

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW No. 1581

A bylaw respecting the enforcement of bylaw notices in conjunction with the Southern Interior  
Bylaw Notice Dispute Adjudication Registry

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WHEREAS the Local Government Bylaw Notice Enforcement Act Chapter 60 [SBC2003] as amended from time to time empowers the City to, by bylaw, designate those bylaws for which bylaw notice enforcement may be used as means of bylaw enforcement;

AND WHEREAS it is the intention of the Council of The Corporation of the City of Enderby to participate in the Southern Interior Bylaw Notice Dispute Adjudication Registry with respect to bylaw notices;

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

**1. CITATION**

- a. This Bylaw shall be cited as "The Corporation of the City of Enderby Bylaw Notice Enforcement Bylaw No. 1581, 2015".

**2. DEFINITIONS**

In this Bylaw:

"**Act**" means the *Local Government Bylaw Notice Enforcement Act*;

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

"**Registry**" means the Southern Interior Bylaw Notice Dispute Adjudication Registry established pursuant to this bylaw.

**3. TERMS**

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

**4. BYLAW CONTRAVENTIONS**

- 4.1 The bylaws and bylaw contraventions designated in Schedule "A" attached hereto and forming part of this bylaw, may be dealt with by bylaw notice.

**5. OFFENCE AND PENALTY**

- 5.1 The penalty for a contravention referred to in sub-section 4.1 is as follows:

- a) Subject to sub-sections 5.2(b) and 5.2(c), is the penalty amount set out in Column A1 of Schedule "A";
- b) If received by the City within 14 days of the person receiving or being presumed to have received the notice, is the Early Payment Penalty set out in Column A2 of Schedule "A"; or
- c) If more than 28 days after the person received or is presumed to have received the bylaw notice, is subject to a late payment surcharge in addition to the penalty under Subsection 5.1 (a), and is the Late Penalty set out in Column A3 of Schedule "A".

## **6. PERIOD FOR PAYING A DISPUTED TICKET**

- 6.1 A person who receives a bylaw notice must, within 14 days of the date on which the person received or is presumed to have received the bylaw notice:
- a) Pay the penalty; or
  - b) Request dispute adjudication by filling in the appropriate portion of the bylaw notice indicating either a payment or a dispute and delivering it, either in person during regular office hours, or by mail, to the City.
- 6.2 A person may pay the indicated penalty after 14 days of receiving the notice, subject to the applicable surcharge for late payment in accordance with Subsection 5.1 (c), but no person may dispute the notice after 14 days of receiving the bylaw notice.
- 6.3 Where a person was not served personally with a bylaw notice and advises the City, in accordance with the requirements of Section 25 of the *Act*, that they did not receive a copy of the original notice, the time limits for responding to a bylaw notice under Section 5.1 and Section 6.2 of this Bylaw do not begin to run until a copy of the bylaw notice is redelivered to them in accordance with the *Act*.

## **7. BYLAW NOTICE DISPUTE ADJUDICATION REGISTRY**

- 7.1 The Registry is established as a bylaw notice dispute adjudication system in accordance with the *Act* to resolve disputes in relation to bylaw notices.
- 7.2 The civic address of the Registry is 1435 Water Street, Kelowna, BC, V1Y 1J4.
- 7.3 The Dispute Adjudication System Agreement, upon execution, shall be incorporated by reference into the bylaw as Schedule "B".
- 7.4 Every person who is unsuccessful in a dispute adjudication in relation to a bylaw notice or a compliance agreement under the dispute adjudication system established under this section must pay the City an additional fee of \$25 for the purpose of the City recovering the costs of the adjudication system.

## **8. SCREENING OFFICERS**

- 8.1 The position of Screening Officer is established.
- 8.2 Council may appoint the Chief Administrative Officer or his designate as Screening Officer.

## **9. POWERS, DUTIES AND FUNCTIONS OF SCREENING OFFICERS**

- 9.1 The powers, duties, and functions of Screening Officers are as set out in the *Act*, and include the following powers:
- a) Where requested by the person against whom a contravention is alleged, communicate information respecting the nature of the contravention, the provision of the bylaw contravened, the facts on which the contravention allegation is based, the penalty for a contravention, the opportunity to enter into a compliance agreement, the opportunity to proceed to the bylaw notice dispute adjudication system and the fee or fees payable in relation to the bylaw notice enforcement process;
  - b) To communicate with any or all of the following for the purposes of performing their functions under this Bylaw or the *Act*:

- i. the person against whom a contravention is alleged or their representative;
- ii. the officer issuing the notice;
- iii. the complainant or their representative;
- iv. the City's staff and records regarding the disputant's history of bylaw compliance.

c) To prepare and enter into compliance agreements under the *Act* with persons who dispute bylaw notices, including to establish terms and conditions for compliance that the Screening Officer considers necessary or advisable, including time periods for payment of penalties and compliance with the Bylaw;

d) To provide for payment of a reduced penalty if a compliance agreement is entered into, as provided in Column A4 of Schedule "A"; and

e) To cancel bylaw notices in accordance with the *Act* or City policies and guidelines.

9.2 The bylaw contraventions in relation to which a Screening Officer may enter into a compliance agreement are indicated in Column A4 of Schedule "A".

9.3 The maximum duration of a compliance agreement is one year.

## **10. BYLAW ENFORCEMENT OFFICERS**

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

- a) Special Constables, Officers, Members or Constables of:
  - i. The provincial police force as defined in Section 1 of the *Police Act*, or
  - ii. A municipal police force;
- b) Bylaw Enforcement Officers appointed pursuant to the *Police Act* or the *Community Charter*;
- c) Local Assistants to the Fire Commissioner under Section 6 of the *Fire Services Act*;
- d) Bylaw Enforcement Officers, Licensing Inspectors, Building Inspectors, Animal Control Officers, or other persons acting in another capacity on behalf of the City for the purpose of enforcement of one or more of its bylaws.

## **11. FORM OF BYLAW NOTICE**

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

## **12. SEVERABILITY**

12.1 If a portion of this Bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

<b>Read a FIRST TIME</b>	this 28 <sup>th</sup> day of September, 2015.
<b>Read a SECOND TIME</b>	this 28 <sup>th</sup> day of September, 2015.
<b>Read a THIRD TIME</b>	this 28 <sup>th</sup> day of September, 2015.
<b>ADOPTED</b>	this 5 <sup>th</sup> day of October, 2015.

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MAYOR

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CHIEF ADMINISTRATIVE OFFICER

**SCHEDULE 'A'**  
**BYLAW NO. 1581, 2015**

**DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES**

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
<b>DOG CONTROL BYLAW</b>						
1469	3.1	Keeping an unlicensed dog	\$50	\$25	\$60	YES
1469	4.1.c	Dog not wearing license	\$50	\$25	\$60	YES
1469	5.2	Dog unlawfully at large	\$100	\$50	\$110	YES
1469	5.3.a	Dog molesting passers-by or approaching in a menacing fashion or apparent attitude of attack	\$100	\$50	\$110	YES
1469	5.3.b	Dog bites, inflicts injury, assaults or otherwise attacks a person	\$200	\$100	\$225	NO
1469	5.3.c	Dog chases vehicles or cyclists	\$100	\$50	\$110	YES
1469	5.3.d	Dog chases, harasses, bites, inflicts injury, assaults or otherwise attacks any other animal	\$200	\$100	\$225	NO
1469	5.3.e	Dog damages property, other than that of the owner	\$50	\$25	\$60	YES
1469	5.3.f	Dog barking excessively	\$50	\$25	\$60	YES
1469	5.4	Failure to remove faecal material	\$50	\$25	\$60	NO
1469	5.5.a	Dangerous dog not muzzled and on a leash	\$150	\$75	\$175	NO
1469	5.5.b	Unsecured dangerous dog	\$150	\$75	\$175	YES
1469	5.6	Dog on a public beach, swimming area, park or public area which is signed otherwise	\$50	\$25	\$60	NO
1469	6.7.a	To release or rescue or attempt to release or rescue an impounded dog	\$150	\$150	\$150	NO
1469	6.7.b	To resist, intervene, or otherwise interfere with the Pound keeper or Dog Control Officer	\$300	\$300	\$300	NO
Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available

<b>WATER AND SPRINKLING REGULATION BYLAW</b>						
1468	9.04, 9.05	Prohibited water use including violation of sprinkling regulations	\$100	\$50	\$110	YES
<b>Bylaw No.</b>	<b>Section</b>	<b>Description</b>	<b>A1 Penalty</b>	<b>A2 Early Payment Penalty</b>	<b>A3 Late Payment Penalty</b>	<b>A4 Compliance Agreement Available</b>
<b>BUSINESS LICENSE AND REGULATION BYLAW</b>						
1558	4(a)(i)	No business license	\$500	\$250	\$500	YES
1558	4(a)(ii)	Business license not valid for person, activity or premises	\$100	\$50	\$110	YES
1558	4(a)(iii)	No business license for each premises	\$100	\$50	\$110	YES
1558	3(b)(viii)	Prohibit entry of authorized person	\$500	\$500	\$500	NO
1558	4(a)(v)	Fail to display business license	\$100	\$50	\$110	YES
1558	4(f)(iv)	Removal of suspension notice	\$200	\$100	\$225	NO
<b>Bylaw No.</b>	<b>Section</b>	<b>Description</b>	<b>A1 Penalty</b>	<b>A2 Early Payment Penalty</b>	<b>A3 Late Payment Penalty</b>	<b>A4 Compliance Agreement Available</b>
<b>GOOD NEIGHBOUR BYLAW</b>						
1517	2.1	Obstruct an officer	\$500	\$500	\$500	NO
1517	2..2	Obstruct entry to property	\$500	\$500	\$500	NO
1517	3.3 (b)	Operate public address system before 9:00 am or after 6:00 pm	\$100	\$50	\$110	YES
1517	3.4 (a)	Noise disturbing people	\$100	\$50	\$110	YES
1517	3.4 (b)	Allow disturbing noise	\$100	\$50	\$110	YES
1517	3.5 (a)	Apparatus producing noise	\$100	\$50	\$110	YES
1517	3.5 (b)	Allow apparatus producing noise	\$100	\$50	\$110	YES
1517	3.5 (c)	Disturbing animal noise	\$100	\$50	\$110	YES
1517	3.5 (d)	Equipment producing noise	\$100	\$50	\$110	YES
1517	3.5 (e)	Construction noise	\$100	\$50	\$110	YES
1517	3.5 (f)	Fighting creating a nuisance	\$100	\$50	\$110	NO
1517	4.3 (a)	Accumulation of matter	\$100	\$50	\$110	YES
1517	4.3 (b)	Accumulation of rubbish around container	\$100	\$50	\$110	YES
1517	4.3 (c)	Unightly property	\$100	\$50	\$110	YES
1517	4.3 (d)	Accumulation of vegetation	\$100	\$50	\$110	YES

1517	4.3 (e)	Accumulation of construction or demolition waste	\$100	\$50	\$110	YES
1517	4.4 (a)	Accumulation of matter obstructs boulevard/lane drainage	\$100	\$50	\$110	YES
1517	4.4 (b)	Failure to maintain boulevard/lane or keep free of weeds	\$100	\$50	\$110	YES
1517	4.4 (c)	Driveway crossing in disrepair	\$100	\$50	\$110	YES
1517	4.4 (d)	Failure to maintain plantings in boulevard/lane	\$100	\$50	\$110	YES
1517	4.4 (e)	Accumulation of matter on boulevard, lane, or sidewalk	\$100	\$50	\$110	YES
1517	4.6	Deposit material upon boulevard or lane	\$100	\$50	\$110	YES
1517	4.7	Failure to remove snow or ice	\$100	\$50	\$110	YES
1517	4.8	Failure to remove snow or ice from the roof	\$100	\$50	\$110	YES
1517	4.9	Deposit snow on highway	\$100	\$50	\$110	YES
1517	5.2	Unlawful burning	\$100	\$50	\$110	YES
1517	5.4.3	Failure to comply with burning permit conditions	\$200	\$100	\$225	NO
1517	5.4.4	Burn unlawful materials	\$200	\$100	\$225	NO
1517	5.4.5	Failure to put competent person in charge	\$200	\$100	\$225	NO
1517	6.2.1	Panhandle within specified area	\$50	\$25	\$60	YES
1517	6.2.2	Panhandle from person in a motor vehicle	\$50	\$25	\$60	YES
1517	6.2.3	Panhandling causes concern for safety or security	\$50	\$25	\$60	YES
1517	6.2.4	Panhandle or follow person after a negative response	\$50	\$25	\$60	YES
1517	6.2.5	Panhandle before dawn or after sunset	\$50	\$25	\$60	YES
1517	6.2.6	Sit or lie on a street for the purpose of panhandling	\$50	\$25	\$60	YES
1517	6.2.7	Obstruct the path of pedestrian traffic	\$50	\$25	\$60	YES
1517	6.2.8	Panhandle as a member of a group	\$50	\$25	\$60	YES
1517	6.2.9	Panhandle in the same place for excessive period	\$50	\$25	\$60	YES
<b>Bylaw No.</b>	<b>Section</b>	<b>Description</b>	<b>A1 Penalty</b>	<b>A2 Early Payment Penalty</b>	<b>A3 Late Payment Penalty</b>	<b>A4 Compliance Agreement Available</b>

**STREET AND TRAFFIC BYLAW**

1471	402	Park, drive or operate a vehicle or cycle in contravention of a traffic control device	\$100	\$50	\$110	NO
1471	403	Remove or alter a traffic control device	\$100	\$50	\$110	NO
1471	404	Failure to obey command	\$100	\$50	\$110	NO
1471	409	Vehicle blocking intersection or marked crosswalk	\$100	\$50	\$110	NO
1471	411	Failure to obey load limits	\$100	\$50	\$110	YES
1471	415	Ride bicycle on a sidewalk or walkway	\$100	\$50	\$110	YES
1471	416	Ride skateboard contrary to bylaw	\$100	\$50	\$110	YES
1471	420	Removal of traffic notice	\$100	\$50	\$110	NO
1471	601	Parking vehicles contrary to bylaw	\$100	\$50	\$110	YES
1471	701	Littering	\$100	\$50	\$110	NO
1471	702	Excavation or construction on highway without authorization	\$100	\$50	\$110	NO
1471	703	Impeding traffic on highway or causing damage to highway	\$100	\$50	\$110	NO
1471	704	Trees or shrubs obstructing sidewalk or highway	\$100	\$50	\$110	YES
1471	706	Defacing poles	\$100	\$50	\$110	YES
<b>Bylaw No.</b>	<b>Section</b>	<b>Description</b>	<b>A1 Penalty</b>	<b>A2 Early Payment Penalty</b>	<b>A3 Late Payment Penalty</b>	<b>A4 Compliance Agreement Available</b>
<b>ZONING BYLAW</b>						
1550	101	Obstructing an inspection or inspector	\$500	\$500	\$500	NO
1550	303.1	Unlawful use of land, buildings or structures	\$200	\$100	\$225	YES
1550	305	Off-street parking or loading contravention	\$100	\$50	\$110	YES
1550	307.2.a	Home occupation contravenes permitted use	\$100	\$50	\$110	YES
1550	307.2.b	Temporary building or structure contravenes permitted use	\$100	\$50	\$110	YES
1550	307.2.c	Boarding use contravenes permitted use	\$100	\$50	\$110	YES



1550	307.3.b	Tent, trailer or mobile home use contravention	\$100	\$50	\$110	YES
1550	307.3.c	Unenclosed storage of vehicles in state of disrepair or not licensed	\$100	\$50	\$110	YES
1550	307.4.a	Unauthorized parking and storage in residential zones	\$100	\$50	\$110	YES
1550	309.1.a	Failure to maintain screening	\$100	\$50	\$110	YES
1550	310.3.a	Sign not permitted	\$100	\$50	\$110	YES
1550	310.3.b	Prohibited sign	\$100	\$50	\$110	YES
1550	310.3.d	More than one home occupation, real estate or political sign	\$100	\$50	\$110	YES
1550	310.3.e	Illumination not permitted for home occupation, real estate or political signs	\$100	\$50	\$110	YES
1550	310.3.h	Failure to maintain sign	\$100	\$50	\$110	YES
Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
<b>CEMETARY REGULATION BYLAW</b>						
1515	12 (5)(a)	Damage any memorial, fence, gate, improvement or structure	\$200	\$100	\$225	NO
1515	12 (5)(b)	Deposit rubbish or offensive matter	\$100	\$50	\$110	NO
1515	12 (6)	Conducting business on grounds	\$100	\$50	\$110	NO
1515	12 (8)(b)	Operate a vehicle on any road, path or walk for purposes other than attending or conducting a funeral or visiting a lot	\$100	\$50	\$110	YES
1515	12 (8)(c)	Operate a vehicle at a speed in excess of fifteen (15) kilometres per hour or upon or over any lot	\$100	\$50	\$110	YES
1515	12 (8)(d)	Possess or consume alcoholic beverages or controlled substances	\$100	\$50	\$110	YES
1515	12 (9),12 (10)	Disobeying the reasonable directions or orders of the Cemetery Administrator	\$200	\$100	\$225	NO

<b>1515</b>	15	Entering or remaining in the Cemetery during the hours it is closed without the permission of the Cemetery Administrator	\$100	\$50	\$110	YES
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