

REGULAR MEETING OF COUNCIL

AGENDA

DATE: Monday, September 18, 2017
TIME: 4:30 p.m.
LOCATION: Council Chambers, Enderby City Hall

1. APPROVAL OF AGENDA

2. ADOPTION OF MINUTES

[Regular Meeting Minutes of September 5, 2017](#)

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3. PUBLIC AND STATUTORY HEARINGS

4. PETITIONS AND DELEGATIONS

5. DEVELOPMENT MATTERS

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

7. BYLAWS – Adoption

[Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1636, 2017](#)

pg 9-18

A bylaw to amend Zoning Bylaw No. 1550, 2014 with policy for detached suites, short-term rentals, marihuana-related businesses, nuisances in all zones, and minor housekeeping items

[Streets and Traffic Bylaw No. 1471, 2010 Amendment Bylaw No. 1639, 2017](#)

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A bylaw to amend Streets and Traffic Bylaw No. 1471, 2010

[Stormwater Protection and Drainage Regulation Bylaw No. 1640, 2017](#)

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A bylaw to protect stormwater and regulate drainage

8. REPORTS

Mayor and Council

[Public Hearing Notes – September 5, 2017](#)

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[Building Permit Detail Report – August 2017](#)

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9. NEW BUSINESS

- a. [Green Communities Committee](#) – Correspondence dated Sept 1, 2017 pg 35-37
Re: Level 2 Recognition

- b. [Detached Suites Policy](#) – Memo from Planner and Deputy Corporate Officer dated September 13, 2017 pg 38-39
- c. [Proposed Date and Time for 2017 Business Walk](#) – Memo from Planner and Deputy Corporate Officer dated September 13, 2017 pg 40

10. PUBLIC QUESTION PERIOD

11. CLOSED MEETING RESOLUTION

Closed to the public, pursuant to Section 90 (1) (k) and 90 (2) (b) of the *Community Charter*

12. ADJOURNMENT

THE CORPORATION OF THE CITY OF ENDERBY

Minutes of a **Regular Meeting** of Council held on Tuesday, September 5, 2017 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
Recording Secretary – Bettyann Kennedy
The Press and Public

APPROVAL OF AGENDA

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

Carried

ADOPTION OF MINUTES

Regular Meeting Minutes of August 14, 2017

Moved by Councillor Shishido, seconded by Councillor Case that the minutes of the regular meeting of August 14, 2017 be adopted as circulated.

Carried

PUBLIC HEARINGS

The regular meeting gave way to a Public Hearing.

The regular meeting re-convened at 4:33 p.m.

STATUTORY HEARINGS

Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1636, 2017

A bylaw to amend Zoning Bylaw 1550, 2014 with policy for detached suites, short-term vacation rentals, marijuana-related businesses, and minor housekeeping items

A separate written report containing a summary of the nature of the representations respecting the bylaw that were made at the hearing has been prepared and maintained as a public record and certified by the person preparing the report.

Vetter Place Road Closure and Removal of Dedication Bylaw No. 1637, 2017

A bylaw to authorize closure and removal of the dedication as highway on part of undeveloped road commonly known as Vetter Place

There were three calls for the public to make representation regarding the bylaw. There were no speakers.

There were no written submissions.

013-17-DVP-END

Lot 11, Block 12, District Lot 150, Kamloops (formerly Osoyoos) Division Yale District, Plan 211A – 513 Hubert Avenue

Applicant: Tybren Holdings Ltd and Brew Crew Investments Inc C/o Ocana Construction Ltd

The Planner and Deputy Corporate Officer introduced the application and provided a summary of his report.

Members of the public were invited to provide comment. There were no speakers.

BYLAWS – 3rd Reading

Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1636, 2017

A bylaw to amend Zoning Bylaw No. 1550, 2014 with policy for detached suites, short-term vacation rentals, marijuana-related businesses, nuisances in all zones, and minor housekeeping items

Moved by Councillor Case, seconded by Councillor Baird that Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1636, 2017 be given three readings.

Carried

BYLAWS – Adoption

Vetter Place Road Closure and Removal of Dedication Bylaw No. 1637, 2017

A bylaw to authorize closure and removal of the dedication as highway on part of undeveloped road commonly known as Vetter Place

Moved by Councillor Schreiner, seconded by Councillor Shishido that Vetter Place Road Closure and Removal of Dedication Bylaw No. 1637, 2017 be adopted;

AND THAT Council authorize the intended sale of the property (99.8 m²) that was formerly that portion of Vetter Place closed under Bylaw No. 1637, 2017, to the Owner of the property legally described as Lot 6, Section 26, Township 18, Range 9, W6M, KDYD, Plan KAP88729 for \$1.00, for the purposes of consolidation with the legally described property;

AND THAT the Mayor and Corporate Officer be authorized to execute the necessary agreements and documents on behalf of the City;

AND FURTHER THAT pursuant to the Resumption of Highways Regulation, B.C. Reg. 245/2004, the Corporate Officer be authorized to file a certificate in the Land Title Office in order to effect a discharge of the Province's right of resumption for the portion of Vetter Place to be closed under Bylaw No. 1637, 2017.

Carried

BYLAWS – 3 Readings

Intermunicipal Fire Training Centre Service Bylaw No. 1512, 2012 Amendment Bylaw No. 1638, 2017

Moved by Councillor Baird, seconded by Councillor Case that Intermunicipal Fire Training Centre Service Bylaw No. 1512, 2012 Amendment Bylaw No. 1638, 2017 be given three readings;

AND THAT Council authorize the Mayor and Chief Administrative Officer to execute the substituted Schedule ‘A’ substantially as presented.

Carried

Streets and Traffic Bylaw No. 1471, 2010 Amendment Bylaw No. 1639, 2017

Moved by Councillor Knust, seconded by Councillor Baird that Streets and Traffic Bylaw No. 1471, 2010 Amendment Bylaw No. 1639, 2017 be given three readings.

Carried

Stormwater Protection and Drainage Regulation Bylaw No. 1640, 2017

A bylaw to protect stormwater and regulate drainage

Moved by Councillor Schreiner, seconded by Councillor Baird that Stormwater Protection and Drainage Regulation Bylaw No. 1640, 2017 be given three readings.

Carried

The Chief Administrative Officer summarized his written report.

DEVELOPMENT MATTERS

013-17-DVP-END

Lot 11, Block 12, District Lot 150, Kamloops (formerly Osoyoos) Division Yale District, Plan 211A – 513 Hubert Avenue

Applicant: Tybren Holdings Ltd and Brew Crew Investments Inc C/o Ocana Construction Ltd

Moved by Councillor Case, seconded by Councillor Knust that Council authorize the issuance of a Development Variance Permit for the property legally described as Lot 11, Block 12, District Lot 150, Kamloops (formerly Osoyoos) Division Yale District, Plan 211A and located at 513 Hubert Avenue to permit variances to the following Sections of the City of Enderby Zoning Bylaw No. 1550, 2014:

- Section 401.10.d.ii by reducing the minimum side yard setback requirement from 5 m (16.40 feet) to 0.305 m (1 feet), in accordance with the attached Schedule ‘A’;
- Section 901.2.a of Schedule ‘B’ by reducing the minimum size of parking spaces from 6 m (19.68 feet) in length and 2.8 m (9.186 feet) in width to 4.8 m (15.75 feet) in length and 2.69 m (8.83 feet) in width, in accordance with the attached Schedule ‘A’;
- Section 901.2.a of Schedule ‘B’ by reducing the minimum size of *small car* parking spaces from 5.2 m (17.06 feet) in length and 2.3 m (7.546 feet) in width to 4.8 m (15.75

feet) in length and 2.286 m (7.5 feet) in width, in accordance with the attached Schedule 'A';

- Section 901.2.c of Schedule 'B' by permitting vehicles to back out onto a highway from a parking area, in accordance with the attached Schedule 'A'; and
- Section 901.3 of Schedule 'B' by reducing the number of required spaces from 20 to 18, in accordance with the attached Schedule 'A',

Subject to the owners providing a sworn affirmation which indemnifies and saves harmless the City of Enderby against all claims, liabilities, judgements, costs, and expenses of whatever kind, which may in any way accrue against the said City in consequence of, and incidental to, the issuance of the aforementioned Development Variance Permit.

Carried

REPORTS

Mayor McCune

Mayor McCune commented on the tree that came down in the last windstorm on High Street between Knight and Regent Avenues. The Chief Administrative Officer reported that the tree is on City property and that there is someone willing to remove the tree for the wood. This is being delayed until further rainfall occurs due to the extreme wildfire risk.

Councillor Knust

FACT – the new HUT is now completed and will be delivered soon. The HUT did well again this year. There will be a fall harvest celebration in October.

IHA food policies for Canada are being released. Mel Arnold, MP will be making an announcement soon.

Chief Administrative Officer

The Salmon Arm Drive project is on target.

June 2017 Financial Report – Memo from Chief Financial Officer dated August 10, 2017

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

Carried

NEW BUSINESS

Appointment of Barry Gagnon as Signatory for Banking – Memo from Chief Financial Officer dated August 11, 2017

Moved by Councillor Knust, seconded by Councillor Davyduke that Barry Gagnon, Acting Chief Financial Officer, be added as a signatory for the General, Cemetery Care Fund, and Cemetery Donations Accounts in the name of The Corporation of the City of Enderby currently held at Enderby and District Financial.

Carried

2018 Permissive Tax Exemptions – Memo from Chief Financial Officer dated August 16, 2017

Moved by Councillor Knust, seconded by Councillor Shishido that Council approve the properties on the circulated Appendix ‘A’ with a permissive tax exemption for 2018.

Carried

Rural Economic Development Program Consensus Matrix – Memo from Planner and Deputy Corporate Officer dated August 23, 2017

Moved by Councillor Baird, seconded by Councillor Case that Council expresses its interest in exploring the following economic development activities as described on Table 1 of the *Consensus Matrix – Rural Economic Development Program Service Establishment* correspondence from the Planning Department of the Regional District of North Okanagan: Business Retention and Expansion, Workforce Development, Regional Collaboration, and Economic Development Planning;

AND THAT Council reserves comment regarding the form and financing of a Rural Economic Development Function until such time as the activities, structure, and costs of such a function have been elaborated;

AND FURTHER THAT Council include this matter in its Economic Development Portfolio.

Carried

UBCM – Correspondence dated August 25, 2017

Re: Strategic Wildfire Prevention Initiative – Approval of Community Wildfire Protection Plan / Update Application

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

Carried

PUBLIC QUESTION PERIOD

None.

CLOSED MEETING RESOLUTION

Moved by Councillor Case, seconded by Councillor Baird that, pursuant to Section 92 of the *Community Charter*, the regular meeting convene In-Camera to deal with matters deemed closed to the public in accordance with Section 90 (2) (b) of the *Community Charter*.

Carried

ADJOURNMENT

The regular meeting reconvened at 5:50 p.m.

Moved by Councillor Baird, seconded by Councillor Shishido that the regular meeting adjourn at 5:50 p.m.

Carried

MAYOR

CHIEF ADMINISTRATIVE OFFICER

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1636

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. 1636, 2017".

AMENDMENTS

2. Amend Division Two - Interpretation of Schedule "A" of Zoning Bylaw No. 1550, 2014 by adding the definition of 'Marihuana-Related Business', 'Detached Secondary Suite', and 'Short-Term Vacation Rental' as follows:

MARIHUANA-RELATED BUSINESS means a business, not-for-profit, charity, cooperative, shared economy venture, or other entity which uses a premises for the consumption, display, storage, sale, trade or other exchange of marihuana or marihuana-containing products, including but not limited to dispensaries and compassion clubs.

DETACHED SECONDARY SUITE means a dwelling unit with a maximum floor area of 90 square meters (968.8 square feet) that is contained within a building which is accessory to a single family dwelling, and shall not include a mobile home, travel trailer, recreational vehicle, or a storage container, but specifically includes manufactured homes.

SHORT-TERM VACATION RENTAL means the rental of a dwelling unit to tourists or the vacationing public, provided that the provision of such accommodation does not constitute a tenancy pursuant to the Residential Tenancy Act.

3. Amend Division Two - Interpretation of Schedule "A" of Zoning Bylaw No. 1550, 2014 by replacing the definition of 'Secondary Suite' with the following:

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

4. Amend Schedule "A" of Zoning Bylaw No. 1550, 2014 by replacing all references to 'Secondary Suite' with 'Attached Secondary Suite'.
5. Amend Division Three - General Regulations of Schedule "A" of Zoning Bylaw No. 1550, 2014 by adding Section 307.3.g and 307.3.h as follows:

The following uses shall be prohibited in all zones:

- g. Short-Term Vacation Rentals.
 - h. Nothing shall be done which is or will become an annoyance or nuisance to the surrounding areas by reason of unsightliness, the emission of odours, liquid effluence, dust, fumes, smoke, vibration, noise or glare; nor shall anything be done which creates or causes a health, fire, explosion or other hazard, electrical interference, or undue traffic congestion.
6. Amend Division Three - General Regulations of Schedule "A" of Zoning Bylaw No. 1550, 2014 by replacing the title of Section 308.4 as follows:

Accessory Residential Buildings and Structures in Residential Zones (Not including Detached Secondary Suites)

7. Amend Division Three - General Regulations of Schedule "A" of Zoning Bylaw No. 1550, 2014 by adding Section 316 as follows:

316 Marihuana-Related Businesses

1. For the purposes of this bylaw, any business, not-for-profit, charity, cooperative, shared economy venture, or other entity which uses a premises for the consumption, display, storage, sale, trade or other exchange of marihuana or marihuana-containing products shall be considered a Marihuana-Related Business.
2. In order to be permitted, a Marihuana-Related Business must demonstrate that the proposed use is lawful under all applicable Provincial and Federal statutes and regulations.
3. A Marihuana-Related Business must obtain a municipal Business License before any operation may begin.
4. No Marihuana-Related Business shall be located within 100 meters of any residential zone, daycare facility, preschool, playground, community centre, school, public park, civic or religious institution or any use catering to individuals under the age of 18.

8. Amend Division Three - General Regulations of Schedule "A" of Zoning Bylaw No. 1550, 2014 by adding Section 317 as follows:

317 Detached Secondary Suites

1. A detached secondary suite shall:
 - i. be constructed to meet the requirements of the BC Building Code;
 - ii. be located entirely to the rear of a principal single family dwelling;
 - iii. be sited equal to or farther from the side lot line than the principal single family dwelling;
 - iv. be accessible by a cleared and constructed pathway from the off-street parking stall(s) to the entrance to the suite;
 - v. have sufficient access and be appropriately serviced;
 - vi. be enclosed on all sides not facing directly upon the principal single family dwelling via solid fencing no greater than 2 m (6.562 feet) in height;
 - vii. have a floor area not to exceed 75% of the floor area of the principal single family dwelling; and
 - viii. only be permitted when at least one (1) of the registered owners of the property resides within the primary single family dwelling.
 2. In accordance with Schedule "B" of this Bylaw, one (1) off-street parking space must be provided for each detached secondary suite.
 3. No accessory building or structure shall be used as a dwelling unit except for an approved detached secondary suite.
 4. Subdivision or stratification of a detached secondary suite is not permitted.
9. Amend Division Four - Commercial Zones (C.1) of Schedule "A" of Zoning Bylaw No. 1550, 2014 by adding 'Marihuana-Related Business subject to the provisions of Section 316' as a permitted use under Section 401.1.
10. Amend Division Four - Commercial Zones (C.1) of Schedule "A" of Zoning Bylaw No. 1550, 2014 by replacing Section 401.8 as follows:

8. Off-Street Loading:

Off-street loading shall be provided and maintained in accordance with Schedule "C" of this Bylaw except that no off-street loading shall be required for properties with lane access that are located within the area designated as Downtown Designated Parking Area on Schedule "H" which is attached to and forms part of this Bylaw.

11. Amend Division Four - Commercial Zones (C.2) of Schedule "A" of Zoning Bylaw No. 1550, 2014 by adding 'Marihuana-Related Business subject to the provisions of Section 316' as a permitted use under Section 402.1.
12. Amend Division Four - Commercial Zones (C.4) of Schedule "A" of Zoning Bylaw No. 1550, 2014 by adding 'Marihuana-Related Business subject to the provisions of Section 316' as a permitted use under Section 403.1.
13. Amend Division Five - Industrial Zones (I.1) of Schedule "A" of Zoning Bylaw No. 1550, 2014 by adding 'Marihuana-Related Business subject to the provisions of Section 316' as a permitted use under Section 501.1.
14. Amend Division Five - Industrial Zones (I.2) of Schedule "A" of Zoning Bylaw No. 1550, 2014 by adding 'Marihuana-Related Business subject to the provisions of Section 316' as a permitted use under Section 502.1.
15. Amend Schedule "A" of Zoning Bylaw No. 1550, 2014 by adding Division Six - Residential Zones (R.1-B), following Division Six - Residential Zones (R.1-A), as follows:

602.a Residential Single Family with Detached Suite Zone (R.1-B)

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

The following uses and no others shall be permitted in the Residential Single Family Zone (R.1-B):

- a. Accessory residential
- c. Single family dwellings
- d. Attached secondary suites subject to the provisions of Section 602.a.12.a.
- e. Detached secondary suites subject to the provisions of Section 317
- f. Civic and public service use

2. Accessory Residential Buildings:

The siting, size, and dimensions of accessory residential buildings (not including detached secondary suites) and structures shall be in accordance with Section 308.4 of this Bylaw.

3. Maximum Number of Suites:

The number of suites allowed per lot shall be not more than:

- a. One (1) attached secondary suite; or
- b. One (1) detached secondary suite.

4. Buildings Per Lot:

The number of buildings allowed per lot shall be not more than:

- a. one (1) single family dwelling; and
- b. two (2) accessory residential buildings; or
- c. one (1) accessory residential building and one (1) detached secondary suite.

5. Floor Area:

- a. The floor area for a single family dwelling shall be not less than 60 m² (645.8 square feet).

- b. The floor area for a detached secondary suite shall be not greater 90 m² (968.8 square feet) and not less than 36 m² (387.5 square feet).
- c. The floor area for an attached secondary suite shall not be less than 36 m² (387.5 square feet).

6. Height of Buildings and Structures:

- a. The height of single family dwellings shall not exceed the lesser of 9 m (29.53 feet) or two (2) storeys except where the average natural slope of the lot exceeds five percent (5%), in which case the height of residential dwellings on the downhill side of a road shall not exceed a height of 7 m (22.97 feet) above the centre line of the road immediately adjacent to the center of the front of the residence and residential dwellings located on the uphill side of the road shall not exceed a height of 7 m (22.97 feet) above the midpoint of the rear property line on which the residence is located. The average natural slope of the lot shall be measured from the lowest point on the lot to the uppermost point on the lot.
- b. The height of detached secondary suites shall not exceed 4.5 m (14.76 feet).

7. Lot Area:

Each lot shall have an area of not less than:

- a. 560 m² if there is lane access or second street frontage; or
- b. 650 m² if there is not lane access or second street frontage.

8. Lot Coverage:

- a. Maximum lot coverage shall be not greater than fifty percent (50%) of the lot area for all buildings and structures and together with driveways and parking areas shall not exceed sixty percent (60%).
- b. The maximum combined lot coverage for all accessory buildings and structures, including detached secondary suites, shall not exceed 16%.
- c. The maximum combined area of all accessory buildings/structures and detached secondary suites (e.g. footprint size) shall not exceed 90 m² (968.8 feet).

9. Lot Frontage:

Subject to the provisions of Section 1101.1.a., b., and c. of this Bylaw, each lot shall have a minimum lot frontage of:

- a. 15 m (16.40 feet) if there is lane access or second street frontage;
or
- b. 18 m (59.06 feet) if there is not lane access or second street frontage.

10. 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.

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

a. Exterior Side Yard:

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

b. Front Yard:

A front yard free of buildings and structures shall be provided with a depth of not less than 6 m (19.68 feet), except that the front yard may be reduced to 4.5 m (14.76 feet) for single family dwellings on lots exceeding twenty percent (20%) average natural slope determined from the uppermost point on the lot to the lowest point on the lot.

c. Other Buildings:

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

d. Rear Yard:

- i. A rear yard free of buildings and structures shall be provided with a depth of not less than 6 m (19.68 feet) for single family dwellings except that the rear yard may be reduced to 4.5 m (14.76 feet) for single family dwellings on lots exceeding twenty percent (20%) average natural slope determined from the uppermost point on the lot to the lowest point on the lot.

- ii. A rear yard free of buildings and structures shall be provided with a depth of not less than 3 m (9.84 feet) for detached secondary suites.

e. Side Yards:

- i. Side yards free of buildings and structures shall be provided with a width of not less than 1.2 m (3.94 feet) for single family dwellings.
- ii. Side yards free of buildings and structures shall be provided with a width of not less than 2 m (6.56 feet) for detached secondary suites.

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.

12. Other Requirements:

a. All attached secondary suites must comply with the following:

- i. Attached secondary suites are to be located only in a single family dwelling; and
- ii. No more than one attached secondary suite shall be permitted within a single family dwelling; and
- iii. The maximum floor area of an attached secondary suite shall not exceed the lesser of 90 m² or 40% of the habitable floor area of the single family dwelling. The minimum floor area of an attached secondary suite shall not be less than 36 m² (387.5 square feet); and
- iv. No portion of a building may be used as an attached secondary suite unless at least one (1) of the registered owners of the building resides within the building; and
- v. One (1) off-street parking space must be provided for each attached secondary suite; and
- vi. Attached secondary suites must comply with all relevant City Bylaws, and the BC Building Code; and
- vii. Attached secondary suites must be located in a building and on property which is a single family real estate entity. No strata titling will be permitted.

- b. Refer to Section 317 for the General Regulations related to detached secondary suites.
- 16. Amend Division Nine - Off-Street Parking of Schedule "B" of Zoning Bylaw No. 1550, 2014 to update Section 901.3 to include a requirement for 'Attached Secondary Suites' and 'Detached Secondary Suites' to provide a minimum of one (1) off-street parking space.
- 17. Amend Division Nine - Off-Street Parking of Schedule "B" of Zoning Bylaw No. 1550, 2014 to replace Section 901.5 as follows:
 - 5. Existing Buildings and Structures and Changes in Land Use in the "Downtown Designated Parking Area"

Notwithstanding any other provisions of this bylaw, the regulations contained in this section shall not apply to buildings and structures existing on the effective date of this bylaw that are located in the "Downtown Designated Parking Area" designated on Schedule "A" attached to and forming part of the "Corporation of the City of Enderby Zoning Bylaw No. 966, 1987", or to any change in the use of those buildings or structures except that:

 - a. Off-street parking shall be provided and maintained in accordance with this section where the total floor area is increased in excess of ten percent (10%) over the existing floor area, or where residential density is increased, in which case the amount of additional parking spaces required shall be calculated on the basis of:
 - i. the increase in the size of the existing structure exceeding ten percent; and
 - ii. the use of the addition; or
 - iii. the increase in residential density.
 - b. Off-street parking existing on the effective date of this Bylaw shall not be reduced below the applicable off-street parking requirements of this section.

READ a FIRST time this 14th day of August, 2017.

READ a SECOND time this 14th day of August, 2017.

Advertised on the 24th day of August, 2017 and the 31st day of August, 2017, and a

Public Hearing held pursuant to the provisions of Section 464 of the Local Government Act on the 5th day of September, 2017.

READ a THIRD time this 5th day of September, 2017.

APPROVED pursuant to Section 52(3)(a) of the Transportation Act this 7th day of September, 2017.

Senior District Development Technician
Ministry of Transportation

ADOPTED this day of , 2017.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

THE CORPORATION OF THE CITY OF ENDERBY
BYLAW NO. 1639

A BYLAW TO AMEND THE CITY OF ENDERBY STREETS AND TRAFFIC BYLAW NO. 1471,
2010

WHEREAS the Council of the City of Enderby may by bylaw, pursuant to Section 8 and Division 5 of Part 3 of the *Community Charter*, regulate, prohibit and impose requirements in relation to public places, including highways.

AND WHEREAS Council has adopted the "City of Enderby Streets and Traffic Bylaw No. 1471, 2010" in order to regulate traffic, parking and the use of streets within the City of Enderby;

AND WHEREAS Council of the City of Enderby has determined to make an amendment to "The City of Enderby Streets and Traffic Bylaw No. 1471, 2010";

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 Streets and Traffic Bylaw No. 1471, 2010 Amendment Bylaw No. 1639, 2017".

AMENDMENTS

2. The initial WHEREAS clause of Streets and Traffic Bylaw No. 1471, 2010 is hereby amended by including the words " and Division 5 of Part 3" following the words "Section 8", and replacing the word "place" with "places, including highways".
3. PART 1 - TITLE of Streets and Traffic Bylaw No. 1471, 2010 is hereby amended by adding quotation marks around the citation of the bylaw.
4. PART 2 - DEFINITIONS of Streets and Traffic Bylaw No. 1471, 2010 is hereby amended by replacing the word "an" with "and" in item b) of the definition of "BUS STOP".
5. PART 2 - DEFINITIONS of Streets and Traffic Bylaw No. 1471, 2010 is hereby amended by replacing the word "on" with "one" in the definition of "ONE WAY STREET".
6. PART 2 - DEFINITIONS of Streets and Traffic Bylaw No. 1471, 2010 is hereby amended by including the definition of "DERELICT VEHICLE" as follows:

"DERELICT VEHICLE" means any vehicle or part thereof which:

- a) is physically wrecked or disabled;
- b) is not capable of operating under its own power;
- c) does not have attached number plates for the current year pursuant to the *Motor Vehicle Act* and regulations of the Province of British Columbia; or
- d) appears to have been abandoned by its owner.

7. PART 2 - DEFINITIONS of Streets and Traffic Bylaw No. 1471, 2010 is hereby amended by including the definition of "TOW CAR" as follows:

"TOW CAR" means a motor vehicle used exclusively for towing or rendering assistance to other motor vehicles or to vehicles suffering from a defect or disability in their means of locomotion.

8. PART 2 - DEFINITIONS of Streets and Traffic Bylaw No.1471, 2010 is hereby amended by including the definition of "VEHICLE" as follows:

"VEHICLE" has the same meaning as in the *Motor Vehicle Act*.

9. PART 3 - AUTHORITIES of Streets and Traffic Bylaw No. 1471, 2010 is hereby amended by replacing Section 303 as follows:

303. FIRE CHIEF AND CITY EMPLOYEES

A City employee, the Fire Chief, or any officer or incident commander of the Fire Department, may in the course of duty:

- a) Direct and regulate traffic in any manner deemed necessary and in doing so, may disregard any traffic control device;
- b) Disregard any traffic control device while responding to an emergency situation, while giving due regard to the safety of other persons and vehicles;
- c) Impound or move, if necessary, for the purpose of carrying out required duties, any vehicle;
- d) Designate in any manner, a line or lines near the location of a fire or other incident or potential incident, beyond which the public shall not pass.

10. PART 4 - TRAFFIC REGULATIONS of Streets and Traffic Bylaw No. 1471, 2010 is hereby amended by replacing the word "LIMITES" with "LIMITS" in the title of Section 406 (SPEED LIMITES - LANEWAY).

11. PART 4 - TRAFFIC REGULATIONS of Streets and Traffic Bylaw No. 1471, 2010 is hereby amended by replacing "km/re" with "km/hr" in Section 407 (SPEED LIMITS - CONSTRUCTION).

12. PART 4 - TRAFFIC REGULATIONS of Streets and Traffic Bylaw No. 1471, 2010 is hereby amended by replacing the reference to "Sections 501" with "Sections 409, 417, and 601" under Section 419 (EXEMPTIONS).

13. PART 4 - TRAFFIC REGULATIONS of Streets and Traffic Bylaw No. 1471, 2010 is hereby amended by replacing the words "Wrecking vehicles" with "Tow cars" under Section 419.1.c (EXEMPTIONS).

14. PART 6 - PARKING REGULATIONS of Streets and Traffic Bylaw No. 1471, 2010 is hereby amended by replacing the word "or" with "of" under Section 601.11.b (OBSTRUCTION).

15. PART 6 - PARKING REGULATIONS of Streets and Traffic Bylaw No. 1471, 2010 is hereby amended by replacing Section 601.11.c (OBSTRUCTION) as follows:

- c) Upon a roadway in such a manner as to obstruct the free passage of traffic on the roadway, the free passage of pedestrians on a sidewalk or walkway, or access to a designated parking area.
16. PART 6 - PARKING REGULATIONS of Streets and Traffic Bylaw No. 1471, 2010 is hereby amended by adding the word "and" following the words "such vehicle" under Section 601.17 (ANGLE PARKING).
17. PART 6 - PARKING REGULATIONS of Streets and Traffic Bylaw No. 1471, 2010 is hereby amended by replacing Section 601.24.a and 601.24.b (PARKING LOTS) as follows:
- a) On any public parking lot operated by the City where traffic control devices indicate the length of time allowed for parking, in contravention of the length of time indicated on the applicable traffic control device.
 - b) On any parking lot operated under a public/private agreement pursuant to Section 263 of the *Local Government Act*, R.S.B.C. 2015 where traffic control devices indicate the length of time allowed for parking, in contravention of the length of time indicated on the applicable traffic control device.
18. PART 6 - PARKING REGULATIONS of Streets and Traffic Bylaw No. 1471, 2010 is hereby amended by adding item d) to Section 601.27 (TRAILER/RECREATIONAL VEHICLES) as follows:
- d) Any trailer upon a highway in such a manner as to obstruct the free passage of traffic on the roadway, the free passage of pedestrians on a sidewalk or walkway, or access to a designated parking area.
19. SECTION 7 - USE OF HIGHWAY REGULATIONS of Streets and Traffic Bylaw No. 1471, 2010 is hereby amended by renaming it to "PART 7 - USE OF HIGHWAY REGULATIONS".
20. PART 7 - USE OF HIGHWAY REGULATIONS of Streets and Traffic Bylaw No. 1471, 2010 is hereby amended by renaming Section 703 to "IMPEDING TRAFFIC / DAMAGE TO HIGHWAYS".
21. PART 7 - USE OF HIGHWAY REGULATIONS of Streets and Traffic Bylaw No. 1471, 2010 is hereby amended by adding a comma following the word "notice", and replacing the words "bylaw or by Provincial or Federal legislation" with "the Director of Engineering", under Section 706 (DEFACING POLES).
22. PART 7 - USE OF HIGHWAY REGULATIONS of Streets and Traffic Bylaw No. 1471, 2010 is hereby amended by adding Section 710 (TRUCK ROUTE) as follows:
710. TRUCK ROUTE
- 1. No person shall drive or park a heavy truck on any highway in the City other than on a truck route, on and during the times as set

out through signage and subject to the other provisions of this Bylaw, except:

- a) any heavy truck operating for or on behalf of the City;
 - b) as authorized by a permit issued by the Director of Engineering;
 - c) where it is necessary to deviate from a designated truck route for the purpose of delivering or receiving goods or another common commercial purpose by the shortest route from the nearest truck route with the least impact on residential areas; or
 - d) via a properly authorized temporary detour truck route.
2. The Director of Engineering may cause signs or other traffic control devices to be erected along a truck route to identify the beginning and end of a truck route.
3. a) The Director of Engineering may restrict the use of a truck route for purposes of safety, damages, or other matters:
- i) as to size, weight, type, height or other specification of a heavy truck which may be driven on a truck route; and
 - ii) as to the hours when a heavy truck may be driven on the truck route.
- b) Where the Director of Engineering places a restriction on a truck route, the Director of Engineering shall cause signs or other traffic control devices to be erected along the truck route to inform persons of the restriction placed on its use.
23. PART 8 - PENALTIES of Streets and Traffic Bylaw No. 1471, 2010 is hereby amended by adding item 3 under Section 801 (GENERAL PENALTY) as follows:
3. The Director of Engineering is authorized to recover any cost associated with the administration of this Bylaw, or for any damage to City property, from the owner of the vehicle or other person(s) responsible for the damage.
24. PART 8 - PENALTIES of Streets and Traffic Bylaw No. 1471, 2010 is hereby amended by replacing the word "Par" with "Part" under Section 802 (DEFAULT).
25. PART 9 - GENERAL of Streets and Traffic Bylaw No. 1471, 2010 is hereby amended by replacing the words "Highway Act" with "*Transportation Act*" under Section 902 (ARTERIAL HIGHWAY).

READ a FIRST time this 5th day of September, 2017.

READ a SECOND time this 5th day of September, 2017.

READ a THIRD time this 5th day of September, 2017.

ADOPTED this ___ day of _____, 2017.

Mayor

Chief Administrative Officer

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1640

A BYLAW TO PROTECT STORMWATER AND REGULATE DRAINAGE

WHEREAS the City of Enderby has established drainage works for the collecting, impounding, conveying, and discharging of surface and other waters;

AND WHEREAS under section 69 of the *Community Charter*, Council may, by bylaw, regulate the design and installation of drainage works, including those provided by persons other than the municipality, and require property owners to connect their buildings and structures to the works, as well as impose requirements on persons undertaking the construction of works to maintain the proper flow of water in a stream, ditch, drain, or sewer in the municipality or to reclaim or protect part of the land mass of the municipality from erosion by any cause;

AND WHEREAS under section 64 of the *Community Charter*, Council may regulate, prohibit, and impose requirements in relation to the protection and enhancement of the well-being of its community with respect to nuisances, disturbances, and other objectionable situations;

AND WHEREAS under section 8(3)(j) of the *Community Charter* and section 2(1)(a) of the *Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation*, a municipality may regulate, prohibit, and impose requirements in relation to polluting or obstructing, or impeding the flow of, a stream, creek, waterway, watercourse, waterworks, ditch, drain or sewer, whether or not it is located on private property;

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

Citation

1. This bylaw may be cited as the “City of Enderby Stormwater Protection and Drainage Regulation Bylaw No. 1640, 2017”.

Definitions

2. For the purposes of this bylaw:
 - a. “City” means the City of Enderby.
 - b. “contaminant” means any substance other than uncontaminated water that injures, or is capable of injuring, the health or safety of a person, property, or life form, or capable of damaging the environment, or is capable of interfering with the operation of the drainage system.
 - c. “Director” means the Director of Public Works and Engineering or designate for the City of Enderby, as appointed by the Chief Administrative Officer.
 - d. “drainage element” means any part of the drainage system.

- e. “drainage service” means the collection service for stormwater and other permitted discharges provided by the City of Enderby that makes use of, relies upon, or is affected by the drainage system.
- f. “drainage system” means the system and network of watercourses, mains, pipes, culverts, drains or sewers, drainage works, pump stations, flood boxes, dike gates or valves, catch basins, leads, curbs, and gutters, located in the City, whether on private or public property, by which stormwater and other permitted discharges are conveyed to a receiving environment, other watercourse, detention area, or other terminal area or deposit point.
- g. “nutrient-laden water” means water which contains fertilizers or other substances which accelerate plant or weed growth.
- h. “owner” has the same meaning as in the *Assessment Act*.
- i. “person” has the same meaning as in the *Interpretation Act* which, for certainty, includes “owner” as defined in this bylaw.
- j. “prohibited material” means any sediment, earth, construction or excavation wastes, cement, concrete, pesticides, fertilizers, nutrient-laden water, sewage, soaps, paints, chemicals, chlorinated water, waste oil or any material or substance which is a “hazardous product”, “contaminant”, “toxic substance”, “deleterious substance”, “special waste”, “dangerous good” or “reportable substance” that is identified, described in, or defined by any applicable statute, regulation or law, including other bylaws of the City, or that may constitute a hazard to the health of humans or animals, or that may be detrimental to the environment, or that may inhibit a drainage system or any part thereof.
- k. “stormwater” means water resulting from natural precipitation from the atmosphere and which is intended to be transported by a drainage system.
- l. “watercourse” means and includes a natural or constructed stream, canal, ditch, reservoir, retention pond, ditch, channel, swale, or other surface feature designed to convey or hold stormwater or other drainage, whether it contains such water continuously or intermittently, and whether it is located on private or public property within the City.

Scope and Purpose

- 3. This bylaw applies to all land within the City of Enderby.
- 4. The scope of this bylaw is limited to stormwater collection and the drainage system.
- 5. This bylaw exempts a drainage element that is not connected to or does not appreciably affect the drainage system, such as a swale or minor ditch situate upon a single property that only conveys a small amount of localized drainage or a personal stormwater detention or rainwater harvesting device such as a rain barrel or cistern.
- 6. This bylaw excludes groundwater from its scope.

7. This bylaw is intended for the sole use and benefit of the City in the fulfillment of its municipal purposes and services, and does not confer any powers, rights, or remedies upon an owner of private property otherwise available in law.
8. The purpose of this bylaw does not provide for:
 - a) the protection of any person from economic loss, property damage, or personal injury; or
 - b) the assumption by the City of any responsibility for ensuring or enforcing compliance with this bylaw; or
 - c) a warranty to any person that compliance with this bylaw will prevent flooding, pollution, or other nuisance to any person or property.

General

9. The Director is responsible for administering and enforcing this bylaw.
10. The Director shall be admitted access to an owner's property during reasonable hours in order to inspect, photograph, or test any portion of the drainage system, or to determine compliance with this bylaw. The Director shall be admitted access to the owner's property at any time during an emergency or imminent emergency in order to assess, restore, or order the repair of a damaged or altered portion of the drainage system, or to determine compliance with this bylaw.
11. An owner shall ensure that the terms and conditions of this bylaw, under which connection to the drainage system is provided, are not breached. The owner shall be liable for any breach.
12. The City may limit, interrupt, terminate, or refuse drainage service, or limit when a person may make use of the drainage service, in circumstances where the discharge may interfere with works being undertaken on the drainage system by the City, or when there is an emergency, or when the public interest may so require.
13. Drainage service is provided on the condition that a person makes no claim against the City, its Council, officers, agents and employees acting within the scope of their employment. It is further a condition that a person shall make no claim for any indirect, incidental or consequential damage and indemnifies and saves harmless the City in respect of all claims arising from the provision of the drainage service.
14. Nothing in this bylaw shall be interpreted as limiting or circumscribing the municipal protections provided by section 744 [*Immunity in relation to certain nuisance actions*] of the *Local Government Act*.
15. Nothing in this bylaw shall be interpreted as relieving a person from complying with Federal, Provincial and local government enactments and, in the event of a conflict between the provisions of this bylaw and a Federal or Provincial enactment, the more stringent shall apply except that, in the event of an incompatibility such that the provisions of one cannot be met without contravening the other, the provisions of the Federal or Provincial enactment shall prevail to the extent of the incompatibility.

Permits and Connections

16. Every owner shall apply for and obtain a permit from the Director prior to commencement of construction for any of the following activities:
 - a) constructing in or over a watercourse;
 - b) installing a culvert on a ditch or watercourse;
 - c) enclosing or filling a ditch or watercourse;
 - d) constructing within seven (7) metres of the toe of a dike;
 - e) constructing within six (6) metres of a top of bank adjacent to a ditch or watercourse;
 - f) altering or obstructing a watercourse;
 - g) constructing an agricultural irrigation system.
17. An owner must make application to the City for a permit to connect or otherwise discharge to the public drainage system. The application must include a plan of the proposed work prepared by a qualified professional, a report by a qualified professional evaluating the potential impacts of the proposed works on the quality of stormwater and the functionality of the drainage system, as well as any mitigation measures that the applicant will take to minimize adverse effects on the drainage system while the work is carried out.
18. The requirement for a permit does not apply to connections made prior to the effective date of this bylaw, except that the Director may require the owner to prepare a report by a qualified professional if the Director has a reasonable concern or there is a real or proposed change in the quantity, quality, or rate of discharge. In the event that an existing connection changes in size, location, or other appreciable fashion after the effective date of this bylaw, the permit requirement shall apply.
19. It is the owner's responsibility to ensure that elevations are met in order to connect a private property to part of a drainage system. The City is not obligated to meet the elevation of, or connect to, any private drainage system installed prior to the installation of the service connection. The owner is responsible for all costs associated with connecting to the drainage system.
20. The Director may waive the permit requirement if, in the opinion of the Director, the proposed works are of a minor nature unlikely to have an appreciable impact upon the drainage system or if the requirements and intent of this bylaw are, in the opinion of the Director, suitably addressed through a Building Permit or other development application or approval process.
21. The Director may attach terms and conditions to the issuance of a permit as are necessary to ensure that construction is carried out or a connection is made to the City's satisfaction and appropriate approvals have been obtained, as well as validating flow assumptions and verifying maintenance requirements.

22. A permit under this bylaw, including a permit waived by the Director, in no way relieves an owner from responsibility for adhering to all applicable bylaws, statutes, and regulations.
23. The lack or waiving of a permit for a drainage system or any part thereof, including any part of a drainage system constructed or functional prior to the effective date of this bylaw, shall not absolve an owner from a regulation, prohibition, or requirement made under this bylaw.

Discharge

24. No person shall cause or permit any contaminant or prohibited material to be discharged, dumped, deposited, spilled or washed, directly or indirectly, into the drainage system.
25. No owner shall connect, or allow to remain connected, a sanitary sewer to any part of the drainage system.
26. No person shall wash or permit the washing of concrete material from any driveway, sidewalk, patio, other impervious surface, or residue from concrete trucks or mixing devices, into the drainage system.
27. An owner must maintain and ensure the ongoing functionality of any stormwater interceptor or other stormwater quality control device on their property unless it is owned and maintained by the City, and must keep records related to the maintenance of the interceptor or other device for at least three (3) years, which must be provided to the Director upon demand.
28. An owner must maintain and ensure the ongoing functionality of any stormwater flow control device or system on their property unless it is owned and maintained by the City, and must keep records related to its maintenance for at least three (3) years, which must be provided to the Director upon demand.
29. An owner must maintain and keep clear any catch basin on their property that connects with the drainage system, unless it is owned and maintained by the City.
30. Subject to the other provisions of this bylaw, a person may discharge into the drainage system:
 - a) stormwater and run-off from melt and subsurface water;
 - b) wastewater customarily incidental to a residential use of land, including water resulting from natural precipitation and the drainage of such water, tending lawns and gardens, non-commercial car washing, and driveway washing, as well as other forms of uncontaminated water; and
 - c) wastewater customarily incidental to street cleaning, building washing, hydrant and water main flushing, dechlorinated swimming pool water, and firefighting activities.

31. Codes of practice may be implemented by the Director to authorize discharge to the drainage system for activities other than those allowed above, for which conditions may vary by particular business, class of business, or type of use. A condition of the approval and the ongoing authorization of any code of practice is that the management practices and facilities, if any, must be maintained with records kept by the owner as proof of service. If a code of practice establishes a requirement in relation to a specific discharge which differs from a provision of this bylaw, the code of practice shall prevail to the extent of the conflict. At the Director's discretion, a code of practice may not be required where adequate stormwater control or treatment devices are installed and maintained by a business in accordance with this bylaw or there is no appreciable impact to drainage quality, quantity, or ate.

Culverts

32. An owner must keep in good repair any culvert which is part of the drainage system that is located on private property or on public property for the benefit of the owner, such as a driveway crossing.
33. The Director may order the maintenance, repair, replacement, or right-sizing, at the owner's expense, of any culvert which is part of the drainage system that is located on private property or on public property for the benefit of the owner, such as a driveway crossing.
34. The City shall not be responsible to repair or restore any owner improvements constructed on top of or adjacent to a culvert which is part of the drainage system that is located on private property or on public property for the benefit of the owner.

Watercourses

35. Subject to the provisions of this bylaw and Federal and Provincial enactments, all watercourses on private property shall be maintained by every owner to allow and maintain the flow of water in the established direction unless varied by permit.
36. No person shall foul, obstruct, alter, or impede the flow, directly or indirectly, of a watercourse, regardless of whether it is situate on public or private property, unless that person has first obtained a permit to do so from the Director.
37. No person shall construct, install, improve, alter, extend, repair, renew, maintain, remove any bridge, culvert or culvert headwall, enclose a ditch, construct an access, or perform any other works in or over a watercourse or other component of the drainage system, whether or not it is located on private property, unless that person has first obtained a permit to do so from the Director, except that this requirement may be deferred during an emergency in order to repair or restore a drainage element to its previous functional state or otherwise maintain a drainage element, provided a reasonable effort is made to notify the City during the emergency or as soon as possible thereafter.
38. An owner may allow the City to maintain a watercourse, subject to any consideration, terms, and conditions to which the parties agree, in which case, the owner shall provide suitable access for labour and equipment to each watercourse maintained by the City under agreement. The owner must indemnify and save the City harmless from any liability associated with such maintenance.

39. The City may, at its discretion, undertake maintenance of a watercourse for the benefit of an owner or group of owners in the absence of an explicit agreement. The City shall in no way warranty or assume liability for such maintenance, and such maintenance shall not relieve the owner or owners of their responsibility to maintain the watercourse notwithstanding a discretionary undertaking by the City.

Erosion and Sediment Control

40. A person must not discharge water at such a rate, quantity, or quality, nor obstruct or alter a drainage system or any part thereof, such that it causes or is likely to cause erosion of the land mass of the municipality.
41. The Director may require an erosion and sediment control plan for any development where the site is:
- a) within 30 metres of a watercourse; or
 - b) contains slopes greater than 15 percent; or
 - c) has a history of erosion or soil and slope instability.

Remedies

42. Should prohibited material enter the drainage system, the owner or contractor performing the work must immediately notify the appropriate Federal and Provincial agencies as well as the City and, under the direction of those entities, the owner or contractor must take immediate steps to capture, contain and remove such prohibited material, as well as remedial action with respect to any qualitatively or functionally diminished drainage system or part thereof, or receiving environment.
43. If any owner, person or contractor is carrying on any construction work, or any other activity, in contravention of this bylaw, or which in the opinion of the Director is causing, or is likely to result in a discharge of prohibited material into the drainage system or cause erosion, harm, or nuisance, then the Director may order the immediate suspension of all or any portion of such construction work or other activity by posting a notice (Cease and Desist Order) to that effect at the place where the construction work, or other activity, is occurring. The Director may further direct that steps be taken by the owner or contractor to prevent further erosion, fouling, or discharge of prohibited material into the drainage system.
44. Failure to obtain a permit under this bylaw from the Director may result in the Director ordering the immediate suspension of all or any portion of such construction work or other activity by posting a notice (Cease and Desist Order) to that effect at the place where the construction work, or other activity, is ongoing. Where the construction work or other activity has been completed without a permit under this bylaw from the Director, the City may remove or rectify the construction, activity or discharge at the owner's expense, which may include requiring the owner to expose or uncover any works for the purpose of inspection or evaluation.

45. If, in the opinion of the Director, immediate steps should be taken to prevent the escape of prohibited material from part of a drainage system on private property, or to stop an escape which is ongoing, and/or if the Director is not satisfied that the owner or contractor has taken the appropriate steps to mitigate the release of prohibited material, then the City may enter onto the property to take steps necessary in the circumstances.
46. The Director may order an owner to construct, maintain, or restore any part of a drainage system on private property that is causing or is likely to cause erosion of the land mass of the municipality.
47. Should an owner fail to maintain the drainage system or any part thereof that is located on private property, or alters a watercourse without permit, the Director may order the owner to remedy the matter and, should the owner fail to do so, the City may enter private property in order to undertake a remedy at the owner's expense.
48. The cost of any work done by the City will be assessed to the owner. If the costs remain unpaid as of December 31 of the same year, the amount shall be deemed to be taxes in arrears and may be collected in accordance with Part 7, Division 14 of the *Community Charter*.
49. The City is in no way liable for works, including remedial activities, which it undertakes pursuant to this bylaw on private property due to the absence, failure, or refusal of an owner, or in an emergency, provided it takes such actions in good faith.
50. The City is in no way liable for failing to undertake works, including remedial activities, which it undertakes pursuant to this bylaw on private property due to the absence, failure, or refusal of an owner, or in an emergency.

Penalty

51. Every person who violates any provision of this bylaw, or fails to comply with the terms and conditions of a permit, or an order issued under this bylaw, commits an offence punishable upon summary conviction and will be liable to a fine of up to and including the maximum penalty provided by the *Offence Act* and, where the offence is continuing, each day that offence is continued will constitute a separate offence.
52. Every person who violates any provision of this bylaw, or fails to comply with the terms and conditions of a permit, or an order issued under this bylaw, may be issued a ticket under the City of Enderby Municipal Ticketing Information System Bylaw No. 1518, 2013 and/or the City of Enderby Bylaw Notice Enforcement Bylaw No. 1581, 2015, as amended from time to time.

Severability

53. If any section or lesser portion of this bylaw is held invalid by a court of competent jurisdiction, it will be severed and the validity of the remaining provisions of this bylaw will not be affected.

Effective Date

54. This Bylaw shall come into force and effect as of the date of adoption.

READ a FIRST time this 5th day of September, 2017.

READ a SECOND time this 5th day of September, 2017.

READ a THIRD time this 5th day of September, 2017.

ADOPTED this ____ day of _____, 2017.

Mayor

Chief Administrative Officer

THE CORPORATION OF THE CITY OF ENDERBY

Report of a **Public Hearing** held on Tuesday, September 5, 2017 at 4:32 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 Deputy Corporate Officer – Kurt Inglis
Recording Secretary – Bettyann Kennedy
Press and Public

Mayor McCune read the rules of procedure for the public hearing and introduced the following bylaw:

Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1636, 2017

A bylaw to amend Zoning Bylaw No. 1550, 2014 with policy for detached suites, short-term vacation rentals, marijuana-related businesses, nuisances in all zones, and minor housekeeping items

There were three calls for the public to make representation regarding the bylaw. There were no speakers.

There were no written submissions.

The Mayor made his closing statement and declared the Public Hearing closed at 4:33 pm.

Pursuant to Section 465 (6) of the *Local Government Act*, I, Tate Bengtson, CAO, hereby certify this to be a fair and accurate report of the Public Hearing held on September 5, 2017.

 Sept 14/2017
Signature Date

RDNO Building Permits Issued Comparison for Year/Month - Summary

Area: CITY OF ENDERBY

Category: BUILDING PERMITS

Year: 2017 Month: 08

Folder Type	2017 / 08			2016 / 08			2017 to 08			2016 to 08		
	Permits Issued	Res. Units Created	Building Value	Permits Issued	Res. Units Created	Building Value	Permits Issued	Res. Units Created	Building Value	Permits Issued	Res. Units Created	Building Value
ACCESSORY BUILDING	0	0	0	0	0	0	3	0	34,000	2	0	49,000
AGRICULTURAL BUILDING	0	0	0	0	0	0	0	0	0	0	0	0
COMMERCIAL BUILDING	0	0	0	0	0	0	1	0	4,800	2	0	33,440
DEMOLITION	0	0	0	0	0	0	0	0	0	0	0	0
INDUSTRIAL BUILDING	0	0	0	0	0	0	0	0	0	1	0	1,200,000
INSTITUTIONAL	0	0	0	0	0	0	0	0	0	0	0	0
MANUFACTURED HOME	0	0	0	0	0	0	0	0	0	0	0	0
MODULAR HOME	0	0	0	0	0	0	1	0	160,000	0	0	0
MULTI FAMILY DWELLING	0	0	0	0	0	0	3	36	7,964,000	0	0	0
PLUMBING	0	0	0	0	0	0	0	0	0	0	0	0
POOL	0	0	0	0	0	0	0	0	0	0	0	0
RETAINING WALL	0	0	0	0	0	0	0	0	0	0	0	0
SIGN	0	0	0	0	0	0	0	0	0	0	0	0
SINGLE FAMILY DWELLING	0	0	0	3	0	203,000	6	1	747,500	4	0	203,000
SOLID FUEL BURNING APPLIANC	0	0	0	0	0	0	0	0	0	0	0	0
Report Totals	0	0	0	3	0	203,000	14	37	8,910,300	9	0	1,485,440

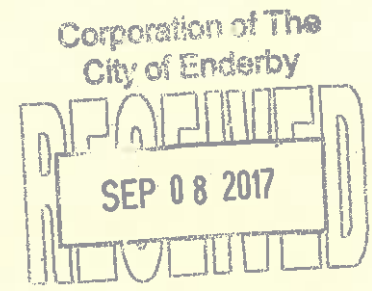
Agenda



Ref: 206634

September 1, 2017

His Worship Mayor Greg McCune and Councillors
City of Enderby
PO Box 400
Enderby BC V0E 1V0



Dear Mayor McCune and Councillors:

On behalf of the joint Provincial-Union of British Columbia Municipalities (UBCM) Green Communities Committee (GCC), we would like to extend our congratulations for your successful efforts to measure and reduce your corporate greenhouse gas emissions for the 2016 reporting year.

As a signatory to the Climate Action Charter (Charter), you have demonstrated your commitment to work with the Province and UBCM to take action on climate change and to reduce greenhouse gas emissions in your community and corporate operations.

The work that local governments are undertaking to reduce their corporate emissions demonstrates significant climate leadership and sets the stage for broader climate action in the community. Your leadership and commitment continues to be essential to ensuring the achievement of our collective climate action goals.

The GCC was established under the Charter to support local governments in achieving their climate goals. In acknowledgement of the efforts of local leaders, the GCC is again recognizing the progress and achievements of local governments such as yours through the multi-level Climate Action Recognition Program. A description of this program is enclosed for your reference.

As a Charter signatory who has achieved Level 1 recognition and additionally completed a corporate carbon inventory for the 2016 reporting year and demonstrated familiarity with the Community Energy and Emissions Inventory, you have been awarded Level 2 recognition – 'Measuring GHG Emissions.'

In recognition of your achievements, the GCC is very pleased to provide you with climate action community branding for use on official websites and letter heads. An electronic file with the 2016 logo will be provided to your Chief Administrative Officer. Also enclosed is a *BC Climate Action Community 2016* window decal, for use on public buildings.

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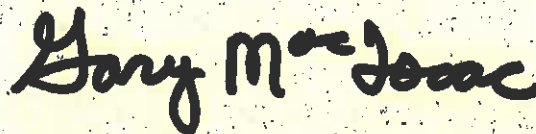
Mayor McCune and Councillors
Page 2

Congratulations again on establishing your corporate emissions inventory and your overall progress. We wish you continued success in your ongoing commitment to the goal of corporate carbon neutrality and your efforts to reduce emissions in the broader community.

Sincerely,



Tara Faganello
Assistant Deputy Minister
Local Government Division
Ministry of Municipal Affairs and Housing



Gary MacIsaac
Executive Director
Union of British Columbia Municipalities

Enclosures



GCC Communiqué on the Climate Action Recognition Program

B.C. local governments continue to play a critical role in reducing GHG emissions across the province. In acknowledgment of the ongoing efforts of local leaders, the joint Provincial-UBCM Green Communities Committee (GCC) is pleased to continue the Climate Action Recognition Program (*Recognition Program*) for B.C. local governments for the 2016 reporting year. This is a multi-level program that provides the GCC with an opportunity to review and publicly recognize the progress and achievements of each Climate Action Charter (*Charter*) signatory. Recognition is provided on an annual basis to local governments who demonstrate progress on their *Charter* commitments, according to the following:

Level 1: Demonstrating Progress on Charter Commitments

Local governments who demonstrate progress on fulfilling one or more of their *Charter* commitments will receive a letter from the GCC acknowledging their accomplishments.

Level 2: Measuring GHG Emissions

Local governments that achieve level 1, have completed a corporate carbon inventory for the reporting year and demonstrate that they are familiar with the [Community Energy and Emissions Inventory \(CEEI\)](#) for their community receive a letter from the GCC and a 'BC Climate Action Community 2016' logo, for use on websites, letterhead, etc.

Level 3: Accelerating Progress on Charter Commitments (NEW this year)

Local governments that achieve levels 1 and 2 and demonstrate significant corporate or community-wide climate action to reduce GHG emissions in the reporting year receive a letter from the GCC and a 'BC Climate Action Community 2016 – Climate Leader' logo, for use on websites, letterhead, etc.

Level 4: Achievement of Carbon Neutrality

Local governments that achieve [carbon neutrality](#) in the reporting year receive a letter from the GCC and a 'BC Climate Action Community 2016 – Climate Leader - Carbon Neutral' logo, for use on websites, letterhead, etc.

To be eligible for the *Recognition Program*, local governments must fulfill the public reporting requirements of the [Climate Action Revenue Incentive Program \(CARIP\)](#) including reporting on their progress to carbon neutrality. The GCC will determine recognition levels for the *Recognition Program* based on the information included in each local government's annual CARIP public report. Further information on CARIP and the public reporting requirements is available [online](#).

Agenda

THE CORPORATION OF THE CITY OF ENDERBY

MEMO

To: Tate Bengtson, Chief Administrative Officer
From: Kurt Inglis, Planner and Deputy Corporate Officer
Date: September 13, 2017
Subject: Detached Suites Policy

RECOMMENDATION

THAT Council adopts the Detached Suites Policy.

BACKGROUND

At the Regular Council Meeting of July 17, 2017, Staff advanced a number of items for policy consideration including the use of detached suites. Council supported permitting and regulating detached suites within the community and developing a permitting system to help manage potential impacts.

Staff are now advancing a Detached Suites Policy for Council consideration, consistent with the policy direction provided.

The Detached Suites Policy proposes that no detached suite shall be occupied without the property owner having a valid Detached Suite Permit. City Staff would process Detached Suite Permit applications and would issue a Permit subject to the applicant having demonstrated compliance with City of Enderby bylaws. The Permit would be automatically renewed on January 1st of each calendar year, unless the Permit has been suspended or cancelled by Staff. Instances where a Permit may be suspended or cancelled could include the use of a detached suite no longer being in compliance with local bylaws (i.e. non-permitted additions, renting the suite out for short-term vacation rental purposes, etc.), or there are demonstrated nuisances associated with the suite. The Policy provides for Council reconsideration in instances where an applicant or permit holder disagrees with a Staff decision.

As Staff would already be familiar with a detached suite proposal once an application has been submitted, given that such a use would first require a successful rezoning process and the issuance of a Building Permit, Staff are not proposing any fees be associated with a Detached Suite Permit application or renewal at this time. Should the regulation of detached suites develop into a more labour-intensive enterprise, a fee may be required in the future.

Respectfully Submitted,



Kurt Inglis
Planner and Deputy Corporate Officer

Policy Title	Detached Suites
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Effective Date September 18, 2017	Adopted by Council	Replaces N/A
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PURPOSE: To provide a permitting system for the use of Detached Suites.

POLICY: The use of Detached Suites within the City of Enderby shall be subject to the following conditions:

1. 'Detached Suite' shall have the same definition as in City of Enderby Zoning Bylaw No. 1550, 2014, as amended from time to time.
2. No Detached Suite shall be occupied without the property owner having a valid Detached Suite Permit.
3. Any fees for a Detached Suite Permit shall be outlined in the City of Enderby Fees and Charges Bylaw No. 1479, 2010, as amended from time to time.
4. The Chief Administrative Officer, or his/her designate, may determine the form and content of a Detached Suite Permit application and other materials.
5. The Chief Administrative Officer, or his/her designate, may issue a Detached Suite Permit if he/she is satisfied that the applicant has complied with the bylaws of the City of Enderby, and may also place terms and conditions on the issuance of a Permit.
6. The Chief Administrative Officer, or his/her designate, may refuse an application or suspend or cancel a Detached Suite Permit if he/she is not satisfied that the applicant has complied with the bylaws of the City of Enderby, or if he/she determines that there have been nuisances associated with the use of the Detached Suite.
7. The Chief Administrative Officer must advise an applicant who is subject to a decision to refuse an application, or suspend or cancel a Permit, that he or she is entitled to have Council reconsider the matter. Council may issue, restore, suspend, or cancel a Permit.
8. Detached Suite Permits shall be automatically renewed on January 1st of each calendar year, unless the Permit has been suspended or cancelled by the Chief Administrative Officer.

Agenda

THE CORPORATION OF THE CITY OF ENDERBY

MEMO

To: Tate Bengtson, Chief Administrative Officer
From: Kurt Inglis, Planner and Deputy Corporate Officer
Date: September 13, 2017
Subject: Proposed Date and Time for 2017 Business Walk

RECOMMENDATION

THAT Council confirms that Thursday October 19, 2017 from 10:00 am - 12:00 pm is an acceptable date and time for the 2017 Business Walk;

AND THAT the Enderby & District Chamber of Commerce be advised of the date and time of the 2017 Business Walk and be invited to participate.

BACKGROUND

Enderby City Council, in cooperation with the Enderby & District Chamber of Commerce and Community Futures North Okanagan, undertook its second annual Business Walk on October 26, 2016. The intent of this Business Walk was to learn more about local businesses through face-to-face interviews and to identify opportunities for further supporting community economic development; the British Columbia Economic Development Association has identified Business Walks as a key way to support business retention and expansion.

Business Walks in the region have generally been scheduled to correspond with Small Business Week; this year Small Business Week runs from October 15-21. Community Futures North Okanagan has proposed a date of Thursday October 19, 2017 for the 2017 Business Walk in Enderby. Based on feedback received from last year's Business Walk volunteers, a number of local businesses had not yet opened when the event kicked off at 9:00 am; given this, Staff are proposing that the hours of the Business Walk be pushed to 10:00 am - 12:00 pm which will help to maximize the number of local businesses that are engaged. Staff are requesting that Council confirm that this proposed date and time is acceptable.

Furthermore, Staff recommend that the Enderby & District Chamber of Commerce be advised of the date and time of the 2017 Business Walk and be invited to participate.

Respectfully Submitted,



Kurt Inglis
Planner and Deputy Corporate Officer