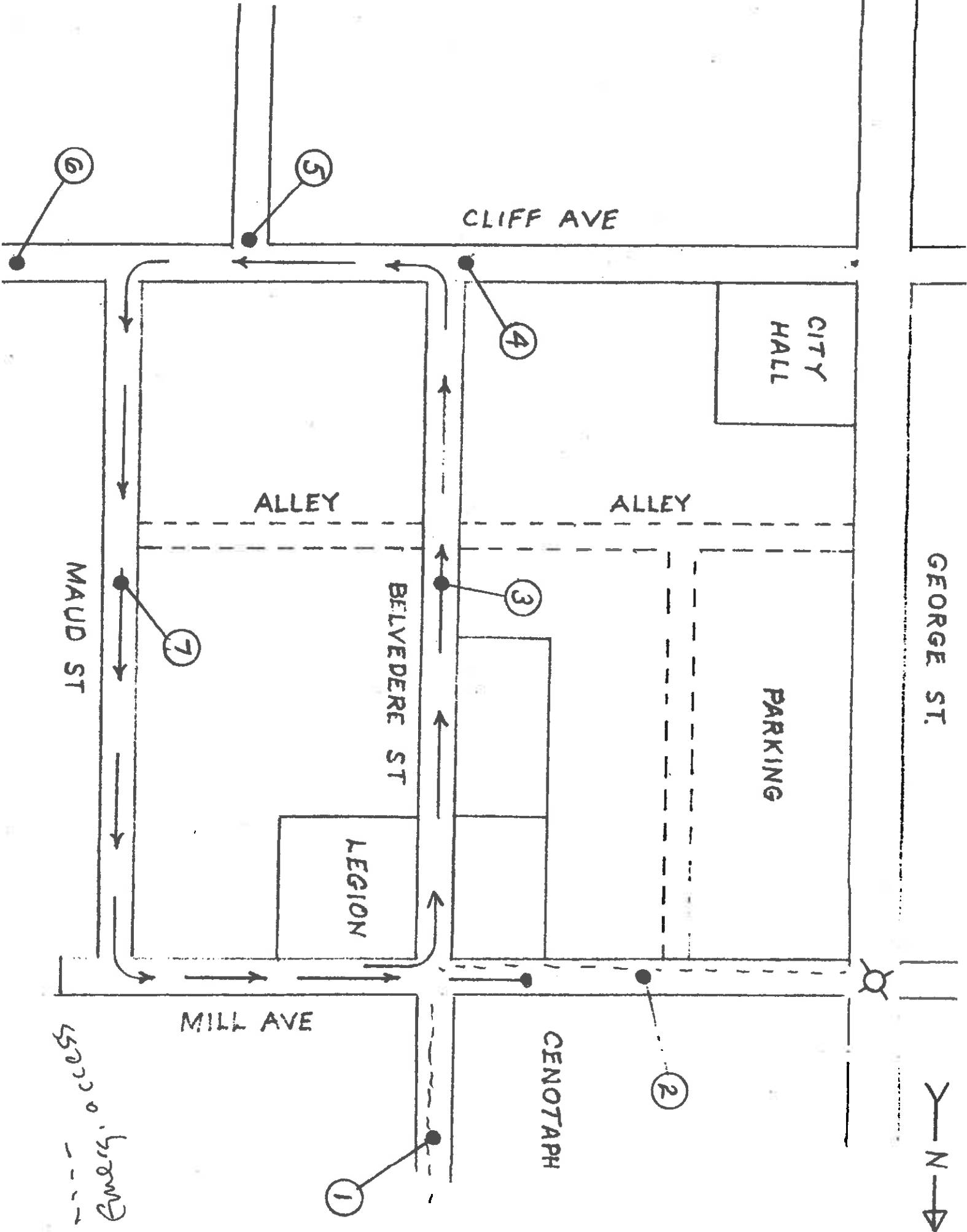
**Required Attachments**

- Map showing closure and emergency access route
- Petition of affected business owners (if applicable)
- Certificate of insurance (if applicable) - sent earlier this year.

**Indemnity:** The applicant agrees to indemnify and save harmless the City of Enderby from and against any and all claims, including but not limited to harm, damage, injury, or loss to body or property caused by, arising from, or connected with any act or omission of the applicant or any agent, employee, customer licensee or invitee of the applicant, and against and from all liabilities, expense costs and legal or other fees incurred in respect of any such claims or any actions or proceedings brought thereon arising directly or indirectly from or in connection with the property, facilities, or services of the City. The applicant will be required to obtain and keep in force throughout the period of use insurance in a form specified by the City of Enderby unless waived in writing.

Authorized Signatory Dee Corea-Jacobson      Date Oct 27, 2014

Do Not Complete - For Administrative Purposes		
Approved by <u>[Signature]</u>	Date <u>Oct 28/14</u>	
Certificate of Insurance	<input checked="" type="radio"/> Yes	<input type="radio"/> No      N/A
Map	<input checked="" type="radio"/> Yes	<input type="radio"/> No      N/A
Petition of Affected Business Owners	<input type="radio"/> Yes	<input checked="" type="radio"/> No      N/A



50000.67  
Emergency



## REMBRANCE DAY PARADE ROUTE

Parade participants to form up at the legion. Parade to begin at approx. 10:40 AM and will travel south on Belvedere St. to Cliff Ave. and turn left, travel east and turn left at Maud St., travel north on Maud St. and turn left on to Mill Ave., travel west on Mill Ave. and stopping on Mill Ave. in front of cenotaph to begin start of ceremony at 11:00 AM. Ceremony will end at approx. 12:00 PM and barricades will be removed at approx. 12:30PM.

### LEGEND

- ①. One barricade to be set up to close BOTH lanes of traffic at approx. <sup>10</sup>~~9:30~~ AM. One traffic control person during parade and ceremony. Barricade to be removed shortly after close of ceremony (approx 12:00 – 12:30 PM)
- ②. One barricade to be set up to close BOTH lanes of traffic at approx. <sup>10</sup>~~9:30~~ AM. One traffic control person during parade and ceremony. Barricade to be removed shortly after close of ceremony (approx 12:00 – 12:30 PM)
- ③. One barricade to be set up to close BOTH lanes of traffic at approx. <sup>10</sup>~~9:30~~ AM. Barricade to be removed shortly after close of ceremony (approx 12:00 – 12:30 PM)
- ④. One traffic control person to stop traffic on Cliff Ave. during parade and to open again after last of parade enters Maude St. No barricade is required.
- ⑤. One traffic control person to stop traffic on Vernon St. during parade and to open again after last of parade enters Maude St. No barricade is required.
- ⑥. One traffic control person to stop traffic on Cliff Ave. at the bridge during parade and to open again after last of parade enters Maude St. No barricade is required.
- ⑦. One barricade to be set up to close BOTH lanes of traffic at approx. <sup>10</sup>~~9:30~~ AM. Barricade to be removed shortly after close of ceremony (approx 12:00 – 12:30 PM)

### REQUIRED FROM CITY

Four <sup>6</sup>~~4~~ traffice barricades  
Six (6) tall pylons  
Two (2) hand held stop signs  
All of the above to be delivered to the rear of the legion (as usual) <sup>Monday</sup> ~~Friday~~, November <sup>10</sup>~~8~~/~~14~~

Agenda

THE CORPORATION OF THE CITY OF ENDERBY

MEMO

**To:** Tate Bengtson, CAO  
**From:** Jennifer Bellamy, CFO  
**Date:** October 28, 2014  
**Subject:** Request for Funding - Okanagan Regional Library

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**Recommendation:**

THAT Council refer the funding request for the Okanagan Regional Library to the 2015 budget deliberations.

OR

THAT Council provide staff with further direction.

**Background:**

Attached is correspondence from the Okanagan Regional Library requesting funding for 2015. The Library is requesting \$2,500.00 from the City of Enderby.

In 2014, the City provided \$400.00 of funding to the Library to purchase a desk for self check-out equipment and \$3,000.00 was provided in 2013 for shelving. For both years, the City fully funded the requests. In 2011, the RDNO contributed 50% of the funding request. Council may want to send a cost sharing request to the RDNO and Splatsin as both would have people using the Library.

Respectfully Submitted

  
Jennifer Bellamy  
Chief Financial Officer

September 30, 2014

Councillor Beryl Ludwig  
City of Enderby,  
P.O. Box 400, 619 Cliff Ave.,  
Enderby, BC VOE 1V0  
Fax: 250-838-6007

Dear Councillor Ludwig:

Thank you for the generous support the City of Enderby has continually provided to the library. The improvements made to branch furnishings enhance the services that are provided to the community.

Enderby continues to be a busy branch, with overall circulation up 4.84% at 2013 year end. The staff held 81 programs in the library and an average of approximately 4,000 people visited the branch each month. In light of all this activity, we would like to create a comfortable reading area with additional seating.

Our request for 2015 is:

- |                      |                  |
|----------------------|------------------|
| • 3 Lounge Chairs    | \$ 2,000.00      |
| • 1 Coffee/End Table | <u>\$ 500.00</u> |

**Total Request:** **\$2,500.00**

If the cost for the above is more than the City of Enderby can accommodate then, as Library Board policy suggests, Enderby is encouraged to make a request to share the cost with the Regional District of the North Okanagan as one of the surrounding neighbours of the branch.

Please feel free to contact the Community Librarian, Glenna Hines, or me if you have any questions regarding this request for library furnishings.

Sincerely,



Monica Gaucher  
Public Services Manager

cc. Jennifer Bellamy, Chief Financial Officer, City of Enderby  
Don Nettleton, Financial Manager, Okanagan Regional Library  
Glenna Hines, Community Librarian, Okanagan Regional Library

Agenda

OCT 29 2014

Community Christmas Committee  
Dana Jackson, Treasurer

Oct. 29, 2014

**Re: Enderby Community Christmas Celebration, Dec. 5, 6 & 7, 2014**

To: City of Enderby

I am writing to request a donation for the 2014 Enderby Community Christmas Celebration taking place the first weekend of December. Every year we try to produce an event that will be fun and memorable for all the people of this community. This includes the Christmas parade, candlelit walk along the Riverwalk and entertainment at the Gazebo while being served food and beverages by the Lions Club and soup donated by Enderby restaurants. Many additional activities are being planned this year and the committee endeavours to provide involvement and fundraising opportunities to local groups.

This annual function is coordinated entirely by volunteers and funded by the generous donations of community members. If you are able to help out, please accept our thanks.

Please let me know your decision about a donation. I can be reached at 250-838-0008. Thank you.

Sincerely,



Dana Jackson, Treasurer

2013 + 2012 - \$750.00  
per year

# Agenda

To : Hon. Minister Todd Stone, Minister of Transportation and Infrastructure,  
Email: [todd.stone.mla@leg.bc.ca](mailto:todd.stone.mla@leg.bc.ca)

On behalf of our (60) unit Strata Complex located at Mabel Lake approximately 32km east of Enderby BC. We are writing to request some upgrades on the Mable Lake Road. Structurally, this roadway seems to be sound, but the pavement is aged beyond its lifespan and is dire need of repair. The surrounding area and Mable Lake has grown incredibly fast over the past several years. With the Golf Course, the Airport, the Resort, Condo Complexes, the Airpark residences, the new Marina and the overall development of the surrounding properties from Enderby to the Mabel Lake town site. The amount of traffic has greatly increased on a roadway that has put an enormous amount of stress on this highway that it is not accustomed to and or possibly not originally designed for. It is our opinion that this highway requires a "requires a makeover". This is neither a slight against your Ministry nor the Highway Maintenance Contractor. Both have been doing a great job at patching and maintaining a safe highway. However, the road is aged and drastically in need of paving. The sooner, the better for the safety of all and the betterment of the community it serves. For the most part, there seems to be no soft spots or major construction needed, just some levelling in a few places and an overall capping of asphalt from Ashton Creek to the Town site of Mable Lake.

You have recently asked for a Survey to be completed by your Ministry, part of which is connecting and strengthening communities. This would be an opportunity for your government to assist us in better connecting our residents and help with the tourism we draw to the area and better connect us to the beautiful town of Enderby, BC and the rest of the province. It would provide us with a safe and lasting surface that our visitors can travel on to get to Mable Lake and the surrounding areas that has so much to offer.

We ask that you consider us on your next year's paving plan. It would greatly improve the highway.

Thank you for considering our request. We look forward to hearing from you.

Jim Suski  
KAS3033 President  
Mabel Lake Estates  
3460 Enderby, BC  
[suskij@telusplanet.net](mailto:suskij@telusplanet.net)

Recommend that letter of  
support be sent to Mr. Suski  
and copied to Director Pearson.  
TB



Agenda

**MEMO**

To: Mayor and Council  
From: Chief Administrative Officer  
Date: October 29, 2014  
Subject: Christmas Office Closure

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It has been the practice over the past several years to close City Hall office during the Christmas holiday period. Staff are required to take any time in addition to Statutory holidays as deduction from vacation or banked overtime.

**Recommendation:**

*That City Hall be closed from 4:30 pm on Wednesday, December 24, 2014 to 8:30 am on Monday, January 5, 2015.*

Respectfully submitted,

Tate Bengtson  
Chief Administrative Officer

**THE CORPORATION OF THE CITY OF ENDERBY**

**MEMO**

**To:** Tate Bengtson, Chief Administrative Officer  
**From:** Kurt Inglis, Assistant Corporate Officer and Planning Assistant  
**Date:** October 29, 2014  
**Subject:** Enderby-Splatsin Active Transportation Plan

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**RECOMMENDATION**

THAT Council adopts the Enderby-Splatsin Active Transportation Plan;

AND THAT Council refers the high priority strategies identified in the Enderby-Splatsin Active Transportation Plan to Staff for technical evaluation and report back to Council.

**BACKGROUND**

In July of 2013, the City of Enderby received a grant under the Healthy Communities Capacity Building Fund in order to initiate an Active Transportation Planning process which would encompass the Enderby and Splatsin communities. An Active Transportation Project Team was subsequently formed which included representation from the City of Enderby, Splatsin, Interior Health, and the Shuswap Trail Alliance.

The purpose of the Active Transportation Planning process was to develop framework upon which active transportation opportunities could be implemented throughout the Enderby and Splatsin communities in order to foster healthier, active lifestyles for residents and help achieve environmental, social, and economic sustainability for both communities.

The Planning process utilized a grassroots approach to public consultation which included a survey, two community workshops, community comment maps at key Enderby and Splatsin facilities, and a class project with Steve Rodwell's Grade 7 class at MV Beattie Elementary School.

Dozens of location and infrastructure specific strategies were identified throughout the planning process. The highest priority strategies, as identified by participants at the February 25, 2014 community workshop, are as follows:

- a) School Connections - MV Beattie/AL Fortune
  - 1. Install crossing on Highway 97A near Sutherlands Bakery;
  - 2. Install pathway on Kate Street; and
  - 3. Install crossing on from Sutherlands Bakery to Brickyard Road, crossing Evergreen Street and the CP Rail right-of-way.
- b) Neighbourhood Connections
  - 1. Upgrade pathway from Knight Avenue to Stanley Avenue/High Street ;
  - 2. Install pathway along Vernon Street from Fortune Road to Cliff Avenue; and

3. Resolve blocked pathway along Highway 97A between Super Save Gas Station and Enderby town centre.
- c) Town Centre Connections
    1. Lower fence and improve ramp angles on the Highway 97A pedestrian crossing island;
    2. Develop a strategy for enhanced walkability and cycling along Cliff Avenue; and
    3. Improve pedestrian crosswalk at Maude Street and implement traffic calming measures to slow cars entering town from bridge.
  - d) Splatsin Community Connections  
 Prioritization of Splatsin Community Connections strategies did not occur at the February 25, 2014 Workshop; additional discussions and consultation with Splatsin residents is recommended.
  - e) Splatsin-Enderby Recreational Greenway Circle
    1. Turn CP Rail line into a cycling/walking trail;
    2. Install a pathway along Waterwheel Street to connect to Tuey Park; and
    3. Enhance safety at the River Walk crossing at the bridge on Cliff Avenue.
  - f) Regional Destination Trails
    1. Create a dedicated mountain bike trail system;
    2. Turn CP Rail line into a cycling/walking trail; and
    3. Develop an interpretive nature trail on the river islands, including a walking bridge.
  - g) Cycle Routes
    1. Install a bike path along Enderby-Grindrod Road;
    2. Install 'Cycling Route - Beware' signs along Back Enderby Road; and
    3. Create a bike path along Enderby Mabel Lake Road.
  - h) Paddle Trail
    1. Improve access to Shuswap River at Belvidere Park, particularly for those with mobility issues; and
    2. Establish a paddle route from the Belvidere Hand Launch to Kildonan Boat Launch and connect it to the Shuswap River Paddle Trail. Consider

As noted in the Plan, these high priority strategies are intended to act as a starting point upon which to focus limited time and resources. The implementation of particular strategies is dependent upon a number of critical factors, both internal and external, including but not limited to:

- Availability of resources;
- Consideration of external agencies having jurisdiction;
- Asset Management considerations;
- Scheduling of capital works projects;
- Availability of grant funding;
- Development pressures; and
- Property or right-of-way availability.

Several key strategies identified by the Enderby-Splatsin Active Transportation Plan have been achieved to date, including:

1. Purchasing of bicycle racks;



2. Repainting and extending the width of the Handicap Parking space in the City Hall/Museum parking lot;
3. Initiating traffic calming measures throughout the community (City deployed speed board reader a total of 10 weeks in 2014);
4. Developing a conceptual plan for improving access at Belvidere Park Hand Launch and making it accessible to those with mobility issues;
5. Installing wayfinding signage;
6. Publishing maps showing trails, pathways, and destinations (Shuswap Trail Guide, community tear-off maps);
7. Reducing pollution at the Belvidere Park Hand Launch by installing recycling receptacles;
8. Realigning the crosswalk west of the Enderby bridge to the other side of the intersection with Railway Street in order to improve vehicle sight lines and thus safety for pedestrians crossing the street; and
9. Updating the City's Official Community Plan to reflect the outcomes of the Enderby-Splatsin Active Transportation Plan.

The Enderby-Splatsin Active Transportation Plan was referred to the Splatsin-Enderby Joint Committee for review and comment. After reviewing the Plan, the Committee provided a recommendation that the Councils of both communities adopt the Plan.

The Enderby-Splatsin Active Transportation Plan is under separate cover and a hard copy is available for viewing at the front desk of City Hall prior to the Council Meeting.

The City of Enderby and Splatsin were also successful in receiving a grant under Phase II of the BC Healthy Communities Capacity Building Fund. This grant will fund Phase II of Enderby and Splatsin's Active Transportation Planning process which will involve a collaborative process between the City and Splatsin whereby an Implementation Strategy for active transportation projects which connect the Enderby and Splatsin communities and span both jurisdictions will be developed; this project will be a direct implementation of the *Enderby-Splatsin Active Transportation Plan* and will work towards achieving the vision for an active transportation network identified by Enderby and Splatsin residents.

Respectfully Submitted,



Kurt Inglis, Assistant Corporate Officer and Planning Assistant

