



REGULAR MEETING OF COUNCIL

AGENDA

DATE: Tuesday, September 6, 2016
TIME: 4:30 p.m.
LOCATION: Council Chambers, Enderby City Hall

1. APPROVAL OF AGENDA

2. ADOPTION OF MINUTES

[Regular Meeting Minutes of August 15, 2016](#)

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3. PUBLIC AND STATUTORY HEARINGS

Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1610, 2016
A bylaw to amend the Official Community Plan to authorize Development Approval Information and to correct several housekeeping items within *Schedule 'B' – Land Use Designation Map and Schedule 'C' – Parks and Transportation Map*.

and

Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1611, 2016

A bylaw to amend Zoning Bylaw to include a new residential zoning designation titled *Residential Multi-Family Low Intensity (R.3-A)*, separate the different permitted uses defined within 'Assembly Use' into the appropriate zones, and provide density bonussing for the *Comprehensive Development – Seniors Housing Zone (CD.1)*.

4. PETITIONS AND DELEGATIONS

5. DEVELOPMENT MATTERS

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

7. BYLAWS – 3rd Reading and Adoption

[Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1610, 2016](#)

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BYLAWS – 3rd Reading

[Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1611, 2016](#)

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BYLAWS – 3 Readings

[Enderby and District Cemetery Regulation Bylaw No. 1515, 2012 Amendment Bylaw No. 1605, 2016](#)

pg 26-29

A bylaw to amend cemetery regulation Bylaw No. 1515, 2012 – Memo from Chief Financial Officer dated August 25, 2016

[Parks, Recreation and Culture Fees Imposition Bylaw No. 1578, 2015 Amendment Bylaw No. 1609, 2016](#)

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A bylaw to amend Parks, Recreation and Fees Imposition Bylaw No. 1578, 2015 – Memo from Chief Financial Officer dated August 25, 2016

BYLAWS – Adoption

[Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1612, 2016](#)

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

8. REPORTS

Mayor and Council

Fire Chief Alstad – verbal report

9. NEW BUSINESS

- a. [Canadian Cancer Society](#) – Correspondence dated August 12, 2016
Re: Expansion of scope of BC’s Tobacco and Vapour Products Control Act to prohibit use in outdoor public places province-wide
pg 37-40
- b. [2017 Permissive Tax Exemptions](#) – Memo from Chief Financial Officer dated August 24, 2017
pg 41-43
- c. [Renewal of Southern Interior Bylaw Notice Dispute Adjudication Registry Agreement Bylaw](#) – Memo from Planner and Assistant Corporate Officer dated September 1, 2016
pg 44-54

10. PUBLIC QUESTION PERIOD

11. CLOSED MEETING RESOLUTION

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

12. ADJOURNMENT

THE CORPORATION OF THE CITY OF ENDERBY

Minutes of a **Regular Meeting** of Council held on Monday, August 15, 2016 at 4:30 p.m. in the Council Chambers of City Hall

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

Chief Administrative Officer – Tate Bengtson
Chief Financial Officer – Jennifer Bellamy
Planner and Assistant Corporate Officer – Kurt Inglis
The Press and Public

APPROVAL OF AGENDA

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

Carried

ADOPTION OF MINUTES

Regular Meeting Minutes of July 18, 2016

Moved by Councillor Schreiner, seconded by Councillor Davyduke that the minutes of the regular meeting of July 18, 2016 be adopted as circulated.

Carried

PETITIONS AND DELEGATIONS

Stephanie Hall, CEO - Okanagan Regional Library

Re: Update on Services and Strategic Directions

- Stephanie Hall provided an overview of the 2015 usage. There were 3,000 cardholders, 45,000 visits and 9,000 internet sessions for the Enderby branch in 2015.
- The ORL is working on a new strategic plan which utilized community surveys and a number of consultations.
- Monica Gaucher (Public Services Manager) provided an overview of the new e-Resources that are available including CELA, Lynda.com and InstantFlix. All that is needed to access the resources is a library card.

BYLAWS – ADOPTION

Public Spaces Bylaw No. 1604, 2016

A bylaw to regulate, prohibit and impose requirements in relation to public spaces

Moved by Councillor Baird, seconded by Councillor Davyduke that Public Spaces Bylaw No. 1604, 2016 be adopted.

Carried

Bylaw Notice Enforcement Bylaw No. 1581, 2015 Amendment Bylaw No. 1606, 2016

A bylaw to amend the bylaw notice enforcement bylaw

Discussion:

- Mayor McCune questioned whether the late fees should be higher to provide an increased incentive. The Planner and Assistant Corporate Officer stated that the late penalty amount included is based on best practice guidelines used by other communities.

Moved by Councillor Case, seconded by Councillor Baird that Bylaw Notice Enforcement Bylaw No. 1581, 2015 Amendment Bylaw No. 1606, 2016 be adopted.

Carried

Municipal Ticketing Information (MTI) System Bylaw No. 1518, 2013 Amendment

Bylaw No. 1607, 2016

A bylaw to amend the MTI System Bylaw

Moved by Councillor Baird, seconded by Councillor Shishido that Municipal Ticketing Information (MTI) System Bylaw No. 1518, 2013 Amendment Bylaw No. 1607, 2016 be adopted.

Carried

BYLAWS – 1st and 2nd Readings

Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1610, 2016 & Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1611, 2016 – Memo from Planner and Assistant Corporate Officer dated August 10, 2016

Discussion:

- The bylaw is based on the discussion paper from the July 18, 2016 meeting.

Moved by Councillor Knust, seconded by Councillor Schreiner that Council gives first reading to Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1610, 2016;

AND THAT after first reading of Official Community Plan Bylaw No. 1549 Amendment Bylaw No. 1610, 2016, Council considers Bylaw No. 1610, 2016 in conjunction with the City's Financial Plan and Regional Solid Waste Management Plan, in accordance with Section 477 of the Local Government Act;

AND THAT Council refers Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1610, 2016 to the North Okanagan-Shuswap School District No. 83 for comment, in accordance with Section 476 of the Local Government Act;

AND THAT Council considers the above referral as appropriate consultation for the purposes of Sections 475 and 476 of the Local Government Act;

AND THAT Council gives second reading to Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1610, 2016 and forwards it to a Public Hearing;

AND THAT Council gives first and second reading to Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1611, 2016 and forwards it to a Public Hearing.

Carried

REPORTS

Councillor Shishido

- The street outlets on Cliff were used during the art festival and work great.

Councillor Baird

- Biked the KVR. Would be great if the line continued on to Enderby. The trail was multi-use and well used.

Mayor McCune

- The City needs to meet with the Chamber and other local business and groups in preparation for Rivers Day.

Chief Administrative Officer

- Hand railing was fixed at the Regency pump station which was brought up at the July 18, 2016 meeting.
- The volleyball court at Tuey Park has been renewed.
- Phase 2 of the Cliff Avenue Project will commence the day after the September long weekend.
- The order has been placed for the oxidation ditch aerator.

July 18, 2016 Public Hearing Report

Moved by Councillor Case, seconded by Councillor Baird that the Public Hearing Report of July 18, 2016 be received and filed.

Carried

Disclosure of Contracts - Council (April - June 30, 2016)

Moved by Councillor Schreiner, seconded by Councillor Knust that the Disclosure of Contracts - Council (April - June 30, 2016) be received and filed.

Carried

June 2016 Financial Report

Moved by Councillor Baird, seconded by Councillor Shishido that the June 2016 Financial Report be received and filed.

Carried

RCMP Quarter 2 Mayor's Report

Discussion:

- Councillor Baird inquired whether it was possible to get a similar report from the Fire Department. The CAO said it can be generated easily and the Fire Chief will be appearing before Council in the fall.

Moved by Councillor Baird, seconded by Councillor Knust that the RCMP Quarter 2 Mayor's Report be received and filed.

Carried

RCMP Victim's Assistance Quarter 2 Activity Report

Moved by Councillor Case, seconded by Councillor Davyduke that the RCMP Victim's Assistance Quarter 2 Activity Report be received and filed.

Carried

Building Permit Detail Report – July 2016

Moved by Councillor Case, seconded by Councillor Shishido that the report be received and filed.

Carried

NEW BUSINESS

Pull-Out North of Enderby Maintenance Costs – Memo from Chief Administrative Officer dated August 8, 2016

Discussion:

- The CAO advised that if the pull-out is decommissioned, the City would need to remove the structure and the Ministry may be able to help supply barricades to restrict access to the area.

Moved by Councillor Baird, seconded by Councillor Schreiner that the North End Pull-Out be decommissioned and the option to share the decommission costs with the parties involved be explored.

Carried

Mobile Vendor at Maud Street Parking Lot – Memo from Planner and Assistant Corporate Officer dated August 9, 2016

Discussion:

- Councillor Schreiner commented that the vendor would add to the ambience of town.
- The Planner and Assistant Corporate Officer advised Council that the difference between mobile vendors and regular businesses is that mobile vendors do not pay property taxes.
- Councillor Baird questioned whether there may be a better area for the vendor, such as near the boat launch.
- Mayor McCune questioned how the Maud Street location would affect the flow of traffic.
- The CAO noted that Phase 2 of the Cliff Avenue project will also be beginning in September.
- The applicant was asked whether he would consider setting up near the boat launch. The applicant responded that there is not enough foot traffic to make it viable.
- Councillor Baird suggested that a vendor fee should be looked at in the future.

Moved by Councillor Schreiner, seconded by Councillor Case that Council grant permission for The Side Wok to operate a mobile vending unit at the Maud Street Parking Lot until October 1, 2016, subject to the applicant obtaining a business license and providing a copy of a valid Interior Health permit, insurance, and other requirements in conformity with the City of Enderby Business License and Regulation Bylaw No. 1558, 2014.

Carried

Mobile Vendor at City Hall Parking Lot – Memo from Planner and Assistant Corporate Officer dated August 10, 2016

Discussion:

- The Planner and Assistant Corporate Officer advised Council that the applicant had contacted him after submitting her request, and would like to rescind the request to set up at Belvedere Park as an alternate location.
- Setting up at the City Hall parking lot would interfere with the Open Air Farmers Market. Maybe a better location would be the lot across from the D&E or at Barnes Park by the muzebo.
- The Planner and Assistant Corporate Officer advised that the applicant is looking for a temporary space for this year but will be looking at a permanent space in the future, which would likely require a temporary use permit.

Moved by Councillor Schreiner and seconded by Councillor Case that Council does not grant permission for Nikki Schalin to operate a mobile vending unit in the City Hall parking lot;

Carried

Opposed: Councillors Knust and Shishido

Moved by Councillor Case and seconded by Councillor Schreiner that Nikki Schalin be granted permission to operate a mobile vending unit on the City boulevard on King Street by Barnes Park.

Carried

Moved by Councillor Knust and seconded by Councillor Davyduke that bylaw enforcement be directed to ensure that the private contractor's road-building equipment stored on the City boulevard on King Street be removed from the area.

Carried

Water Rates – Hemodialysis – Memo from Planner and Assistant Corporate Officer dated August 9, 2016

Moved by Councillor Knust and seconded by Councillor Schreiner that Council authorizes Staff to amend the Fees and Charges Bylaw to incorporate a metered rate for home hemodialysis of \$0.50/m³.

Carried

PUBLIC QUESTION PERIOD

None.

CLOSED MEETING RESOLUTION

Moved by Councillor Shishido, seconded by Councillor Case 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) (k) of the *Community Charter*.

Carried

ADJOURNMENT

The regular meeting reconvened at 6:37 p.m.

Moved by Councillor Shishido, seconded by Councillor Case that the meeting adjourn at 6:37 p.m.

Carried

MAYOR

CHIEF ADMINISTRATIVE OFFICER

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1610

A BYLAW TO AMEND THE CITY OF ENDERBY OFFICIAL COMMUNITY PLAN BYLAW NO.
1549, 2014 AND AMENDMENTS THERETO

WHEREAS pursuant to Section 472 of the Local Government Act, Council may adopt one or more official community plans;

AND WHEREAS the said official community plan shall be prepared in accordance with Section 473 of the Local Government Act;

AND WHEREAS the said official community plan may include policy and context statements in accordance with Section 474 of the Local Government Act;

AND WHEREAS the said official community plan may be expressed in maps, plans, reports, or any combination thereof;

AND WHEREAS the Corporation of the City of Enderby has determined to make an amendment to the "City of Enderby Official Community Plan Bylaw No. 1549, 2014".

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

CITATION

1. This Bylaw may be cited as the "City of Enderby Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1610, 2016".

AMENDMENTS

2. Amend Official Community Plan Bylaw No. 1549, 2014 by removing item 3.
3. Amend Official Community Plan Bylaw No. 1549, 2014 by adding items 3 and 4 as follows, and renumbering accordingly:
 3. Council authorizes the revision of Official Community Plan Bylaw No. 1549, 2014 in accordance with the revisions authorized pursuant to Section 1(2) of *Bylaw Revision Regulation 367/2003*.
 4. The Official Community Plan, as revised under a Revision Bylaw, shall be brought before the Council for consideration of first, second and third readings and adoption in accordance with Part 5 of City of Enderby

Council Procedure Bylaw No. 1506, 2012, as amended from time to time, except that before third reading, the Corporate Officer must certify that the proposed revised bylaw has been revised in accordance with Section 3 of *Bylaw Revision Regulation 367/2003*.

4. Amend Schedule "A" of the Official Community Plan Bylaw No. 1549, 2014 by adding 'Section 23 - Development Approval Information' as follows:

SECTION 23 - DEVELOPMENT APPROVAL INFORMATION

23.1 *The entirety of the City of Enderby is designated as an area for which development approval information may be required.*

23.2 *The Chief Administrative Officer, or designate, may require development approval information pursuant to Section 486 of the Local Government Act. Development approval information will be required when the available information is inadequate to determine the impact of a development upon transportation patterns or flows, infrastructure demands, public facilities, community services, the natural environment, and exposure to hazards or potential hazards, among other conditions. Development approval information will be used to assist the City in determining conditions or requirements to be imposed on the development.*

5. Schedule "B" of Official Community Plan Bylaw No. 1549, 2014 is deleted and Schedule "A" attached to and forming part of this bylaw is substituted therefore.
6. Schedule "C" of Official Community Plan Bylaw No. 1549, 2014 is deleted and Schedule "B" attached to and forming part of this bylaw is substituted therefore.

READ a FIRST time this 15th day of August, 2016.

READ a SECOND time this 15th day of August, 2016.

Advertised on the day of , 2016 and the day of , 2016, and a Public Hearing held pursuant to the provisions of Section 464 of the Local Government Act on the day of , 2016.

READ a THIRD time this day of , 2016.

ADOPTED this day of , 2016.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1611

A BYLAW TO AMEND THE CITY OF ENDERBY ZONING BYLAW NO. 1550, 2014 AND
AMENDMENTS THERETO

WHEREAS pursuant to Section 479 of the *Local Government Act*, Council of the City of Enderby may, by bylaw, divide the whole or part of the City of Enderby into zones, name each zone, establish boundaries for the zones and regulate uses within those zones;

AND WHEREAS Council has created zones, named each zone, established boundaries for those zones and regulated uses within those zones by Bylaw No. 1550, cited as "The Corporation of the City of Enderby Zoning Bylaw No. 1550, 2014";

WHEREAS Council of the City of Enderby has determined to make an amendment to "The Corporation of the City of Enderby Zoning Bylaw No. 1550, 2014";

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

CITATION

1. This bylaw may be cited as the "City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1611, 2016".

AMENDMENTS

2. Amend Zoning Bylaw No. 1550, 2014 by adding items 4 and 5 as follows, and renumbering accordingly:
 4. Council authorizes the revision of Zoning Bylaw No. 1550, 2014 in accordance with the revisions authorized pursuant to Section 1(2) of *Bylaw Revision Regulation 367/2003*.
 5. The Zoning Bylaw, as revised under a Revision Bylaw, shall be brought before the Council for consideration of first, second and third readings and adoption in accordance with Part 5 of City of Enderby Council Procedure Bylaw No. 1506, 2012, as amended from time to time, except that before third reading, the Corporate Officer must certify that the proposed revised bylaw has been revised in accordance with Section 3 of *Bylaw Revision Regulation 367/2003*.
3. Amend Division Two - Interpretation of Schedule "A" of Zoning Bylaw No. 1550, 2014 by removing the definition of 'Assembly Use'.
4. Amend Division Two - Interpretation of Schedule "A" of Zoning Bylaw No. 1550, 2014 by replacing the definition of 'Dog Kennel' as follows:

KENNELS means premises used for the business of boarding, breeding, buying or selling of dogs, cats or other domesticated animals excluding livestock.

5. Amend Division Two - Interpretation of Schedule "A" of Zoning Bylaw No. 1550, 2014 by adding the definition of 'Supportive Housing' as follows:

SUPPORTIVE HOUSING means housing for low-income seniors who need assistance in order to live independently.

6. Amend Division Four - Commercial Zones (C.1) of Schedule "A" of Zoning Bylaw No. 1550, 2014 by replacing Section 401.1 as follows:

401 General Commercial Zone (C.1)

1. Permitted Uses of Land, Buildings, and Structures:

The following uses and no others shall be permitted in the General Commercial Zone (C.1):

- a. Accessory buildings and structures
- b. Accommodation including apartments, dwelling units, hotels and motels subject to the provisions of Sections 401.11.d and 401.11.e
- c. Civic use
- d. Auditoriums, youth centres, and social halls
- e. Educational facilities and professional studios including art studios, business colleges, dance studios, music studios, photography studios, radio studios, television studios, and trade schools
- f. Entertainment and recreation facilities including arcades, billiard halls, bowling alleys, cabarets, fraternal lodges, health spas, museums, neighbourhood pubs, night clubs, social clubs, sport clubs, sports facilities, and theatres
- g. Food service including bakeries, butcher shops, caterers, coffee shops, dairy bars, fish shops, and restaurants (excluding drive-through restaurants)
- h. Office and commerce facilities accommodating appraisers, architects, banks, bookkeepers, brokers, chartered accountants, credit unions, dentists, dental labs, doctors, engineers, finance companies, funeral homes, insurance agents, lawyers, management companies; massage therapy clinics, medical offices, labs, and clinics; mortuaries, newspapers, notaries, publishers, real estate agents, surveyors, travel agents, and veterinarians
- i. Public service use
- j. Retail sales (including parts and accessories) of appliances, automobile parts and accessories (new), beverages, bicycles, books, candy, clothing, computers, draperies, drugs, electronic equipment,

fabric, flowers, food (including meat and fish), fruit, furniture, garden supplies, glass, gifts, groceries, hardware, hobby equipment, jewellery, liquor, medical supplies, musical supplies, novelties, office equipment and supplies, optical supplies, paint, pets, pet food, photographic supplies, plants, produce, sporting goods (including rental), stationery, tools and small equipment, toys, and watches

- k. Service and repair including animal beauty parlours, appliance repair, automobile rental, barber shops, beverage container recycling and collection depot, costume rental, dry cleaners, hairdressers, interior decorators, laundromats, locksmith shops, optical shops, shoe repair, tailor shops, video rental shops, and watch repair shops
- l. Transportation facilities including commercial parking lots and garages, passenger transportation depots, and taxi dispatch offices.

6. Amend Division Four - Commercial Zones (C.1) of Schedule "A" of Zoning Bylaw No. 1550, 2014 by replacing Section 401.9 as follows:

9. Off-Street Parking:

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule "B" of this bylaw and the number of parking spaces required to be provided on all lots shall be determined by the use or uses being carried out on such lots from time to time except as provided in section 901.5 of this bylaw.

Where section 901.5 does not apply, parking is required to be provided on lots lying within the Downtown Designated Parking Area designated on Schedule "H" this bylaw. The number of spaces required for such use may be reduced by the number of off-street parking spaces for which a fee of \$3,500.00 per parking space is paid to the City.

7. Amend Division Four - Commercial Zones (C.2) of Schedule "A" of Zoning Bylaw No. 1550, 2014 by replacing Section 402.1 as follows:

402 Highway and Tourist Commercial Zone (C.2)

1. Permitted Uses of Land, Buildings, and Structures:

The following uses and no others shall be permitted in the Highway and Tourist Commercial Zone (C.2):

- a. Accessory buildings and structures
- b. Accommodation including apartments, dwelling units, hotels and motels subject to the provisions of Sections 402.11.c and 402.11.g
- c. Civic and public service use
- d. Auditoriums, youth centres, and social halls

- e. Food service including coffee shops, dairy bars, restaurants, bakeries, butcher shops, caterers, and fish shops
 - f. Retail sales and service for: automobiles, farm equipment, boats, mobile homes, trucks, recreation vehicles, motorcycles, and sporting goods; also included is the rental of the aforementioned items
 - g. Retail sales including servicing where applicable: confectionery stores, flowers, fruit, plants, produce, nurseries, green houses, tire shops, wine and beer shops, appliances, beverages, bicycles, electronic equipment, furniture, garden supplies, glass, hardware, paint, pets, pet food, plants, animal beauty parlours, bakery shops, hairdressers, locksmith shops, optical shops, shoe repair, tailor shops, and watch repair
 - h. Service - repair and rental: service stations, garages for automobile service and repairs, mini storage facilities, car washes, petroleum distribution, costume rentals, and video rentals
 - i. Transportation facilities including commercial parking lots, passenger transportation depots, taxi dispatch offices, and weigh scales
 - j. Retail sales of beer, wine and liquor
 - k. Educational facilities and professional studios including art studios, business colleges, dance studios, music studios, photography studios, radio studios, television studios, and trade schools
 - l. Entertainment and recreation facilities including arcades, billiard halls, bowling alleys, drive-in clubs, sports clubs, and sports facilities
 - m. Office and commerce facilities and accommodations for engineers, funeral homes, land surveyors, management companies, mortuaries, newspapers, publishing, real estate, surveyors, veterinarians, massage therapy clinics, dentists, doctors, and any other professional office
8. Amend Division Four - Commercial Zones (C.4) of Schedule "A" of Zoning Bylaw No. 1550, 2014 by replacing Section 403.1 as follows:

403 Service Commercial Zone (C.4)

1. Permitted Uses of Land, Buildings, and Structures:

The following uses and no others shall be permitted in the Service Commercial Zone (C.4):

- a. Accessory buildings and structures

- b. Accommodation including one (1) dwelling unit for the owner, operator, or employee of the principal and permitted use subject to the provisions of Section 403.11.d
- c. Civic use
- d. Auditoriums, youth centres, and social halls
- e. Educational facilities and professional studios including art studios, business colleges, dance studios, music studios, photography studios, radio studios, television studios, and trade schools
- f. Entertainment and recreation facilities including arcades, billiard halls, bowling alleys, drive-in theatres, fraternal lodges, health spas, social clubs, sports clubs, and sports facilities
- g. Food service including bakeries, butcher shops, caterers, coffee shops, dairy bars, fish shops, and restaurants
- h. Office and commerce facilities accommodating doctors, engineers, funeral homes, land surveyors, management companies, mortuaries, newspapers, publishing, real estate, surveyors, and veterinarians
- i. Public service use
- j. Retail sales (including parts and accessories) of appliances, automobiles (including service), beverages (excluding liquor), bicycles, boats (including service), building supplies, chemicals, electronic equipment, farm equipment (including service), feed and seed, fertilizers, flowers, furniture, garden supplies, gasoline and motor oil, glass, hardware, irrigation equipment (including service), lumber, mobile homes (including service), motorcycles (including service), paint, pets, pet food, plants, produce, recreation vehicles (including service), sporting goods (including rental), tools and small equipment, and trucks (including service)
- k. Service and repair including animal beauty parlours, appliance repair, auction marts (excluding the auction of livestock), automobile rental, automobile service and repair, barber shops, battery shops, boat service and repair, beverage container recycling and collection depot, car wash, crematoriums, costume rental, dry cleaners, glass shops, greenhouses, hairdressers, hatcheries, laboratories, laundromats, locksmith shops, machine shops contained wholly within a building with no outside storage, mini-storage facilities, nurseries, optical shops, petroleum distribution installations, printing shops, recreation vehicle servicing and rental, service stations, shoe repair, sign shops, tailor shops, taxidermists, tire shops, tools and small equipment servicing and rental, trade contractors' offices (including storage), truck service and repair, truck wash, upholstery shops, video rental shops, watch repair shops, warehousing (wholesale and distribution), and weigh scales

- I. Transportation facilities including commercial parking lots and garages, passenger transportation depots, and taxi dispatch offices.
9. Amend Schedule "A" of Zoning Bylaw No. 1550, 2014 by adding Division Six - Residential Zones (R.3-A) as follows:

604.a Residential Multi-Family Low Intensity Zone (R.3-A)

1. Permitted Uses of Land, Buildings, and Structures:

The following uses and no others shall be permitted in the Residential Multi-Family Low Intensity Zone (R.3-A):

- a. Four family dwellings
- b. Row housing
- c. Three family dwellings
- d. Uses permitted in the R.2 zone

2. Accessory Residential Buildings:

The siting, size, and dimensions of accessory residential buildings and structures shall be in accordance with Section 308.4. of this Bylaw.

3. Buildings Per Lot:

The number of buildings allowed per lot for each of the following uses shall be not more than:

- a. one (1) single family dwelling or one (1) two family dwelling or one (1) three family dwelling or one (1) four family dwelling or one (1) row housing unit; and
- b. Two (2) accessory residential buildings per dwelling unit (one and two family only); and
- c. one (1) accessory residential building per dwelling unit (three and four family only).

4. Floor Area:

- a. The floor area for a single family dwelling or row housing unit shall be not less than 60 m² (645.8 square feet).
- b. The floor area for two, three, and four family dwelling units shall be not less than 60 m² (645.8 square feet) per dwelling unit.

5. Height of Buildings and Structures:

The height of buildings and structures shall not exceed the lesser of 9 m (29.53 feet) or two (2) storeys except where the average natural slope of the lot exceeds five percent (5%), in which case the height of residential dwellings on the downhill side of a road shall not exceed a height of 7 m (22.97 feet) above the centre line of the road immediately adjacent to the centre of the front of the residence and residential dwellings located on the uphill side of the road shall not exceed a height of 7 m (22.97 feet) above the midpoint of the rear property line on which the residence is located. The average natural slope of the lot shall be measured from the lowest point on the lot to the uppermost point on the lot.

6. Lot Area:

Subject to the provisions of Section 1101.2. of this Bylaw, each lot shall have an area of not less than:

- a. 350 m² (3,767 square feet) for single family dwellings; or
- b. 700 m² (7,535 square feet) for two family dwellings; or
- c. 1,000 m² (10,764 square feet) for three family dwellings; or
- d. 1,300 m² (13,993 square feet) for four family dwellings; or
- e. 220 m² (2,368 square feet) for each unit of a row housing development, except that the end unit shall have an area of not less than 330 m² (3,552 square feet); or
- f. 560 m² (6,028 square feet) for convalescent, nursing, and personal care home use.

7. Lot Coverage:

Maximum lot coverage shall be:

- a. Not greater than fifty percent (50%) of the lot area for all buildings and structures for single family and two family dwellings, and together with driveways and parking areas shall not exceed sixty percent (60%).
- b. Not greater than 40% of the lot area for buildings and structures of all other uses.

8. Lot Frontage:

Subject to the provisions of Section 1101.1.a., b., and c. of this Bylaw, each lot shall have a road frontage of not less than:

- a. 12 m (39.37 feet) for single family dwellings; or

- b. 23 m (75.46 feet) for two family dwellings; or
- c. 30 m (98.42 feet) for three and four family dwellings; or
- d. 7.5 m (24.61 feet) for each unit of a row housing development, except that the end unit shall have a road frontage of not less than 11 m (36.09 feet); or
- e. 18 m (59.05 feet) for convalescent, nursing, and personal care homes.

9. Off-Street Parking:

Off-street parking shall be provided and maintained in accordance with the provisions of Schedule "B" of this Bylaw and the number of parking spaces required to be provided on a lot or lots, shall be determined by the use or uses being carried on such lot or lots from time to time.

10. Setbacks: [Subject to the special building line setback provisions of Section 308.5. of this Bylaw]

a. Exterior Side Yard:

An exterior side yard free of all buildings and structures shall, where applicable, be provided with a depth of not less than 5 m (16.40 feet).

b. Front Yard:

A front yard free of buildings and structures shall be provided with a depth of not less than 6 m (19.68 feet).

c. Other Buildings:

Buildings shall not be sited within 3 m (9.842 feet) of any other building.

d. Rear Yard:

A rear yard free of buildings and structures shall be provided with a depth of not less than 6 m (19.68 feet).

e. Side Yards:

Side yards free of buildings and structures shall be provided with a width of not less than:

- i. 4 m (13.12 feet) for four family dwellings and the outside wall of the end unit of a row housing project; or
- ii. 8 m (26.25 feet) for convalescent, nursing, and personal care home use; or

- iii. 1.2 m (3.94 feet) for all other uses except that a two family dwelling shall be allowed to straddle a property line provided that the property line coincides with the party wall and provided that all other requirements of this Bylaw are met.

f. Water Bodies:

Flood Construction Levels and Floodplain Setbacks of building and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule "G" of this bylaw.

11. Other Requirements

- a. A restricted agricultural use shall not be permitted on lots smaller than 1 ha (2.471 acres).
- b. A convalescent, nursing, and personal care home use shall be in conformity with the regulations of the Community Care and Assisted Living Act, (SBC 2004).
- c. A row housing development shall be designed in such a manner so as to stagger each pair of dwelling units, with a minimum of 1 m (3.281 feet) offset.
- d. Each dwelling unit contained in a row housing project shall be provided with a rear yard having access to a lane.
- e. Each row housing structure shall contain a minimum of four (4) and a maximum of eight (8) side-by-side family dwelling units.
- f. Screening shall be provided in accordance with the requirements of Section 309 of this Bylaw.
- g. The maximum permitted gross density shall not exceed forty-one (41 units) per hectare (16.59 units per acre).

10. Amend Division Six - Residential Zones (R.3) of Schedule "A" of Zoning Bylaw No. 1550, 2014 by replacing Section 604.1 as follows:

604 Residential Multi-Family Medium Intensity Zone (R.3)

1. Permitted Uses of Land, Buildings, and Structures:

The following uses and no others shall be permitted in the Residential Multi-Family Medium Intensity Zone (R.3):

- a. Apartment and multi-family residential subject to the provisions of Section 604.11.b. of this Bylaw
- b. Adult retirement housing

- c. Uses permitted in the R.3-A zone

11. Amend Division Seven - Rural Zones (C.R) of Schedule "A" of Zoning Bylaw No. 1550, 2014 by replacing Section 701.1 as follows:

701 Country Residential Zone (C.R.)

1. Permitted Uses of Land, Buildings, and Structures:

The following uses and no others shall be permitted in the Country Residential Zone (C.R.):

- a. Accessory buildings and structures
- b. Accessory employee residential use subject to the provisions of Section 701.10.b. of this Bylaw
- c. Accessory produce and fruit sales
- d. Civic and public service use
- e. Boarding, lodging, or rooming houses
- f. Convalescent, nursing, and personal care homes
- g. Intensive agricultural use subject to the provisions of Section 701.10.a. of this Bylaw
- h. Limited agricultural use
- i. Mobile homes
- j. Single family dwellings
- k. Two family dwellings
- l. Secondary suites subject to the provisions of Section 701.10.g
- m. Bed and breakfasts
- n. Kennels

12. Amend Division Seven - Rural Zones (C.R) of Schedule "A" of Zoning Bylaw No. 1550, 2014 by replacing Section 701.9 as follows:

- 9. Setbacks: [Subject to the special building line setback provisions of Section 308.5. of this Bylaw]
 - a. Exterior Side Yard:

An exterior side yard free of buildings and structures shall, where applicable, be provided with a depth of not less than:

- i. 30 m (98.42 feet) for limited agricultural use and kennels; or
- ii. 60 m (196.8 feet) for intensive agricultural use, feed lots, and piggeries; or
- iii. 200 m (656.2 feet) for intensive agricultural use (excluding feed lots and piggeries) where the use is to be established adjacent to an existing Residential zone; or
- iv. 400 m (1,312 feet) for feed lots and piggeries where the use is to be established adjacent to an existing Residential zone; or
- v. 12 m (39.37 feet) for all other uses.

b. Front Yard:

A front yard free of buildings and structures shall, where applicable, be provided with a depth of not less than:

- i. 30 m (98.42 feet) for limited agricultural use and kennels; or
- ii. 60 m (196.8 feet) for intensive agricultural use, feed lots, and piggeries; or
- iii. 200 m (656.2 feet) for intensive agricultural use (excluding feed lots and piggeries) where the use is to be established adjacent to an existing Residential zone; or
- iv. 400 m (1,312 feet) for feed lots and piggeries where the use is to be established adjacent to an existing Residential zone; or
- v. 12 m (39.37 feet) for all other uses.

c. Other Buildings:

Buildings shall not be sited within 3 m (9.842 feet) of any other building, except that:

- i. buildings for kennels and limited agricultural use involving the keeping of animals shall not be sited within 30 m (98.42 feet) of any existing residential dwelling not sited on the farm unit; and
- ii. buildings for intensive agricultural use shall not be sited within 60 m (196.8 feet) of any existing residential dwelling not sited on the farm unit; and
- iii. feed lots and piggeries shall not be established within 100 m (328.1 feet) of any existing residential dwelling not sited on the farm unit.

d. Rear Yard:

A rear yard free of buildings and structures shall be provided with a depth of not less than:

- i. 30 m (98.42 feet) for kennels and limited agricultural use involving the keeping of animals where the use is to be established adjacent to an existing Residential zone; or
- ii. 60 m (196.8 feet) for intensive agricultural use, feed lots, and piggeries; or
- iii. 200 m (656.2 feet) for intensive agricultural use (excluding feed lots and piggeries) where the use is to be established adjacent to an existing Residential zone; or
- iv. 400 m (1,312 feet) for feed lots and piggeries where the use is to be established adjacent to an existing Residential zone; or
- v. 8 m (26.25 feet) for all other uses.

e. Side Yards:

Side yards free of buildings and structures shall be provided with a width of not less than:

- i. 30 m (98.42 feet) for kennels and limited agricultural use involving the keeping of animals where the use is to be established adjacent to an existing Residential zone; or
- ii. 60 m (196.8 feet) for intensive agricultural use, feed lots, and piggeries; or
- iii. 200 m (656.2 feet) for intensive agricultural use (excluding feed lots and piggeries) where the use is to be established adjacent to an existing Residential zone; or
- iv. 400 m (1,312 feet) for feed lots and piggeries where the use is to be established adjacent to an existing Residential zone; or
- v. 3 m (9.842 feet) for all other uses.

f. Water Bodies:

Flood Construction Levels and Floodplain Setbacks of building and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule "G" of this bylaw.

13. Amend Division Eight - Special Use Zone (S.1) of Schedule "A" of Zoning Bylaw No. 1550, 2014 by replacing Section 801.1 as follows:

801 Assembly, Civic, And Public Service Zone (S.1)

1. Permitted Uses of Land, Buildings, and Structures:

The following uses and no others shall be permitted in the Assembly, Civic, and Public Service Zone (S.1):

- a. Accessory buildings and structures
- b. Campgrounds and one (1) dwelling unit for the owner, operator, or employee of the principal and permitted use subject to the provisions of Section 801.9.a
- c. Churches, auditoriums, youth centres, social halls, group camps, private schools, kindergartens, play schools, day nurseries, day care schools and other uses providing for the assembly of persons for religious, charitable, philanthropic, cultural, recreational, or private educational purposes
- d. Civic use
- e. Entertainment and recreation facilities including arcades, billiard halls, bowling alleys, drive-in theatres, golf courses and driving ranges, health spas, marinas, museums, outdoor entertainment, amusement and recreation facilities, ski hills, sports clubs, sports facilities, theatres, tourist amusement facilities, theme parks, and zoos
- f. Hospitals and medical professional use including dentist and doctor's offices
- g. Public service use
- h. Retail sales of sporting goods (including rental) accessory to the principal and permitted use
- i. Food concessions
- j. Arts and crafts sales

14. Amend Division Eight - Special Use Zone (CD.1) of Schedule "A" of Zoning Bylaw No. 1550, 2014 by replacing Section 802.5 as follows:

5. Lot Coverage:

Lot coverage shall not be greater than fifty (50%) percent of the lot area for all buildings and structures.

15. Amend Division Eight - Special Use Zone (CD.1) of Schedule "A" of Zoning Bylaw No. 1550, 2014 by adding Section 802.9.e and 802.9.f as follows:

- e. A maximum of 15% of the total allowable dwelling units for a seniors housing use shall be permitted without being included in the density calculation (density bonusing), where at least 15% of the dwelling units associated with a seniors housing use are supportive housing units.
- f. Density bonusing shall be subject to the property owner entering into a Housing Agreement with the City of Enderby as per Section 483 of the Local Government Act.

READ a FIRST time this 15th day of August, 2016.

READ a SECOND time this 15th day of August, 2016.

Advertised on the day of , 2016 and the day of , 2016, and a Public Hearing held pursuant to the provisions of Section 464 of the Local Government Act on the day of , 2016.

READ a THIRD time this day of , 2016.

APPROVED pursuant to Section 52(3)(a) of the Transportation Act this day of , 2016.

Senior District Development Technician
Ministry of Transportation

ADOPTED this day of , 2016.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

THE CORPORATION OF THE CITY OF ENDERBY

Agenda

MEMO

To: Tate Bengtson, CAO
From: Jennifer Bellamy, CFO
Date: August 25, 2016
Subject: Cemetery Regulation Bylaw - Memorials

Recommendation

THAT Council give first, second, and third readings of the bylaw cited as "Enderby & District Cemetery Regulation Bylaw No. 1515, 2012 Amendment Bylaw No. 1605, 2016".

Background

The Enderby & District Cemetery Regulation Bylaw prescribes the maximum measurements for memorials and bases in the Cemetery. These measurements are in place, not only to provide for spacing in between each plot, but to ensure memorials do not overlap onto adjacent plots.

Recently, a contractor for one of the funeral homes installed a memorial and base that exceeded the size requirements in the bylaw. The funeral home has been notified of the error and the memorial and base will be reinstalled properly. This is not the first time the City has had to make the request, which adds administrative burden and disrupts cemetery operations. To help deter this from happening in the future, the following bylaw amendment is proposed:

The Caretaker retains the right to remove any memorial and base installed that does not meet the specifications set out in this bylaw. The memorial and base will be reinstalled by the Caretaker once the applicable fees as set out in Schedule "C" have been paid.

The Memorial Reinstallation fee provided for in Schedule "C" is based on the costs to have the City's Public Works crew reinstall the memorial and base to bylaw specification.

Note that the option of requiring all memorial installations to be done by the City was explored; however, this is not permitted under the Cremation, Interment and Funeral Services Act.

The attached bylaw was approved by the Enderby & District Services Commission on August 24, 2016.

Respectfully submitted,


Jennifer Bellamy
Chief Financial Officer

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1605

A BYLAW TO AMEND CEMETERY REGULATION BYLAW NO. 1515

WHEREAS Council of the City of Enderby has adopted "City of Enderby Cemetery Regulation Bylaw No. 1515, 2012";

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

1. This bylaw may be cited as the "Enderby & District Cemetery Regulation Bylaw No. 1515, 2012 Amendment Bylaw No. 1605, 2016".
2. Section 11 of Bylaw No. 1515, 2012 is amended by adding the following:

11 (10) The Caretaker retains the right to remove any memorial and base installed that does not meet the specifications set out in this bylaw. The memorial and base will be reinstalled by the Caretaker once the applicable fees as set out in Schedule "C" have been paid.
3. Schedule "C" of "Enderby & District Cemetery Regulation Bylaw No. 1515, 2012" is deleted and Schedule "C" attached to and forming part of this bylaw is substituted therefore.

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

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

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

RECONSIDERED and ADOPTED this _____ day of _____, 2016.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

Schedule "C" attached to and forming part of
 Enderby & District Cemetery Regulation
 Bylaw No. 1615, 2012 Amendment Bylaw No. 1605, 2016

CLIFFSIDE CEMETERY
SCHEDULE "C"
Fee Schedule

	Lot Fees				Care Fund Portion					Total Fees				
	Effective Jan 1 2014	Effective Jan 1 2015	Effective Jan 1 2016	Effective Jan 1 2017	Effective Jan 1 2014	Effective Jan 1 2015	Effective Jan 1 2016	Effective Jan 1 2017	Effective Jan 1 2014	Effective Jan 1 2015	Effective Jan 1 2016	Effective Jan 1 2017		
CEMETERY LOTS														
Adult														
(Resident)	278.10	282.00	308.80	321.85	82.70	97.35	102.20	107.30	370.80	389.35	408.80	429.25		
(Non Resident)	401.40	409.40	417.60	426.85	158.05	159.20	182.40	185.85	557.45	588.80	580.00	591.80		
Child/Infant (up to 12 years)														
(Resident)	189.80	199.10	208.05	219.50	63.20	66.35	69.85	73.15	252.80	265.45	278.70	292.65		
(Non Resident)	281.30	287.15	303.10	308.15	87.90	89.65	91.45	93.30	379.20	388.80	394.55	402.45		
Cremated Remains														
(Resident)	134.80	141.55	148.85	158.10	44.95	47.20	49.55	52.00	179.75	188.75	198.20	208.10		
(Non Resident)	218.50	222.85	227.30	231.85	72.85	74.30	75.80	77.30	291.35	297.15	303.10	308.15		

CEMETERY SERVICES

Interment Services (Opening & Closing)

	Effective Jan 1 2014	Effective Jan 1 2015	Effective Jan 1 2016	Effective Jan 1 2017
Adult	442.20	451.05	460.05	469.25
Child/Infant	260.10	265.30	270.60	278.00
Cremated Remains (Regular)	208.10	212.25	218.50	228.85
Cremated Remains (if covered with concrete)	312.10	318.35	324.70	331.20
Deeper Depth to Permit Second Burial In Same Grave (additional cost)	171.85	176.10	178.80	182.15
Premium/Overline Charges	At cost	At cost	At cost	At cost

SCHEDULE "C" - Continued

	Effective Jan 1 2014	Effective Jan 1 2015	Effective Jan 1 2016	Effective Jan 1 2017
Exhumation / Disinterment Services				
Adult	850.00	850.00	850.00	850.00
Child/Infant	500.00	500.00	500.00	500.00
Cremated Remains (Regular)	400.00	400.00	400.00	400.00
Cremated Remains (if covered with concrete)	600.00	600.00	600.00	600.00
Premium/Overtime Charges	At cost	At cost	At cost	At cost
Memorial Installation				
Care Fund Contribution	26.00	26.50	27.05	27.60
Memorial Reinstallation	NA	NA	80.00	81.50
-Supplies/Materials	At cost	At cost	At cost	At cost
SUPPLIES				
Grave Liner (Regular)	At cost	At cost	At cost	At cost
Grave Liner (Special - Small or Oversized)	At cost	At cost	At cost	At cost
Ornament Vault	At cost	At cost	At cost	At cost
SUNDRY				
Transfer of Right of Interment	26.00	26.50	27.05	27.60
Cancellation of Right of Interment	26.00	26.50	27.05	27.60
TAXES				
Provincial and Federal Taxes as legislated				

Agenda

THE CORPORATION OF THE CITY OF ENDERBY

MEMO

To: Tate Bengtson, CAO
From: Jennifer Bellamy, CFO
Date: August 25, 2016
Subject: Parks, Recreation and Culture Fees Bylaw

Recommendation

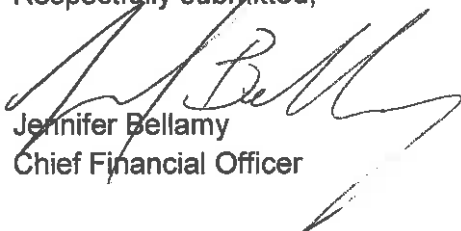
THAT Council give first, second, and third readings of the bylaw cited as "The Corporation of the City of Enderby Parks, Recreation and Culture Fees Imposition Bylaw No. 1578, 2015 Amendment Bylaw No. 1609, 2016".

Background

Currently the only arena fee for schools included in the parks, recreation and culture fees bylaw is for School District #83, in which the fees are determined per a joint use agreement. In order to provide an affordable rate for other school groups, staff recommend adding a school group rate for schools not covered under a joint use agreement to the fees bylaw. The rate would be \$46.00 per hour, which is consistent with the rate previously charged to school groups before the joint use agreements were in place.

Attached is the revised bylaw as approved by the Enderby & District Services Commission on August 24, 2016.

Respectfully submitted,


Jennifer Bellamy
Chief Financial Officer

**THE CORPORATON OF THE CITY OF ENDERBY
BYLAW No. 1609**

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. 1609, 2016".
2. Schedule "B" of "The Corporation of the City of Enderby Parks, Recreation and Culture Fees Imposition Bylaw No. 1578, 2015" is deleted and Schedule "B" attached to and forming part of this bylaw is substituted therefore.

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 "B" – ARENA FEES

Ice (per hour unless otherwise indicated)	
Adult – rental	154.00
Youth and Preschool – rental	85.00
Senior – rental	111.00
Non Prime – rental	40.00
Parent & Tot or Youth – Drop-In	2.00
Adult or Senior – Drop-In	5.00
Skating lesson – 30 minutes x 8 sessions	60.00
Skating lesson – 45 minutes x 8 sessions	75.00
Birthday Package	105.00
SD #83	JOINT USE AGREEMENT
ALF Hockey Academy	JOINT USE AGREEMENT
Public Skate	FREE
School Groups - not covered through Joint Use Agreement	46.00
Summer Ice	\$9,975* / week
Dry Floor (per hour unless otherwise indicated)	
Adult	60.00
Youth	28.00
Senior	31.00
Parent & Tot or Youth – Drop-In	2.00
Adult or Senior – Drop in	5.00
Non-Profit (per day)	624.00
Commercial (per day)	1,248.00
SD #83	JOINT USE AGREEMENT

* The Summer Ice fee is based on continuous usage from/to the regular season. For rentals that are not continuous with the regular season, additional costs for installing and removing the ice will be added to the fee. If the arena is to be open for more than eight hours a day, or open for non-consecutive periods in a day, renter will be responsible for additional costs incurred. Summer Ice rentals are subject to availability and staffing resources. Two weeks advance notice must be provided.

Agenda

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1612

A BYLAW TO AMEND FEES AND CHARGES BYLAW NO. 1479, 2010

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

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

1. This bylaw may be cited as the "The City of Enderby Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1612, 2016".
2. Schedule "4" of the "City of Enderby Fees and Charges Bylaw No. 1479, 2010" is hereby deleted and Schedule "4" attached to and forming part of this bylaw is substituted therefore.

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

USER FEES

Metered Rates

	<u>Flat Rate / Period</u>	<u>Consumption Rate / Period</u>
A. Single Family Residential		
Jan-Apr / Sep-Dec	\$ 71.50	\$ 0.50 / m ³ over 40 m ³ to 55 m ³ \$ 1.30 / m ³ over 55 m ³ to 250* m ³
May - Aug	\$ 71.50	\$ 0.50 / m ³ over 85 m ³ to 105 m ³ \$ 1.30 / m ³ over 105 m ³ to 500* m ³
B. Single Family Residential with Legalized Suite		
Jan-Apr / Sep-Dec	\$ 101.85	\$ 0.50 / m ³ over 65 m ³ to 80 m ³ \$ 1.30 / m ³ over 80 m ³ to 337* m ³
May - Aug	\$ 101.85	\$ 0.50 / m ³ over 105 m ³ to 125 m ³ \$ 1.30 / m ³ over 125 m ³ to 675* m ³
C. Strata Residential		
Jan-Apr / Sep-Dec	\$ 56.35	\$ 0.50 / m ³ over 30 m ³ to 40 m ³ \$ 1.30 / m ³ over 40 m ³ to 205* m ³
May - Aug	\$ 56.35	\$ 0.50 / m ³ over 70 m ³ to 80 m ³ \$ 1.30 / m ³ over 80 m ³ to 410* m ³
Irrigation:		
Metered		\$ 1.30 / m ³
Non-metered		\$ 1.30 / m ³ based on estimated volume
D. Multi Family Residential		
Jan-Apr / Sep-Dec	\$ 56.35	\$ 0.50 / m ³ over 30 m ³ to 40 m ³ \$ 1.30 / m ³ over 40 m ³ to 205* m ³
May - Aug	\$ 56.35	\$ 0.50 / m ³ over 70 m ³ to 80 m ³ \$ 1.30 / m ³ over 80 m ³ to 410* m ³
E. Business / Industrial	\$ 32.95	\$ 1.30 / m ³ over 24 m ³ to 60 m ³ \$ 0.50 / m ³ over 60 m ³
F. Business / Industrial with Residential	\$ 49.25	\$ 1.30 / m ³ over 35 m ³ to 60 m ³ \$ 0.50 / m ³ over 60 m ³
G. Institutional / Civic	\$ 32.95	\$ 1.30 / m ³ over 24 m ³ to 60 m ³ \$ 0.50 / m ³ over 60 m ³
Irrigation on separate meter		\$ 0.50 / m ³
H. Agricultural**		

Properties with single family residential		
Jan-Apr / Sep-Dec	\$ 78.00	\$ 0.50 / m ³ over 45 m ³
May - Aug	\$ 78.00	\$ 0.50 / m ³ over 90 m ³
Land only		
Jan-Apr / Sep-Dec		\$ 0.50 / m ³
May - Aug		\$ 0.50 / m ³ Irrigation
I. Home Hemodialysis***		\$ 0.50 / m ³

* Amount to increase by 25 m³ in the Jan - Apr and Sep - Dec periods and by 50 m³ in the May - Aug period each year.

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

*** Rate is subject to the City of Enderby having received a request from Interior Health and confirmation that a water meter has been installed on the patient's home hemodialysis unit to the satisfaction of the City of Enderby.

Non-Metered Rates

- Where metering is not possible, consumption is based on the average usage for the same property class.
- Where metering is possible, but refused, the user fee per period will be based on the maximum chargeable consumption for the corresponding period in addition to the flat rate.
- For properties located out of town, an out of town parcel tax will apply. The parcel tax will be equivalent to the annual frontage tax rate charged consistent with the City of Enderby Water Frontage Tax Bylaw. Each out of town property is deemed to have 100 feet of taxable frontage.

For 2016 the following user fee rebate will be provided for residential properties:

- Single Family Residential\$ 27.63
- Single Family Residential with Legalized Suite.....\$ 38.38
- Strata Residential.....\$ 22.26
- Multi Family Residential.....\$ 22.26

Late Penalty

Where payment is not made on or before the due date established by the Chief Financial Officer for each billing period there shall be payable a penalty of three (3%) percent on the total balance outstanding.

MISC. CHARGES

Connection Charge

Size	Replace Existing Connection	New Connection
19mm	At cost with minimum \$275 charge	At cost with minimum \$275 charge

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

Meter Installation

At cost with deposit of \$900.00

Failure or Refusal to Have a Water Meter Installed

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

Meter Reading Request

Per request \$25.00.

Hydrant Use

Water Usage

Application fee.....	\$50.00
Equipment Rental Fee per day or part thereof	\$30.00
Consumption Charge.....	\$ 1.30/m ³

* Fees shall not apply to a contractor retained by the City for City business.

Supply of Water to Vendors for Resale

Annual charge	\$1,000.00
Volume charge per 4,500 litre	\$2.20

Turn-On Turn-Off

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

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

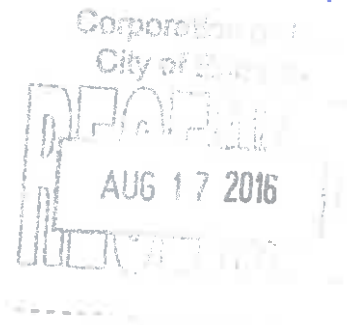


Canadian Cancer Society
Société canadienne du cancer

Agenda

August 12, 2016

His Worship, Mayor McCune of Enderby
619 Cliff Avenue, PO Box 400
Enderby, BC V0E 1V0



Dear Mayor McCune and Enderby Council,

On behalf of the Canadian Cancer Society, BC and Yukon, we recognize the City of Enderby for your interest in smoke and vape-free outdoor public places.

We are writing to invite the City of Enderby to endorse the Society's recommendation that the BC government expand the scope of BC's *Tobacco and Vapour Products Control Act* to prohibit use in outdoor public places province-wide. We recommend that the province prohibit smoking and vaping at patios, parks, playgrounds and beaches, and include guidelines for post-secondary campuses.

We know that many BC municipalities are in favour of amendments to provincial tobacco legislation, as evidenced by the 68 communities currently sheltered with municipal or regional district tobacco bylaws, along with Resolution B92, endorsed by UBCM in 2012. Presently, a report is underway to evaluate the successes, issues and costs associated with BC's tobacco bylaws.

More than 1 million British Columbians in 125 communities do not have bylaws that prohibit smoking in outdoor public places. This patchwork contributes to tobacco-related health inequities; across the province, smoking rates in the various health service delivery areas vary from a low of 8.9% to a high of 33.6%. This exposure differential contributes to both health inequities and a larger provincial economic burden. In BC, the annual economic burden attributed to tobacco is \$2 billion.

In addition to protecting citizens from second-hand smoke exposure, smoke and vape-free outdoor places support people who want to quit smoking and provide positive role modeling for children and youth. A comprehensive provincial policy would help change social norms about tobacco use and provide equitable protection from second-hand smoke and vapour. Effective tobacco control measures save lives, financial resources and are vital to protecting the integrity of BC's healthcare system.

The Society believes that preventing half of all cancers is within our grasp and together we can support the vision to stop cancer before it starts. We ask that you send us your endorsement (found on the back side of this letter) to protect the health of all British Columbians, by October 31, 2016.

Sincerely,

Megan Klitch
Tobacco Lead
Canadian Cancer Society, BC and Yukon

Jenny Byford
Advocacy Lead
Canadian Cancer Society, BC and Yukon



Endorsement of Smoke and Vape-free Outdoor Public Places in BC

Smoke and vape-free outdoor public places legislation would prohibit smoking and vaping in BC’s outdoor public places, including restaurant and bar patios, playgrounds, parks and beaches, with ministry guidelines legislated for post-secondary campuses. “Smoking” would include burning a cigarette or cigar, or burning any substance using a pipe, hookah pipe, lighted smoking device or electronic smoking device, with some exemptions for the ceremonial use of tobacco in relation to traditional aboriginal cultural activities.

- Our community endorses a requirement in British Columbia for smoke and vape-free outdoor public places, as outlined above.

Or

- Our community endorses a requirement in British Columbia for smoke and vape-free outdoor public places, as outlined above, but with the following modifications (please list):

Name of Community: _____

Name of Mayor (or representative): _____

Title: _____

Signature: _____

Date: _____

Name, phone and email for community contact: _____

The names of communities that endorse this policy will be shared with the provincial government and may be used in communications with stakeholders and mass communications. Endorsement letters will be received by Megan Klitch, Tobacco Lead, Canadian Cancer Society, BC and Yukon Division, until October 31, 2016 via fax, email or mail.



PREVENT CANCER THROUGH HEALTHY PUBLIC POLICY

Key Facts

- Tobacco is a major health issue that needs the attention of political leaders.
- Almost 70 BC communities and three-quarters of BC's population are sheltered from tobacco modeling and exposure in outdoor public places. More than one million British Columbians remain unprotected.
- The Union of BC Municipalities supports smoke-free outdoor public places.

Rationale for outdoor smoke and vape-free policy

Protection from second-hand smoke

Secondhand smoke is extremely toxic. Studies of particulate matter have shown that in an outdoor setting, second-hand smoke can be as concentrated as in an indoor setting. Children experience greater impacts from second-hand smoke due to their developing immune and respiratory systems. Every year, more than 800 Canadians who don't smoke die from second-hand smoke exposure.

Increase motivation to quit smoking

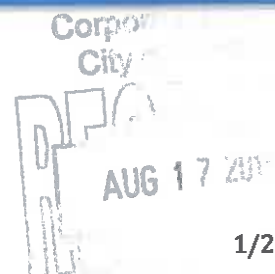
People who smoke tend to respond to restrictions by cutting back or quitting. The majority (85.7%) of British Columbians do not smoke. Of the minority who do smoke, two-thirds want to quit and are looking for tools to help them. Several studies have shown that when smoking bans have been implemented, smokers have chosen to quit or cut back and that smoke-free patio regulations may help former smokers avoid relapse.

Equitable access to clean air for all British Columbians

To date, 68 communities in BC are sheltered by tobacco bylaws with stronger protections than BC's *Tobacco Control Act*. Approximately three quarters of these communities fall within the Lower Mainland and Southern Vancouver Island. Outside of these boundaries, more than 1 million British Columbians in 125 communities, many of which are rural and remote, remain unprotected from tobacco related exposure and role-modelling.

Recommended bylaws prohibit smoking and vaping:

- on restaurant and bar patios
- on city-managed properties: parks, playgrounds, trails, plazas, beaches, playing fields, recreation facilities and venues
- within a buffer zone of 7.5 metres of the above mentioned, as well as the doors, windows and air intakes of public buildings





Positive role modelling

Tobacco use is started and established primarily during adolescence. Since most smokers start before the age of 18, it is important to model healthy behaviours. Youth who do not see adults smoking or vaping will be less likely to view these as normal social behaviors and, thereby, are less likely to start themselves.

Consistency can improve compliance

With universal provincial policy and broad awareness measures, BC residents and tourists will be more aware of smoking restrictions. Research tells us that when people understand what tobacco restrictions are in place and why they have been implemented, they are more likely to comply, and are also more likely to speak up, encouraging others to comply. Evaluations have found that the fear of compliance issues exceeds the actual number of compliance issues that occur.

Canadian precedent

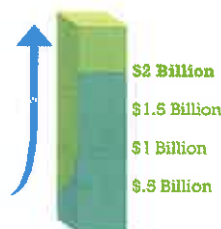
The majority of Canadian provinces and territories ban smoking on bar and restaurant patios and a growing number have recently expanded restrictions to other public outdoor places. Ontario, for example, banned smoking on restaurant/bar patios, playgrounds and sports fields, effective January 1, 2015. Smoking behaviour and exposure to secondhand smoke decreased within the first year of implementation at all affected venues, and compliance was perceived to be moderate to high with variations observed by the type of outdoor venue.

Public Support

A 2013 Angus Reid poll conducted on behalf of the Canadian Cancer Society revealed the following support for smoke-free places policy by British Columbians:

- **Bar and restaurant patios:** 66% of adults and 79% of youth
- **Children’s playgrounds:** 91% of adults and 96% of youth
- **Parks and beaches:** 66% of adults and 80% of youth

Preventable risk factors such as **tobacco use and exposure** cost **\$2 billion** per year in BC.



Agenda

THE CORPORATION OF THE CITY OF ENDERBY

MEMO

To: Tate Bengtson, CAO
From: Jennifer Bellamy, CFO
Date: August 24, 2016
Subject: 2017 Permissive Tax Exemptions

Recommendation:

THAT Council approves providing the properties as listed on Appendix "A" with a permissive tax exemption for 2017;

AND THAT Council refers providing the Chamber of Commerce with a fee-for-service grant equivalent to the value of the permissive exemption for 112 Kildonan Avenue to the 2017 budget deliberations.

Background:

At the July 18, 2016 meeting, Council referred the 2017 permissive tax exemption applications to the Finance Portfolio for review. Council also directed the Finance Portfolio to keep the exemptions within 5% of the annual municipal levy requisition, per the Permissive Tax Exemption Policy.

Appendix "A" is a listing of the properties for which the Finance Portfolio recommends providing a permissive tax exemption in 2017, along with the estimated amount of taxes that would be covered by the tax payers.

Below is a summary of the recommendations of the Finance Portfolio:

- **Returning Applicants:**
 - Continue providing the returning applicants with a permissive exemption, with the exception of 104 Meadow Crescent (Enderby Evangelical Chapel) and 112 Kildonan Avenue (Riverside Park Campground).
 - 104 Meadow Crescent - This property is bare land and the Chapel has notified the City that the property is not used for any purpose; therefore, the property no longer qualifies for an exemption.
 - 112 Kildonan Avenue - This is the property occupied by the Chamber of Commerce for the Riverside RV Park. As there are specific requirements in the City-Chamber Agreement for which the revenues from the RV Park are to be used for, it would be more appropriate to provide the value of the tax exemption to the Chamber in the form of a fee-for-service grant rather than a tax exemption.
- **New Applicants:**
 - 654412 BC Ltd (Okanagan Regional Library) - Currently the ORL pays for its property taxes with funds received from its requisition, which is a formula based on a combination of population and property assessments. This allows for the

costs of the branch to be allocated between the City taxpayers and Area F taxpayers. If the City chooses to provide the ORL with a tax exemption, these costs would then be borne by only City taxpayers. It is recommended that the ORL is not provided with a tax exemption as the current system provides a fairer way of distributing the costs between the City and Area F.

- o Seventh-day Adventist Church - This is the property located at 703 Vernon Street that is leased by the Church. The original 2016 property taxes for the property totaled \$6,364.49; however, the Church recently began using the property as a place of worship, in which staff worked with BC Assessment on behalf of the Church to have the property reclassified to assembly use, which has resulted in a reduction of \$2,996.15 to the 2016 taxes. This amount will need to be made up by the remaining tax payers. For 2017, this amounts to a 0.2% taxation increase and if the full property is provided an exemption, the increase required would be 0.5%. To reduce the impact to the remaining tax payers and to provide an exemption consistent with what other Churches are provided, an exemption for the land that would have otherwise been subject to a permissive exemption should be granted. This would amount to an exemption equal to 50% of the land value (estimated at \$412 for 2017).
- o Enderby & District Care Society (Twice but Nice) - This property is assessed as both residential and commercial. Depending on the use of the residential portion of the property, it may not qualify for an exemption. The Society also provides a lot of financial support to other groups and individuals. If the savings from the exemption is used to increase the amount of the support provided to other groups, the Society does not qualify for an exemption, as per Council Policy. Exemptions are provided specifically to successful applicants to help fund the operations of those applicants, not to be redistributed to other groups and individuals. Also note that the Society does have the financial ability to fund its portion of property taxes. It is recommended that the Society is not provided with a tax exemption.

By supporting the above recommendations, there will be no tax increase required for 2017 to provide the exemptions.

Once Council approves the list of properties to be provided an exemption, the properties, along with the estimated 2017 taxes, will be advertised before the bylaw is brought forward to Council. The permissive tax exemption bylaw must be adopted by October 31, 2016 in order to take effect for 2017.

Respectfully Submitted

Jennifer Bellamy
Chief Financial Officer

APPENDIX "A"

City of Enderby 2017 Permissive Tax Exemptions

Name	Civic Address	Estimated 2017 Taxes
Pioneer Place Society	1104 Belvedere Street	11,427
Enderby & Dist. Senior Citizens Complex	606 Stanley Avenue	1,932
Enderby & Dist. Senior Citizens Complex	1011 George Street	3,385
Enderby Seniors Housing Society	708 Granville	12,235
Enderby Fraternal Hall Society	507 Mill Avenue	1,142
Royal Canadian Legion	909 Belvedere Street	3,620
St. Andrew's United Church - Trustee	606 Regent Avenue	862
St. Andrew's United Church - Trustee	1110 Belvedere Street	590
Enderby Evangelical Chapel	706 Mill Avenue	736
Synod Diocese of Kootenay	602 Knight Avenue	908
Synod Diocese of Kootenay	608 Knight Avenue	445
Enderby Jehovah Witnesses	115 George Street	3,350
Roman Catholic Bishop of Kamloops	1406 George Street	1,181
Imperial Oil - City Hall Parking Lot	907 George Street	2,650
City of Enderby - Drill Hall	208 George Street	4,491
City of Enderby - Drill Hall Parking Lot	206 George Street	1,053
City of Enderby - Drill Hall Parking Lot	204 George Street	1,710
City of Enderby - Museum	903 George Street	5,247
City of Enderby - Info Centre	700 Railway Street	1,689
Seventh-Day Adventist Church	703 Old Vernon Street	412
Total estimated taxes		59,067

THE CORPORATION OF THE CITY OF ENDERBY

MEMO

To: Tate Bengtson, Chief Administrative Officer
From: Kurt Inglis, Planner and Assistant Corporate Officer
Date: September 1, 2016
Subject: Renewal of Southern Interior Bylaw Notice Dispute Adjudication Registry Agreement Bylaw

RECOMMENDATION

THAT Council authorizes the renewal of the Southern Interior Bylaw Notice Dispute Adjudication Registry Agreement Bylaw.

BACKGROUND

In October 2003, the Province of British Columbia enacted the *Local Government Bylaw Notice Enforcement Act* whereby local governments may establish a bylaw dispute adjudication system, more simply known as an adjudication system, which replaces the Provincial Court as the venue for resolving disputes of minor municipal bylaw breaches. The two key components of an adjudication system are a simple “front-end” ticketing process whereby Bylaw Notices are issued, and a locally managed “back-end” venue for a non-judicial adjudicator to hear ticket disputes. The goal of this new adjudication model is to create a simple, fair, and cost-effective system for dealing with minor bylaw infractions. To meet this goal, the adjudication model:

- eliminates the requirement for personal service;
- establishes a dedicated forum for resolving local bylaw enforcement disputes;
- uses a dispute resolution-based approach to obtain independently adjudicated decisions;
- avoids the unnecessary attendance of witnesses;
- avoids the need to hire legal counsel; and
- promotes the timely resolution of bylaw enforcement disputes.

In the fall of 2015, the City of Enderby adopted Bylaw Notice Enforcement Bylaw No. 1581, 2015 which enables the City to enforce its local bylaws through bylaw notices, in conjunction with the *Southern Interior Bylaw Notice Dispute Adjudication Registry* which is one of the central locations for bylaw dispute adjudication in the province. Numerous other Okanagan municipalities and regional districts participate in this bylaw dispute adjudication system including Kelowna, West Kelowna, Penticton, Vernon, Lake Country, Summerland, Peachland, Osoyoos Oliver, Regional District of Central Okanagan, and the Regional District of Okanagan-Similkameen, with the costs of the system being distributed to each member municipality/regional district based on population.

The terms and provisions of the *Southern Interior Bylaw Notice Dispute Adjudication Registry* are framed within the Southern Interior Bylaw Notice Dispute Adjudication Registry Agreement Bylaw which is now being forwarded to all member municipalities/regional districts for renewal.

Respectfully Submitted,



Kurt Inglis
Planner and Assistant Corporate Officer

**SOUTHERN INTERIOR BYLAW NOTICE DISPUTE ADJUDICATION
REGISTRY AGREEMENT BYLAW**

This Agreement, dated ____ day of _____, 2016

BETWEEN:

CITY OF KELOWNA, 1435 Water Street, Kelowna, British Columbia V1Y 1J4
("Kelowna")

AND:

CITY OF PENTICTON, 171 Main Street, Penticton, British Columbia V2A 5A9
("Penticton")

AND:

CITY OF VERNON, 3400 30th Street, Vernon, British Columbia V1T 5E6
("Vernon")

AND:

CITY DISTRICT OF WEST KELOWNA, 2760 Cameron Road, West Kelowna, British Columbia V1Z 2T6
("West Kelowna")

AND:

DISTRICT OF LAKE COUNTRY, 10150 Bottom Wood Lake Road, Lake Country, British Columbia
V4V 2M1
("Lake Country")

AND:

DISTRICT OF SUMMERLAND, 13211 Henry Avenue, Summerland, British Columbia V0H 1Z0
("Summerland")

AND:

DISTRICT OF PEACHLAND, 5806 Beach Avenue, Peachland, British Columbia V0H 1X7
("Peachland")

AND:

REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN, 101 Martin Street, Penticton, British Columbia
V2A 5J9
("RDOS")

AND:

TOWN OF OLIVER, ^{6150 Main}~~35016-97th~~ Street, Oliver, British Columbia V0H 1T0
("Oliver")

AND:

**REGIONAL DISTRICT OF CENTRAL OKANAGAN, 1450 KLO Road, Kelowna, British Columbia V1W 3Z4
("RDCO")**

AND:

**DISTRICT OF COLDSTREAM, 9901 Kalamalka Road, Coldstream, British Columbia, V1B 1L6
("Coldstream")**

AND:

**CITY OF ENDERBY, 619 Cliff Avenue, Enderby, British Columbia V0E 1V0
("Enderby")**

WHEREAS:

- A. The *Local Government Bylaw Enforcement Act* permits local governments to create a bylaw designating certain bylaw contraventions that can be enforced by way of bylaw notice as an alternative to traditional bylaw enforcement mechanisms;
- B. The Act also permits two or more local governments to enter into an agreement, adopted by a bylaw of each local government that is party to it, to provide for the joint administration of a local government bylaw notice dispute adjudication system:
- C. Kelowna, Penticton, Vernon, West Kelowna, Lake Country, Summerland, Peachland, RDOS, Oliver, RDCO, Coldstream and Enderby wish to:
 - a. share the costs and administration of such a system; and
 - b. enter such an agreement to establish such a system, to be called the Southern Interior Bylaw Notice Dispute Adjudication Registry, and to provide for the joint administration of the Registry.

NOW THEREFORE in consideration of the mutual promises contained herein, the Parties agree as follows:

PART I - INTRODUCTORY PROVISIONS

Definitions

- 1. In this Agreement, the following definitions apply:
 - a. "Act" means the Local Government Bylaw Notice Enforcement Act;
 - b. "Adjudication" the process where the disputant and the local government are provided opportunity to present evidence to the adjudicator who will decide whether he or she is satisfied that the contravention occurred as alleged;
 - c. "Adjudication Fee" means the sum of \$25.00 payable to each Party for each adjudication scheduled to be conducted by the Registry;
 - d. "Agreement" means this Agreement;

- e. **“Authorizing Bylaws”** means the bylaws adopted by the Councils/Boards of each the parties authorizing this Agreement;
- f. **“By Law Enforcement Officer”** means a person in a class prescribed under section 273 (c) of the *Community Charter* who is designated by a local government as a bylaw enforcement officer;
- g. **“Committee”** means the Southern Interior Bylaw Notice Dispute Adjudication Registry’s Administrative Committee;
- h. **“Contribution Adjustment Amount”** means, for each Party, the amount calculated in accordance with Section 22 herein in any year of the Term;
- i. **“Contributing Parties”** means all of Penticton, Vernon, West Kelowna, Lake Country, Summerland, Peachland, RDOS, Oliver, RDCO, Coldstream and Enderby, except Kelowna;
- j. **“Parties”** means all of Kelowna, Penticton, Vernon, West Kelowna, Lake Country, Summerland, Peachland, RDOS, Oliver, RDCO, Coldstream and Enderby;
- k. **“Party”** means any one of Kelowna, Penticton, Vernon, West Kelowna, Lake Country, Summerland, Peachland, RDOS, Oliver, RDCO, Coldstream and Enderby;
- l. **“Registry”** means the Southern Interior Bylaw Notice Dispute Adjudication Registry established by this Agreement;
- m. **“Revenues”** means any revenue actually received or estimated to be received, as the case may be, by the Registry, excluding Initial Contributions, Contribution Amounts, or Contribution Adjustment Amounts;
- n. **“Terms”** means the term of this Agreement as set out herein;

Establishment of the Registry

- 2. Subject to the Act and to the adoption of the Authorizing Bylaws, the Parties agree that the Registry is hereby established.

PART II - ADMINISTRATION

- 3. The Parties agree to establish the Committee to implement and administer the Registry.
- 4. The Parties agree that authority of the Committee will include but not be limited to:
 - a. preparing operational budgets; and
 - b. setting policy as authorized under this Agreement and the Act.

Representation

- 5. Each of the Parties will appoint one representative to serve on the Committee. The Parties agree that representatives will be paid employees of their respective local governments and will not be remunerated by the Registry.

PART III - ADJUDICATION

Screening Officers

6. The Parties agree that screening of notices prior to proceeding to adjudication will be established as a function of each Party. Screening officers will be appointed by the individual Party administrative committee.

Bylaw Notice Dispute Adjudication Registry

7. The Parties agree that a dispute adjudication system will be established as a function of the Registry, and that disputes will be heard by a bylaw notice dispute adjudicator in the circumstances prescribed in the Act and Authorizing Bylaws.
8. The Parties agree that the Committee will select a roster of adjudicators who may hear and determine disputes from the provincial roster of adjudicators to be established by the Attorney General of the Province of British Columbia.
9. Adjudicators will be assigned to individual disputes in the manner prescribed by any applicable regulation and policy established by the Committee.

PART IV - OPERATIONS

Location

10. The location of the Registry will be the municipal offices of the City of Kelowna, 1435 Water Street, Kelowna, British Columbia V1Y 1J4.

Administrative Services

11. Kelowna will provide and supervise all administrative services required by the Registry, subject to the following:
 - i. the collection of any fees, fines or penalties levied against an unsuccessful party in the dispute adjudication process will be the responsibility of the relevant municipality if not collected by the Registry immediately following the adjudication; and
 - ii. any penalty arising directly out of the bylaw notice itself may be paid to the relevant Party or to the Registry,and any amounts collected by or paid to the Registry pursuant to 11.i and 11.ii will be credited to the relevant Party's Contribution Adjustment Amount.

Financial Reporting

12. Kelowna will ensure that its Director of Financial Services or the designate will conduct and oversee the financial reporting and record keeping of the Registry based on normal procedure, subject to the requirements outlined herein.

PART V - FINANCIAL PLANNING

Start-up Costs

13. Each Party will be responsible for its own start-up costs.

Budget Year

14. The budget year of the Registry is December 1st to November 30th of each year.

Operating Budget

15. The Parties agree that, no later than September 30th of each year, the Committee will prepare a draft operating budget for the following budget year, setting out in detail the operational funds required by the Registry for the carrying out of its mandate and responsibilities, including
 - a. the estimated operational expenditures for
 - i. office and administration including financial reporting and administrative services;
 - ii. Registry administration travel costs;
 - iii. bylaw dispute adjudicators; and
 - iv. other functions of the Registry;
 - b. the anticipated revenues (if any) of the Registry;
 - c. the difference between estimated revenues and operational expenditures for the Registry; and
 - d. the Contribution Amount required from each of the Parties.

Budget Submissions

16. The Committee will prepare the operating budget in a manner satisfactory to, and in such detail as requested by, the Directors of Finance of each of the Parties, and submit the draft operating budget to the Directors of Finance of each of the Parties each year where required.

Budget Approval and Adjustments

17. The Parties will consider and approve, or recommend amendments to, the Registry's operating budget.
18. The Parties agree that all recommendations by them for adjustments to the Registry's draft operating budget will
 - a. be reasonable and made in good faith; and
 - b. ensure that a reasonable level of service quality can be maintained by the Registry.

Use of Funds

19. The Committee and Kelowna may make only those expenditures during the budget year for the purposes and up to the amounts authorized in the approved operating budget. The Registry (or the Committee or Kelowna on behalf of the Registry) will not incur any other indebtedness or liability, or make any further expenditure, except that:
 - a. Kelowna may make a further reasonable expenditure or contract a further indebtedness or liability that it deems necessary or prudent, subject to a \$1,000 limit; and
 - b. the Committee may
 - i. make a further reasonable expenditure or contract a further indebtedness or liability that it deems necessary or prudent, subject to a \$5,000 limit.
 - ii. re-allocate funds within categories of the operating budget as reasonably required; and
 - iii. make a further expenditure or contract a further indebtedness or liability without limitation if approved in advance by all Parties.

PART VI - COST ALLOCATION

Funding Contributions and Adjustments

20. The Parties agree that costs relating to legal counsel, witnesses, screening officers and bylaw enforcement officers as they pertain to the dispute adjudication process, and to the activities of the Registry more generally, will be borne by the relevant Party which issued the bylaw notice in question and will not be borne by the Registry or by Kelowna on behalf of the Registry.
21. Kelowna will, as soon following the end of a budget year as practical, invoice the parties for their respective Actual Expenditures Contribution where the proportion is calculated on the basis of each Party's population for the budget year in relation to the population of each of the other Parties except the calculation for RDOS and RDCO will exclude incorporated areas.
22. Each of the Contributing Parties will, within 30 days of receipt of its respective Contribution invoice, pay to Kelowna its respective Contribution Amount.

Maintenance of Records

23. The Director of Financial Services of Kelowna will
 - a. exercise the duties and powers of the officer responsible for financial administration as provided in the Community Charter, in maintaining the financial records for the Registry on behalf of the Parties;
 - b. ensure that accounting and payroll records of the Registry are properly prepared and maintained, such records to include payroll, accounts payable, cash receipts and disbursements, accounts receivable, general ledger, subsidiary cost ledger, financial statements and reports and supporting documents to the foregoing;

- c. provide, when possible, any additional financial systems that have been requested by the Committee;
- d. direct employees and officers of the Registry to the extent necessary to ensure that the systems and procedures established for financial controls are in effect and are in accordance with the Community Charter.

Examination of Records

- 24. The Director of Finance of any of the Contributing Parties may, acting reasonably with regard to minimizing the administrative burden on the Kelowna, and no more frequently than once in each year of the Term, conduct audits or examinations to obtain information or determine that adequate financial controls are being maintained for the Registry. Kelowna will cooperate with any reasonable request by any of the Contributing Parties or the Contributing Parties' Director of Finance for access to financial records, user statistics and other information of the Registry.

PART VII - GENERAL PROVISIONS

Insurance

- 25. Kelowna will ensure that the Registry and its activities are covered under Kelowna's general liability policy, and will provide copies of all relevant insurance policies and changes thereto to the Directors of Finance of the Contributing Parties upon request.

Amendments

- 26. The Parties will, in good faith, negotiate any proposed amendment to this Agreement upon request of any Party, all amendments to be in writing and executed by the Parties.

Dispute Resolution

- 27. The Parties will submit any dispute arising out of the interpretation or application of this Agreement:
 - a. first, to the Committee to resolve the dispute;
 - b. second, if the Committee is unable to resolve the dispute within 60 days, to the Chief Administrative Officers of the Parties; and
 - c. third, if the Chief Administrative Officers are unable to resolve the dispute within 60 days, to the Inspector of Municipalities, or at the election of the Parties, to a commercial arbitrator appointed by agreement or, failing agreement, appointed pursuant to the *Commercial Arbitration Act*, for final determination, and the determination of the Inspector or arbitrator as applicable will be final and binding upon the Parties.

Term

- 28. This Agreement comes into effect on January 1, 2016 and continues in effect until December 31, 2020. Any Party may withdraw from this Agreement upon six months' written notice to the other Parties.

IN WITNESS WHEREOF all Parties have executed this Agreement on the date first above written.

THE CITY OF KELOWNA

(Mayor)

(City Clerk)

^{CITY}
THE DISTRICT OF WEST KELOWNA

Donald Finkelstein
(Mayor)

Stacey Path
(City Clerk)

THE DISTRICT OF SUMMERLAND

[Signature]
(Mayor)

[Signature]
(City Clerk)

THE DISTRICT OF LAKE COUNTRY

James Baker
(Mayor)

R Scabrook
(City Clerk)

THE CITY OF PENTICTON

[Signature]
(Mayor)

[Signature]
(City Clerk)

THE DISTRICT OF PEACHLAND

Lindy Ford
(Mayor)

Becky Palmer
(City Clerk)

THE CITY OF VERNON

[Signature]
(Mayor)

[Signature]
(City Clerk)

THE REGIONAL DISTRICT OF OKANAGAN
SIMILKAMEEEN

[Signature]
(Mayor Chair)

Bob Kwanan, CAO
(City Clerk)

THE TOWN OF OLIVER




(Mayor)




(City Clerk)

THE DISTRICT OF COLDSTREAM

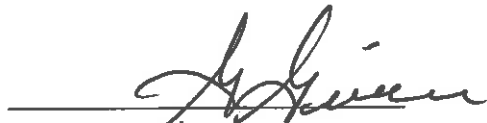


(Mayor)

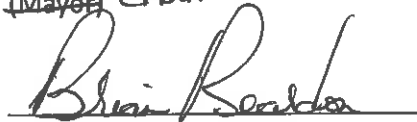


(City Clerk)

THE REGIONAL DISTRICT OF CENTRAL OKANAGAN



(Mayor) Chair



(City Clerk)

THE CITY OF ENDERBY

(Mayor)

(City Clerk)