

REGULAR MEETING OF COUNCIL

AGENDA

DATE: Monday, January 18, 2016
TIME: 4:30 p.m.
LOCATION: Council Chambers, Enderby City Hall

1. APPROVAL OF AGENDA

2. ADOPTION OF MINUTES

[Regular Meeting Minutes of December 21, 2015](#)

pg 3-6

3. PUBLIC AND STATUTORY HEARINGS

4. PETITIONS AND DELEGATIONS

[Neil Fidler, Secretary – Enderby & District Arts Council](#)

Re: Request for Grant Increase for 2016

pg 7

5. DEVELOPMENT MATTERS

[Notice on Title – 509 Mill Avenue](#) – Memo from Chief Administrative Officer dated January 8, 2016

pg 8-10

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

[Enderby and District Arts Council](#) – Correspondence dated January 4, 2015
Annual Request for Funding

pg 11-15

7. BYLAWS – 3 Readings

[Intermunicipal Emergency Operations Service Amending Bylaw No. 1587, 2016](#)

pg 16-18

A bylaw to amend Intermunicipal Emergency Operations Service Bylaw No.1462, 2010, as amended by Intermunicipal Emergency Operations Service Amending Bylaw No. 1491, 2011

[Development Applications Procedures Bylaw No. 1586, 2016](#)

pg 19-48

A bylaw to establish procedures for the processing of development applications, including amendments to the Official Community Plan, Zoning Bylaw, or to a Land Use Contract; or permits under Part 26 of the Local Government Act; Agricultural Land Commission applications; and Phased Development Agreements

BYLAWS – Adoption

[Parks, Recreation and Culture Fees Imposition Bylaw No. 1578, 2015
Amendment Bylaw No. 1583, 2015](#)

pg 49-50

A bylaw to amend Parks, Recreation and Culture Fees Imposition Bylaw No.1578, 2015

8. REPORTS

Mayor and Council

[Building Permit Detail Report – December 2015](#)

pg 51

9. NEW BUSINESS

- a. [Sidewalk Inspection Policy Revision](#) – Memo from Chief Administrative Officer dated January 7, 2016 pg 52-57
- b. [Grants in Aid Policy](#) – Memo from Chief Financial Officer dated January 7, 2016 pg 58-59
- c. [Bylaw Enforcement Officer and Dog Control Officer Appointment](#) – Memo from Assistant Corporate Officer and Planning Assistant dated January 7, 2016 pg 60
- d. [Shaw Go WiFi Facilities License Agreement](#) – memo from Chief Administrative Officer dated January 8, 2016 pg 61-64
- e. [Fire Department Service Level Policy Statement](#) – Memo from Chief Administrative Officer dated January 12, 2016 pg 65-68
- f. [Interior Health Tobacco Cessation Project](#) – Memo from Chief Administrative Officer dated January 12, 2016 pg 69-74
- g. [Mill Avenue and Belvedere Street Reconstruction Projects Financial Performance](#) – Memo from Chief Administrative Officer dated January 12, 2016 pg 75-76
- h. [Digital Billboard Sponsorship Renewal for 2016](#) – Memo from Assistant Corporate Officer and Planning Assistant dated January 12, 2016 pg 77-78
- i. [Vacant Commercial and Industrial Buildings Inspection Program Discussion](#) – Memo from Chief Administrative Officer dated January 12, 2016 pg 79-82

10. PUBLIC QUESTION PERIOD

11. CLOSED MEETING RESOLUTION

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

12. ADJOURNMENT

THE CORPORATION OF THE CITY OF ENDERBY

Minutes of a **Regular Meeting** of Council held on Monday, December 21, 2015 at 4:30 p.m. in the Council Chambers of City Hall

Present: Mayor Greg McCune
Councillor Brad Case
Councillor Roxanne Davyduke
Councillor Raquel Knust
Councillor Brian Schreiner
Councillor Shawn Shishido

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

APPROVAL OF AGENDA

Moved by Councillor Davyduke, seconded by Councillor Shishido that the agenda be approved as circulated.

Carried

ADOPTION OF MINUTES

Regular Meeting Minutes of December 7, 2015

Moved by Councillor Schreiner, seconded by Councillor Knust that the minutes of the regular meeting of December 7, 2015 be adopted as circulated.

Carried

BYLAWS – 3 Readings

Parks, Recreation and Culture Fees Imposition Bylaw No. 1578, 2015 Amendment Bylaw No. 1583, 2015

A bylaw to amend Bylaw No. 1578, 2015

Moved by Councillor Case, seconded by Councillor Davyduke that Parks, Recreation and Culture Fees Imposition Bylaw No. 1578, 2015 Amendment Bylaw No. 1583, 2015 be given three readings.

Carried

BYLAWS – Adoption

Building Bylaw No. 1582, 2015

A bylaw for the administration of the BC Building Code

Moved by Councillor Shishido, seconded by Councillor Knust that Building Bylaw No.1582, 2015 be adopted.

Carried

Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1584, 2015

A bylaw to amend Fees and Charges Bylaw No. 1479, 2010

Moved by Councillor Case, seconded by Councillor Shishido that Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1484, 2015 be adopted.

Carried

Intermunicipal Emergency Operations Service Withdrawal Bylaw No. 1585, 2015

A bylaw to withdraw from the intermunicipal agreement with the City of Vernon for the provision of Emergency Management Services

Moved by Councillor Shishido, seconded by Councillor Schreiner that Intermunicipal Emergency Operations Service Withdrawal Bylaw No. 1585, 2015 be adopted.

Carried

REPORTS

Enderby-Splatsin Riverwalk Extension and Enhancement Plan Adoption – memo from Assistant Corporate Officer and Planning Assistant dated December 17, 2015

Phil McIntyre-Paul of Shuswap Trail Alliance presented the extension and enhancement plan.

- This is a tangible project that fits with the Enderby/Splatsin Active Transportation Plan.
- The plan is designed in such a way as to offer options for each section.
- Lighting adds considerably to the cost. Solar lighting could still be an option as technology is improving all the time. Different lighting options will be considered.
- Interpretive signage will be presented as a separate 'plan' that will be both informative and cultural. It will take some time to get it done with Splatsin.
- The plan will be a strong document to present for Provincial funding. Being a joint project with Splatsin will lend strength to an application.
- Costs will be shared based on the portion of trail that is within City and Splatsin lands. Lighting costs will be much higher on the City portion of the trail.

Moved by Councillor Case, seconded by Councillor Knust that Council adopt the Enderby-Splatsin Riverwalk Extension and Enhancement Plan.

Carried

Building Inspection Detail Report – November 2015

Moved by Councillor Knust, seconded by Councillor Case that the November 2015 Building Inspection and Detail Report be received and filed.

Carried

NEW BUSINESS

SILGA Convention – Correspondence dated December 8, 2015

Re: Call for Resolutions for 2016 Convention

Moved by Councillor Shishido, seconded by Councillor Davyduke that the correspondence be received and filed.

Carried

BC/Yukon Command Royal Canadian Legion – Correspondence dated December 9, 2015

Re: Ad in Military Service Recognition Book

Moved by Councillor Shishido, seconded by Councillor Schreiner that Council authorize a colour 1/10 page ad in the BC & Yukon Legion Veterans Book at a cost of \$310.

Carried

Renaming of Preston West – Memo from Assistant Corporate Officer and Planning Assistant dated December 11, 2015

Moved by Councillor Schreiner, seconded by Councillor Shishido that Council does not proceed with exploring a renaming of Preston West at this time.

Discussion:

- This is not a unique situation, it happens all the time.
- Changing an address is very inconvenient to people.
- Appears to be an over-reaction to occasional wrong deliveries.

A friendly amendment to the original motion was made as follows:

Moved by Councillor Case, seconded by Councillor Schreiner that Council does not proceed with exploring a renaming of Preston West at this time;

AND THAT Staff explore enhanced signage in the area to direct traffic to Preston West.

Carried

Mayor McCune and the Assistant Corporate Officer and Planning Assistant will do a site visit to come up with possible solutions.

2016-2019 Operational Contribution Agreement with Shuswap Trail Alliance – Memo from Assistant Corporate Officer and Planning Assistant dated December 14, 2015

Moved by Councillor Case, seconded by Councillor Knust that Council approve and execute the 2016-2019 Operational Contribution Agreement with the Shuswap Trail Alliance on behalf of the Enderby and District Services Commission.

Carried

PUBLIC QUESTION PERIOD

None

CLOSED MEETING RESOLUTION

Moved by Councillor Davyduke, seconded by Councillor Shishido 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) (c) of the *Community Charter*.

Carried

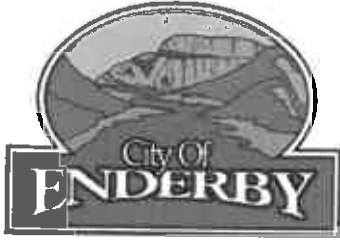
ADJOURNMENT

The regular meeting reconvened at 5:55 p.m.

The regular meeting adjourned at 5:55 p.m.

MAYOR

CHIEF ADMINISTRATIVE OFFICER



REQUEST TO APPEAR AS A DELEGATION

On 18 JANUARY 2016
Day Month Year

Date of Request JANUARY 11 2016

Name of Person Making Request NEIL FIDLER for EOAC

Name and Title of Presenter(s) NEIL FIDLER SECRETARY

ENDERBY + DISTRICT ARTS COUNCIL

Contact Information 250 838 0577 lnfidler@shaw.ca

Details of Presentation Speak briefly to annual request
for funding (see letter dated Jan 4, 2016) for EOAC
and Arts Festival - Answer questions from Council.

Desired Action from Council (check all that apply)

- Information Only
- Proclamation
- Funding Request
- Road Closure
- Policy or Resolution

Please describe desired action in detail Request approval for
grant from City for 2016 in the amount of \$3,000.

Please attach any supporting documentation or presentation materials related to your delegation request.

THE CORPORATION OF THE CITY OF ENDERBY

MEMO

To: Mayor and Council
From: Tate Bengtson, CAO
Date: January 8, 2016
Subject: Notice on Title – 509 Mill Avenue

RECOMMENDATION

THAT Council confirms the recommendations of the Building Inspector with respect to Notice on Title File No. 15-0578-END-NT;

AND THAT Council directs the Corporate Officer to file a notice in the land title office stating that a resolution has been made under Section 57 of the *Community Charter* pertaining to the property legally described as Lot 4, DL 150, K (formerly O) DYD, Plan 6406 and located at 509 Mill Avenue;

AND FURTHER THAT Council authorizes the Corporate Officer to make available for public inspection further information about the notice on title pertaining to the property legally described as Lot 4, DL 150, K (formerly O) DYD, Plan 6406 and located at 509 Mill Avenue at City Hall.

ALTERNATE RECOMMENDATION

THAT Council does not authorize a bylaw contravention notice to be placed on the title of the property legally described as Lot 4, DL 150, K (formerly O) DYD, Plan 6406 and located at 509 Mill Avenue.

BACKGROUND

The subject property currently has a Do Not Occupy Notice and Evacuation Order placed on it pursuant to, respectively, the Regional District of the North Okanagan's Building Bylaw and the *Fire Services Act*. Following the enforcement actions and the departure of the occupants, the property owners have undertaken remedial activities in order to ready the subject property for sale. The property has since been put on the market. It has been verified that the property remains unoccupied. The property owners have requested that the Notice and Order be lifted in order to improve the marketability of the property.

The Chief Building Inspector is prepared to lift the Do Not Occupy Notice subject to placing a Notice on Title advising prospective purchasers of the requirements before the building may be occupied. As detailed in the attached report, the Chief Building Inspector wishes to ensure that

a prospective purchaser is aware that the building is not suitable for occupancy until the BC Building Code infractions have been remedied.

The Local Assistant to the Fire Commissioner has indicated his willingness to lift the Evacuation Order subject to the lifting of the Do Not Occupy Notice.

A Notice on Title is a form of enforcement that is available for contravention of a Building Inspection Bylaw. The most valuable aspect of a Notice on Title is that it is registered on title. This advises prospective purchasers of the property that there is a regulatory contravention. While it is common for a prospective purchaser to perform a title search and request a home inspection as subjects to the final sale of a property, it is less common for a review of the Building Permit file to occur. A Notice on Title ensures that there is an indication of a contravention shown on the title, for which information may be obtained by the public from the local government. Secondary values of placing a Notice on Title are advising those with a registered interest in the property of the contravention and ensuring that taxpayers are protected from a future claim. While local government has immunity in relation to a failure to enforce building bylaws under Section 289 of the *Local Government Act*, this is limited to a decision not to undertake a civil proceeding or prosecution, and does not immunize a local government should it fail in its duty to warn. A Notice on Title may be cancelled in a variety of ways, but most typically after a Building Inspector submits a report to the local government – typically at the request of the property owner - confirming that the condition causing the notice has been remedied and the cancellation fee is paid.

The registered owner has been notified of this matter in accordance with Section 57(2). Prior to considering the recommendations of the Building Inspector, Council must provide an opportunity for the Building Inspector and property owner to be heard.

Respectfully submitted,



Tate Bengtson
Chief Administrative Officer



NOTICE ON TITLE

DATE: January 7, 2016
FILE NO.: 15-0578-END-NT
OWNER: Patricia Huot
LEGAL DESCRIPTION: Lot 4, DL 150, K (formerly O) DYD, Plan 6406
P.I.D.# 010-101-551
CIVIC ADDRESS: 509 Mill Avenue
PROPERTY SIZE: 0.050 ha
ZONING: C-1
O.C.P. DESIGNATION: Commercial
CONTRAVENTION: Section 301 of Building Bylaw 1582. Change of occupancy of a building without a building permit.

BUILDING DEPARTMENT RECOMMENDATIONS

That registration of a "Notice on Title" be authorized pursuant to Section 57 of the *Community Charter* for non-compliance with Building Bylaw 1582 on the property legally described as Lot 4, DL 150, K (Formerly O) DYD, Plan 6406 and located at 509 Mill Avenue, City of Enderby.

BACKGROUND

During or prior to 2014, the occupancy of this building was changed from an office building to a retail sales building and a boarding house without a valid building permit as required by the building bylaw. During the inspection it was observed that the building was also in non-compliance with the B.C. Building Code. Items of concern were the lack of the correct type of functioning smoke detectors, fire separation missing between the basement and the main floor, non-compliant exits, and lack of fire separation between the retail area and residential use. The building has since been vacated as ordered by the City of Enderby due to the above noted safety concerns and for fire code violations.

Prior to this building being occupied a building permit will be required for the new occupancy and building code infractions will need to be corrected. As this building is currently for sale the "Notice on Title" will notify potential purchasers of these requirements.

Respectfully submitted,



Dave Gardner
Chief Building Inspector



City of Enderby
619 Cliff Ave., P.O. Box 400
Enderby, BC V0E 1V0

January 4, 2016

Attn: Mayor Greg McCune and City Council

Dear Sirs: **Re: Annual Contribution to EDAC from the City of Enderby**

This letter concerns the City of Enderby's annual financial contribution to the Enderby & District Arts Council (EDAC). The City has requested that EDAC send a letter of reminder early in the calendar year, so that funds can be made available at a consistent time each year.

EDAC is requesting an increase in this grant from \$2,000 in 2015 to at least \$3000 for 2016. We are facing increased costs in providing a wide range of artistic, musical and other cultural activities for residents of Enderby. There are several reasons for these increased costs:

- ▲ We now rent physical premises at 617 Cliff Ave. Although we hope to rent our premises for workshops, etc., we have not attracted many rentals to date, and we face competition from other premises available for rent locally. Our rent is presently \$550 per month. These premises give us a physical presence in Enderby, a venue for our meetings and socials, as well as a badly needed central storage area for our many signs and supplies.
- ▲ We are renting a large tent and platform for the Grant Russell Entertainment Stage for the 2016 Enderby Arts Festival. This will guarantee that performances can take place in front of the Library, rain or shine, and that valuable equipment will be adequately protected. Total cost of the rental, including delivery, setup, takedown, is \$1,046.

- ▲ For Music by the River and the six or so entertainment acts at the Enderby Arts Festival, we are selecting high profile bands (or performers) who have proven track records and who can deliver high quality performances. We must pay these musicians/performers accordingly.

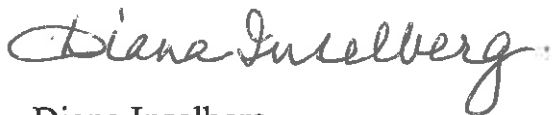
Although we have received funding from the BC Arts Council in the past, it is never guaranteed, and for our application to succeed, we must demonstrate significant financial support from our local government.

As you know, EDAC plays an important role in providing local cultural events and opportunities for residents of the City of Enderby, and in promoting cultural tourism to our city. We appreciate your past support of EDAC and the arts in Enderby.

In summary, we are requesting for 2016 a contribution of \$3,000 (or more) from the City to help fund EDAC's activities, including the 2016 Enderby Arts Festival.

A Report of EDAC's 2015 activities, a Schedule of EDAC events for 2015, and a draft Schedule of Events for 2016 are enclosed.

Sincerely,



Diana Inselberg

Vice-President, (on behalf of the Board of the Enderby & District Arts Council)



Enderby & District Arts Council (EDAC) Report of Activities for 2015

- ▲ **EDAC's Board in 2014** - President, Karen Rohats, Vice-President Diana Inselberg, Treasurer Jean Koneig, Secretary Neil Fidler, and Directors: Desiree Roell, Maureen Robertson, Sue Weiss, Gabriele Wesle, Lynne Stonier-Newman, Cathy Widmark
- ▲ **Membership** currently stands at 91 adult members, 6 corporate and 9 non-profit
- ▲ **Opened** new office/meeting hall/workshop space at 617 Cliff Ave. In addition to EDAC events, this space is available to the community and is currently being used on an ongoing basis by several groups.
- ▲ **Presented** 4 Music by the River Concerts: June – August, 3 in Enderby, 1 in Mara (Corporate Sponsors – Tony's Tire Service Ltd, Mcleod Agencies, Enderby and District Financial, Baird Bros. Ltd)
- ▲ **Presented** “Brisas del Palmar” Cuban Dance Band in September.
- ▲ **Presented** singer/story teller “Papa Thom” in May
- ▲ **Presented** slide show and talk by Bill Corbett “The 11,000ers of the Canadian Rockies”. This attracted an audience of over 100, many from outside Enderby.
- ▲ **Hosted** a singing workshop with Mary Landers. This may lead to the formation of a local Enderby Choir.
- ▲ **Hosted** a group of local and Salmon Arm poets at our Cliff Ave location. This has resulted in an ongoing monthly poetry gathering.
- ▲ **Publication** of our annual “Inside the Arts” which is distributed throughout the community.
- ▲ **Enderby Arts Festival** July 25. A great success. Despite the heavy rain that started the day, the hoped for crowd still appeared. The Family Fun Zone in Belvidere Park in collaboration with the Enderby & District Community Resource Centre was even more successful than the previous year.
- ▲ **Presented** the 6th annual “Snapshots and Shutterbugs” Photo contest held July 24th and 25th as part of the Arts Festival.
- ▲ **Annual bursaries** were given to AL Fortune (2 x \$500) and Pleasant Valley Secondary School (\$500) students.
- ▲ **Grant** given to a local artist for purchase of a tent. (\$500)
- ▲ **Grant** to Runaway Moon Theatre “Calendario” project (\$2500)
- ▲ **Grant** to Runaway Moon Theatre “In the Shade” childrens art camp. (\$500)
- ▲ **Sponsored** Student Art Show in the Courtyard Gallery (\$200) in April.
- ▲ **Participated** in the **Canada Day Parade**, distributing summer music schedules
- ▲ Held “members only” social evenings with local guest speakers and artists

We would like to thank The Mayor and City Council for their ongoing support of EDAC. We believe that we make an important contribution to the cultural life of this community, and that we help bring people from other communities to enjoy our city.

Prepared and Presented by:

Neil Fidler, Secretary
Enderby & District Arts Council

January 2016

EDAC DRAFT SCHEDULE OF EVENTS**October 2015 to September 2016**

October 20	EDAC Member Social
October 30	Lecture Bill Corbett – 11,000ers of the Canadian Rockies
November 7	Workshop Mary Landers – Let's Sing
November 22	Poetry Afternoon Howard Brown and others
December 7	EDAC Members Social
March 6	Concert Blackthorn Celtic Band
March	Concert Northern Lights Choir
March 16	AGM
April	Planning session
April 8	Lecture & Slideshow: Julia Armstrong -- Memoirs of June Griswold
May	publication <i>Inside the Arts</i>
June 19	Music by River
June 20	EDAC member Social
July 1	Canada Day Parade EDAC participation
July 10	Music by the River Mara
July 23	Arts Festival
July 24	Music by the River
August	Lecture series - Ancient Civilizations - C. Rodrigues
August 21	Music by the River 3pm

(revised October 2015)

- March 18 Annual General Meeting
- April 11-22 “Young Artists Exhibition” at Courtyard Gallery - EDAC sponsorship
- May Publication of “Inside the Arts”
- May 29 Singer/Story Teller “Papa Thom” 7pm at Drill Hall
- June 11 Business after 5 Co-hosted with Thistle Do Nicely (Chamber of Commerce event.)
- June 22 Members Social 5pm 617 Cliff Ave guest: author Lynne Stonier-Newman
- June 21 Music by the River 7pm Belvidere Park Sherman Doucette and Tankful of Blues
- July 1 Canada Day Parade EDAC participation
- July 12 Music by the River 7pm Mara Barefoot Caravan
- July 25 Enderby Arts Festival
- July 26 Music by the River 7pm Belvidere Park - Adam Fitzpatrick “Elvis”
- August 23 Music by the River 3pm Belvidere Park Sabrina Weeks and Swing Cat Bounce
- September 25 Brisas del Palmar Cuban Band 7pm Drill Hall
- October 16 Lecture Bill Corbett *The 11,000ers of the Canadian Rockies* 7pm Drill Hall
- October 20 Members Social guest: artist and poet Howard Brown
- November 7 Singing Workshop with Mary Landers 1 – 4 pm Drill Hall
- December Members Social

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1587

A bylaw to amend Intermunicipal Emergency Operations Service Bylaw No. 1462, 2010, as amended by Intermunicipal Emergency Operations Service Amending Bylaw No. 1491, 2011

WHEREAS the Council of the City of Enderby enacted the *Intermunicipal Emergency Operations Service Bylaw No. 1462, 2010* to establish an intermunicipal scheme in relation to Emergency Operations Services with other intermunicipal participants and to approve the 2010 Agreement dated June 1st, 2010 which was attached to and formed part of the 2010 Bylaw in accordance with powers granted to the participants under the *Community Charter and Local Government Act*;

AND WHEREAS in 2014 all of the Intermunicipal Participants agreed to replace the 2010 Agreement with a new 2014 Agreement;

AND WHEREAS the Intermunicipal Participants wish to terminate the Intermunicipal Emergency Operations Service as of December 31, 2016;

NOW THEREFORE the Council of the City of Enderby ENACTS AS FOLLOWS:

Citation

1. This bylaw shall be cited for all purposes as "*Intermunicipal Emergency Operations Service Amending Bylaw Number 1587, 2016.*"

Definitions and Interpretation

2. In this amending bylaw:

(a) "**2014 Agreement**" means the Intermunicipal Emergency Operations Service Agreement dated for reference December 8, 2014 and entered into by all of the Intermunicipal Participants;

(b) "**Bylaw**" means the *Intermunicipal Emergency Operations Service Bylaw No. 1462, 2010*, as amended by *Intermunicipal Emergency Operations Service Amending Bylaw No. 1491, 2011*;

(c) "**Intermunicipal Participant**" means, subject to section 3 of this bylaw, the City of Vernon, District of Coldstream, Village of Lumby, Township of Spallumcheen, City of Armstrong, City of Enderby, and Regional District of North Okanagan.

Amendment

3. The Bylaw, as amended, is further amended as follows:

(a) by deleting the content of section 7 and substituting the words "The Intermunicipal Service is terminated as of December 31, 2016.";

(b) in Schedule A, by the amendments to the 2014 Agreement that are set out in Addendum 1 to this bylaw.

Agreement

4. The City of Enderby enters into and the Mayor and Corporate Officer are authorized to execute an agreement containing the amendments to the 2014 Agreement, which amendments are attached to and form part of this bylaw as set out in Addendum 1 to this bylaw.

READ A FIRST TIME the	day of
READ A SECOND TIME the	day of
READ A THIRD TIME the	day of
ADOPTED the	day of

Mayor

Corporate Officer

ADDENDUM 1

Amendments to Intermunicipal Emergency Operations Service Agreement dated for reference December 8, 2014 (the "Agreement")

The Agreement is amended as follows:

1. in section 4.11, by deleting paragraph (a) and substituting the following:

"(a) act in accordance with the approved 2016 Financial Plan;"

2. by deleting section 5.5 in its entirety, and substituting the following:

"5.5 The Parties agree that in order to operate the Intermunicipal Services Vernon will provide support by appointing one or more of its employees to coordinate the Intermunicipal Services and to take such actions as the Manager deems necessary to complete the cessation of the service in relation to the termination agreed to by the Parties";

3. by adding a new section 5.16 as follows:

"5.16 The Manager must report to the Parties on or before November 1, 2016 with respect to the particulars of the termination of the Service;

4. in section 6.8, by deleting the words "prior to the end of February in each calendar year" and substituting the words "prior to the end of March 1, June 1, September 1 and December 1 of 2016, as applicable and in accordance with the Financial Plan";

5. in section 6.9, by deleting the words "prior to March 31 of each calendar year during the term of this Agreement" and substituting the words "prior to the end of March, June, September and December of 2016, as applicable and in accordance with the Financial Plan";

6. in section 12.1, by deleting "five years from the date of the making of this Agreement, provided that this Agreement may be renewed by mutual agreement in writing" and substituting "December 31, 2016";

7. by deleting section 12.2 in its entirety, and substituting the following:

"12.2 This Agreement is terminated on December 31, 2016";

THE CORPORATION OF THE CITY OF ENDERBY

MEMO

To: Tate Bengtson, Chief Administrative Officer
From: Kurt Inglis, Assistant Corporate Officer and Planning Assistant
Date: January 13, 2016
Subject: Development Applications Procedures Bylaw No. 1586, 2016

RECOMMENDATION

THAT Council receives this memorandum for information.

BACKGROUND

Section 460 (1) of the *Local Government Act* states that a local government that has adopted an official community plan bylaw or a zoning bylaw must, by bylaw, define procedures under which an owner of land may apply for, i) an amendment to the plan or bylaw, or ii) the issuance of a permit under Part 14 of the *Local Government Act*. The City of Enderby has satisfied this legislative requirement through the Land Use Procedures Bylaw No. 1116 which was adopted in 1994; although Bylaw No. 1116 satisfies the requirements of Section 460 (1) of the *Local Government Act*, the Bylaw is quite narrow in scope and does not encompass the full range of tools and legislative powers that a local government has at its disposal.

Staff are presenting Council with an updated, contemporary Development Applications Procedures Bylaw which satisfies the legislative requirements, is up to date on the full range of tools and legislative powers available to the City of Enderby, and is consistent with current administrative practices for the processing of development applications; in addition, the Development Applications Procedures Bylaw will provide transparency and certainty to the development process for applicants, the development community, Staff, and Council.

Key areas addressed within the Bylaw include:

1. General requirements for development applications;
2. Application processing procedures;
3. Council's right to postpone;
4. Delegation of authority;
5. Development approval information;
6. Performance security;
7. Permit renewals, extensions and lapses;
8. Re-application;
9. Board of Variance;
10. Application fees;

11. Public Notification and Consultation;
12. Public Hearings; and
13. Public Information Meetings.

The development of a contemporary Development Applications Procedures Bylaw is the third of four key policy and regulatory updates arising out of the Integrated Community Sustainability Planning process; the City of Enderby adopted an updated Official Community Plan Bylaw and Zoning Bylaw in late 2014 and the next major update is to the Subdivision Servicing and Development Bylaw, the review of which is presently underway.

Respectfully submitted,



Kurt Inglis
Assistant Corporate Officer and Planning Assistant

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1586

A bylaw to establish procedures for the processing of development applications, including amendments to the Official Community Plan, Zoning Bylaw, or to a Land Use Contract; or Permits under Part 26 of the Local Government Act; Agricultural Land Commission applications; and Phased Development Agreements

WHEREAS the Council of the City of Enderby has adopted an Official Community Plan and a Zoning Bylaw;

AND WHEREAS pursuant to Section 895 (1) of the Local Government Act, the Council of the City of Enderby must, by bylaw, define procedures to amend an Official Community Plan or Zoning Bylaw or issue a permit under Part 26 of the Local Government Act;

AND WHEREAS the Council of the City of Enderby has designated areas within its Official Community Plan wherein Temporary Use Permits may be issued;

AND WHEREAS pursuant to Section 930 of the Local Government Act, the Council of the City of Enderby may modify, vary, or discharge a Land Use Contract;

AND WHEREAS pursuant to Section 905.1 of the Local Government Act, the Council of the City of Enderby may, by bylaw, enter into a phased development agreement with a developer;

AND WHEREAS pursuant to Section 25 (3) of the Agricultural Land Commission Act, an application for permission for non-farm use under Section 20 (3) or for subdivision under Section 21 (2) may not proceed unless authorized by a resolution of the Council of the City of Enderby if, on the date the application is made, the application:

- a. applies to land that is zoned by bylaw to permit agricultural or farm use; or
- b. requires, in order to proceed, an amendment to an official settlement plan, an official community plan, an official development plan or a zoning bylaw.

AND WHEREAS pursuant to Section 30 (4) of the Agricultural Land Commission Act, an application to have land excluded from the agricultural land reserve may not proceed unless authorized by a resolution of the Council of the City of Enderby if, on the date the application is made, the application:

- a. applies to land that is zoned by bylaw to permit agricultural or farm use; or
- b. requires, in order to proceed, an amendment to an official settlement plan, an official community plan, an official development plan or a zoning bylaw.

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

1. CITATION

This Bylaw shall be cited as "The Corporation of the City of Enderby Development Applications Procedures Bylaw No. 1586, 2016".

2. INTERPRETATION

- 2.1 Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to herein is a reference to an enactment of the Council of the City of Enderby, as amended, revised, consolidated or replaced from time to time.
- 2.2 If any section, subsection, sentence, clause or phrase of this Bylaw is held to be invalid by a court of competent jurisdiction, that section, subsection, sentence, clause or phrase, as the case may be, will be severed and the validity of the remaining portions of the Bylaw will not be affected.
- 2.3 The schedules attached to this Bylaw form part of this Bylaw.
- 2.4 The headings given to the sections and paragraphs in this Bylaw are for convenience of reference only. They do not form part of this Bylaw and will not be used in the interpretation of this Bylaw.

3. DEFINITIONS

In this Bylaw:

"Agricultural Land Commission" or **"ALC"** means the Agricultural Land Commission established by the *Agricultural Land Commission Act*.

"Agricultural Land Reserve" or **"ALR"** means lands designated pursuant to the *Agricultural Land Commission Act* to be preserved for agricultural uses or uses compatible with agricultural purposes. The Agricultural Land Commission decides on requests for exclusion, inclusion, subdivision, and non-farm use of land in the ALR.

"Applicant" means any person who makes application for development under provisions of this Bylaw as authorized by the owner of the parcel(s) of land.

"Board of Variance" means the City of Enderby Board of Variance established pursuant to the City of Enderby Board of Variance Bylaw No. 1373, 2005.

"Bylaw Enforcement Officer" means the officers, employees, or agents appointed by Council as such.

"Certified Irrigation Designer" means an Irrigation Designer certified by the Irrigation Industry Association of British Columbia (IIABC) in good standing with that association and operating in accordance with its Code of Ethics.

"Chief Administrative Officer" or **"CAO"** means the Chief Administrative Officer for the City of Enderby appointed by Council pursuant to Section 147 of the *Community Charter*, or the Chief Administrative Officer's designate.

"City" means the Corporation of the City of Enderby.

"Corporate Officer" means the employee appointed by Council pursuant to Section 148 of the *Community Charter*, or the Corporate Officer's deputy.

"Council" means the Council of the City of Enderby.

"Fees and Charges Bylaw" means the Fees and Charges Bylaw No. 1479, as amended from time to time.

"Development Variance Permit" means a permit authorized by Section 922 of the *Local Government Act*.

"Landscape Architect" means a registered Landscape Architect in good standing with the British Columbia Society of Landscape Architects (BCSLA) and acting in accordance with all applicable Acts and bylaws and policies of that Society.

"Land Use Contract" means a current Land Use Contract which is being amended, varied, or discharged as per Section 930 of the *Local Government Act*.

"Local Government Act" means the *Local Government Act* prior to the Statutory Revision which took effect on January 1, 2016.

"Lot" means a parcel of land, including Crown land, which is legally described either by registered plan or description.

"Official Community Plan" or **"OCP"** means the City of Enderby Official Community Plan Bylaw No. 1549, 2014, as amended from time to time.

"Owner" means the registered owner(s) of property as indicated on the Land Title Certificate.

"Phased Development Agreement" means an agreement authorized by Section 905.1 of the *Local Government Act*.

"Public Hearing" means a Public Hearing of Council pursuant to Section 890 of the *Local Government Act*.

"Qualified Environmental Professional" means an applied scientist or technologist, acting alone or together with another Qualified Environmental Professional, if:

- a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association;
- b) 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
- c) the individual is acting within that individual's area of expertise.

"Qualified Registered Professional" means person who has a valid license from or a registration by an applicable professional association or professional regulatory organization and is presently a member in good standing.

"Site" means an area of land consisting of a Lot, or two or more abutting Lots.

"Temporary Use Permit" means a permit authorized by Section 921 of the *Local Government Act*.

"Zoning Bylaw" means City of Enderby Zoning Bylaw No. 1550, 2014 as amended from time to time.

4. GENERAL PROVISIONS

4.1 MAKING APPLICATION

4.1.1 General Requirements for All Applications

In addition to application requirements found elsewhere in this Bylaw, the following is required for all applications made under this Bylaw:

- a. An application made pursuant to this Bylaw will be made to the Chief Administrative Officer and will be executed in writing by the Owner(s) of the land that is subject to the application, or by a person authorized by the Owner(s).
- b. If there is a change of ownership of a Lot that is the subject of an application pursuant to this Bylaw, the City will require an updated title certificate and written authorization from the new Owner(s) prior to proceeding with the application.
- c. An application made pursuant to this Bylaw will be submitted to the City on the prescribed application form approved by the Chief Administrative Officer and will include an application fee, payable to the City, in accordance with the Fees and Charges Bylaw.

4.1.2 Application Requirements and Processing

- a. An application for an amendment to the Official Community Plan, Zoning Bylaw, or a Land Use Contract amendment or discharge will be made and processed substantially as outlined in Schedule '1' of this Bylaw.
- b. An application for a Development Variance Permit will be made and processed substantially as outlined in Schedule '2' of this Bylaw.
- c. An application for a Temporary Use Permit will be made and processed substantially as outlined in Schedule '3' of this Bylaw.
- d. An application in respect of land within the Agricultural Land Reserve will be made and processed substantially as outlined in Schedule '4' of this Bylaw.
- e. An application for a Phased Development Agreement will be made and processed substantially in accordance with Schedule '5' of this Bylaw.

4.2 COUNCIL'S RIGHT TO POSTPONE

Council may, by resolution, agree to postpone consideration of individual amendments to the Official Community Plan Bylaw or the Zoning Bylaw until completion of any major review that the said Bylaw may be undergoing at the time of the request.

4.3 DELEGATION OF AUTHORITY

Pursuant to Section 154 (1) (b) of the *Community Charter*, Council delegates to the Chief Administrative Officer the duties and powers of Council as follows:

4.3.1 Form and Content of Application Forms

The Chief Administrative Officer may designate the form and content of application forms and in so doing may prescribe different forms for different categories of applications based on the nature or complexity of the application.

4.3.2 Development Approval Information

The powers of Council under Section 920.1 of the *Local Government Act* to require development approval information in respect of an application made under this Bylaw. Development approval information required under this Section will be provided by the applicant at the applicant's expense.

4.3.3 Performance Security

The powers of Council under Section 925 of the *Local Government Act* to require security as a condition of the issuance of a Development Variance Permit or Temporary Use Permit in accordance with Section 4.6 of this Bylaw.

4.3.4 Council Reconsideration

- a. Within fourteen (14) business days of being notified in writing of the decision of the Chief Administrative Officer to require Development Approval Information or to require security as a condition of the issuance of a Development Variance Permit or Temporary Use Permit, the applicant may, and at no charge, request Council to reconsider the decision.
- b. For a request under Section 4.3.4.(a), the applicant must give notice in writing to the Corporate Officer setting out the grounds on which the Owner considers the decision to be inappropriate and what decision Council ought to use as a substitute.
- c. The Corporate Officer will notify the Chief Administrative Officer of a request for reconsideration and the Chief Administrative Officer will, prior to the date of the meeting at which the reconsideration will occur, provide a written report to Council setting out the reasons for the decision.
- d. The Corporate Officer will place each request for reconsideration on the agenda of a regular, open meeting of Council upon receiving all relevant information, unless the closed meeting provisions of the *Community Charter* apply, in the sole determination of the Corporate Officer.
- e. The Corporate Officer will notify the applicant of the date of the meeting at which reconsideration will occur. The applicant will be given an opportunity to make representation before Council with respect to the reconsideration.

- f. Council will either confirm the decision of the Chief Administrative Officer or substitute its own decision.
- g. In a reconsideration, Council's decision is final.

4.4 DEVELOPMENT APPROVAL INFORMATION

4.4.1 Where the OCP specifies circumstances or designates areas of “development approval information”, the Chief Administrative Officer may require in writing that the applicant provides development approval information in a report that is certified by a Qualified Registered Professional and complies with and fully addresses the terms of reference which are provided by the Chief Administrative Officer in accordance with Section 4.4.4 of this Bylaw, which may include:

- a. Identifying and defining the context, interaction, scope, magnitude and significance of the anticipated impacts of the activity or development on the site, area, and/or community, as well as the data and methodological accuracy, assumptions, uncertainties, acceptability thresholds, and how the anticipated impacts may cumulatively contribute to existing risks, stressors, and threats;
- b. Providing recommendations for conditions or requirements that may be imposed to mitigate or ameliorate the anticipated impacts; and
- c. Providing recommendations and detailed costs for modifications to the environment, or construction of works, to mitigate or ameliorate the anticipated impacts.

4.4.2 Pursuant to Section 920.1 of the *Local Government Act* and the Official Community Plan, and without limiting any power or ability expressed elsewhere, the City may require an applicant to provide reports and impact studies including but not limited to the following:

- a. Environmental Impact Assessment;
- b. Environmental Management Plan;
- c. Biophysical Constraints;
- d. Geotechnical Study;
- e. Transportation and Traffic Impact Study;

- f. Site Access and Servicing (including sensitive habitat and natural hazards, accessibility, energy and water conservation);
- g. Visual Impact Assessment;
- h. Stormwater Management Study;
- i. Wildfire Hazard Assessment;
- j. Biological Assessment;
- k. Functional Servicing Report;
- l. Tree Assessment Study;
- m. Demand for Local Community Service Study; and
- n. Other Studies as deemed necessary.

4.4.3 Where applicable, an assessment required under this Section must make recommendations on measures to mitigate and to compensate for any impacts identified.

4.4.4 The applicant will be required to work with the City to review and confirm the terms of reference for the report or impact study.

4.4.5 The applicant will be required to provide the reports and studies prepared by Qualified Registered Professionals at the applicant's expense and in accordance with the terms of reference for the report or study. The City may require an independent review of the study at the applicant's expense, in certain circumstances including but not limited to: Staff expertise, Staff capacity, and to ensure the timely review of the study results. The applicant will be notified if an independent review is required and will be provided a cost estimate prior to the independent review proceeding.

4.4.6 If it is determined by the Chief Administrative Officer that a report or study containing development approval information is incomplete or deficient, the applicant will be notified in writing of the nature of the deficiencies and the timeframe to submit the revised report or study.

4.4.7 The City may request, at the applicant's expense, the presentation of the report or study to Council, the public, and/or Staff by the Qualified Registered Professional(s) that prepared the document.

4.4.8 The City may at its sole discretion make available to any person or the public more generally, all or part of a report, study, or independent review required under this part, consistent with applicable legislation.

4.5 PLANS COMPLETED BY A REGISTERED PROFESSIONAL

4.5.1 Where a development proposal indicates a building that meets any of the following criteria, all building plans, elevations and floor plans must be completed by a registered architect or engineer in good standing and licensed to practice in BC:

- a. The building footprint exceeds 600 m²;
- b. The building height exceeds three storeys;
- c. The building is used for Assembly Occupancies, including but not limited to theatres, churches, community halls, restaurants, schools and arenas;
- d. The building is used for Care and Detention Occupancies, including but not limited to prisons, hospitals and nursing homes;
- e. The building is used for High Hazard Occupancies, including but not limited to spray painting operations, waste paper processing plants, chemical plants and bulk plants for flammable liquids; or
- f. The building requires firewalls as provided for in the BC Building Code with a common egress system for occupants.

4.6 PERFORMANCE SECURITY

4.6.1 Form of Security

Security will be in the form of a cash deposit, certified cheque, or an irrevocable letter of credit, effective for a period to be determined by the Chief Administrative Officer. Such irrevocable letter of credit will be clean and unconditional, automatically renewing and redeemable at a financial institution acceptable to the City, and may be subject to additional conditions to be specified by the Chief Administrative Officer. Security will be required prior to the issuance of a permit.

4.6.2 Amount of Security

The amount of security will be calculated using:

- a. An estimate or quote provided at an applicant's expense by a professional qualified to undertake or supervise the works for which the securities are required; and
- b. The Chief Administrative Officer may require the applicant to obtain a second quote from a qualified professional of the Chief Administrative Officer's choosing, at the applicant's expense; or
- c. Such methodologies as the Chief Administrative Officer may prescribe from time to time.

4.6.3 Conditions of Security

Where security is a condition of a permit,

- a. In the case of a condition in a permit respecting landscaping works, the amount will be 125% of the cost of the works, including inspections, monitoring and maintenance, paid in full prior to permit issuance.
- b. In the case of an unsafe condition that might result from a contravention of a permit condition, the amount of security will reflect the nature of the permit condition, the nature of the unsafe condition, and the cost to the City of entering on the land, undertaking work to correct the unsafe condition, including the cost of repairing any damage to land and improvements that may have been caused by the unsafe condition or that may have occurred in connection with the repair work.
- c. In the case of damage to the natural environment that might result from a contravention of a permit condition, the amount will reflect the nature of the permit condition, the nature of the damage, and the cost to the City of entering on the land, correcting the damage to the environment, and restoring or enhancing the natural environment to compensate for the damage that has been caused by the contravention of the permit condition.
- d. Where security is required pursuant to Sections 4.6.3 (b) and (c) of this Bylaw, the City will return to the applicant the entirety of the security deposit, and any accrued interest equivalent to the interest rate charge on the City's operating bank account, upon receipt of a Letter of Assurance from a Qualified Registered Professional certifying that the unsafe condition or damage to the natural environment has been corrected, less the value of any expenditure incurred by the City pursuant to Section 4.6.3 (b) and (c) of this Bylaw.

- e. Where security is required as a condition of a permit as per Section 4.6.3 (a), the following will also apply:
 - i. The landscape works (including irrigation) will be considered substantially complete upon receipt of letters or statements from a Landscape Architect or Certified Irrigation Designer which certify that the landscape and irrigation works have been completed in accordance with the approved permit.
 - ii. Upon substantial completion, the City will return to the applicant ninety percent (90%) of the security deposit. The City may withhold the remaining ten (10) percent for up to two (2) growing seasons.
 - iii. At least one (1) year after substantial completion of the landscape works, the City may return the remainder of the security deposit on the condition that a letter or statement has been submitted by a Landscape Architect certifying that the landscaping remains in substantial compliance with the approved permit.

4.7 NOTICE OF DECISION

Written notice of a Council decision will be mailed or otherwise delivered by the Corporate Officer to an applicant at the address provided on the application form.

4.8 INCOMPLETE APPLICATIONS

If the Chief Administrative Officer determines that an application is incomplete, the applicant will be requested to provide the required information. If an applicant does not provide the required information within three (3) months of the request, the application and fee will be returned. An incomplete application is deemed not to have been received.

4.9 PERMIT RENEWALS, EXTENSIONS AND LAPSES

4.9.1 Permit Renewals and Extensions

- a. Applications to renew or to extend a Development Variance Permit or Temporary Use Permit must make application prior to the lapse of the permit.
- b. Applications to renew or to extend a Development Variance Permit or Temporary Use Permit will be made and processed substantially in accordance with Schedules '2' and '3' of this Bylaw, as applicable.

- c. A Development Variance Permit may only be renewed or extended three (3) times, with each individual renewal or extension not exceeding two (2) years in duration measured from the date of issuance of the permit by Council.
- d. A Temporary Use Permit may be renewed only once as provided for in Section 921 of the *Local Government Act*.

4.9.2 Permit Issuance and Lapse

- a. A Development Variance Permit and Temporary Use Permit are considered to have been issued upon the date of their authorization by Council.
- a. Subject to the terms of the permit, if the holder of a permit does not substantially start any construction with respect to which the permit was issued within two (2) years after the date it is issued, the permit lapses pursuant to Section 926 of the *Local Government Act*.

4.10 LAPSE OF APPLICATION

- 4.10.1** In the event that an application made pursuant to this Bylaw is one (1) year old or older and has been inactive for a period of six (6) months or greater:
 - a. The application will be deemed to be abandoned;
 - b. In the case of an amendment application, the Corporate Officer may place on the agenda of a meeting of Council a motion to rescind all readings of the bylaw associated with that amendment application.
- 4.10.2** Upon written request by the applicant prior to the lapse of the application, and subject to the payment of any applicable fees and charges, the Corporate Officer may extend the deadline for a period of six (6) months.
- 4.10.3** If a proposal under Schedules '1' or '3' is deemed to have lapsed prior to advertising, the applicable refund will be paid to the applicant in accordance with the Fees and Charges Bylaw.
- 4.10.4** For a lapsed application to proceed, a new application and fee will be required and the process restarted, and any readings associated with a bylaw that has not been adopted shall be considered repealed or rescinded notwithstanding any other Council resolution.

4.11 RE-APPLICATION

Where an application made pursuant to this Bylaw has been refused by Council, re-application will not be accepted for a six (6) month period immediately following the date of refusal, but this time period may be varied by an affirmative vote of at least 2/3 of Council, pursuant to Section 895 (3) of the *Local Government Act*.

4.12 BOARD OF VARIANCE

Board of Variance applications shall follow the regulations and process as outlined in the City of Enderby Board of Variance Bylaw No. 1373, 2005, as amended from time to time, and Sections 901 and 902 of the *Local Government Act*.

4.13 ENFORCEMENT

4.13.1 Inspection

The Chief Administrative Officer or any other authorized agent of the City is hereby authorized to enter at all reasonable times upon any premises to ascertain whether the regulations and provisions of this Bylaw are being, or have been met.

4.13.2 Offence

- a. Every person who violates a provision of this Bylaw commits an offence and is liable on summary conviction to a penalty not exceeding Ten Thousand Dollars (\$10,000.00) and the costs of prosecution.
- b. Each day a violation of the provisions of this Bylaw exists or is permitted to exist will constitute a separate offence.
- c. No person will interfere with or obstruct the entry of an authorized agent of the City onto any land or into any building to which entry is made or attempted pursuant to the provisions of this Bylaw.

5. APPLICATION FEES

5.1 APPLICATION FEE REQUIREMENT

- 5.1.1 At the time of application, the applicant will pay to the City any application fees in the amounts as set out in the Fees and Charges Bylaw.

- 5.1.2** Where one or more Public Information Meeting(s) is required, the applicant will pay all costs associated with the Public Information Meeting(s).
- 5.1.3** The fees prescribed in Fees and Charges Bylaw apply to each parcel of land for which the application is made, as follows:
- a. If an application involves two or more contiguous parcels of land, they will be treated as one proposal;
 - b. If an application involves two or more parcels of land that are not contiguous, they will be treated as separate applications and the fee prescribed in the Fees and Charges Bylaw applies to each parcel of land for which the application is made;
 - c. The Chief Administrative Officer, at his/her discretion, may waive the fee described in 5.1.3 (b) of this Bylaw if it is determined that the planning analyses for the two or more parcels of land that are not contiguous, are essentially similar, and do not represent a significant incremental cost to the City.

6. PUBLIC NOTIFICATION AND CONSULTATION

6.1 PUBLIC NOTIFICATION

6.1.1 Giving Notice

- a. In accordance with the *Local Government Act*, the City will mail or otherwise deliver individual notices to all Owners and tenants of the subject property for which an application is being made, and all Owners and tenants of all other properties within a distance of not less than 30 metres measured from the boundaries of any subject property to which the application pertains and which are located within City limits, advising of:
 - i. A scheduled Public Hearing for an Official Community Plan or Zoning Bylaw amendment, or Land Use Contract Discharge or Amendment;
 - ii. A scheduled Council meeting for considering a Development Variance Permit;
 - iii. A scheduled Council meeting for considering a Temporary Use Permit;
 - iv. A scheduled Council meeting for considering a Phased Development Agreement Bylaw; or

- v. A scheduled Board of Variance meeting to consider an application.
- b. The notification outlined in sub-section 6.1.1(a) is not required if 10 or more parcels owned by 10 or more persons are subject of the application.
- c. Individual notices will be mailed or otherwise delivered not less than ten (10) days prior to Council consideration of a Temporary Use Permit or Development Variance Permit, or the consideration of an application by the Board of Variance, and not less than ten (10) days prior to the holding of a Public Hearing for an Official Community Plan or Zoning Bylaw amendment, Land Use Contract Discharge or Amendment, or Phased Development Agreement.

6.2 PUBLIC HEARINGS

In accordance with the *Local Government Act*, the City will not adopt or amend an Official Community Plan Bylaw, Zoning Bylaw, Phased Development Agreement Bylaw or a Bylaw under Section 548 of the *Local Government Act* [early termination of Land Use Contracts] of the *Local Government Act*, or approve a permit, without first holding a Public Hearing on the bylaw or permit in order to allow the public to make representations to Council respecting matters contained in the proposed bylaw or permit.

6.2.1 Waiving of a Public Hearing

Pursuant to Section 890 (4) of the *Local Government Act*, the City may waive the holding of a Public Hearing for an application to amend the Zoning Bylaw, if the proposed bylaw is consistent with the Official Community Plan.

6.2.2 Giving Notice of a Public Hearing

In addition to the public notification requirements contained in Section 6.1 of this Bylaw, public notice of a Public Hearing to be held under Section 6.2 of this Bylaw must:

- a. State the following:
 - i. the time and date of the hearing;
 - ii. the place of the hearing;
 - iii. in general terms, the purpose of the bylaw;
 - iv. the land or lands that are the subject of the bylaw; and
 - v. the place where and the times and dates when copies of the bylaw may be inspected.

- b. Be published in at least 2 consecutive issues of a newspaper, the last publication to appear not less than 3 days and not more than 10 days before the public hearing, except for in the case of a Temporary Use Permit in which case the public notice must be published in a newspaper at least 3 days and not more than 14 days before the adoption of the resolution to issue the permit.
- c. Include a sketch that shows the area that is the subject of the bylaw alteration, including the name of adjoining roads if applicable, if the public notice is given in relation to a Temporary Use Permit or a bylaw which, i) proposes to alter the permitted use or density of any area, or ii) is a bylaw under section 548 of the *Local Government Act* [early termination of land use contracts]. If the location of the land can be clearly identified in the notice in a manner other than a sketch, it may be identified in that manner.

6.2.3 Obligation to Deliver Notice of Public Hearing

The obligation to deliver a notice under Section 6.2.2 of this Bylaw is satisfied if a reasonable effort was made to mail or otherwise deliver the notice, pursuant to Section 892 (6) of the *Local Government Act*.

6.2 PUBLIC INFORMATION MEETINGS

- a. Applicants are encouraged as a best practice to hold Public Information Meetings prior to a statutory Public Hearing or prior to the application being considered by Council to provide an opportunity for the public to access information about the proposal.
- b. Council may require an applicant to arrange and conduct a Public Information Meeting to the satisfaction of the City according to the following guidelines:
 - i. The location, time and duration of a Public Information Meeting shall be set in accordance with the intent to provide a reasonable opportunity for the public to access information and to inquire thoroughly about the proposal.
 - ii. Where a Public Information Meeting is required by Council, the applicant shall submit to the Corporate Officer a report summarizing the Public Information Meeting and providing, at a minimum, responses to the following questions:
 - Where was the meeting held?
 - At what time and for what duration was the meeting held?
 - How many people attended the meeting?

- How was the meeting advertised?
 - How were surrounding property owners notified of the meeting?
 - What information was provided at the meeting?
 - What specific concerns were expressed by the public, and what was the nature of the response given?
- c. The Corporate Officer shall advance the report of the Public Information Meeting to Council as part of a Statutory Public Hearing information package or otherwise as part of the information that Council will review when considering the application.

6.3 INTERNAL AND EXTERNAL REFERRAL PROCESS

- a. When reviewing applications, Staff may develop a referral list of agencies, organizations, levels of government, or internal departments to which the application may be sent for review and comment.
- b. Each agency, organization, level of government, or internal department will be given thirty (30) days, or less at the discretion of the Chief Administrative Officer, from receipt of the referral, to provide any comments. If after thirty (30) days, or fewer if referral period has been reduced at the discretion of the Chief Administrative Officer, the agency, organization, level of government, or internal department has not notified the City in writing about their concerns, the agency, organization, level of government, or internal department is considered to have no concern.
- c. The Chief Administrative Officer may grant an extension of up to thirty (30) days as requested by an agency, organization, level of government, or internal department as long as the request is made before the initial referral period has ended.

7. IRREGULARITY

- 7.1 The failure of Council to observe the provisions of this Bylaw does not affect the validity of resolutions passed or bylaws enacted by Council.

8. REPEAL AND EFFECTIVE DATE

8.1 This Bylaw repeals the "City of Enderby Land Use Procedures Bylaw No. 1116, 1994" and all amendments thereto.

8.2 This Bylaw comes into force and takes effect on the date of adoption.

READ a FIRST time this ____ day of _____, 2016.

READ a SECOND time this ____ day of _____, 2016.

READ a THIRD time this ____ day of _____, 2016.

ADOPTED this ____ day of _____, 2016.

Mayor

Chief Administrative Officer

Schedule '1' - Applications for an Amendment to the Official Community Plan Bylaw, Zoning Bylaw or Land Use Contract Amendment or Discharge

This information is not regarded as the right to development approval if the steps indicated are followed.

1.0 APPLICATION REQUIREMENTS

- 1.1** Application requirements are specified in the City of Enderby Development Application Form.
- 1.2** Additional Development Approval Information may be required by the Chief Administrative Officer to adequately evaluate an amendment application, in accordance with Section 4.4 of this Bylaw.

2.0 PROCESSING PROCEDURES

An application for an amendment to the Official Community Plan, Zoning Bylaw, or a Land Use Contract amendment or discharge submitted in accordance with this Bylaw will be processed as follows:

- 2.1** The applicant will have a pre-application meeting to discuss the proposal and application requirements with Staff prior to submitting a formal application to the City.
- 2.2** Upon receipt of an application package submitted to the City in accordance with the requirements of this Bylaw, Staff will issue a fee receipt to the applicant.
- 2.3** Staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. Staff will open a file only upon receipt of a complete submission package.
- 2.4** Staff will review the proposal for compliance with relevant City bylaws and policies, and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- 2.5** Staff will refer the application to all applicable agencies, organizations, levels of government, and internal departments.
- 2.6** Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
 - 2.6.1** Resolve conditions/requirements identified in the Comprehensive Letter(s);

- 2.6.2** Submit any necessary reports/studies; and
- 2.6.3** Complete any required approvals.
- 2.7** Staff will prepare a Staff report for Council's consideration, incorporating feedback received from the referral process.
- 2.8** Staff will mail or otherwise deliver notices to adjacent property owners as per Section 6.1.1 of this Bylaw and as per requirements of the *Local Government Act*.
- 2.9** Staff will give notice of a Public Hearing as per Section 6.2.2 of this Bylaw and as per requirements of the *Local Government Act*.
- 2.10** The applicant is encouraged to attend the Council meeting at which the application will be considered.
- 2.11** Council will receive the Staff report, and if Council decides to proceed with the amendment application, the amending bylaw(s) may be given first and second readings. Council may alternatively decide to postpone or deny the application.
- 2.12** Should the bylaw(s) receive first and second readings, a Public Hearing will be held to allow the public to comment on the application and notice of the Public Hearing will be given pursuant to Section 6.2.2 of this Bylaw and the *Local Government Act*.
- 2.12.1** In accordance with Section 890(4) of the *Local Government Act* and Section 6.2.1 of this Bylaw, Staff may include a request in the Staff report for first and/or second reading of a Zoning Bylaw amendment bylaw(s) for Council to consider waiving the Public Hearing if the proposed bylaw(s) is consistent with the Official Community Plan.
- 2.13** Following the close of the Public Hearing, Council may proceed with third reading of the amending bylaw(s) (including the imposition of conditions), postpone or deny the application. Upon third reading, an amendment bylaw(s) may need to be referred to the relevant provincial minister(s) for signature before proceeding to adoption.
- 2.14** Once the applicant has adequately addressed all of the conditions identified (if any), and the bylaw(s) has received signatures from any relevant provincial minister(s), Council will consider the adoption of the bylaw(s).
- 2.15** The Corporate Officer will notify the applicant in writing of the decision of Council.

Schedule '2' - Applications for a Development Variance Permit

This information is not regarded as the right to development approval if the steps indicated are followed.

1.0 APPLICATION REQUIREMENTS

- 1.1** Application requirements are specified in the City of Enderby Development Application Form.
- 1.2** Additional information may be required by the Chief Administrative Officer to evaluate adequately and to make a recommendation to Council concerning a Development Variance Permit, in accordance with Section 4.4 of this Bylaw.

2.0 PROCESSING PROCEDURES

A Development Variance Permit application submitted in accordance with this Bylaw will be processed as follows:

- 2.1** The applicant will have a pre-application meeting to discuss the proposal and application requirements with Staff prior to submitting a formal application to the City.
- 2.2** Upon receipt of an application package submitted to the City in accordance with the requirements of this Bylaw, Staff will issue a fee receipt to the applicant.
- 2.3** Staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. Staff will open a file only upon receipt of a complete submission package.
- 2.4** Staff will review the proposal for compliance with relevant City bylaws and policies, and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- 2.5** Staff will refer the application to all applicable agencies, organizations, levels of government, and internal departments.
- 2.6** Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
 - 2.6.1** Resolve conditions/requirements identified in the Comprehensive Letter(s);
 - 2.6.2** Submit any necessary reports/studies; and

- 2.6.3** Complete any required approvals.
- 2.7** Staff will mail or otherwise deliver notices to adjacent property owners as per Section 6.1.1 of this Bylaw and as per requirements of the *Local Government Act*.
- 2.8** Staff will prepare a Staff report for Council's consideration, incorporating feedback received from the referral process.
- 2.9** The applicant is encouraged to attend the meeting of the Council at which the application is being considered.
- 2.10** Council will receive Staff report, and Council may grant the requested permit, or may postpone or deny the application.
- 2.11** The Corporate Officer will notify the applicant in writing of the decision of Council.
- 2.12** If a Development Variance Permit is granted, a Notice of Permit will be registered on the title of the property at the Land Title Office by Staff.

Schedule '3' - Applications for a Temporary Use Permit

This information is not regarded as the right to development approval if the steps indicated are followed.

1.0 APPLICATION REQUIREMENTS

- 1.1** Application requirements are specified in the City of Enderby Development Application Form.
- 1.2** Additional information may be required by the Chief Administrative Officer to evaluate adequately and to make a recommendation to Council concerning a Development Variance Permit, in accordance with Section 4.4 of this Bylaw.

2.0 PROCESSING PROCEDURE

A Temporary Use Permit application submitted in accordance with this Bylaw will be processed as follows:

- 2.1** The applicant will have a pre-application meeting to discuss the proposal and application requirements with Staff prior to submitting a formal application to the City.
- 2.2** Upon receipt of an application package submitted to the City in accordance with the requirements of this Bylaw, Staff will issue a fee receipt to the applicant.
- 2.3** Staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. Staff will open a file only upon receipt of a complete submission package.
- 2.4** Staff will review the proposal for compliance with relevant City bylaws and policies, and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- 2.5** Staff will refer the application to all applicable agencies, organizations, levels of government, and internal departments.
- 2.6** Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:
 - 2.6.1** Resolve conditions/requirements identified in the Comprehensive Letter(s);
 - 2.6.2** Submit any necessary reports/studies; and

- 2.6.3** Complete any required approvals.
- 2.7** Staff will prepare a Staff report for Council's consideration, incorporating feedback received from the referral process.
- 2.8** Staff will mail or otherwise deliver notices to adjacent property owners as per Section 6.1.1 of this Bylaw and as per requirements of the *Local Government Act*.
- 2.9** Staff will give notice of a Public Hearing as per Section 6.2.2 of this Bylaw and as per requirements of the *Local Government Act*.
- 2.10** The applicant is encouraged to attend the Council meeting at which the application will be considered.
- 2.10** Council will receive Staff report, and Council may grant the requested permit, or may postpone or deny the application.
- 2.11** The Corporate Officer will notify the applicant in writing of the decision of Council.
- 2.12** If a Temporary Use Permit is granted, a Notice of Permit will be registered on the title of the property at the Land Title Office by Staff.

Schedule '4' - Applications under the Agricultural Land Commission Act

This information is not regarded as the right to development approval if the steps indicated are followed.

1.0 APPLICATION REQUIREMENTS

Please review the Agricultural Land Commission's (ALC) "Applicant Information Package" (available at www.alc.gov.bc.ca) prior to submitting an application to the City. This package contains details on ALC application requirements as well as the ALC process for issuing approvals.

An application under Section 30(4) of the *Agricultural Land Commission Act* for exclusion of land from the ALR requires evidence that all registered owners of land that share a common boundary with the property under application, including Owners of property separated by a public road have been served a signed copy of the application (note that these requirements exceed ALC notification requirements).

2.0 PROCESSING PROCEDURES

An application under the *Agricultural Land Commission Act* submitted in accordance with this Bylaw will be processed as follows:

- 2.1 The applicant will have a pre-application meeting to discuss the proposal and application requirements with Staff prior to submitting a formal application to the City.
- 2.2 Upon receipt of an application package submitted to the City in accordance with the requirements of this Bylaw, Staff will issue a fee receipt to the applicant.
- 2.3 Staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. Staff will open a file only upon receipt of a complete submission package.
- 2.4 Staff will review the proposal for compliance with relevant City bylaws and policies, and may meet with the applicant (as required). Staff may conduct a site visit(s) as part of the evaluation process.
- 2.5 Staff will refer the application to all applicable agencies, organizations, levels of government, and internal departments.
- 2.6 Staff may prepare a Comprehensive Letter(s), incorporating feedback received from the referral process to identify preliminary development conditions/requirements which will be sent to the applicant to:

- 2.6.1** Resolve conditions/requirements identified in the Comprehensive Letter(s);
 - 2.6.2** Submit any necessary reports/studies; and
 - 2.6.3** Complete any required approvals.
- 2.7** Staff will prepare a Staff report for Council's consideration, incorporating feedback received from the referral process.
- 2.8** The applicant is encouraged to attend the Council meeting at which the application will be considered.
- 2.9** Council will receive the Staff report. If the proposal triggers Sections 25 (3) or 30(4) of the *Agricultural Land Commission Act*, Council will consider the technical report and may:
 - 2.9.1** Authorize the application to proceed to the ALC; or
 - 2.9.2** Not authorize the application to proceed to the ALC.
- 2.10** If Sections 25 (3) or 30(4) of the *Agricultural Land Commission Act* are not triggered by the proposal, Council may make a recommendation(s) for ALC consideration.
- 2.11** The Corporate Officer will notify the applicant in writing of the decision of Council.
- 2.12** If the application is authorized by Council, Staff will forward a Local Government Report, including the complete application, Staff report and Council resolution to the ALC for consideration.

Schedule '5' - Applications for a Phased Development Agreement

This information is not regarded as the right to development approval if the steps indicated are followed.

1.0 APPLICATION REQUIREMENTS

Prior to the preparation of any Phased Development Agreement documents, an applicant subject to this schedule must first submit a request for Council's authorization to proceed with a Phased Development Agreement. The request must include, but will not be limited to, the following:

- 1.1 A State of Title certificate, printed within ninety (90) days before making application, for all properties subject of the application;
- 1.2 Owner's Authorization (where applicable);
- 1.3 A letter of request outlining the subject property(s), including legal descriptions, and an outline of the proposed development;
- 1.4 A map illustrating the subject property(s);
- 1.5 A terms of reference for the Phased Development Agreement addressing those items required under the applicable provisions of the *Local Government Act*.

2.0 PROCESSING PROCEDURES

A Phased Development Agreement application submitted in accordance with this Bylaw will be processed as follows:

- 2.1 The applicant will have a pre-application meeting to discuss the proposal and application requirements with Staff prior to submitting a formal application to the City.
- 2.2 Upon receipt of an application package submitted to the City in accordance with the requirements of this Bylaw, Staff will issue a fee receipt to the applicant.
- 2.3 Staff will review the application to determine whether it is complete and, if incomplete, will request the required information from the applicant. Staff will open a file only upon receipt of a complete submission package.
- 2.4 Staff will review the proposal and work with the applicant as necessary to prepare a report for Council's authorization to proceed with the preparation of a Phased Development Agreement.

- 2.5** Council will consider the Staff report and may consider whether to authorize, authorize with conditions, or deny the preparation of a Phased Development Agreement.
- 2.6** If authorized, Staff will work with the applicant to prepare a draft Phased Development Agreement, which may require additional supporting information.
- 2.7** Staff will refer the draft Phased Development Agreement to all applicable agencies, organizations, levels of government, internal departments, and the City's solicitor.
- 2.8** Staff will prepare a Staff report incorporating feedback received from the referral process, accompanied by the draft Phased Development Agreement, for Council's consideration.
- 2.9** The applicant is encouraged to attend the Council meeting at which the application will be considered.
- 2.10** Council will receive the Staff report, and if Council decides to proceed with the application, the Phased Development Agreement bylaw will be given first and second readings (including the placement of conditions, where appropriate). Council may alternatively decide to defer, postpone or deny the application.
- 2.11** Should the bylaw receive first and second readings, a Public Hearing will be held to allow the public to comment on the application and notice of the Public Hearing will be given pursuant to Section 6.2.2 of this Bylaw and the *Local Government Act*.
- 2.12** Following the close of the Public Hearing, Council will consider the bylaw and may proceed with third reading, defer, postpone or deny the application.
- 2.13** Once the applicant has adequately addressed all of the conditions identified (if any), Council will consider the adoption of the bylaw.
- 2.14** The Corporate Officer will notify the applicant in writing of the decision of Council.
- 2.15** If approved, notice of the Phased Development Agreement will be registered on Title.

**THE CORPORATON OF THE CITY OF ENDERBY
BYLAW No. 1583**

A bylaw to amend Parks, Recreation and Culture Fees Imposition Bylaw No. 1578, 2015

WHEREAS The Council of the Corporation of the City of Enderby has adopted "The Corporation of the City of Enderby Parks, Recreation and Culture Fees Imposition Bylaw No. 1578, 2015";

AND WHEREAS Council wishes to amend the fees;

NOW THEREFORE the Council of the Corporation of the City of Enderby, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. This Bylaw may be cited as "The Corporation of the City of Enderby Parks, Recreation and Culture Fees Imposition Bylaw No. 1578, 2015 Amendment Bylaw No. 1583, 2015".
2. Schedule "A" of "The Corporation of the City of Enderby Parks, Recreation and Culture Fees Imposition Bylaw No. 1578, 2015" is deleted and Schedule "A" attached to and forming part of this bylaw is substituted therefore.

READ a FIRST time this 21st day of December, 2015.

READ a SECOND time this 21st day of December, 2015.

READ a THIRD time this 21st day of December, 2015.

ADOPTED this _____ day of _____, 2015.

Mayor

Chief Administrative Officer

SCHEDULE "A" – GENERAL CONDITIONS FOR RENTAL OR USE OF FACILITIES

1. All rental rates include the standard facility, with normal maintenance staff.
2. All rates include GST as applicable, unless stated otherwise. GST is not included in the prices for ball diamond rental, league ice rental, dry floor rental, and gazebo rental.
3. Facility rentals, unless exempted by Commission policy, are subject to the renter obtaining a General Liability Insurance Policy in accordance with the User Group Rating Schedule provided by the City of Enderby insurance provider as amended from time to time.
4. Ushers, ticket sellers, security forces, etc. are the responsibility of the renter (the City of Enderby reserves the right to provide such services at the Renter's expense).
5. Fees for additional programs provided through the Enderby and District Chamber of Commerce will be on a cost recovery basis.
6. Uses beyond the normal operating hours will require payment of additional labour costs.
7. The City of Enderby reserves the right to require a Performance Bond and/or Damage Deposit.
8. The Renter is responsible to ensure that the facility is vacated at the end of the event.
9. Entrance to or use of facilities will only be requested and approved on the Facility Rental Agreement. Prior entry for decorating, setup, etc. will be subject to the approval of the Facility Manager and noted on the application form.
10. The Renter must not exceed the maximum capacity allowed for the facility.
11. The Renter shall be responsible for loss or damage and assume all risk of injury (including death) to any person arising out of the use of the facility.
12. For all rentals involving the serving of liquor, the renter must carry a liability insurance policy naming the City of Enderby and the Regional District of North Okanagan as additional insured.
13. Should the renter cancel all or part of the rental period, within 30 days of the rental date, they shall not be entitled to any refund of the rental fee. All cancellations resulting in a refund of the rental fee will be subject to a ten (10) percent administration fee. Should the ice be re-rented the original renter will be entitled to a credit equal to the revenue generated by the re-rental to a maximum of the original renter's fees, less the administrative fee.
14. Interest in the amount of 2% per month shall apply on all account balances unpaid after 30 days.
15. **Facility Rental Agreement:**

Prior to use of any facilities, the Renter must complete a Facility Rental Agreement. This document includes a waiver or release, which must be read by the participant before signing. If the participant requests an explanation of the meaning of the waiver, the staff shall respond as follows:

It means that you have carefully read, clearly understand and voluntarily sign this participation, release and indemnification agreement. You intend, by signing this agreement, to adhere to all policies and procedures stated in this rental agreement.

Under no circumstances is the document to be signed without drawing the participant's attention to the waiver, and confirming that the proper liability insurance coverage is in place.



**Regional District of North Okanagan
Building Permit Detail Report for Dec 2015**

**THERE ARE NO PERMITS FOR THE PERIOD
For Area: Enderby**

Day:	Permit:	Owner:	Construction Location:	Builder:	Permit Desc:	Value:	Cumulative TOTAL:
Area:	Cost:				Units:	Fir Area:	

THE CORPORATION OF THE CITY OF ENDERBY

MEMO

To: Mayor and Council
From: Tate Bengtson, CAO
Date: January 7, 2016
Subject: Sidewalk Inspection Policy Revision

RECOMMENDATION

THAT Council adopts the revised Sidewalk Inspection Policy.

ALTERNATE RECOMMENDATION

THAT Council does not adopt the revised Sidewalk Inspection Policy.

BACKGROUND

A sidewalk inspection policy is an important aspect of managing risks associated with public spaces. A good policy addresses hazards appropriately and in such a way that it balances social, economic, and political factors.

The existing sidewalk inspection policy, in place since 2005, relies upon annual inspections and observation of defects. While the current policy has been serviceable, the proposed revision improves the approach as follows:

- 1) It creates an efficiency to Public Works that is the equivalent of 15 additional labour hours per year that may be dedicated to other work.
- 2) It improves the City's approach to warning the public with respect to sidewalk defects.
- 3) It streamlines guidance for inspecting sidewalks by focusing on grade differentials.
- 4) It clarifies the conditions that are considered when prioritizing sidewalks for repair.

Attached to this memorandum are both the current policy and the proposed revision. It has been reviewed against the Municipal Insurance Association of BC's best practices and also reviewed with the Public Works Lead Hand, who endorses the revision.

Respectfully submitted,



Tate Bengtson
Chief Administrative Officer

Policy Title	Sidewalk Inspection Policy
Policy Number	

Effective Date	Adopted Date	Replaces Sidewalk Inspection Policy adopted May 16, 2005
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PURPOSE: To provide guidance with respect to the assessment and repair of sidewalks within the City of Enderby.

POLICY: Council authorizes staff to assess and repair sidewalks in accordance with the below principles.

1. The inspection and maintenance of sidewalks within the City of Enderby shall rely solely upon the reports of observed defects by City staff or members of the public.
2. Within no more than one (1) business day following receipt by the City of a notification by City staff or a member of the public that a sidewalk may pose a dangerous condition requiring repair, a City employee will attend the site and perform a sidewalk inspection.
3. The sidewalk inspection must identify any grade differential in accordance with the following chart and take the action specified to warn the public and/or repair the sidewalk. The sidewalk inspection should note other characteristics that may be potentially hazardous, such as separation, scaling, or cracking.

Level	Differential	Action
1	Less than 1.25cm (1/2 inch).	No service required.
2	Between 1.25cm (1/2 inch) and 2.5cm (1 inch).	List for reinspection in 12 months' time. If, following reinspection, there has been no increase in the sidewalk differential, discontinue reinspections.
3	Greater than 1 inch (2.5 cm).	Immediately mark the differential with bright paint. Reapply the paint at annual

		<p>intervals.</p> <p>Note the location for repair as part of the next sidewalk repair initiative, subject to pedestrian use, budgetary constraints, and the other factors listed in Section 5, below.</p>
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4. Written sidewalk inspection reports and notes documenting the nature of repairs should be submitted to City Hall within two (2) business days.
5. The City recognizes that resource constraints, seasonal temperatures, and other conditions may result in some sidewalks left at a Level 3 condition for a considerable period of time as it repairs defects that may be higher priority as a result of pedestrian traffic volumes, higher hazard defects, or resourcing requirements other than sidewalks which places a higher demand upon public health and safety.

EXISTING POLICY

The Corporation of the City of Enderby

POLICY

SIDEWALK INSPECTION

Purpose:

To provide the Public Works Department with an assessment of the condition of the sidewalks within the City in order to identify and repair defects and hazards on the sidewalks and to establish priorities for repair in the City according to the resources available. This analysis will also be used to assist Council in determining where capital upgrades will be carried out.

Inspection:

All sidewalks within the municipality will be inspected annually. This inspection will include recording of sidewalk condition, location and rating scale of condition (Schedule "A").

Rating Scale:

The rating scale will be based on Level #1, #2 and #3. Number 3 of the rating scale will be the most severe. The rating scale will take into account the following defects:

- Separation
- Heaving or settlement
- Scaling
- Cracking

Level #1	1.25 cm (1/2") or less Low priority – to be reassessed at next inspection
Level #2	1.25 cm to 2.5 cm (1/2" to 1") Medium priority – to be repaired depending upon public safety, level of pedestrian use and budget constraints
Level #3	2.5 cm (1") or greater High priority – to be upgraded dependent upon public safety, level of pedestrian use and budget constraints

The Rating Scale will compile the rating numbers from the Sidewalk Inspection Schedule "A". The highest number should receive attention first.

EXISTING POLICY

The City recognizes that many of the sidewalks within the municipality are very old and are at level #3. Some areas of sidewalk will be rate scaled in city blocks rather than specific areas because of the amount of defects.

Priorities will be dealt with depending on probability of pedestrian accidents and City resources including manpower and funding.

The City of Enderby "Public Request Forms" will be considered when analysing Rate Scales and Priority.

Adopted May 16, 2005

EXISTING POLICY

SIDEWALK INSPECTION POLICY

SCHEDULE "A"

Street: Block: N S E W (circle one)

Date: Inspector:

Pedestrian Traffic (circle one): Low Moderate High

<u>Defect:</u>	<u>Level</u> (circle one):			1.	2.	3.	4.
				0-25	25-50	50-75	75-100
SEPARATION	1	2	3				_____ %
HEAVING	1	2	3				_____ %
SETTLEMENT	1	2	3				_____ %
SCALING	1	2	3				_____ %
CRACKING	1	2	3				_____ %
OTHER	1	2	3				_____ %

Total Score _____

Notes including other defects not indicated above:

THE CORPORATION OF THE CITY OF ENDERBY

MEMO

To: Tate Bengtson, CAO
From: Jennifer Bellamy, CFO
Date: January 7, 2016
Re: Grants in Aid Policy

Recommendation:

THAT Council adopts the attached Grant in Aid Policy;

AND THAT Council directs staff to communicate the new policy to applicable 2015 grant recipients.

Alternative Recommendations:

THAT Council make any required changes and adopts the Grant in Aid Policy as amended.

Background/Discussion:

At the November 2, 2015 Council meeting, Council directed staff to create a policy requiring requests for grant funding to include a financial statement indicating the revenues, expenses, and balances of the grantee.

Attached is a Grant in Aid policy for Council review. If the policy was in effect for 2015, the following recipients would have been subject to the policy:

- Okanagan Regional Library (project)
- Enderby & District Arts Council (operating and event support)
- Community Christmas Committee (event support)
- Okanagan Film Commission (operating)
- Enderby & District Lions Club (event support)

Other organizations that were included in the donations/grant amount for 2015 was the Plaque Program with the Heritage Commission, the ad placed with the BC/Yukon Demand (Legion), water usage for the Drill Hall, and the Visitor Centre fee for service paid to the Chamber of Commerce. These amounts would be excluded from the policy as they would be considered purchase of services or internal grants.

Respectfully submitted


Jennifer Bellamy
Chief Financial Officer

THE CORPORATION OF THE CITY OF ENDERBY

Policy Title	Grants in Aid
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Adopted:	<u>Authorized By:</u>	<u>Replaces:</u>
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PURPOSE:

To establish guidelines for providing grants in aid.

POLICY:

Operating Grant:

Any recipient of an operating grant is required to adhere to the following conditions:

- at the time of application or prior to grant consideration, the recipient shall provide a copy of the organization's most current financial statements, in addition to an operating budget;
- the recipient agrees to follow reasonable practices to ensure excellent value for money.

Event Support Grant:

Any recipient of a grant to support an event is required to adhere to the following conditions:

- at the time of application or prior to grant consideration, in addition to a budget for the event, the recipient shall provide a copy of the balance sheet, or equivalent, applicable to the event;
- the recipient agrees to follow reasonable practices to ensure excellent value for money;
- the recipient agrees to provide the City with access to the financial records associated with the event upon request.

Project Grant:

Any recipient of a project grant is required to adhere to the following conditions:

- at the time of application or prior to grant consideration, the recipient shall provide a copy of the organization's current balance sheet, in addition to a budget for the project;
- the recipient agrees to follow reasonable practices to ensure excellent value for money;
- the recipient, upon completion of the project, agrees to submit a list of project costs;
- the recipient agrees to return any unexpended funds to the City;
- the recipient agrees to provide the City with access to the financial records associated with the project upon request.

All grant requests must have Council approval.

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: January 7, 2016
Subject: Bylaw Enforcement Officer and Dog Control Officer Appointment

RECOMMENDATION

THAT Council designates Sandra Edgecombe as a Bylaw Enforcement Officer and Dog Control Officer.

BACKGROUND

The City of Enderby currently contracts with Commissionaires BC to provide bylaw enforcement and dog control services.

Laura Dunbar of Commissionaires BC currently serves as Bylaw Enforcement Officer and Dog Control Officer for the City of Enderby and Sandra Edgecombe will be providing coverage for Ms. Dunbar in the event of holidays or illness.

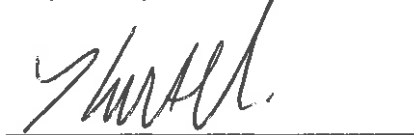
Council needs to designate Ms. Edgecombe as a Bylaw Enforcement Officer so that she has the powers of such an Officer, pursuant to Section 264 of the *Community Charter* which states:

(1) A Council may, by bylaw,

(b) designate as a bylaw enforcement officer a person who comes within a class of persons prescribed by regulation[...]

Furthermore, Council needs to designate Ms. Edgecombe as a Dog Control Officer so that she has the powers to enforce the *City of Enderby Dog Control Bylaw No. 1469, 2010* as well as the powers granted to a Dog Control Officer under Section 49 [Special powers in relation to dangerous dogs] of the *Community Charter*.

Respectfully submitted,



Kurt Inglis
Assistant Corporate Officer and Planning Assistant

THE CORPORATION OF THE CITY OF ENDERBY

MEMO

To: Mayor and Council
From: Tate Bengtson, CAO
Date: January 8, 2016
Subject: Shaw Go WiFi Facilities License Agreement

RECOMMENDATION

THAT Council authorizes the Mayor and Chief Administrative Officer to execute the Shaw Go WiFi Facilities License Agreement as presented.

ALTERNATE RECOMMENDATIONS

THAT Council does not accept the Shaw Go WiFi Facilities License Agreement and directs staff to communicate to Shaw Communications that it declines to consider the matter further.

OR

THAT Council proposes amendments that it wishes to make to the Shaw Go WiFi Facilities License Agreement;

AND THAT, subject to acceptance of Council's proposed amendments by Shaw Communications, Council authorizes the Mayor and Chief Administrative Officer to execute the Shaw Go WiFi Facilities License Agreement.

BACKGROUND

Shaw Communications has contacted the City of Enderby to express its interest in installing Shaw Go WiFi "hotspots" at various facilities within the City which are frequented by the public ("the Facilities"). The program enables participants – Shaw internet customers - to automatically log in to such hotspots on a mobile device for free. Under the terms of the agreement, free guest accounts will be provided to persons who are not Shaw customers, which will enable them to register and use the hotspots at the Facilities up to a specified bandwidth cap.

The broadcast equipment will be owned by Shaw and all installation costs will be borne solely by Shaw. The equipment will only be installed at locations acceptable to the City. The term of the agreement is five (5) years. The agreement is non-exclusive, meaning that a competitor with a similar program could seek a similar arrangement in the Facilities. The only cost to the Facilities would be the electricity to power the equipment, which will be minimal. As the wireless

hotspot will provide an amenity which will enhance the user experience, Staff suggest that this is a reasonable trade-off. The equipment does not interact with any existing network at the Facilities, so there is not a security risk.

Shaw has proposed the following facilities:

- 1) City Hall
- 2) Museum
- 3) Arena
- 4) Curling Rink
- 5) Drill Hall

As the Facilities have various operating, occupancy, or lease arrangements with third parties, the equipment would only be installed with the consent of those third parties. As of the date of this memorandum, the Museum and the Drill Hall have supported the proposed installation in principal, subject to Council's approval of the agreement. A response from the Curling Club is pending. This matter will be brought before the Commission provided Council supports the facilities license agreement.

Respectfully submitted,



Tate Bengtson
Chief Administrative Officer

FACILITIES ATTACHMENT LICENSE AGREEMENT

This Facilities Attachment License Agreement (this "**Agreement**") between The City of Enderby (the "**City**") and Shaw Cablesystems Limited ("**Shaw**") outlines the terms agreed to by the parties regarding the granting of access to and use by Shaw of certain City facilities for the purpose of the provision of Shaw's Wi-Fi services.

In consideration of the mutual agreements and promises contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties, Shaw and the City agree as follows:

1. **Grant:** The City hereby consents and grants Shaw a non-exclusive right and license to access and attach in, on or to the City's facilities, including, but not limited to, attaching to, on or within traffic lights, cross walk poles, aerial structures, vehicle and/or public transportation corridors, lands and/or civic buildings owned by or under the direction, control and management of the City (collectively, "**Facilities**"), to install, operate and maintain certain telecommunication devices, cable and related equipment (the "**Work**") used for the purpose of transmission, emission or reception of signs, signals, writings, images, sounds or intelligence of any nature related to Shaw's Wi-Fi services (the "**Purpose**").
2. **Term:** The term of this Agreement shall commence on January 30, 2016 and shall continue for a period of five (5) years (the "**Term**"). Either party may terminate this Agreement if the other party breaches any of its material obligations hereunder and fails to remedy or commence actions to remedy such breach within thirty (30) days of receipt of notice from the non-breaching party.
3. **Work on the Facilities:** Prior to any Work Shaw shall obtain the City's consent for such Work at a particular Facility. Upon Shaw obtaining such consent, Shaw agrees that all Work shall: (a) be carried out in a good, workmanlike and timely manner; (b) not unduly interfere with the Facilities; (c) comply with all applicable construction and safety codes; and (d) be responsible for all of its costs for its Work. Upon completion of the Work Shaw shall restore and repair any damage caused by the Work to the Facilities to the condition in which it existed prior to the Work.
4. **No Interference:** The City shall not alter, remove or access Shaw's Work without Shaw's prior written approval nor shall the City install or permit third parties to make installations of any equipment on or in the Facilities that causes interference with the Work without Shaw's prior written consent. The City agrees that upon receipt of notice by Shaw of such interference it shall immediately make or cause to be made such adjustments to such equipment to eliminate the interference. Shaw shall not alter, remove or access any City property or third party property located on Facilities without the City's prior written approval. For the purpose of clarity, neither party is responsible for any interference caused by radio waves or other technologies used by any person at the Facilities where the Work is located.
5. **Indemnity:** Each party (an "**Indemnifying Party**") shall indemnify and save harmless the other party (the "**Indemnified Party**") from and against all actions, causes of action, proceedings, claims and demands brought against the Indemnified Party, for all losses, costs, or expenses incurred by the Indemnified Party, for damage to property, including property of the Indemnified Party or any third party, and for injury to persons incurred by the Indemnified Party, including its employees, servants, agents, and licensees or any third party, caused by, or attributable to, the negligence or willful act or omission of the Indemnifying Party or any of its employees, servants or agents as a result of this Agreement. Neither the City nor Shaw shall

be liable for indirect or consequential losses or damages, or for damages for pure economic loss, howsoever caused or contributed to, in connection with this Agreement or with any of Shaw's Work.

6. Insurance: Shaw shall maintain general liability insurance to protect from claims for damages, personal injury, including death, and for claims from property damages which may arise from the Work. Such insurance limits shall not be less than five million dollars (\$5,000,000.00) for each occurrence and shall add the City as an additional insured.

7. Abandonment: Shaw may abandon its use of part or all of the Facilities at any time during the Term. Shaw will remove any Work it abandons that is installed on Facilities and restore the affected Facility to the same or similar condition as it was at prior to the installation of the Works.

8. Relocation: If at any time during the Term, the City is required to relocate a particular Facility that has Work attached to it, the City shall provide Shaw with no less than ninety (90) calendar days notice. Shaw shall at its cost remove the Work from the affected Facility immediately upon the expiry of the notice period. If Shaw fails to remove such Work, the City may remove the Work and the reasonable costs incurred by the City shall be payable by Shaw. If the affected Facility is moved to a new location Shaw shall be permitted to relocate its Work to the Facility at the new location; or in the alternative if such relocation is not feasible or if the new location is not in the immediate area of the original site, the City will reasonably assist Shaw in finding a suitable alternative location for such Work.

9. In consideration of the grant herein by the City to Shaw, Shaw hereby agrees to offer the general public complimentary guest access to use the Shaw Go WiFi services. Such general public use will be subject to Shaw's Guest Access terms and policies and will be limited to use at each Facility where Shaw has installed and is operating attachment points.

10. Ownership: The City acknowledges that notwithstanding any rule of law or equity to the contrary, all Work installed by Shaw will remain the property of Shaw even though it is attached to the Facilities.

11. Governing Law: This Agreement will be governed by and construed under the laws of the Province of British Columbia. The parties agree to submit any dispute regarding this Agreement to the exclusive jurisdiction of a competent court located within the Province of British Columbia.

12. Binding Agreement: The parties agree that this Agreement and the agreements and understandings set out herein will be binding upon and enforceable against the parties.

ACCEPTED AND AGREED:

SHAW CABLESYSTEMS LIMITED

THE CITY OF ENDERBY

By:

By:

Name/Title:

Name/Title:

Agenda

THE CORPORATION OF THE CITY OF ENDERBY

MEMO

To: Mayor and Council
From: Tate Bengtson, CAO
Date: January 12, 2016
Subject: Fire Department Service Level Policy Statement

RECOMMENDATION

THAT Council adopts the Fire Department Service Level Policy Statement;
AND THAT Council refers the policy to the Shuswap Fire Protection District.

ALTERNATE RECOMMENDATION

THAT Council does not adopt the Fire Department Service Level Policy Statement as presented;
AND THAT Council provides further direction to Staff.

BACKGROUND

The *British Columbia Structure Firefighter Competency and Training Playbook* ("the *Playbook*") was designed to ensure that appropriate minimum levels of training are established which will make firefighters effective and safe on the fire ground in an attainable manner. The *Playbook* establishes a process under which training requirements are explicitly linked to the level of service being provided. A copy of the *Playbook* has been circulated to Council under separate cover.

On or prior to June 30, 2016, authorities with jurisdictional responsibilities over fire departments in BC, such as the City of Enderby, must adopt a policy statement establishing a service level. Service levels are fundamentally divided into external (defensive) and internal (offensive) fire suppression activities. Internal fire suppression activities involve a different set of risks than external fire suppression activities and require additional training. The Enderby & District Fire Department has historically provided both external and internal fire suppression services.

Throughout 2015, several discussions of the appropriate service level have occurred particularly between the Chief Administrative Officer and the Fire Chief. Both share in recommending to Council that it endorses a Service Level Policy Statement of both External and Internal Operations. The attached policy reflects this recommendation. It also addresses several of the consequential or ancillary aspects of this policy position.

Related to this discussion has been the following analysis required to support the proposed Service Level Policy Statement:

- 1) Needs analysis;
- 2) Supplier analysis;
- 3) Cost analysis; and
- 4) Commitment from firefighters.

Each of the above items have been completed. Item 1 was completed by the CAO, Fire Chief and Training Officer. Item 2 was completed by the CAO and Fire Chief, which confirmed that the Fire Training Centre was capable of supplying the required training in accordance with timeline requirements. Item 3 was completed by the CAO, Fire Chief, Chief Financial Officer, and a manager of the Fire Training Centre. The estimated cost of training required to support the recommended Service Level Policy Statement is \$31,000. The Fire Department's training budget was \$18,500 for 2015. The difference can be allocated from the department's special projects fund for 2016 such that there is no significant tax increase associated with the training.

Item 4 was completed by the Fire Chief and is the most critical item. Without commitment by our firefighters – volunteers – who are dedicated to pursuing this training, the other undertakings are of no consequence. During a recent department meeting at which the Fire Chief polled the members, he received strong support and commitment for pursuing this training in order to deliver both external and internal fire suppression services in Enderby and the Shuswap Fire Protection District.

Beyond the training mentioned above, one of the most critical requirements involves obtaining pre-incident plans for complex structures in order to provide internal fire suppression services. The following statement from the Office of the Fire Commissioner explains the necessity:

Interior Level operations are restricted to simple structures, and isolated more complex ones with an existing, documented and comprehensive pre-incident plan that has been trained to and practiced by all members who would make entry.

As described in the policy, the authority to determine a complex structure is delegated to the Fire Chief so that implementation of pre-incident plan requirements for complex structures may proceed in a timely fashion.

Given the foregoing, Staff recommends that Council adopts the Service Level Policy Statement in advance, with an effective date of June 30, 2016. This will provide sufficient policy direction for Staff and Fire Department leadership to proceed with implementation.

Respectfully submitted,



Tate Bengtson
Chief Administrative Officer

Policy Title	Fire Department Service Level Policy Statement
Policy Number	

Effective Date	Adopted by	Replaces
June 30, 2016		N/A

PURPOSE: To adopt a service level for response to structure fires by the Enderby & District Fire Department.

POLICY: The Enderby & District Fire Department will possess the competencies required to respond to a structure fire using both external and internal fire suppression activities.

The Fire Department will ensure that its Operational Guidelines, Procedures, and Standard Operating Procedures are consistent with the service level specified in this policy.

This service level will be achieved by ensuring that all firefighters who will be engaged in structural fire suppression activities are trained to the following minimum standards:

- 1) To the Exterior Firefighter Competencies as specified in the *BC Fire Service Minimum Training Standards: Structure Firefighters Competency and Training Playbook* (“the *Playbook*”) for all firefighters who will only be performing external fire suppression activities;
- 2) To the Interior Firefighter Competencies as specified in the *Playbook* for all firefighters who will be performing internal fire suppression activities in addition to external fire suppression activities;
- 3) To the Team Leader Exterior & Interior Competencies as specified in the *Playbook* for all Team Leaders; and
- 4) To the Risk Management Officer Competencies as specified in the *Playbook* for all Risk Management Officers.

The External Service Level shall apply to any external fire attack activity as well as interior attacks of simple structures without, or without the potential of developing, an Immediately Dangerous to Life or Health (IDLH) atmosphere.

In the event that an IDLH atmosphere develops or the environment or structure becomes compromised in any way, those firefighters who only perform external fire suppression activities must withdraw to the exterior and combat the situation from the outside.

The Internal Service Level shall apply to any internal fire attack activity involving a simple structure, such as a vehicle, single family dwelling, or other small structure.

The Internal Service Level shall also apply to complex buildings for which a pre-incident plan has been reviewed and accepted by the Fire Chief or designate in the previous twenty-four (24) months, or earlier when there is a material change to the hazards or other matters that may affect an emergency response service to the property. Council delegates to the Fire Chief or designate the responsibility for determining whether a building or other structure is complex and consequentially requires a pre-incident plan. In the event that a current pre-incident plan acceptable to the Fire Chief or designate is unavailable for a complex building, firefighters shall only perform external fire attack activities.

Internal Operations will only be conducted when the necessary resources have been assembled to safely facilitate internal fire suppression activities. In the event that there are insufficient resources for internal fire suppression activities, only External Operations will be conducted.

All activities must be conducted in accordance with WorksafeBC Occupational Health and Safety requirements.

THE CORPORATION OF THE CITY OF ENDERBY

MEMO

To: Mayor and Council
From: Tate Bengtson, CAO
Date: January 12, 2016
Subject: Interior Health Tobacco Cessation Project

RECOMMENDATION

THAT Council indicates whether it wishes to explore, in conjunction with Interior Health's Healthy Communities initiative, community support for a tobacco bylaw for the City of Enderby.

BACKGROUND

An Interior Health Community Health Facilitator recently approached City staff about implementing a tobacco cessation project. The goal of the project would be to first understand if there is community support for a tobacco bylaw applying to specified outdoor spaces under the jurisdiction of the City, and then consider matching that support with an implementation program. The labour involved in the project would largely be completed by the Union of British Columbia Okanagan nursing students.

Should Council indicate it wishes to explore community support for a tobacco bylaw for the City of Enderby, this matter should also be referred to the Enderby & District Services Commission for information. While the exploratory stage will not materially impact Commission spaces, ongoing dialogue and opportunity for comment will ensure that all parties with an administrative responsibility involving public spaces in Enderby are united behind any strategies that emerge.

Respectfully submitted,



Tate Bengtson
Chief Administrative Officer

Tate Bengtson

From: Osborne, Tanya [Tanya.Osborne@interiorhealth.ca]
Sent: January-11-16 1:22 PM
To: 'Kurt Inglis'; Tate Bengtson
Subject: Tobacco Cessation Project
Attachments: Smoke Free Bylaws Factsheet for Local Governments December 2015 Final.pdf

Contacts: Kurt Inglis

Hi Kurt & Tate,
Happy 2016! I hope you both had a nice holiday season and a well-deserved break.

I was wondering if the City of Enderby would be interested in working with the Canadian Cancer Society, UBCO and IH on a tobacco cessation project. The goal of the project would be to create and present to council the idea of a comprehensive tobacco bylaw (one that exceeds provincial standards) for the City of Enderby. See information sheet attached.

We are wanting to replicate the work previously done with the Village of Lumby and formulate a template that we can then roll out to even more communities. I am not sure how much you know about what was done in Lumby, but a basic overview of the project is this:

An informal partnership was organized between the Village, Canadian Cancer Society, Interior Health and UBCO: 3rd year nursing students started working within the community to educate and advocate for a comprehensive tobacco bylaw. The nursing students engaged with both high school and elementary school students. Tobacco cessation presentations were given in the schools, surveys on youth tobacco ideologies were conducted and interviews occurred with youth. All this information was gathered and used to help inform council on the importance of creating a comprehensive tobacco bylaw.

While we know each community is different and will have different response rates; in Lumby, we found that 71% of the high school population were in support of a "Smoke-Free Lumby (i.e. no smoking in public areas like parks and sidewalks)". This information helped make a strong case for passing the bylaw. Nursing students presented their findings to Council and asked for a comprehensive tobacco bylaw to be created; it passed last year.

The only cost to the Village was the in-kind time that Tom provided to help support the nursing students.

Would this be something that the City of Enderby may be interested in exploring?

I look forward to hearing back from you.

Tanya Osborne

Community Health Facilitator

Population Health

Interior Health

Office Phone: 250-868-7873

Cell phone: 778-214-0674



Smoke Free Outdoor Public Places

Benefits of Smoke Free Bylaws:

- Support smoke free living where your residents live, work and play
- Help to renormalize tobacco use, making it less likely that youth will start smoking, and supporting current smokers who want to cut down or quit
- Lessen the environmental impact of forest fires, toxic litter and risks to wildlife
- Are one of the most effective means of reducing tobacco use and exposure to second hand smoke in your community
- Are supported by both smokers and non-smokers

What to Consider:

- Second hand smoke is a “class A” carcinogen: there is no safe level of exposure even in outdoor settings
- In the absence of a provincial ban on smoking in outdoor public places, we encourage local governments to protect their residents and take a leadership role by adopting a comprehensive smoke free bylaw
- There are over 40 municipalities in BC with smoking restrictions that go beyond the *Tobacco Control Act* (which bans smoking in indoor public places and workplaces)

Areas where other communities have prohibited smoking:

- Municipal areas: playgrounds, parks, beaches, city squares, sports and entertainment venues, playing fields, trails and outdoor markets
- Customer service areas (outdoor patios) at restaurants and bars
- At airports or hospital buildings

Tobacco use for traditional ceremonial purposes should be exempt from smoking restrictions

Other communities have found that compliance has not been burdensome for bylaw enforcement

Partner with Interior Health and other Health Organizations:

- Work with your health authority, the Canadian Cancer Society, BC Cancer Agency and other health organizations to improve the health of your citizens. We assist local governments to develop Smoke free Bylaws, and can share what has worked in other communities.

Beyond Bylaws – Helping People Quit:

- Call Health Link BC at 8-1-1 and ask about help to quit
or go directly to:
- QuitNow Services at www.quitnow.ca – support to quit by phone, online, live chat or text
- BC Smoking Cessation Program – free nicotine replacement or coverage for quit smoking prescription medications: www.health.gov.bc.ca/pharmacare/stop-smoking/



Interior Health

Every person matters

Need more information? Contact: tobacco@interiorhealth.ca

What has been done in other communities?

Smoke Free Outdoors, the Woodstock Experience: this short video chronicles the experience of Woodstock Ont., where a smoke free outdoor bylaw was implemented in 2008:

www.city.woodstock.on.ca/index.php?option=com_content&view=article&id=341&Itemid=465

British Columbia Legislation: Tobacco Control Act 2008

Smoking is prohibited within 3 m of any doorway, open window or air intake of a public place or workplace, as well as on school property. In addition, smoking is now prohibited in private vehicles with children under the age of 16 (*Motor Vehicle Amendment Act, 2008*), and in foster care homes and cars (*Smoke-Free Environment Policy, Ministry of Children & Family Development, 2008*). Smoking is permitted on patios provided they are not fully or substantially enclosed.

Join the leaders in your area: smoke free outdoor bylaws are currently under consideration in Logan Lake, Rossland, Kimberley and Lake Country.

Existing Bylaws: the following describe how each bylaw provision exceeds the BC Tobacco Control Act

Kamloops (New) 2015 Amendment to Parks Regulation Bylaw No. 35-66 Prohibits smoking and vaping (e-cigarettes in all parks and on civic building properties.

Williams Lake (New) 2015 Bylaw No. 2227 Prohibits smoking and use of e-cigarettes and waterpipes at Sports and Recreational fields and facilities, transit shelters/stops, beaches and at outdoor events.

Sicamous Bylaw No. 393, 2000 Amending Bylaw No. 801, 2010. Revised bylaw prohibits smoking in River Front Nature Trail Park, Sicamous Beach Park, Beach area Tecumseh Road, Beach area Cartier Road, and all designated children's play areas.

Princeton (New) Town of Princeton Smoke Free Outdoor Places Bylaw No. 904, 2015 Prohibits smoking in any public place, park, playground, playing field, splash park, skate or bike park or trail. Also includes specific locations by name.

Osoyoos Bylaw No. 1278, 2011 Parks & Community Facilities

16 May 2011 Broad definition of smoking includes "other smoking material or equipment." Smoking prohibited in parks and on trails, except in designated smoking areas that have been approved by the Town for special events only.

Penticton Bylaw number 87-15, 2013. Prohibits outdoor smoking at municipal parks, playgrounds, sports and recreation fields, beaches, trails, or other outdoor public space owned by the city and listed in Appendix A to the bylaw.

December 1, 2015



Interior Health

Every person matters

Summerland (New) Outdoor Smoking Regulation Bylaw No. 2015-020. No Person may smoke outdoors on any Park, Swimming Beach, Walkway owned and occupied by the District, or on Property upon which is located a Facility operated by the District, whether or not a "No Smoking" sign is posted.

Kelowna Bylaw No. 10680 Revised March 30, 2015 Parks and Public Spaces Bylaw

Prohibits smoking and use of e-cigarettes and waterpipes in parks, playgrounds, splash pads and wading pools, Sports and Recreational fields and facilities, transit shelters/stops, beaches, Municipal Property and trails. Kelowna Smoke Free Parks

Kelowna Bylaw No. 5980-86, Clean Indoor Air and Smoking Regulation Bylaw

23 July 2007 Smoking prohibited within 10 m of any entrance or exit to the Kelowna International Airport main terminal building.

Regional District of Central Okanagan Regional Parks Bylaw Regulation No. 1106, 2005

11 April 2005 Smoking prohibited in parks: "No person shall carry or have in his possession a burning cigarette, cigar or a pipe containing burning tobacco or other smoking material in any manner within a regional park." (This does not apply to city parks within the Regional District unless specified in the bylaws of the municipality in question.)

Lumby (New) Village of Lumby Parks and Public Places amendment Bylaw No. 772, 2015. Smoking is prohibited on the Salmon Trail, within 3 metres of bus stops, in any park or green space including playgrounds, playing fields, spray park, pool, skate and/or bike park or trail. Notwithstanding this prohibition, the traditional use of tobacco in Aboriginal ceremonies in parks is permitted. E-cigarettes are prohibited by smoking definition.

Salmon Arm Bylaw No. 3954, 2013. Smoking prohibited in playgrounds, splash pads and wading pools, parks, Sports and Recreational fields and facilities, beaches and trails.

Revelstoke Bylaw No. 1632, 2013. Smoking and use of waterpipes prohibited in playgrounds, splash pads and wading pools, Sports and Recreational fields and facilities, doorways, air intakes, operable windows, beaches, outdoor events

Nakusp Bylaw No. 623, 2010. Smoking prohibited in playgrounds, splash pads and wading pools, parks, Sports and Recreational fields and facilities and beaches.

Nelson Bylaw No. 2414, Clean Indoor Air Bylaw As far back as 1990, Nelson prohibited smoking of other weeds and substances in all workplaces (list provided in the bylaw), as well as in the entrances of all premises in which smoking is prohibited. There is no specified buffer zone for entrances.



Interior Health

Every person matters

Regional District of Central Kootenay: Bylaw No. 2433, 2015 Resource Recoveries Facilities Regulatory Restricts smoking at waste management transfer station (no further details available)

<http://www.rdck.ca/assets/Services/Waste~and~Recycling/Documents/2433-Resource Recovery Fac Reg.pdf>

Fruitvale Bylaw No. 829, 2011. Smoking prohibited in playgrounds, splash pads and wading pools, parks and Sports and Recreational fields and facilities.

For detailed descriptions of Bylaws visit the Non-Smokers Rights Association Data Base: <http://www.nsra-adnf.ca/cms/smoke-free-laws-database.html>

December 1, 2015

Agenda

THE CORPORATION OF THE CITY OF ENDERBY

MEMO

To: Mayor and Council
From: Tate Bengtson, CAO
Date: January 12, 2016
Subject: Mill Avenue and Belvedere Street Reconstruction Projects Financial Performance

RECOMMENDATION

THAT Council receives and files this memorandum.

BACKGROUND

Mill Avenue east of George Street and Belvedere Street from Cliff Avenue to Mill Avenue were reconstructed in 2014-15. Final costs for the projects are now in and are shown on the attached sheet. Both projects came in under budget, resulting in a net surplus of \$170,958 (all funds). The net surplus is due to the following factors:

- 1) The lowest bid price submitted by the general contractor was lower than anticipated; and
- 2) Change orders and force account costs were contained within the overall contingency amount.

Notwithstanding the overall surplus, the inter-fund allocation has resulted in a deficit to the water fund of \$16,238. This is due to two separate issues where the water line had to be realigned due to conflicts with other utilities and the replacement of several water services along Mill Avenue due to age and condition.

The surplus may be applied to the Cliff Avenue renewal scheduled for 2016 to help offset any associated tax increase, should Council see fit. The application of surplus in this manner will be brought forward as part of budget deliberations. The deficit to the water fund will be recovered from existing surplus within the fund.

Respectfully submitted,



Tate Bengtson
Chief Administrative Officer

City of Enderby
Mill / Belvedere Upgrades
Actual vs Budget

<u>Mill</u>	<u>Project Total</u>
Budget	1,093,419
Actual	928,031
Surplus/(Deficit)	165,388
<u>Belvedere</u>	
Budget	216,024
Actual	210,454
Surplus/(Deficit)	5,570
Total Surplus / (Deficit)	170,958
Fund Allocation:	
General	183,713 *
Sewer	3,483
Water	16,238
Total Surplus / (Deficit)	170,958

- * Amount available for Cliff Avenue project

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: January 12, 2016
Subject: Digital Billboard Sponsorship Renewal for 2016

RECOMMENDATION

THAT Council renews the annual digital billboard sponsorships for the year 2016;

AND THAT Council increases the annual digital billboard sponsorship value for the Enderby Fire Rescue Society from \$3,500 to \$5,000.

BACKGROUND

In response to a high priority strategy identified through the Integrated Community Sustainability Planning process, the City of Enderby purchased and installed a community digital billboard to market community events and programming while also enhancing communication between the City of Enderby, its residents, and tourists.

As per the Digital Billboard Policy, local community groups and sports associations which are registered not-for-profit organizations or charities can apply to Council for an in-kind annual sponsorship which will go towards advertising on the digital billboard. Since the initial installation of the billboard, 23 groups/organizations have received a sponsorship from Council. It is recommended that Council renew the following groups/organizations' annual sponsorships for the year 2016:

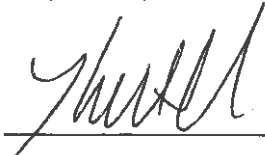
Enderby & District Services Commission	\$10,000
Alzheimer Society of BC	\$8,400
Royal Canadian Legion Branch #98	\$8,400
Enderby & District Curling Club	\$7,000
Enderby Preschool Society	\$5,600
Enderby & Area Early Years Committee	\$5,200
Enderby & District Lions Club	\$5,000
IODE Lambly's Landing Chapter	\$4,900
Enderby & District Arts Council	\$4,200
St. Andrews United Church	\$4,200
Open Air Market	\$3,750
Shuswap Trail Alliance	\$3,500
Enderby Winter Market	\$3,000

Enderby Evangelical Chapel	\$2,800
Enderby Army Cadets	\$2,800
Enderby Artists' Initiative	\$2,100
NexusBC	\$2,100
Enderby & Area Junior Air Rifle Program	\$2,100
Enderby & District Seniors Complex	\$1,400
Enderby & District Garden Club	\$1,400
Anglican Church Women	\$1,000
Enderby in Motion	\$700
Polar Bear Dip	\$700
<hr/>	
TOTAL	\$90,250

The renewal of the annual digital billboard sponsorships will result in the City of Enderby providing local groups/associations with \$90,250 worth of advertising for the marketing of community events and programming throughout 2016, free of charge.

In 2014, the Enderby Fire Rescue Society received a digital billboard sponsorship valued at \$3,500; given that their annual fundraising activities have expanded, they are requesting to increase their annual digital billboard sponsorship value from \$3,500 to \$5,000.

Respectfully Submitted,



Kurt Inglis, Assistant Corporate Officer and Planning Assistant

THE CORPORATION OF THE CITY OF ENDERBY

MEMO

To: Mayor and Council
From: Tate Bengtson, CAO
Date: January 12, 2016
Subject: Vacant Commercial and Industrial Buildings Inspection Program Discussion

RECOMMENDATION

THAT Council directs Staff to proceed with drafting a Vacant Commercial and Industrial Buildings Inspection Policy and amend the City of Enderby Fees and Charges Bylaw to provide a charge for inspections and incidental matters.

ALTERNATE RECOMMENDATION

THAT Council directs Staff not to proceed with the Vacant Commercial and Industrial Buildings Inspection Policy at this time; or

THAT Council provides additional direction.

BACKGROUND

Vacant commercial and industrial buildings have been discussed by Council on numerous occasions. There are a variety of problems or challenges that tend to emerge as a result of the ongoing vacancy of a given commercial or industrial building, notably with respect to firefighting, zoning, and building. These challenges owe, in part, to a gap in the City's existing regulatory regime, which does not provide for the regular inspection of vacant commercial and industrial buildings. While the City has adequate enforcement tools, it lacks a program for the regular verification of compliance with applicable bylaws, codes, statutes, and regulations. Absent a policy decision in favour of regular verification, enforcement is difficult.

The attached discussion brief describes one potential way of approaching the matter by incorporating existing bylaw, regulatory, and statutory powers into a new policy/program. The brief is intended only to provide a general overview of the scope, terms, and procedures of the proposed program for discussion purposes. Provided the brief obtains Council's support in principle, detailed terms of reference will be incorporated into the policy document that Council will ultimately consider for approval.

The brief describes a potential program which would be integrated into the City's existing fire inspection program and funded on a user-pay basis. The vacant building inspection program will help ensure that the owners of commercial and industrial properties are actively taking

responsibility for their properties. The program will provide regular inspections to verify that the property is not in conflict with the standards and regulations associated with public safety, emergency response, building and fire codes, and neighbourhood consistency.

The program would provide common sense, risk-based provisions to ensure that those vacant commercial and industrial properties which represent a relatively low hazard or potential for noncompliance are subject to less frequent inspections.

The program would not confer any new enforcement abilities upon the City; as the existing enforcement tools are adequate, this program only needs to be responsive to the need for regular verification.

Respectfully submitted,



Tate Bengtson
Chief Administrative Officer

Vacant Commercial and Industrial Buildings Inspection Program - Outline for Council Discussion

- Gap:** Enderby's existing Fire Inspection and Business License programs only provide for the inspection of commercial and industrial buildings and structures that are occupied.
- Problems:** Vacant or unoccupied commercial and industrial properties pose a hazard or difficulty due to higher density and reduced building setbacks (firefighting challenges), greater likelihood of absentee owners being unaware of trespass and non-permitted occupancies (firefighting, zoning, and building challenges), increased likelihood of combustibles stored inside in contravention of the fire code (firefighting challenges), and changes in use or structural alterations occurring behind boarded-up windows without the appropriate zoning and building code checks (zoning and building challenges).
- Solution:** Implement a Vacant Commercial and Industrial Buildings Inspection Program and amend the Fees and Charges Bylaw to provide for the inspection of commercial and industrial buildings and structures that are unoccupied or vacant for more than a specified period of time.
- Impact:** The vacant building inspection program will help ensure that the owners of commercial and industrial properties are actively taking responsibility for their properties.
- The program will provide a regular inspection program to verify that the property is not in conflict with the standards and regulations associated with public safety, emergency response, building and fire codes, and neighbourhood consistency.
- Description:** Following a specified period of time since the last occupation, unoccupied commercial and industrial buildings and structures would be subject to regular inspections at sixty day intervals.
- Council could delegate to Staff the ability to increase the interval (and thus decrease the inspection frequency) for properties that are deemed to be low risk. Criteria to determine a low risk property would include a hazard assessment by the inspection team and other contextual matters. For instance, with respect to the latter, if a property were actively being marketed for sale and regularly shown, was adequately secured, and did not contain combustibles, the consequential surveillance, security, and fire prevention measures would be criteria in favour of deeming the property low risk and decreasing the inspection frequency.
- The inspections would verify that the building or structure is consistent with Fire Protection and Zoning Bylaws, as well as consistent with applicable codes and provincial legislation. Where inconsistencies are identified, the property owner would be responsible for addressing the problems.
- Cost:** The costs associated with program delivery would be funded by those properties which are subject to inspection. As the program compliments existing programs, there would be no new fixed costs; the incremental costs would all be variable and recoverable on a

user-pay basis. The fees would be structured to cover costs associated with inspection, administration, and overhead. Any fees unpaid at the end of the year would be added to property taxes as a special charge. There would also be charges for any inspection where the property owner or authorized agent does not attend without providing reasonable notice of cancellation.

Implement: Draft a Vacant Commercial and Industrial Buildings Inspection Policy to authorize program implementation.

Amend the Fees and Charges Bylaw to include a charge for inspections and incidental matters.

Apply consequential amendments to applicable bylaws and policies, if any.

Enforcement: Staff have adequate enforcement tools under the Zoning Bylaw, Fire Protection Bylaw, Building Bylaw, the *Community Charter*, and other statutes and regulations to address ongoing noncompliance. The vacant commercial and industrial buildings inspection program is a verification tool conferring no additional enforcement authority upon staff.

Authority: A Council may, by bylaw, regulate, prohibit, and impose requirements in relation to the health, safety or protection of persons or property, which may include any matter within the scope of the *Fire Services Act*. *Community Charter* sections 8(3)(g) and 63(c) and Fire Protection Bylaw No. 1529, 2013.

A Council may, by bylaw, authorize the municipal fire chief or another person designated by bylaw to enter on property and inspect premises for conditions that may cause a fire, increase the danger of a fire or increase the danger to persons or property from a fire. *Community Charter* section 66(1)(a) and Fire Protection Bylaw No. 1529, 2013.

The Zoning Bylaw provides that an employee appointed by Council to administer the Bylaw may enter at all reasonable times upon any property to ascertain whether the regulations or provisions of the Bylaw have been complied with. Zoning Bylaw No. 1550, 2014 section 101(1).

The Building Bylaw provides authority for a Building Official to enter any land, building, or premises at any reasonable time for the purpose of ascertaining that the terms of the Bylaw are being observed. Building Bylaw No. 1582, 2015 section 402(5).