

**REGULAR MEETING OF COUNCIL
AGENDA**

DATE: April 15, 2019
TIME: 4:30 p.m.
LOCATION: Council Chambers, Enderby City Hall

1. APPROVAL OF AGENDA

2. ADOPTION OF MINUTES

[Regular Meeting Minutes of April 1, 2019](#)

Page 1

3. PUBLIC AND STATUTORY HEARINGS

[2019 Budget](#)

Report prepared by Chief Financial Officer

Page 6

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

5. BYLAWS

[City of Enderby 2019-2023 Financial Plan Bylaw No. 1674, 2019](#)

1st, 2nd and 3rd readings

Page 22

[City of Enderby Annual Tax Rate Bylaw No. 1675, 2019](#)

1st, 2nd and 3rd readings

[City of Enderby Sewer Frontage Tax Bylaw No. 1676, 2019](#)

1st, 2nd and 3rd readings

[City of Enderby Water Frontage Tax Bylaw No. 1677, 2019](#)

1st, 2nd and 3rd readings

[City of Enderby Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1678, 2019](#)

1st, 2nd and 3rd readings

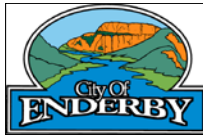
6. REPORTS

[Mayor and Council](#)

[Area F Director](#)

7. **NEW BUSINESS**
 - [Mayor and Council Expense Policy – Itinerary Bookings](#) Page 43
Memo from Chief Financial Officer dated April 4, 2019
 - [Proposed Changes to Bylaw Enforcement Policy](#) Page 47
Memo prepared by Chief Administrative Officer dated April 11, 2019
 - [Discussion on Community Events and Operating Grant Dispersal](#) Verbal
8. **PUBLIC QUESTION PERIOD**
9. **CLOSED MEETING RESOLUTION**

Closed to the public, pursuant to Section 90 (2) (b) of the *Community Charter*
10. **ADJOURNMENT**



THE CORPORATION OF THE CITY OF ENDERBY

Minutes of a **Regular Meeting** of Council held on Monday, April 1, 2019 at 4:30 p.m. in the Council Chambers of City Hall

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

Staff: Chief Administrative Officer – Tate Bengtson
Chief Financial Officer – Jennifer Bellamy
Planner and Deputy Corporate Officer – Kurt Inglis
Recording Secretary – Laurel Grimm

Other: The Press and Public

APPROVAL OF AGENDA

Moved by Councillor Davyduke, seconded by Councillor Schreiner
“That the April 1, 2019 Council Meeting agenda be approved as circulated.”

CARRIED

ADOPTION OF MINUTES

[Regular Meeting Minutes of March 18, 2019](#)

Moved by Councillor Case, seconded by Councillor Shishido
“That the March 18, 2019 Council Meeting minutes be adopted as amended.”

CARRIED

PETITIONS AND DELEGATIONS

[Enderby Open Air Farmers Market](#) – Gabriele Wesle

Presentation and report submitted by Gabriele Wesle on the Open Air Market 2018-19 season.

- Located at Splatsin Community Centre south parking lot.
- Thanks to Splatsin for allowing them to hold the market on traditional Splatsin territory.
- Connects the community and provides the opportunity to buy and support local.
- Market has a committed board of directors and market manager.
- Best location to hold the market, great vendors. Most of the 47 stalls were consistently filled.
- Constantly making improvements and we learn more about our customers, vendors and community.
- Would like to purchase a storage trailer/shed.

- Would like to purchase a vendor map for the entrance of the market and sign posts.

Requesting permission from Council to allow the Enderby Open Air Market to continue to have horse drawn carriages on the first Friday of the month during the outdoor market season.

Moved by Councillor Case, seconded by Councillor Shishido

“THAT Council approves the Open Air Market’s request to provide horse-drawn wagon rides along Vernon Street as part of the Market’s monthly special events subject to the owner/operator of the horse-drawn wagon:

1. *Indemnifying the City of Enderby and providing proof of suitable public liability insurance with the City as a named insured; and*
2. *Being outfitted with appropriate clean-up paraphernalia and immediately removing any horse excrement that is deposited on public property.”*

CARRIED

DEVELOPMENT MATTERS

0019-19-DVP-END

Legal: Lot 3, District Lot 150, Kamloops (Formerly Osoyoos) Division Yale District
 Plan: PLAN 20301
 Address: 407 Kildonan Avenue, Enderby BC
 Applicant: Tyler Rands

The Mayor called for questions from the gallery and, hearing none, the following resolution was put forward.

Moved by Councillor Schreiner, seconded by Councillor Case

“THAT Council authorize the issuance of a Development Variance Permit for the property legally described as LOT 3 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 20301 and located at 407 Kildonan Avenue, Enderby B.C. to permit a variance to Section 1101.1.c.i of Zoning Bylaw No. 1550, 2014 by reducing the minimum frontage for a panhandle lot that cannot be further subdivided from 10 m (32.81 feet) to 9.21 m (30.22 feet) for Remainder Lot 3 of Plan 20301 as shown on the attached Schedule "A", subject to the City of Enderby receiving a Letter of Undertaking from a lawyer or notary on behalf of the applicant, which confirms that a statutory right-of-way in favour of BC Hydro, and to the satisfaction of BC Hydro, will be registered concurrently with the application to deposit the subdivision plan;

AND THAT Council authorize the issuance of a Development Variance Permit for the property legally described as LOT 3 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 20301 and located at 407 Kildonan Avenue, Enderby B.C. to permit a variance to Section 2.0 of Schedule "A" of Subdivision Servicing and Development Bylaw No. 1278, 2000 by not dedicating a minimum of 9 m (29.53 feet) from the existing centreline of Kildonan Avenue;

AND THAT Council waive the minimum lot frontage requirement of Section 1101.1.b.i of the City of Enderby Zoning Bylaw No. 1550, 2014 by permitting the lot frontage to be less than one-tenth

of the perimeter of the parcel for the proposed Remainder Lot 3 of Plan 20301 as shown on the attached Schedule "A".

CARRIED

BUSINESS ARISING FROM THE MINUTES AND/OR UNFINISHED BUSINESS

None

BYLAWS

[Bylaw Notice Enforcement Bylaw No. 1581, 2015 Amendment Bylaw No. 1672, 2019 And Municipal Ticketing Information \(MTI\) System Bylaw No. 1518, 2013 Amendment Bylaw No. 1673, 2019 - adoption](#)

Moved by Councillor Shishido, seconded by Councillor Davyduke

"THAT Council adopt the Corporation of the City of Enderby Bylaw Notice Enforcement Bylaw No. 1581, 2015 Amendment Bylaw No. 1672, 2019;

AND THAT Council adopt the City of Enderby Municipal Ticketing Information (MTI) System Bylaw No. 1518, 2013 Amendment Bylaw No. 1673, 2019."

CARRIED

REPORTS

Mayor and Council Reports

Councillor Shishido

- None

Councillor Davyduke

- Finance Portfolio met to discuss 2019 Budget which is up for Council consideration later in the meeting.
- Interagency meeting:
- Discussion with Nexus on employment programs, including a new contract with WorksafeBC. Working to encourage high school students (grades 11 and 12) to complete tours of employment agencies in Enderby and Armstrong.

Councillor Case

- Discussed the status of ridesharing in BC.

Councillor Schreiner

- Discussed progress on ridesharing.

Councillor Knust

- None

Mayor McCune

- Staff to send a thank you letter expressing our gratitude in the help we received navigating resources to support the Resource Centre's programs.
- Staff to amend Council Expense Policy to reverse a previous change whereby Council was presumed to book their own travel unless they indicated otherwise.

Area F Director

- Okanagan Film Commission
- Young Agrarians sponsorship
- Grant for North Okanagan Emergency Preparedness. Would like to open up dialogue on working together with neighbouring communities. Staff to include this item on the next meeting agenda with Splatsin and extend an invitation to Director Delisle.

NEW BUSINESS

2019 Community Child Care Planning Program – Approval Agreement and Terms & Conditions of Funding

Moved by Councillor Schreiner, seconded by Councillor Shishido

“That Council receives and files the 2019 Community Child Care Planning Program notice of grant award.”

CARRIED

BC Energy Step Code

Moved by Councillor Case, seconded by Councillor Shishido

“THAT the memorandum from the Regional District of North Okanagan Building Department be received and filed;

AND THAT Council does not proceed at this time with requiring early adoption of the BC Energy Step Code;

AND THAT Council directs staff to monitor other jurisdictions for best practices and lessons learned on the BC Energy Step Code, and report back to Council if and when there appears to be a policy basis to reconsider its early adoption;

AND FURTHER THAT Council directs staff to provide information materials on the City of Enderby website, such as the BC Energy Step Code: Build Guide, in order to encourage voluntary adoption and raise awareness among the local building community about the forthcoming obligations.”

CARRIED

Ride-Sharing Services and Regulatory Recommendations

Moved by Councillor Shishido, seconded by Councillor Schreiner

“THAT Council receives and files the all-party Select Standing Committee on Crown Corporations’ report entitled Transportation Network Services: Boundaries, Supply, Fares, and Driver’s Licenses, dated March 2019.”

CARRIED

2019 Proposed Budget

Moved by Councillor Schreiner, seconded by Councillor Shishido

“THAT Council refers the attached budgets to the April 15, 2019 Council meeting for consideration of public input.”

CARRIED

Discussion on bylaw compliance and unsightly premises enforcement. Could the City of

Enderby do a “one-time blitz” of unsightly properties? Staff will provide Council with a description of the current approach and prepare a report with suggestions.

PUBLIC QUESTION PERIOD

None

CLOSED MEETING RESOLUTION

Moved by Councillor Shishido, seconded by Councillor Davyduke (5:50 p.m.)

“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) and 90 (2) (b) of the Community Charter.”

CARRIED

ADJOURNMENT

The regular meeting reconvened at 6:17 p.m.

Moved by Councillor Knust, seconded by Councillor Schreiner

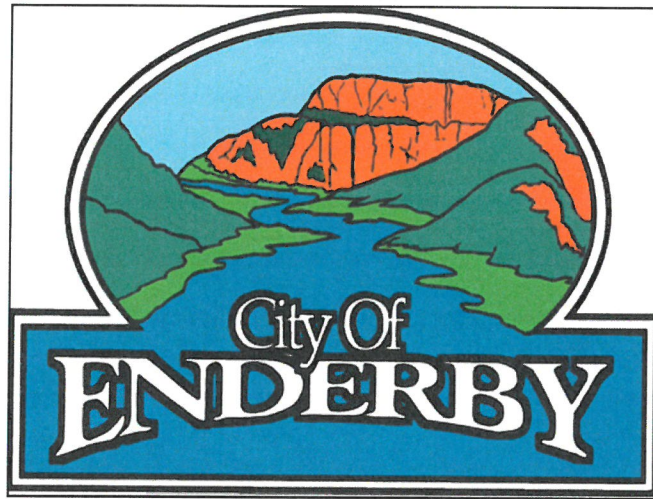
“That the regular meeting of April 1, 2019 adjourn at 6:17 p.m.”

CARRIED

MAYOR

CORPORATE OFFICER

CITY OF ENDERBY



2019 BUDGET

Public Input

April 15, 2019

4:30 PM

Council Chambers

City of Enderby

2019 Budget - Public Input - April 15, 2019 at 04:30 PM

	<u>Package Page #</u>
Table of Contents	2
City of Enderby Budget Summary	3
2019 Taxation/User Fee Impact - Single Family Dwelling	4
2019 - 2023 Financial Plan Bylaw	5-9
Comparison of 2019 Budget vs. 2018 Budget - General	10-14
Comparison of 2019 Budget vs. 2018 Budget - Sewer	15
Comparison of 2019 Budget vs. 2018 Budget - Water	16

City of Enderby Budget Summary

The budget principles shown here have been developed over several years and help guide the decisions of staff and City Council when preparing the City's annual financial plan. Overall the financial plan proposes a combined increase to taxation and user fees of **3.7%**, or an additional \$76.85 for the average single family home.

1. Financial Plan

The 2019 budget challenges include capital initiatives, aging infrastructure and inflationary pressures on suppliers and utilities. With these challenges, department budgets continue to strive for operational efficiency while balancing the diverse service needs of the public with stewardship of public assets. Planned projects for 2019 include:

- Reservoir Road rehabilitation
- Preliminary design for a new pool
- New flooring and painting for the Arena
- Initiate the first phase of the Cemetery Land Use Plan, which includes improving the existing cremation area and installing the first of three columbaria in the upper cremation garden
- Evacuation Route Planning to produce a detailed evacuation route plan for the community
- Emergency Social Services improvements to strengthen the City's ability to provide Emergency Social Services and provide long-term resiliency
- Community Child Care Planning project to develop a child care space inventory, a child care needs assessment and an action plan for improving access to child care in the community
- Ongoing renewal of major wastewater treatment components to ensure protection of environmental health.
- New and replacement water treatment equipment to ensure ongoing protection of public health

2. User Fees

User fee adjustments are determined by analyzing cost changes and assessing the community's ability to pay. The 2019 budget does not require an increase to sewer user fees or the residential water user fees. A slight increase will be made to the commercial water rates, which will result in a \$0.33 increase per billing period for the average business.

3. Taxation Policy

Once service levels are established, and user fees and other revenue sources are known, the remaining revenue required to balance the budget is collected from property taxation. Tax rates are calculated to financially sustain the City into the future and not to defer asset stewardship or create structural deficits. The 2019 budget proposes a 6.9% increase to general taxation which amounts to an additional \$64.75 for the average residential property.

4. Capital Expenditures

A long-term capital plan, including infrastructure renewal, forms the foundation for capital expenditures in the City. Funding for infrastructure renewal is a challenge faced by all communities. The City will continue to increase the amount put towards infrastructure renewal and will continue to seek out senior government grants where available to help offset costs for its citizens.

5. Public Input

The Public Input meeting will take place Monday, April 15, 2019 during the regular Council meeting. The public is welcome to attend and provide feedback. Written feedback will be presented but must be received by 10:00am on Wednesday, April 10, 2019.

City of Enderby
2019 Taxation/User Fee Impact

Description	2018 Levy/Fees - based on average assessment of \$308,100*	Percentage Increase	Dollar Change	Total 2019
General	938.27	6.9%	64.75	1,003.02
Water-Frontage				
Sewer-Frontage	263.00	1.9%	5.00	268.00
Water-User	250.00	2.0%	5.00	255.00
Sewer-User	226.53	0.0%	-	226.53
Refuse	282.77	0.0%	-	282.77
	96.40	2.2%	2.10	98.50
Total General Taxes & Utilities	2,056.97	3.7%	76.85	2,133.82

* Average value of a 2019 home excluding non-market change (i.e. New construction)

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1674

A BYLAW OF THE CITY OF ENDERBY RESPECTING THE 2019 – 2023 FINANCIAL
PLAN

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

1. This bylaw may be cited as “City of Enderby 2019 – 2023 Financial Plan Bylaw No.1674, 2019”.
2. Schedule “A” attached hereto and made part of the Bylaw is hereby declared to be the 2019 – 2023 Financial Plan of the City of Enderby.
3. Schedule “B” attached hereto and made part of this Bylaw is the Statement of Objectives and Policies for the City of Enderby that support the 2019 – 2023 Financial Plan.
4. Bylaw No. 1650, cited as “City of Enderby 2018 – 2022 Financial Plan Bylaw No. 1650, 2018”, is hereby repealed.

READ a FIRST time this _____ day of April, 2019.

READ a SECOND time this _____ day of April, 2019.

READ a THIRD time this _____ day of April, 2019.

RECONSIDERED and ADOPTED this _____ day of May, 2019.

MAYOR

CORPORATE OFFICER

CITY OF ENDERBY
2019-2023 Financial Plan

Consolidated Five Year Financial Plan
Schedule 'A' of Bylaw No. 1674

	<u>2019 Budget</u>	<u>2020 Budget</u>	<u>2021 Budget</u>	<u>2022 Budget</u>	<u>2023 Budget</u>
REVENUES					
Municipal Taxation	1,557,227	1,598,615	1,641,240	1,685,142	1,730,366
Utility Taxes / Grants in Lieu	98,874	100,851	102,868	104,926	107,024
Sale of Services / Other Contributions	365,906	350,274	357,280	691,925	371,714
Revenue from own Sources	1,265,997	1,291,316	1,317,143	1,343,486	1,370,355
Grants	1,030,629	1,273,825	638,588	638,588	638,588
Sewer Revenue	778,054	785,099	797,442	810,018	822,830
Water Revenue	754,542	762,351	775,023	787,926	801,064
Total Revenues	<u>5,851,229</u>	<u>6,162,331</u>	<u>5,629,584</u>	<u>6,062,011</u>	<u>5,841,941</u>
EXPENSES					
General Government Services	832,568	805,614	821,727	838,161	854,924
Protective Services	323,250	224,553	229,044	233,625	238,297
Transportation Services	601,373	605,751	617,866	630,223	642,828
Environmental Health Services	105,690	107,804	109,960	112,159	114,403
Animal Control	27,735	28,290	28,856	29,433	30,021
Cemetery	79,588	54,863	55,961	57,080	58,221
Recreation & Cultural Services	87,090	88,832	90,608	92,421	94,269
Fortune Parks Recreational Services	856,141	873,264	890,729	908,543	926,714
Sewer Expenditures	538,202	544,377	555,264	566,369	577,697
Water Expenditures	593,447	520,146	530,549	541,159	551,983
Fiscal Services	115,179	104,156	104,156	104,156	104,156
Total Expenses	<u>4,160,263</u>	<u>3,957,650</u>	<u>4,034,720</u>	<u>4,113,329</u>	<u>4,193,513</u>
SURPLUS (DEFICIT) FOR THE YEAR	<u>1,690,966</u>	<u>2,204,681</u>	<u>1,594,864</u>	<u>1,948,682</u>	<u>1,648,428</u>
TOTAL CASH FROM OPERATIONS	<u>1,690,966</u>	<u>2,204,681</u>	<u>1,594,864</u>	<u>1,948,682</u>	<u>1,648,428</u>
ADJUST FOR CASH ITEMS					
Capital Asset expenditures	(2,488,183)	(2,815,396)	(111,500)	(997,440)	(365,212)
Debt Principle repayment	(119,203)	(108,794)	(108,794)	(108,794)	(108,794)
Debt Proceeds	602,527	200,000	-	-	-
Transfer From Reserves	908,601	1,242,833	111,500	492,193	283,624
Transfer to Reserves	(1,194,108)	(1,229,138)	(1,486,070)	(1,334,641)	(1,458,046)
Transfer From Operating Surplus	599,400	505,814	-	-	-
TOTAL CASH ADJUSTMENT	<u>(1,690,966)</u>	<u>(2,204,681)</u>	<u>(1,594,864)</u>	<u>(1,948,682)</u>	<u>(1,648,428)</u>
FINANCIAL PLAN BALANCE	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>

CITY OF ENDERBY
2019-2023 Financial Plan

Statement of Objectives and Policies
Schedule 'B' of Bylaw No. 1674

In accordance with Section 165(3.1) of the *Community Charter*, the City of Enderby is required to include in the Five Year Financial Plan objectives and policies regarding each of the following:

1. The proportion of total revenue that comes from each of the funding sources described in Section 165(7) of the *Community Charter*,
2. The distribution of property taxes among the property classes, and
3. The use of permissive tax exemptions.

Proportion of Total Revenue From Funding Sources

User fees and charges form the largest portion of planned revenue. These are services that can be measured and charged on a user-pay basis such as water and sewer usage, building permits, business licenses, and sale of services. User fees attempt to apportion the value of a service to those who use the service.

Property Taxation forms the second largest portion of revenue. It offers a stable and reliable source of revenue for services that are difficult or undesirable to fund on a user-pay basis such as fire protection, street maintenance, snow removal, and general administration.

Government Grants form the third largest proportion of planned revenue. These grants are for projects where the City of Enderby has received grant approval or is anticipating approval in 2019.

Policies

- The City of Enderby will review all user fee levels to ensure they are adequately meeting both the capital and delivery costs of the service, while maintaining affordability for its citizens.
- Where possible, the City of Enderby will use revenues from grant funding and user fees and charges to lessen the burden on its property tax base.

Table 1: Sources of Funding

<i>Funding Source</i>	% of Total Revenue	Dollar Value
<i>Property taxation</i>	19.5 %	\$ 1,557,227
<i>User Fees and charges</i>	20.6 %	\$ 1,638,285
<i>Other sources*</i>	39.4 %	\$ 3,133,089
<i>Government grants</i>	12.9 %	\$ 1,030,629
<i>Debt proceeds</i>	7.6 %	\$ 602,527
<i>Total</i>	100.0 %	\$ 7,961,757

* *Other sources* includes transfers from reserves and surplus funds, and funding received from other jurisdictions.

Distribution of Property Value Taxes

The residential property class provides the largest proportion of property tax revenue as the class also forms the largest portion of the assessment base.

Objective

- To distribute the tax burden amongst the property classes equitably.

Overview in Preparing the Budget

- User fees and charges are used to help offset the burden on the property tax base.
- The City of Enderby will continue to apply for grant funding to help offset capital expenditures and infrastructure planning studies.
- Continue economic development initiatives designed to attract and retain business.

Table 2: Distribution of Property Tax Rates

Property Class	% Of Total Property Taxation	Dollar Value
Residential (1)	79.36 %	\$ 1,235,781
Utilities (2)	1.15 %	\$ 17,932
Light Industrial (5)	1.94 %	\$ 30,155
Business and Other (6)	17.38 %	\$ 270,665
Recreation / Non-Profit (8)	0.12 %	\$ 1,925
Farmland (9)	0.05 %	\$ 769
Total	100.00 %	\$ 1,557,227

Permissive Tax Exemptions

- The City of Enderby provides permissive tax exemptions consistent with its policy. Some of the eligibility criteria for permissive tax exemptions that are outlined in the policy include the following:
 - The Organization's use of the land and/or improvements must be used for public benefit to provide programs and/or activities consistent with Council's objective of enhancing quality of life and delivering services economically.
 - The exemption must be used to benefit the Organization directly and the cost savings attributed to the exemption cannot be turned over to another organization.

- Only Organizations who meet the requirements of the *Community Charter* are eligible for a permissive tax exemption.

Objective

In conjunction with the development of the Financial Plan, Council will continue to provide permissive tax exemptions to non-profit societies where the value of permissive tax exemptions granted would not exceed approximately 5% of the annual municipal levy.

City of Enderby
Comparison of 2019 Budget vs. 2018 Budget - General

Operating					Special Projects				Capital Projects			

Protective Services

Operating					Special Projects				Capital Projects			

Fortune Parks

Operating					Special Projects				Capital Projects			

Animal Control

	Operating				Special Projects				Capital Projects			
	2018 Budget	2018 Actual	2019 Budget	2019 vs 2018 Budget	2018 Budget	2018 Actual	2019 Budget	2019 vs 2018 Budget	2018 Budget	2018 Actual	2019 Budget	2019 vs 2018 Budget
Revenue												
Revenue from Other Sources	14,325	13,526	16,207	1,882								
Conditional Grants	0	0	0	0								
Property Taxes-General Revenue	13,432	13,432	11,528	-1,904								
Contribution - amortization	0	0	0	0								
Transfer from reserves	0	0	0	0								
Transfer from DCC's	0	0	0	0								
Transfer from surplus	0	0	0	0								
Total Revenue	27,757	26,958	27,735	-22	0	0	0	0	0	0	0	0
Expenditures												
Animal Control	27,757	21,113	27,735	-22								0
Total Operating Expenses	27,757	21,113	27,735	-22	0	0	0	0	0	0	0	0
Capital												
Amortization												
Fiscal Services												
Transfer to Reserves												
Total Capital Expenses	0	0	0	0	0	0	0	0	0	0	0	0
Total Expenditures	27,757	21,113	27,735	-22	0	0	0	0	0	0	0	0
Net Income	0	5,844	0	0	0	0	0	0	0	0	0	0

Cemetery

		Operating				Special Projects				Capital Projects			
		2018 Budget	2018 Actual	2019 Budget	2019 vs 2018 Budget	2018 Budget	2018 Actual	2019 Budget	2019 vs 2018 Budget	2018 Budget	2018 Actual	2019 Budget	2019 vs 2018 Budget
Revenue	Revenue from Other Sources	38,560	37,095	38,786	226					3,500	3,500	3,950	450
	Conditional Grants	0	0	0	0								
	Property Taxes-General Revenue	14,833	14,888	15,054	221								
	Contribution - amortization												
	Transfer from reserves					25,000	25,000	25,748	748	0	0	57,700	57,700
	Transfer from DCC's												
	Transfer from surplus												
Total Revenue		53,393	51,983	53,840	447	25,000	25,000	25,748	748	3,500	3,500	61,650	58,150
Expenditures													
Cemetery		53,393	35,438	53,840	447	25,000	27,834	25,748	748				0
Total Operating Expenses		53,393	35,438	53,840	447	25,000	27,834	25,748	748	0	0	0	0
Capital												57,700	57,700
Amortization													0
Fiscal Services													0
Transfer to Reserves										3,500	3,500	3,950	450
Total Capital Expenses		0	0	0	0	0	0	0	0	3,500	3,500	61,650	58,150
Total Expenditures		53,393	35,438	53,840	447	25,000	27,834	25,748	748	3,500	3,500	61,650	58,150
Net Income		0	16,545	0	0	0	-2,834	0	0	0	0	0	0

City of Enderby
Comparison of 2019 Budget vs. 2018 Budget - Sewer

		Operating			
		2018 Budget	2018 Actual	2019 Budget	2019 vs 2018 Budget
Revenue					
	User Fees	425,135	435,853	434,454	9,319
	Connection Fees	750	0	750	0
	Frontage Tax	590	126	0	-590
	Conditional Grants	0	0	0	0
	Misc. Revenue	18,062	29,567	18,700	638
	Transfer from DCC's	0	0	0	0
	Transfer from Surplus	9,000	0	0	-9,000
	Transfer from Reserves	0	0	0	0
	Borrow	0	0	0	0
	Contribution - Amortization	0	0	0	0
	Total Revenue	453,537	465,546	453,903	366
Expenditures					
	Sewer Maintenance	31,435	21,086	28,900	-2,535
	Staff Development	3,000	591	3,000	0
	Administration Fee	44,263	44,263	49,229	4,966
	PW Equipment	6,300	7,820	11,794	5,494
	Labour and benefits	140,270	118,257	131,480	-8,790
	Treatment Plant	194,119	178,814	190,000	-4,119
	Pre-Engineering/Design/Studies	5,000	551	5,000	0
	Sludge Handling	23,650	28,715	29,000	5,350
	Annual Upgrades	0	0	0	0
	Sundry	3,000	0	5,500	2,500
	Legal/Professional Fees	2,500	0	0	-2,500
	Total Operating Expenses	453,537	400,097	453,902	365
	Transfer to Reserves				
	Transfer to Reserves - Asset Manage.				
	Capital				
	Amortization				
	Debt Servicing				
	Total Capital Expenses	0	0	0	0
	Total Expenditures	453,537	400,097	453,902	365
	Net Income	0	65,449	0	0

Special Projects			
2018 Budget	2018 Actual	2019 Budget	2019 vs 2018 Budget
79,500	79,500	78,860	-640
		940	940
	4,045		0
9,600	-	4,500	-5,100
			0
89,100	83,545	84,300	-4,800
	2,900		0
89,100	9,880	84,300	-4,800
89,100	12,780	84,300	-4,800
0	0	0	0
89,100	12,780	84,300	-4,800
0	70,765	0	0

Capital Projects			
2018 Budget	2018 Actual	2019 Budget	2019 vs 2018 Budget
2,408	2,408	2,080	(328)
			-
236,873	236,873	242,271	5,398
-	-	-	-
-	-	-	-
-	-	-	-
203,184	82,464	181,500	(21,684)
462,209	213,296	-	(462,209)
-	-	-	-
-	222,000	-	-
904,674	757,041	425,851	-478,823
-	-	-	-
106,332	106,332	106,332	0
37,797	37,797	42,867	5,070
703,893	334,260	220,000	-483,893
0	222,000	0	0
56,652	56,652	56,652	0
904,674	757,041	425,851	-478,823
904,674	757,041	425,851	-478,823
0	(0)	(0)	(0)

City of Enderby
Comparison of 2019 Budget vs. 2018 Budget - Water

Operating					Special Projects				Capital Projects			

Agenda

THE CORPORATION OF THE CITY OF ENDERBY
MEMO

To: Tate Bengtson, CAO
From: Jennifer Bellamy, CFO
Date: April 4, 2019
Subject: 2019 Budget Bylaws

Recommendation:

THAT Council give first, second and third readings of the bylaw cited as "City of Enderby 2019-2023 Financial Plan Bylaw No. 1674, 2019";

THAT Council give first, second and third readings of the bylaw cited as "City of Enderby Annual Tax Rate Bylaw No. 1675, 2019";

THAT Council give first, second and third readings of the bylaw cited as "City of Enderby Sewer Frontage Tax Bylaw No. 1676, 2019";

THAT Council give first, second and third readings of the bylaw cited as "City of Enderby Water Frontage Tax Bylaw No. 1677, 2019";

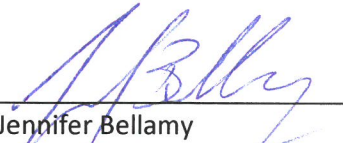
AND THAT Council give first, second and third readings of the bylaw cited as "City of Enderby Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1678, 2019".

Background:

The attached budget bylaws are per the Financial Plan presented at the April 1, 2019 Council meeting and the Financial Plan included in the April 15, 2019 Public Input session. The Fees and Charges Bylaw also includes changes to the water and sewer connection fees to reflect actual costs. Previously the fees included a \$750 minimum charge; however, if a connection was made to a pre-serviced lot the cost of the connection would have already been incurred and paid for by the developer. The only additional cost to the City in this case would be for the City to inspect the connection.

Per Section 197 of the Community Charter, these bylaws must be adopted by May 15, 2019.

Respectfully submitted.



Jennifer Bellamy
Chief Financial Officer

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1674

A BYLAW OF THE CITY OF ENDERBY RESPECTING THE 2019 – 2023 FINANCIAL
PLAN

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

1. This bylaw may be cited as “City of Enderby 2019 – 2023 Financial Plan Bylaw No.1674, 2019”.
2. Schedule “A” attached hereto and made part of the Bylaw is hereby declared to be the 2019 – 2023 Financial Plan of the City of Enderby.
3. Schedule “B” attached hereto and made part of this Bylaw is the Statement of Objectives and Policies for the City of Enderby that support the 2019 – 2023 Financial Plan.
4. Bylaw No. 1650, cited as “City of Enderby 2018 – 2022 Financial Plan Bylaw No. 1650, 2018”, is hereby repealed.

READ a FIRST time this _____ day of April, 2019.

READ a SECOND time this _____ day of April, 2019.

READ a THIRD time this _____ day of April, 2019.

RECONSIDERED and ADOPTED this _____ day of May, 2019.

MAYOR

CORPORATE OFFICER

CITY OF ENDERBY
2019-2023 Financial Plan

Consolidated Five Year Financial Plan
Schedule 'A' of Bylaw No. 1674

	<u>2019 Budget</u>	<u>2020 Budget</u>	<u>2021 Budget</u>	<u>2022 Budget</u>	<u>2023 Budget</u>
REVENUES					
Municipal Taxation	1,557,227	1,598,615	1,641,240	1,685,142	1,730,366
Utility Taxes / Grants in Lieu	98,874	100,851	102,868	104,926	107,024
Sale of Services / Other Contributions	365,906	350,274	357,280	691,925	371,714
Revenue from own Sources	1,265,997	1,291,316	1,317,143	1,343,486	1,370,355
Grants	1,030,629	1,273,825	638,588	638,588	638,588
Sewer Revenue	778,054	785,099	797,442	810,018	822,830
Water Revenue	754,542	762,351	775,023	787,926	801,064
Total Revenues	5,851,229	6,162,331	5,629,584	6,062,011	5,841,941
EXPENSES					
General Government Services	832,568	805,614	821,727	838,161	854,924
Protective Services	323,250	224,553	229,044	233,625	238,297
Transportation Services	601,373	605,751	617,866	630,223	642,828
Environmental Health Services	105,690	107,804	109,960	112,159	114,403
Animal Control	27,735	28,290	28,856	29,433	30,021
Cemetery	79,588	54,863	55,961	57,080	58,221
Recreation & Cultural Services	87,090	88,832	90,608	92,421	94,269
Fortune Parks Recreational Services	856,141	873,264	890,729	908,543	926,714
Sewer Expenditures	538,202	544,377	555,264	566,369	577,697
Water Expenditures	593,447	520,146	530,549	541,159	551,983
Fiscal Services	115,179	104,156	104,156	104,156	104,156
Total Expenses	4,160,263	3,957,650	4,034,720	4,113,329	4,193,513
SURPLUS (DEFICIT) FOR THE YEAR	1,690,966	2,204,681	1,594,864	1,948,682	1,648,428
TOTAL CASH FROM OPERATIONS	1,690,966	2,204,681	1,594,864	1,948,682	1,648,428
ADJUST FOR CASH ITEMS					
Capital Asset expenditures	(2,488,183)	(2,815,396)	(111,500)	(997,440)	(365,212)
Debt Principle repayment	(119,203)	(108,794)	(108,794)	(108,794)	(108,794)
Debt Proceeds	602,527	200,000	-	-	-
Transfer From Reserves	908,601	1,242,833	111,500	492,193	283,624
Transfer to Reserves	(1,194,108)	(1,229,138)	(1,486,070)	(1,334,641)	(1,458,046)
Transfer From Operating Surplus	599,400	505,814	-	-	-
TOTAL CASH ADJUSTMENT	(1,690,966)	(2,204,681)	(1,594,864)	(1,948,682)	(1,648,428)
FINANCIAL PLAN BALANCE	-	-	-	-	-

CITY OF ENDERBY
2019-2023 Financial Plan

Statement of Objectives and Policies
Schedule 'B' of Bylaw No. 1674

In accordance with Section 165(3.1) of the *Community Charter*, the City of Enderby is required to include in the Five Year Financial Plan objectives and policies regarding each of the following:

1. The proportion of total revenue that comes from each of the funding sources described in Section 165(7) of the *Community Charter*,
2. The distribution of property taxes among the property classes, and
3. The use of permissive tax exemptions.

Proportion of Total Revenue From Funding Sources

User fees and charges form the largest portion of planned revenue. These are services that can be measured and charged on a user-pay basis such as water and sewer usage, building permits, business licenses, and sale of services. User fees attempt to apportion the value of a service to those who use the service.

Property Taxation forms the second largest portion of revenue. It offers a stable and reliable source of revenue for services that are difficult or undesirable to fund on a user-pay basis such as fire protection, street maintenance, snow removal, and general administration.

Government Grants form the third largest proportion of planned revenue. These grants are for projects where the City of Enderby has received grant approval or is anticipating approval in 2019.

Policies

- The City of Enderby will review all user fee levels to ensure they are adequately meeting both the capital and delivery costs of the service, while maintaining affordability for its citizens.
- Where possible, the City of Enderby will use revenues from grant funding and user fees and charges to lessen the burden on its property tax base.

Table 1: Sources of Funding

<i>Funding Source</i>	% of Total Revenue	Dollar Value
<i>Property taxation</i>	19.5 %	\$ 1,557,227
<i>User Fees and charges</i>	20.6 %	\$ 1,638,285
<i>Other sources*</i>	39.4 %	\$ 3,133,089
<i>Government grants</i>	12.9 %	\$ 1,030,629
<i>Debt proceeds</i>	7.6 %	\$ 602,527
<i>Total</i>	100.0 %	\$ 7,961,757

* *Other sources* includes transfers from reserves and surplus funds, and funding received from other jurisdictions.

Distribution of Property Value Taxes

The residential property class provides the largest proportion of property tax revenue as the class also forms the largest portion of the assessment base.

Objective

- To distribute the tax burden amongst the property classes equitably.

Overview in Preparing the Budget

- User fees and charges are used to help offset the burden on the property tax base.
- The City of Enderby will continue to apply for grant funding to help offset capital expenditures and infrastructure planning studies.
- Continue economic development initiatives designed to attract and retain business.

Table 2: Distribution of Property Tax Rates

Property Class	% Of Total Property Taxation	Dollar Value
Residential (1)	79.36 %	\$ 1,235,781
Utilities (2)	1.15 %	\$ 17,932
Light Industrial (5)	1.94 %	\$ 30,155
Business and Other (6)	17.38 %	\$ 270,665
Recreation / Non-Profit (8)	0.12%	\$ 1,925
Farmland (9)	0.05%	\$ 769
Total	100.00 %	\$ 1,557,227

Permissive Tax Exemptions

- The City of Enderby provides permissive tax exemptions consistent with its policy. Some of the eligibility criteria for permissive tax exemptions that are outlined in the policy include the following:
 - The Organization's use of the land and/or improvements must be used for public benefit to provide programs and/or activities consistent with Council's objective of enhancing quality of life and delivering services economically.
 - The exemption must be used to benefit the Organization directly and the cost savings attributed to the exemption cannot be turned over to another organization.

- Only Organizations who meet the requirements of the *Community Charter* are eligible for a permissive tax exemption.

Objective

In conjunction with the development of the Financial Plan, Council will continue to provide permissive tax exemptions to non-profit societies where the value of permissive tax exemptions granted would not exceed approximately 5% of the annual municipal levy.

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1675

BEING A BYLAW FOR THE LEVYING OF RATES FOR MUNICIPAL, REGIONAL HOSPITAL
DISTRICT, REGIONAL LIBRARY, AND
REGIONAL DISTRICT PURPOSES FOR THE YEAR 2019

The Council of the City of Enderby, in the Province of British Columbia, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as "City of Enderby Annual Tax Rate Bylaw No. 1675, 2019".
2. The following rates are hereby imposed and levied for the year 2019:
 - (a) For all lawful and general purposes of the municipality on the value of land and improvements taxable for General Municipal purposes, rates appearing in Schedule "A" attached hereto and forming part of the bylaw.
 - (b) For hospital purposes on the value of land and improvements taxable for Regional Hospital District purposes, rates appearing in Schedule "A" attached hereto and forming part of this bylaw.
 - (c) For library purposes on the value of land and improvements taxable for Regional Library purposes, rates appearing in Schedule "A" attached hereto and forming part of this bylaw.
 - (d) For regional district purposes on the value of land and improvements taxable for Regional District purposes, rates appearing in Schedule "A" attached hereto and forming part of this bylaw.
3. The minimum amount of taxation upon a parcel or real property shall be One Dollar (\$1.00).
4. Bylaw No. 1654, cited as "City of Enderby Annual Tax Rate Bylaw No. 1654, 2018, is hereby repealed.

READ a FIRST time this ____ day of April, 2019.

READ a SECOND time this ____ day of April, 2019.

READ a THIRD time this ____ day of April, 2019.

RECONSIDERED and ADOPTED this ____ day of May, 2019.

MAYOR

CORPORATE OFFICER

SCHEDULE "A"

Property Class	General Municipal	North Okanagan/ Columbia Shuswap Regional District Hospital	Regional Library	Regional District
1 Residential	3.2555	0.2873	0.2090	0.7735
2 Utility	37.0956	1.0054	2.3811	2.7073
5 Light Industry	8.8806	0.9767	0.5700	2.6299
6 Business	6.4294	0.7038	0.4127	1.8951
8 Recreation	3.8905	0.2873	0.2497	0.7735
9 Farm	2.8368	0.2873	0.1821	0.7735

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO.1676

A BYLAW TO IMPOSE A SEWER FRONTAGE TAX ON OWNERS OF LAND
PURSUANT TO THE PROVISIONS OF THE COMMUNITY CHARTER

WHEREAS the Council of the Corporation of the City of Enderby, is empowered by the Community Charter to impose and levy a frontage tax to meet the cost of works and services that benefit land within the Municipality;

AND WHEREAS certain costs have been incurred by the City in providing sewer services to land within its boundaries;

AND WHEREAS it is deemed desirable and expedient to impose and levy a frontage tax on land benefiting from such service to meet such costs;

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

1. This bylaw may be cited as "City of Enderby Sewer Frontage Tax Bylaw No. 1676, 2019".
2. In this bylaw, unless the context otherwise requires, "actual foot frontage" means the number of feet of a parcel of land which actually abuts on the work or highway;

"Assessor" means the Chief Financial Officer of the City of Enderby;

"Taxable foot frontage" means the actual foot frontage or, where applicable, the number of feet of a parcel of land deemed to abut on the work or highway, and in respect of which parcel the frontage tax is levied for the work or services;

"Total actual foot frontage" means the sum or the actual foot frontage of the parcels of land which actually abuts on the work or highways;

3. A tax shall be and is hereby imposed upon the owners of land or real property that is capable of being serviced with sewer by the Corporation whether or not such land or real property is connected to the said service or services; the aforesaid tax to be hereinafter referred to as the "frontage tax".
4. a) The Frontage Tax shall be levied in each year on each parcel of land aforementioned and the amount thereof, except as otherwise provided in the bylaw, will be the product of the taxable foot frontage and the annual rate.

- b) The annual rate shall be \$2.55 per taxable foot frontage.
- 5. The frontage tax shall be in force and be effective until the complete discharge and satisfaction by the Corporation of all obligations presently incurred, and to be incurred, in respect of the aforesaid service.
- 6. For the purpose of the bylaw, a regularly shaped parcel of land is rectangular.
- 7.
 - a) To place the frontage tax on a fair and equitable basis, the taxable foot frontage of the following parcels of land shall be the number of feet fixed by the Assessor:
 - i. a triangular or irregularly shaped parcel of land; or
 - ii. a parcel of land wholly or in part unfit for building purposes; or
 - iii. a parcel of land which does not abut on the work, but is nevertheless deemed to abut the work, as the case may be.
 - b) The Assessor, in fixing the taxable foot frontage under subsection (2), shall have due regard to:
 - i. the condition, situation, value and superficial area of the parcel as compared with other parcels of land; or
 - ii. the benefit derived from the sewer.
- 8. For the purpose of this bylaw:
 - a) Whereas the number of feet of a parcel of land which abuts a sewer main, has less than 50 feet frontage, the taxable foot frontages shall be deemed to be a minimum of 50 feet, and where such parcel has more than 100 feet of frontage, the taxable foot of frontage shall be deemed to be 100 feet.
 - b) Where the parcel of land is situated at the junction or intersection of highways, the taxable foot frontage shall be 70 percent of the actual foot frontage or alternately shall be not more than the stated maximum number of feet.
 - c) Where the front and rear boundaries of a parcel of land each abut on a highway, other than a lane, which for the purpose of this bylaw is defined as a highway having a width of 20 feet or less, the taxable foot frontage or alternately shall be not more than the stated maximum number of feet.

9. The provisions of Section 8 of the bylaw shall be subject to the provisions of Section 7 thereof.
10. The aforesaid taxes shall be considered to have been imposed on and from the 1st day of January 2019 and shall be due and payable at the office of the Collector of Taxes of the City of Enderby at the City Hall, Enderby, B.C., at the same time and in the same manner as the applicable property taxes.
11. Bylaw No. 1651, cited as "City of Enderby Sewer Frontage Tax Bylaw No. 1651, 2018", is hereby repealed.

READ a FIRST time this ____ day of April, 2019.

READ a SECOND time this ____ day of April, 2019.

READ a THIRD time this ____ day of April, 2019.

RECONSIDERED and ADOPTED this ____ day of May, 2019.

MAYOR

CORPORATE OFFICER

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1677

A BYLAW TO IMPOSE A WATER FRONTAGE TAX ON OWNERS OF LAND
PURSUANT TO THE PROVISIONS OF THE COMMUNITY CHARTER

WHEREAS the Council of the Corporation of the City of Enderby, is empowered by the Community Charter to impose and levy a frontage tax to meet the cost of works and services that benefit land within the Municipality;

AND WHEREAS certain costs have been incurred by the City in providing water services to land within its boundaries;

AND WHEREAS it is deemed desirable and expedient to impose and levy a frontage tax on land benefiting from such service to meet such costs;

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

1. This bylaw may be cited as "City of Enderby Water Frontage Tax Bylaw No. 1677, 2019".
2. In this bylaw, unless the context otherwise required, "actual foot frontage" means the number of feet of a parcel of land which actually abuts on the work or highway;

"Assessor" means the Chief Financial Officer of the City of Enderby;

"Taxable foot frontage" means the actual foot frontage or, where applicable, the number of feet of a parcel of land deemed to abut on the highway, and in respect of which parcel the frontage tax is levied for the work or services;

"Total actual foot frontage" means the sum of the actual foot frontage of the parcels of land which actually abut on the work or highways;

3. A tax shall be and is hereby imposed upon the owners of land or real property that is capable of being serviced with water by the Corporation whether or not such land or real property is connected to the said service or services; the aforesaid tax to be hereinafter referred to as the "frontage tax".
4. a) The Frontage Tax shall be levied in each year on each parcel of land aforementioned and the amount thereof, except as otherwise provided in the bylaw, will be the product of the taxable foot frontage and the annual rate.

- b) The annual rate shall be \$2.68 per taxable foot frontage.
- 5. The frontage tax shall be in force and be effective until the complete discharge and satisfaction by the City of all obligations presently incurred, and to be incurred, in respect of the aforesaid service.
- 6. For the purpose of this bylaw, a regularly shaped parcel of land is rectangular.
- 7.
 - a) To place the frontage tax on a fair and equitable basis, the taxable foot frontage of the following parcels of land shall be the number of feet fixed by the Assessor:
 - i. a triangular or irregularly shaped parcel of land; or
 - ii. a parcel of land wholly or in part unfit for building purposes; or
 - iii. a parcel of land which does not abut on the work, but is nevertheless deemed to abut the work, as the case may be.
 - b) The Assessor, in fixing the taxable foot frontage under subsection (2), shall have due regard to:
 - i. the condition, situation, value and superficial area of the parcel as compared with other parcels of land; or
 - ii. the benefit derived from the water.
- 8. For the purpose of this bylaw:
 - a) Where the number of feet of a parcel of land has less than 50 feet frontage, the taxable foot frontage shall be deemed to be a minimum of 50 feet, and where such parcel has more than 100 feet of frontage, the taxable foot frontage shall be deemed to be 100 feet.
 - b) Where the parcel of land is situated at the junction or intersection of highways, the taxable foot frontage shall be 70 percent of the actual foot frontage or alternately shall be not more than the stated maximum number of feet.
 - c) Where the front and rear boundaries of a parcel of land each abut on a highway, other than a lane, which for the purpose of this bylaw is defined as a highway having a width of 20 feet or less, the taxable foot frontage shall be not more than the stated maximum number of feet.
- 9. The provisions of Section 8 of the bylaw shall be subject to the provisions of Section 7 thereof.

10. The aforesaid taxes shall be considered to have been imposed on and from the 1st day of January 2019, and shall be due and payable at the office of the Collector of Taxes of the City of Enderby at the City Hall, Enderby, B.C., at the same time and in the same manner as the applicable property taxes.
11. Bylaw No. 1652, cited as "City of Enderby Water Frontage Tax Bylaw No. 1652, 2018", is hereby repealed.

READ a FIRST time this ____ day of April, 2019.

READ a SECOND time this ____ day of April, 2019.

READ a THIRD time this ____ day of April, 2019.

RECONSIDERED and ADOPTED this ____ day of May, 2019.

MAYOR

CORPORATE OFFICER

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1678

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. 1678, 2019".
2. Schedules "3", "4" and "9" of the "City of Enderby Fees and Charges Bylaw No. 1479, 2010" are deleted and Schedules "3", "4" and "9" attached to and forming part of this bylaw are substituted therefore.

READ a FIRST time this ____ day of April, 2019.

READ a SECOND time this ____ day of April, 2019.

READ a THIRD time this ____ day of April, 2019.

ADOPTED this ____ day of May, 2019.

MAYOR

CORPORATE OFFICER

SCHEDULE 3

SEWER USER FEES

Administered through the Sanitary Sewer Regulation Bylaw

<u>DESCRIPTION</u>	<u>PER</u>	<u>MINIMUM CHARGE</u>
APARTMENT	Unit	271.77
BAKERY	Unit	451.85
BARBER	Chair	154.85
BEAUTY	Chair	154.85
BODY SHOP	Unit	542.41
BED & BREAKFAST	Unit	170.67
BUTCHER SHOP	Unit	398.49
CAMPGROUND - TENT SPACE	Unit	44.37
CAMPGROUND - RV HOOKUP	Unit	89.91
CAMPGROUND - SANI DUMP	Unit	372.85
CARWASH (RECYCLABLE)	Stall	485.03
CARWASH (NON-RECYCLABLE)	Stall	830.91
CHURCH	Unit	271.77
CURLING RINK	Unit	1,322.79
DAYCARE	Unit	396.21
DENTAL OFFICE	Unit	347.06
DUPLEX /TRI-PLEX	Unit	307.47
GARAGE	Unit	470.32
HEALTH/FITNESS	Unit	253.67
HOSPITAL	Bed	181.44
HOTEL/MOTEL	Unit	170.90
HOTEL/MOTEL WITH POOL (FILTERED)	Unit	135.46
HOTEL/MOTEL WITH POOL (UNFILTERED)	Unit	271.77
INDUSTRY (1-5 PEOPLE)	Unit	293.32
INDUSTRY (EACH ADDITIONAL PERSON)	Person	28.62
LAUNDROMAT	Washer	170.90
LODGING/BOARDING HOUSE	Unit	210.45
MEDICAL CLINIC	Unit	372.85
MILL	Unit	427.35
OFFICE (0-2000 SQUARE FEET)	Unit	120.74
OFFICE (EACH ADDITIONAL 1000 SQUARE FEET)	1000 sq ft	15.10
POOL	Unit	2,277.92
PUBLIC HALLS	Unit	239.06
RECREATION HALL	Unit	198.55
RESTAURANT (1-10 SEATS)	Unit	246.54
RESTAURANT (EACH ADDITIONAL SEAT)	Seat	15.10
SCHOOL	Class	199.73
SINGLE FAMILY DWELLING	Unit	282.77
SINGLE FAMILY DWELLING WITH SECONDARY SUITE	Unit	395.88
SKATING RINK	Unit	2,277.92

SPRAY PARK	Unit	2,977.92
STORE (0-1000 SQUARE FEET)	Unit	154.85
STORE (EACH ADDITIONAL 1000 SQUARE FEET)	1000 sq ft	48.04
STRATA/CONDO	Unit	271.77
TRANSPORTATION - LARGE FACILITY	Unit	7,229.13

Charges will be allocated amongst the number of billing periods in the year.

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.

SERVICE CONNECTIONS

- a) Inspection and Administration Fee \$55.00
- Where a connection has been provided and paid for by a developer
- b) Any additional work required Cost plus 15% Administration Fee

SCHEDULE 4

WATER FEES

Administered through the Water and Sprinkling Regulation Bylaw

USER FEES

Metered Rates

	<u>Flat Rate / Period</u>	<u>Consumption Rate / Period</u>
A. Single Family Residential		
Jan-Apr / Sep-Dec	\$ 72.34	\$ 0.51 / m ³ over 40 m ³ to 55 m ³ \$ 1.32 / m ³ over 55 m ³ to 325* m ³
May - Aug	\$ 72.34	\$ 0.51 / m ³ over 85 m ³ to 105 m ³ \$ 1.32 / m ³ over 105 m ³ to 650* m ³
B. Single Family Residential with Legalized Suite		
Jan-Apr / Sep-Dec	\$ 103.04	\$ 0.51 / m ³ over 65 m ³ to 80 m ³ \$ 1.32 / m ³ over 80 m ³ to 412* m ³
May - Aug	\$ 103.04	\$ 0.51 / m ³ over 105 m ³ to 125 m ³ \$ 1.32 / m ³ over 125 m ³ to 825* m ³
C. Strata Residential		
Jan-Apr / Sep-Dec	\$ 57.01	\$ 0.51 / m ³ over 30 m ³ to 40 m ³ \$ 1.32 / m ³ over 40 m ³ to 280* m ³
May - Aug	\$ 57.01	\$ 0.51 / m ³ over 70 m ³ to 80 m ³ \$ 1.32 / m ³ over 80 m ³ to 560* m ³
Irrigation:		
Metered		\$ 1.32 / m ³
Non-metered		\$ 1.32 / m ³ based on estimated volume
D. Multi Family Residential		
Jan-Apr / Sep-Dec	\$ 57.01	\$ 0.51 / m ³ over 30 m ³ to 40 m ³ \$ 1.32 / m ³ over 40 m ³ to 280* m ³
May - Aug	\$ 57.01	\$ 0.51 / m ³ over 70 m ³ to 80 m ³ \$ 1.32 / m ³ over 80 m ³ to 560* m ³
E. Business / Industrial	\$ 33.67	\$ 1.32 / m ³ over 24 m ³ to 60 m ³ \$ 0.52 / m ³ over 60 m ³
F. Business / Industrial with Residential	\$ 50.33	\$ 1.32 / m ³ over 35 m ³ to 60 m ³ \$ 0.52 / m ³ over 60 m ³
G. Institutional / Civic	\$ 33.67	\$ 1.32 / m ³ over 24 m ³ to 60 m ³ \$ 0.52 / m ³ over 60 m ³

Irrigation on separate meter		\$ 0.52 / m ³	
H. Agricultural**			
Properties with single family residential			
Jan-Apr / Sep-Dec	\$ 78.91	\$ 0.51 / m ³ over 45 m ³	
May - Aug	\$ 78.91	\$ 0.51 / m ³ over 90 m ³	
Land only			
Jan-Apr / Sep-Dec		\$ 0.51 / m ³	
May - Aug		\$ 0.51 / m ³	Irrigation
I. Home Hemodialysis***		\$ 0.51 / 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.

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

- | | | |
|----|--|----------------------------------|
| a) | Inspection and Administration Fee | \$55.00 |
| | - Where a connection has been provided and paid for by a developer | |
| b) | Any additional work required | Cost plus 15% Administration Fee |

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	\$1.32/m ³

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

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.

SCHEDULE 9

GARBAGE COLLECTION

The following rates shall be paid for the garbage collection and disposal and processing under the terms of this bylaw:

Garbage Collection:

- a) Garbage Collection: \$98.50 per residential premise per annum
- b) "Residential Garbage Collection" sticker: \$1.50 per sticker

Charges will be allocated amongst the number of billing periods in the year.

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.

Agenda

THE CORPORATION OF THE CITY OF ENDERBY

MEMO

To: Tate Bengtson, CAO
From: Jennifer Bellamy, CFO
Date: April 4, 2019
Subject: Mayor and Council Expense Policy – Itinerary Bookings

RECOMMENDATION

THAT Council adopts the attached Mayor and Council Expense Policy.

BACKGROUND

The attached draft policy includes a minor amendment to Itinerary Bookings section to provide for staff arranging to book itineraries for Mayor and Council unless otherwise requested.

Respectfully submitted,


Jennifer Bellamy
Chief Financial Officer

Policy Title	Mayor and Council Expenses	
Policy Number		
Effective Date: _____	<u>Adopted By:</u> Mayor and Council on _____	Replaces policy adopted by Mayor and Council on February 19, 2019

Policy Purpose

To provide guidelines for Mayor and Council travel and expenses.

Policy Statement

Mayor and Council may incur out-of-pocket expenses within Council-approved budget limits while representing the municipality, engaging in municipal business, or attending meetings, conferences, seminars and other training opportunities.

This policy defines the authority to travel or incur expenses, identifies expenses eligible for reimbursement, and indicates reporting requirements.

As a general principle, reasonable effort should be made to minimize travel expenses.

Authority to Approve Travel

Council has the authority to approve Council attendance at meetings, conferences, seminars and other training opportunities within budget limits.

Policies and Procedures

The following types of expenses qualify for payment or reimbursement as specified:

1. Registration Fees

- a. Fees (including all applicable taxes) required for registration at a meeting, conference, seminar or other training opportunity will be paid by the City of Enderby
- b. The City of Enderby will take advantage of early registration discounts when possible.

2. Transportation

Receipts are required for all travel reimbursements except for kilometers driven in a personal automobile. This includes, but is not limited to, airfare, highway tolls, ferry, fuel (if a City fleet vehicle is used) and parking.

a. Air Travel

- i. The cost for a direct return economy airfare ticket on a regularly scheduled flight booked for a reasonable and convenient time for travel.
- ii. Travel should be booked in advance to take advantage of discounted fares.

- iii. Air travel is inclusive of airport improvement fees, cancellation insurance, (cancellation insurance will be considered when booking is made depending on the fare flexibility options available), transportation to and from the airport at both points of departure and destination, airport parking, and transit or taxi fares.

b. Personal Vehicle

- i. When travelling by personal automobile, reimbursement for the distance traveled shall be at the established kilometer rate as set by the Province of British Columbia in its *Core Policy and Procedures Manual*, as amended from time to time.

c. Vehicle Rental

- i. A vehicle rental is permitted if it is required to conduct business at the destination or no other reasonable ground transportation (public transit, taxi, etc.) is available or feasible.
- ii. A compact vehicle must be rented unless three or more persons are traveling together.

3. Accommodation and Business Expenses

- a. The City of Enderby will reimburse single room accommodations at a value not exceeding the event or government rate at the site of the event, subject to availability, and including all applicable taxes. For accommodations in excess of this value, the traveler will pay the difference.
- b. Business telephone calls, faxes, postage and other expenses necessarily incurred for conducting the business of the City, will be paid by the City of Enderby upon submission of receipts.

4. Meals and Personal Incidentals

- a. Per diem meal allowances may only be claimed for meals for which an expense was incurred by the person travelling on behalf of the City. If meals are included as part of the event, the cost of those meals are not to be claimed.
- b. Per diem incidental allowances may only be claimed when the travel or related event exceeds eight hours in a given day or requires overnight travel.
- c. Per Diem Allowances
 - i. The following per diem allowance table specifies the amounts that may be claimed in accordance with Section 4(a).

Meal	Per Diem Allowance
Breakfast	\$15.00
Lunch	\$20.00
Dinner	\$30.00
Incidental	\$20.00

d. Other Meal Expenses

- i. Mayor and Council may incur meal costs for business meetings held locally or out-of-town involving other person(s). The name of the person(s), company and nature of the meeting must be indicated on the receipt.
- ii. A full receipt from the restaurant must accompany any credit card or debit card receipt.
- iii. Reimbursements will not include alcoholic beverages.

5. Other Expenses

a. Special Functions/Guests

- i. Individuals are responsible for the costs of an accompanying guest's travel, including transportation, accommodation, meals, incidentals and registration.
- ii. The City of Enderby may prepay a registration fee or some other expense on the behalf of the guest, provided that the City of Enderby is fully reimbursed for this expense within seven calendar days.

b. Combining Business Travel with Personal Travel

- i. Travelers wishing to combine a business trip with personal travel may do so at their own expense. The traveler will be required to pay any additional travel and accommodation expenses not associated with the business travel.

6. Travel Advances

- a. Individuals wishing to receive a travel advance for out-of-pocket expenses must submit a request, in writing, itemizing the anticipated expenses.
- b. Travel advances may be up to 100% of the total anticipated expenses.
- c. In the event that the travel advance exceeds the actual expenses, the individual will reimburse the City of Enderby for the over payment within seven calendar days.

7. Itinerary Bookings

- a. Staff will arrange to book itinerary for Mayor and Council unless otherwise requested.

8. Reporting and Final Accounting

- a. Each Council member shall submit a Travel Expense Claim in the format prescribed by the Finance Department within 14 calendar days (or best efforts) of the last scheduled day of the event.
- b. The Travel Expense Claim shall set out all business expenses necessarily incurred to attend the event. The Travel Expense Claim will record the name of the claimant, location of the event, the dates and number of days attended by the claimant (including travel to and from), and the nature of the event. The Travel Expense Claim will be dated and signed by the claimant as well as the appropriate approval authority.
- c. The Chief Financial Officer or designate will approve the claim and issuance of funds to reimburse the traveler.

Agenda

THE CORPORATION OF THE CITY OF ENDERBY

MEMO

To: Mayor and Council

From: Tate Bengtson, CAO

Date: April 11, 2019

Subject: Proposed Changes to Bylaw Enforcement Policy

RECOMMENDATION

THAT Council receives and files the report from the Planner and Deputy Corporate Officer entitled "Approach to Bylaw Enforcement" and dated April 11, 2019, along with the attached bylaw enforcement statistics for 2018 and the Bylaw Enforcement Policy as adopted by Council on November 1, 2010;

AND THAT Council considers the bylaw enforcement policy examples from other communities and the Ombudsperson's background report on bylaw enforcement, and directs staff to perform a comparative review and use this information to prepare an update to the City's bylaw enforcement policy;

AND FURTHER THAT Council directs staff to report on a quarterly basis with a report summarizing bylaw enforcement activity.

BACKGROUND

During the Council meeting on April 1, 2019, Council expressed its interest in reviewing its bylaw enforcement policies and operational practices, particularly with respect to unsightly property. Staff were directed to report back with a description of current practices and policies, as well as suggestions.

Attached is a memorandum from the Planner and Deputy Corporate Officer describing the current practices as well as summarizing bylaw enforcement activities in 2018.

The attached memorandum also includes the current Bylaw Enforcement Policy, as adopted by Council on November 1, 2010. Staff have relied on this policy to the extent reasonably practicable, although many operational methods are more proactive than what is stipulated in the policy, as a result of Council-directed modifications. The original policy was adopted at a time when ongoing bylaw enforcement was in a fledgling state (prior to this, it was handled directly by administration on a very intermittent basis due to resource limitations); however, it appears timely to revisit this policy to ensure that standards and activities are consistent with Council's expectations as well as contemporary best practices.

In order to provide context for Council, policies from other communities were located and are attached to this memorandum. There are common themes running through most of the policies, which align with a 2016 Ombudsperson's report on bylaw enforcement (a backgrounder on this report is attached). The City's enforcement practices are consistent with these best practices, but there is an opportunity to codify them in policy to provide better guidance for staff, more transparency for the public, and ensure that Council's standards are represented and aligned with best practices.

Most of these best practices evolve out of a need to strike a reasonable balance between individual rights and community expectations. As local governments have been delegated the authority to regulate land use matters from the Province, from this flows an ability to balance the rights of the individual and rights of the collective, provided reasonableness, administrative justice, and natural justice are observed. This balance can vary from community to community, and even from neighbourhood to neighbourhood. Fundamental to this balance is determining whether a particular bylaw infraction rises to the level of a nuisance that offends a community or neighbourhood standard. This is the reason why a complaints-based approach prevails with respect to unsightly property.

Finding the right balance while observing the principles of reasonableness, administrative justice, and natural justice increases the probability of achieving ongoing voluntary compliance. When that balance is hit wrong, the time and cost to achieve compliance increases, the ability to focus on other priorities decreases, and more administrative resources go into dispute resolution and legal costs. In short, seeking voluntary compliance builds better community relationships and accomplishes more with less in the long run.

Staff are proposing two items to address Council's interest in reviewing service standards and approach:

1. Report back with a revised bylaw enforcement policy for Council to consider, which articulates Council's standards within the context of contemporary best practices; and
2. Provide Council with a quarterly report summarizing bylaw enforcement activity.

These items, it is hoped, will ensure that there is a clear and transparent bylaw enforcement policy that reflects Council's standards and contemporary best practices while regular reporting will provide a clearer picture of where and how bylaw enforcement resources are being used.

Respectfully submitted,



Tate Bengtson
Chief Administrative Officer

THE CORPORATION OF THE CITY OF ENDERBY

MEMO

To: Tate Bengtson, Chief Administrative Officer
From: Kurt Inglis, Planner and Deputy Corporate Officer
Date: April 11, 2019
Subject: Approach to Bylaw Enforcement

RECOMMENDATION

THAT Council receives this memorandum for information.

BACKGROUND

The City of Enderby has adopted bylaws which are aimed at improving the quality of life for Enderby residents and strengthening the community as a whole; the broad goals of this framework include:

- Preserving public safety;
- Maintaining community or neighbourhood standards;
- Promoting civic responsibility and positive relationships between neighbours; and
- Managing nuisance issues.

The City's current approach to bylaw enforcement is guided by the Bylaw Enforcement Policy adopted by Council in 2010, which is attached to this memorandum as *Appendix "A"*, and is summarized as follows:

1. Bylaw investigation will be generally undertaken only in response to written complaints of a violation (complaint driven vs. patrol driven);
**Note: bylaw complaints can be submitted in person, online through the City's website, or by email to City staff)
2. The City will not respond to anonymous complaints, but will keep the names of complainants anonymous;
3. The first priority in a bylaw investigation is to achieve voluntary compliance;
4. If voluntary compliance is not achieved, enforcement will be escalated to ticketing;
5. If compliance is not achieved through ticketing, the matter will be advanced to Council to determine whether it is in the public interest to proceed with legal proceedings.

Like most communities in the Province, the general approach to bylaw enforcement is complaint driven; this approach enables the City to focus its limited resources on areas where there are neighbourhood concerns. Having said that, the Bylaw Enforcement Officer and Staff will enforce on flagrant or public

safety bylaw infractions for which a complaint has not been received (i.e. derelict vehicles parked on the street, vehicles blocking sight lines at intersections, camping in public spaces).

As per the Bylaw Enforcement Policy, active enforcement is used (i.e. enforcement action is taken without a complaint being submitted) in the following scenarios:

1. Where parking or traffic infractions impact City operations, public parking, or safety; and
2. Through a Council-initiated temporary active enforcement program for property maintenance.

In addition to this, Staff have prioritized active enforcement of unsightly properties during the spring months and in cases where there are ongoing compliance issues, consistent with policy direction from Council in recent years. As outlined in the attached *Schedule "B" - Bylaw Complaint Statistics for 2018*, there were a total of 47 unsightly property complaints received in 2018; of these 47 complaints, 31 came through observation by the Bylaw Enforcement Officer or City Staff (66%).

Active enforcement in the spring generally involves the Bylaw Enforcement Officer and Staff identifying properties that are, or are becoming, unsightly. Given that determining whether a property is unsightly is subjective, there needs to be a degree of reasonableness in making this determination in order to strike a balance between community or neighbourhood standards and individual property rights.

For properties that are egregiously unsightly (i.e. accumulation of rubbish, derelict vehicles, overgrown weeds, etc.), the Bylaw Enforcement Office will immediately engage with the property owner to make them aware of the issue(s) and give them a timeline for getting the property cleaned; if they do not clean the property to bylaw standard within the specified timeline, they are then issued an Order to Comply which may be accompanied by a ticket. Once an Order to Comply has been issued, the property owner has 14 days to clean the property, or otherwise, the City will hire a contractor to complete the work on the property owner's behalf, with the costs invoiced back to them; failure to pay the invoice will result in the costs being added to property taxes. For properties that are identified as being on the borderline (i.e. grass needs to be trimmed, property is cluttered, etc.), the Bylaw Enforcement Officer will continue to monitor the property to ensure that it does not deteriorate any further, unless a complaint is received at which point the property owner will be engaged.

It should be noted that in 2016, the City amended its Good Neighbour Bylaw to implement a system whereby properties which have received two Orders to Comply within a 12 month period would be placed on an Enhanced Compliance Schedule for a 12 month period, whereby:

- i. the property owner would be required to remedy the unsightly nature of the property, or other non-compliance with the Good Neighbour bylaw, within 4 days of the date of delivery of notice (as opposed to 14 days); and
- ii. when the property is listed on the Enhanced Compliance Schedule, the penalty amount for infractions would be significantly increased (\$100 vs. \$500).

The Enhanced Compliance Schedule better positions the City to bring problem properties into bylaw compliance in a shorter period of time. In addition, the increased penalty amount for infractions when a property is listed on the Enhanced Compliance Schedule would further encourage a suitable standard over the long-term.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read 'Kurt Inglis', is written over a horizontal line.

Kurt Inglis
Planner and Deputy Corporate Officer

Appendix "A"

Policy Title	Bylaw Enforcement
--------------	-------------------

Adopted: November 1, 2010	Authorized By: Mayor and Council Regular Meeting of November 1, 2010	Replaces:
------------------------------	--	-----------

PURPOSE:

This policy is intended to provide guidance for bylaw enforcement within the City of Enderby. The intention of the City bylaws is to keep Enderby clean, healthy and safe. A consistent approach to bylaw enforcement and consistent information to the public will help facilitate general compliance and help minimize adverse effects on other parties.

The goal of bylaw enforcement is not to penalize the citizens of Enderby or visitors to our City but, rather, to achieve compliance through education and the provision of information in order to preserve the quality of life to which each citizen is entitled.

POLICY:

The City will provide bylaw enforcement resources through an allocation in the annual financial plan to dedicate staff time or secure contract services necessary to accomplish this policy objective. The City will also liaise with the RCMP to secure their support and enforcement services for those policies identified below.

General Approach

With the exemption of the Bylaws noted below, Bylaw investigation will be generally undertaken only in response to written complaints of a violation by any person. The complainant will be requested to provide their name, address and telephone number. Identities of complainants are protected under the Freedom of Information and Privacy Act. The City will generally not respond to anonymous complaints.

The following procedure will be followed:

1. The BEO will undertake a preliminary review of the complaint to ensure that the complaint is well founded. If no violation exists, the complainant and the alleged violator are so advised and a record of the enquiry filed.
2. If a violation exists, the BEO will verbally attempt to achieve voluntary compliance with the alleged violator and inform the violator of time limits for voluntary compliance.
3. If the violation continues the BEO will encourage compliance through the use of fines outlined in the bylaw and the Municipal Ticketing Information System Bylaw.
4. Where compliance is still not achieved the BEO through the Chief Administrative Officer will present a report to Council. Council will then determine if it is in the public interest to

commence further legal proceedings. Council may direct that fines continue to be levied under the Municipal Ticketing Information System Bylaw.

Good Neighbour Bylaw

Noise – This component of the bylaw will be enforced on a complaint basis as identified above although the RCMP will be requested to enforce this bylaw.

Property Maintenance – This component of the bylaw will be enforced through an initial active enforcement program that may be repeated in future years at the direction of Council. The active enforcement process will be as follows:

1. The City will advertise, provide information to property owners and occupiers through the tax insert brochure and provide information on our Web Site that will advise property owners and occupiers that the City will be undertaking an active enforcement campaign.
2. A tour of the City will be undertaken to identify problem properties.
3. A letter will be sent to property owners and a letter will be hand delivered to the occupiers advising that the property must be brought into compliance.
4. If the property is not brought up to compliance within 14 days of mailing the letter a fine under the MTI bylaw will be levied.
5. At time of levying the fine, the property owner and occupant will be sent a registered letter advising that they have 14 days to clean up the property or the City will have the property brought into compliance at the owner's expense.
6. If the property is not cleaned up within the allotted time the City will, through its own forces, or contract services, have the property brought into compliance. All costs associated with the cleanup will be billed to the property owner. Any outstanding amounts as of December 31 in any year will be transferred to tax arrears.

After the initial active enforcement process the City will react on a complaint basis. The City will undertake a review of the property that is the subject of the complaint and follow steps 3 to 6 for those properties that are non-compliant.

Nuisance Smoke/Open Air Burning – This component of the bylaw will be enforced on a complaint basis. The following process will be followed when receiving complaints:

1. A staff member or contractor will respond to the complaint by undertaking a site visit.
2. For a first offence the property owner or occupant will be advised of the infraction and requested to put out the fire and refrain from future burning activities.
3. For a second offence a fine will be levied under the MTI bylaw. If the second offence occurs within twenty four (24) hours of the first offence the repeat nuisance provisions of the Good Neighbour Bylaw will apply and the property owner will be provided with a written notice advising that excessive nuisance abatement fees will be imposed for each additional nuisance service call to the same property.
4. For a third offence a fine will be levied under the MTI bylaw. If the third offence is within a twelve month period the repeat nuisance provisions of the Good Neighbour Bylaw will apply and the property owner will be provided with a written notice advising that excessive nuisance abatement fees will be imposed for each additional nuisance service call to the same property.
5. For any offence that occurs after an excessive nuisance abatement notice has been provided the fire department will be requested to attend and put out the fire. All costs through the excessive nuisance abatement fee will be billed to the property owner.

Street and Traffic Bylaw

In addition to enforcement on a complaint basis City staff will be requested to monitor and advise of any infractions that impact City operations including snow removal and pursue compliance on an active basis. For active enforcement the following procedure will be followed:

1. The BEO or Director of Engineering and Public Works will verbally attempt to achieve voluntary compliance with the alleged violator and inform the violator of time limits for voluntary compliance.
2. If the violation continues the BEO or Director of Engineering and Public Works will encourage compliance through the use of fines outlined in the bylaw and the Municipal Ticketing Information System Bylaw.
3. If the violation continues the other provisions of the bylaw such as towing will be utilized.

Dog Control

This bylaw will continue to be enforced primarily on a complaint basis. Active enforcement may occur for problem areas as directed by the CAO or Council. Active enforcement may also occur when conducting routine patrols.

Sidewalk Encroachment

This policy will be enforced primarily on a complaint basis.

Adopted Nov 1, 2010
Amended Oct 17, 2011

Appendix "B" - BYLAW COMPLAINT STATISTICS FOR 2018

BREAKDOWN OF COMPLAINTS		
Category	No. Of Complains	Percentage of Complaints
Property	76	35.3%
Dogs	71	33.0%
Parking/Traffic	27	12.6 %
Zoning	24	11.2%
Nuisance	10	4.7%
Public Spaces	5	2.3%
Construction**	1	0.5%
Business Licensing	1	0.5%
TOTAL	215	

**NOTE: Many construction related issues are identified directly by the Building Inspector, and are not received as bylaw complaints, and therefore may not be reported in the statistics

PROPERTY COMPLAINTS		
Type	No. Of Complaints	Percentage of Property Complaints
Unsightly Property	47	61.8%
Derelict Vehicles	8	10.5%
Snow Removal	7	9.2%
Accumulation of garbage/garbage overflowing from container	5	6.6%
Civil matters	4	5.3%
Trees or hedges	4	5.3%
Illegal dumping	1	1.3%
TOTAL	76	

DOG COMPLAINTS		
Type	No. Of Complaints	Percentage of Dog Complaints
Excessive Barking	23	32.4%
Dog at Large	20	28.2%
Aggressive Dog	10	14.1%
Dog on Person Attack	5	7.0%
Deposit of Feces	4	5.6%
Dog in Distress	4	5.6%
Dog on Dog Attack	3	4.2%
Dog Chasing Vehicle	2	2.8%
TOTAL	71	

PARKING/TRAFFIC COMPLAINTS		
Type	No. Of Complaints	Percentage of Parking/Traffic Complaints
Derelict Vehicles	10	37.0%
Obstructing the Flow of Traffic	5	18.5%
Detached Trailer	4	14.8%
Continuous Parking of Recreational Vehicle	2	7.4%
Parked Contrary to Traffic Control Device	2	7.4%
Parked on Neighbour's Boulevard	2	7.4%
Deposit material on roadway	2	7.4%
TOTAL	27	

ZONING COMPLAINTS		
Type	No. Of Complaints	Percentage of Zoning Complaints
Unlawful Storage of Trailer	13**	54.2%
Unlawful Use	10	41.7%
Unlawful Signage	1	4.2%
TOTAL	24	

**NOTE: All complaints related to the same property

NUISANCE COMPLAINTS		
Type	No. Of Complaints	Percentage of Nuisance Complaints
Excessive Noise	6	60%
Burning/Smoke	3	30%
Odour	1	10%
TOTAL	10	

PUBLIC SPACES COMPLAINTS		
Type	No. Of Complaints	Percentage of Public Spaces Complaints
Taking abode in a public space	5	100%
TOTAL	5	

CONSTRUCTION COMPLAINTS		
Type	No. Of Complaints	Percentage of Building Complaints
Illegal Construction	1	100%
TOTAL	1	

BUSINESS LICENSING COMPLAINTS		
Type	No. Of Complaints	Percentage of Business Licensing Complaints
No Business License	1	100%
TOTAL	1	

BYLAW ENFORCEMENT:

BEST PRACTICES GUIDE FOR LOCAL GOVERNMENTS

Introduction

Bylaw Enforcement: Best Practices Guide for Local Governments is built on 20 years' experience and hundreds of investigations into individual complaints about bylaw enforcement practices in communities of all sizes across B.C.

By encouraging local governments to apply the principles of administrative fairness to bylaw enforcement, our individual complaint resolutions can and have resulted in improved information, apologies, refunds and reconsiderations. Ombudsperson investigations have also brought important systemic improvements to local governments such as updated bylaws and administrative practices that reflect best practices. Illustrative bylaw enforcement case summaries are included throughout the guide.

This guide outlines best practices that can be adopted and maintained by all local governments. Not only do best practices improve service quality, reduce costs and inspire public confidence – they can reduce complaints.

Bylaw Enforcement contains useful practices for all stages of bylaw enforcement: establishing bylaws, responding to complaints, conducting investigations, making enforcement decisions and handling appeals.

Whether a resident has reported a bylaw infraction, or has been the subject of enforcement action – best practices help ensure everyone is treated fairly.

Bylaw Enforcement is a companion to *Open Meetings: Best Practices Guide for Local Governments*.

TOP FIVE LOCAL GOVERNMENT COMPLAINTS

1. ADEQUACY OF INFORMATION
2. BYLAW ENFORCEMENT
3. TRANSPARENCY OF DECISION MAKING
4. PUBLIC CONSULTATION
5. FEES AND FINES

CASE SUMMARY

"Get off my lawn!"

Paul contacted us with a complaint that a city bylaw enforcement officer had entered his property on several occasions at various hours of the day and night, without permission and without notice. Paul said the officer told him that he had the right to inspect Paul's property in this manner. Paul complained that the bylaw enforcement officer's actions were unfair and that he did not get a response from the city when he raised his concerns.

We investigated whether the city had followed a reasonable process to inform Paul of his rights and obligations when the bylaw enforcement officer sought entry onto his property, and whether it had responded to the concerns Paul raised. The city's existing bylaw granted bylaw enforcement officers broad powers to enter property at all reasonable times and did not require prior notice to the resident. After discussing the matter with city staff, we learned that the city did not have any written policy that addressed the steps bylaw enforcement officers were expected to take when inspecting private property. It was also unclear whether the information the city provided verbally to bylaw enforcement officers was consistent with the provisions of the *Community Charter*.

We therefore questioned whether the city's application of its bylaw enforcement powers was inconsistent. In this case, the bylaw enforcement officer had not taken steps to notify Paul before entering his property, and the inspections were not always carried out at reasonable times. The city agreed to look at implementing a formal written policy to assist bylaw enforcement officers to comply with the legislation. As a result of this commitment, we considered the complaint settled.

From page 30 of the guide

Inside the guide:

Best practices & five practical checklists

1. ENFORCEMENT POLICY

- Avoiding arbitrary or inconsistent decisions
- Ensuring similar cases are treated in a similar way
- Providing local government staff with guidance on, and limits to, exercising discretion
- Providing the public with clarity and details on how and why enforcement decisions are made

2. BYLAW COMPLAINTS POLICY

- Improving consistency in staff responses to complaints
- Providing public information about the process that is followed once a complaint is made
- Establishing a framework for evaluating the effectiveness of a response to a particular complaint
- Responding to frivolous, repeat or multiple complaints

3. INVESTIGATION PLANS

- Implementing consistent approaches to investigations

4. TAKING ENFORCEMENT MEASURES

- Ensuring methods used by staff are fair, reasonable and just
- Providing appropriate notice before enforcing a bylaw

5. APPEALS OF ENFORCEMENT DECISIONS

- Ensuring appropriate and accessible review or appeals processes
- Making sure the process allows residents to be heard when a decision affects their right or interests

Office of the Ombudsperson
947 Fort Street, Victoria BC
250.387.5855
1.800.567.3247
Subscribe to e-news

CASE SUMMARY

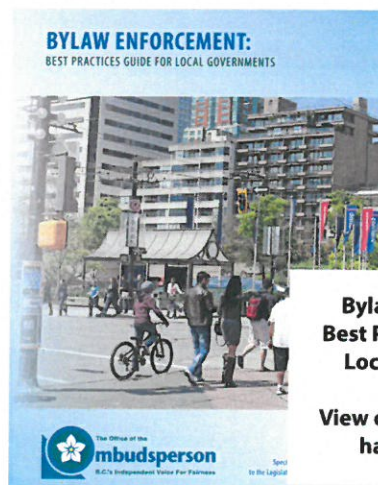
Beach access blocked

Pete had trouble accessing the beach near his home. He complained to the district about a derelict vehicle and debris, a rock barrier and an unstable tree all located on the public right-of-way. When the district's bylaw enforcement department did not respond to Pete's concerns in what he considered to be a timely and satisfactory manner, he contacted our office.

We investigated what enforcement action, if any, the district had taken in response to Pete's complaints. We found that although Pete had communicated at length with the district, the district had not responded sufficiently to the three specific concerns he raised, or explained why it had not taken action sooner.

As a result of our investigation, the district wrote a letter to Pete, explaining the reasons for the delay in taking enforcement action to remove the vehicle and debris from the beach access; clarifying its jurisdiction with regard to the rock barrier at the foreshore; and providing a detailed response about the unstable tree. Pete was happy to receive the information and even happier when the district followed up by ensuring that the public right-of-way was cleared.

From page 22 of the guide



**Bylaw Enforcement:
Best Practices Guide for
Local Governments**

**View online or request a
hard copy today**



Standard Operating Guideline

Bylaw Enforcement

Complaints

Original Policy Date	2018-02-26	Click here to enter text.
Effective Date	2018-02-06	
Pages in Document	5	

RESPONSE

Response Types	Bylaw Enforcement violations	Proactive and Reactive
-----------------------	------------------------------	-------------------------------

PURPOSE/REQUIREMENTS

Description	In order to address complaints in a fair and consistent manner, a guideline is required for the general enforcement of municipal bylaws.
Objectives	This guideline is to provide guidance to staff and the general public regarding bylaw enforcement. Council may provide other policy guidance or direction on specific complaints or enforcement issues.




REFERENCES/REQUIREMENTS

Policies/References	<ul style="list-style-type: none">Complaints Policy - Bylaw Enforcement No. GGA-23Freedom of Information (FOI) General Guidelines Bylaw DepartmentThe Office of the Ombudsperson. Bylaw Enforcement: Best Practices Guide for Local Governments
Definitions	<p>"BYLAW SERVICES OFFICER" means that person appointed by the City, whether officially titled as such or not, or any person delegated to assist in carrying out his/her duties under this bylaw, and includes any peace officer.</p> <p>"DISCRETION" means the freedom to decide what should be done in a particular situation given all the available information.</p> <p>"FRIVOLOUS COMPLAINT" means a complaint not having any serious purpose or value.</p> <p>"NUISANCE" means any conduct, activity, or condition that unreasonably interferes with a person's use and enjoyment of a public area or of land he or she owns or occupies, or which annoys or gives trouble, or is offensive, irritating, or a pest to anyone within the city.</p> <p>"PERSON" includes a natural person, a company, corporation, partnership, firm, association, society, or party and the personal or other legal representatives of a person to whom the context can apply according to law.</p>

	<p>"PERSONAL INFORMATION" is anything that would reveal the name, address, phone number, race, national or ethnic origin, colour, religious or political beliefs, age, gender, marital status, or family status.</p> <p>"PROPERTY" means all real property, including, but not limited to, front yards, side yards, backyards, driveways, walkways, boulevards, and sidewalks, together with any and all structures or fences located thereon.</p> <p>"VALID COMPLAINT" means a complaint that describes the location and general nature of a potential bylaw contravention, including the requestor's name, address, and telephone number, and that is not a frivolous or vexatious complaint.</p> <p>"VEXATIOUS COMPLAINT" means a complaint that is made for retaliatory or bad faith purposes, or otherwise forms part of a pattern of conduct by the requestor that amounts to an abuse of the complaint process.</p>
General Provisions	<p>For consistency and fairness to all residents and landowners within the City of Kamloops, the following general provisions and guidelines will be followed by City Bylaw Services Officers (BSOs):</p> <ul style="list-style-type: none"> • In responding to complaints, except in cases related to public health and safety, the highest priority will be to respond to valid complaints. • During the regular course of their duties, BSOs may seek out bylaw infractions for issues of public health and/or safety or other bylaw violations. • It is not possible to actively ensure that all the City's various regulatory bylaws are being complied with at all times. Enforcing the City's own bylaws is therefore discretionary and not mandatory. • The City promotes an enforcement philosophy that seeks voluntary bylaw compliance, which is often achieved through education, information, and non-penalty enforcement, including providing a reasonable time frame to comply. • Compliance may be encouraged through notification of fines and other enforcement measures associated with the offence. • Council is not involved in any way with the sanctioning of an investigation or making a decision on who shall be investigated.
Enforcement Responses	<p>The City's response to valid complaints is generally prioritized (e.g. Priority 1 takes precedence over Priority 2, which takes precedence over Priority 3). The level of enforcement responses are defined as follows:</p> <ul style="list-style-type: none"> • Priority 1: Health and Safety - the alleged bylaw violation may adversely impact the environment or public safety. These violations will be investigated and enforced as soon as possible, given the availability of staff and other resources. • Priority 2: Significant Negative Impact to Adjacent Properties - the alleged bylaw violation is significantly impacting adjacent properties in a negative manner, but it does not pose an immediate risk to the environment or public safety. The City's investigation and enforcement of Priority 2 matters is most often initiated in response to valid complaints.

	<ul style="list-style-type: none"> • Priority 3: General Nuisance - the alleged bylaw violation may be a matter that is a general neighbourhood concern. These violations tend to be cosmetic in nature and do not affect the environment or public safety. The City's investigation and enforcement of Priority 3 matters is initiated in response to complaints. Staff receiving a complaint will use discretion to determine whether there is sufficient geographic or other connection between the requestor and the location of the alleged violation to constitute a valid complaint. • Third-party Complaints - will be evaluated on a case-by-case basis. Investigations will generally proceed where there are potential safety, health, or liability issues or a clear linkage to an identifiable requestor. • Anonymous Complaints - will not be investigated unless potential safety, health, or liability issues are identified. • Frivolous or Vexatious Complaints - the City may receive multiple complaints from the same person on the same issue, which may be minor in nature and considered frivolous and vexatious. BSOs will investigate all bylaw-related complaints to ascertain their validity. If it is determined that all steps have been taken to resolve the complaint or issue, the complaints continue unabated, and there is no bylaw contravention and/or it is a Priority 3, the City maintains the right to not respond to or seek resolution to complaints that are deemed: <ul style="list-style-type: none"> - to not be in the public interest to mitigate - to not be in the jurisdiction of the City - more appropriately managed by the requestor through his or her own access to civil resolution process options such as stratas, the Residential Tenancy Branch, legal action, etc. - to not directly impact the requestor with the exception of Priority 1 violations
Confidentiality	<p>The Community Safety and Enforcement Division will ensure that the personal information of its clients is protected in accordance with the <i>Freedom of Information and Protection of Privacy Act</i>. The division will only collect personal information that is necessary for the monitoring and enforcement of a bylaw infraction.</p> <ul style="list-style-type: none"> • The identity of the requestor and the written complaint will not be disclosed to the alleged offender or any member of the public. It is not necessary for the requestor to request confidentiality. Likewise, the response of the alleged offender will not be disclosed to the requestor, whether it is in writing or made orally. • Persons reporting the alleged infractions of municipal bylaws are to be advised that their identity and any personal information they provide will be kept confidential unless they are required to testify in court or it is part of an audit or a similar process. • The anonymity and confidentiality given to requestors and alleged offenders cannot be assured if the investigation results in court, an audit, or similar proceedings. • Requestors and alleged offenders are to be advised that any personal information that they provide about other parties is subject to disclosure by order of the BC Information and Privacy Commissioner. • While the investigation is ongoing or while a resulting matter is before the courts, no information regarding the matter will be made available to the public or the requestor.

Procedures	<ul style="list-style-type: none"> • Bylaw complaints may be accepted by phone, email, letter, social media, the myKamloops app, or direct interaction with appropriate City representatives. • The majority of complaints are initially received by the Bylaw Clerk and can be resolved at this level with an explanation of the alleged bylaw violation. • If the complaint requires a BSO to investigate, the Bylaw Clerk is responsible for inputting all requests/complaints on the calls for service system during normal business hours. BSOs will be responsible for inputting all requests/complaints on the calls for service system after normal business hours. • All complaints are then assigned to the BSO, who will undertake a preliminary review of the complaint to ensure that the complaint is well founded and determine the level of priority for action. • When initially contacting the requestor as part of the preliminary review, the BSO should: <ul style="list-style-type: none"> - describe any steps taken to assess the complaint - describe any enforcement action taken or planned or the reasons for no enforcement action - provide any other relevant information • If the BSO investigates and there is no violation, the requestor and the alleged offender (if appropriate) will be advised, and a record of the enquiry will be filed in Tempest. • If a violation exists, the alleged offender will be notified verbally and/or in writing and asked to cease activity immediately. A record of the steps taken will be filed. Initially, the BSO will verbally notify and, where possible, attempt to achieve voluntary compliance with the alleged offender and inform the individual of time limits for voluntary compliance. • The BSO will follow up with a site visit to determine compliance. If the violation continues, a BSO may forward letters demanding compliance, issue warnings/fines, and undertake remedies authorized by the bylaw. • The BSO will maintain a record of all complaints received and action taken to resolve the issue, which will include statements, invoices, and photographs, including any documentation taken by the BSO and/or provided by the requestor and the alleged offender. • Pictures taken by the BSO will be signed and dated on the back of any printed picture and placed in the file. • The BSO will contact the requestor to advise him or her of the results of the investigation prior to submitting the file to be completed. • The Crew Leader and/or the Assistant Supervisor will complete the file after reviewing that the proper documentation for actions that were taken and that correspondence, copies of warnings/fines, invoices, and pictures are present in the hardcopy of the file or has confirmed that the documents are attached electronically on the calls for service.
SPECIAL NOTES	
	Click here to enter text.
REVISIONS	

Original		Click here to enter text.	2018-02-26
Click here to enter text.		Click here to enter text.	Click here to enter a date.
PROCEDURE CREATION/APPROVALS			
Author		J. Ramsay, Community Safety and Enforcement Manager	2018-01-11
Review	Staff		Click here to enter a date.
	Supervisor	M. Sirianni 	2018-02-26
	Manager	J. Ramsay 	2018-02-26
	Director	D. Duckworth 	2018-02-26
	Safety	G. Teichroeb	Not applicable
Manager Approval		J. Ramsay	2018-02-26
Signature		Click here to enter text.	2018-02-26
DISTRIBUTION			
Click here to enter text.			



THE CORPORATION OF THE DISTRICT OF CENTRAL SAANICH

COUNCIL POLICY

Effective Date July 7, 2014

Amendment Date(s): January 15, 2018

POLICY NO. 11.ADM

File No: 0340-50-2014-01

SUBJECT: BYLAW ENFORCEMENT

Category: Administration

Purpose

The objective of the Bylaw Enforcement Policy is to obtain compliance with municipal bylaws through effective enforcement based on consistency and fairness.

Introduction

Municipal bylaws are enacted by District Council, under the regulatory authority of the Community Charter and the Local Government Act, in order to preserve the quality of life in the District. The primary goal in dealing with contraventions of these bylaws is to achieve voluntary compliance through communication and education; however, the bylaws do include provisions for further enforcement. The District recognizes that with limited resources, it is not possible to pursue full compliance in every case. This policy will provide guidance to staff regarding the receipt of bylaw complaints, initiation of investigation, priority assessment and the use of appropriate enforcement tools.

Complaint Process

The District of Central Saanich does not have the resources or mandate to proactively review or inspect properties on a regular basis in order to determine whether its various bylaws are being complied with at all times. Given this, the District, like most municipalities, relies primarily on public complaints to identify potential non-compliance. Nonetheless, there is no duty to take enforcement action with respect to every contravention of a bylaw that may occur within the jurisdiction.

All bylaw enforcement complaints, with the exception of those that identify urgent contraventions, must be submitted in writing before they will be considered for investigation. All complaints must include complete contact information for the complainant (name, address and telephone number). The complaint can be in the form of a letter, the Central Saanich [Bylaw Complaint Form](#) or an email.

The District will not respond to anonymous complaints unless potential safety, liability or health issues are raised. Determination will be made by the Bylaw Enforcement Officer and the chief Administrative Officer, and will be otherwise investigated at the discretion of Council, if necessary.

Except as stated elsewhere in this policy, in order to prompt enforcement action by the District, complaints must be received in accordance with the following criteria:

- Two (2) complete written bylaw complaints submitted by unrelated complainants whose properties are located within the District of Central Saanich; or
- One (1) complete written bylaw complaint submitted by a complainant whose property is located within 100 metres of the subject property; or
- One (1) written complaint from Council, a Central Saanich Police Officer or any other Central Saanich staff member.

Complaints classified as High Priority require only one (1) written bylaw complaint.

Complaints alleging that an unauthorized secondary suite or an additional dwelling unit has been constructed must be received from occupants residing within 100m of the subject property.

Bylaw Enforcement Officers may decline to investigate complaints based on the nature of the complaint and alleged violation, the impact of the violation on the community, the impact of the violation on the complainant or other individuals, and in accordance with this policy. In the case of frivolous, retaliatory, repeat and/or multiple complaints about the same issue, each complaint will be dealt with on its own merits and according to this policy. However, Bylaw Enforcement Officers will endeavor to focus on balancing fairly the interests of both the individual making the complaint and the broader community. The District may consider responding to repeated complaints only where the complainant provides new information or raises a new issue.

Information regarding the complainant is kept confidential and is protected under the Freedom of Information and Protection of Privacy Act. However, a complainant may be identified if the issue proceeds to court and the complainant is required to act as a witness for the prosecution.

District of Central Saanich staff are not required to report bylaw violations observed unless it is during regular work hours, within that employees scope of duty and where the violation poses a risk to public health and safety or the environment.

Investigation

In response to a complaint, or acting in the regular course of his or her duties, staff will investigate to determine compliance with District bylaws. The investigation may include a bylaw and file review, contacting the alleged contravener, contacting the complainant, and conducting a site inspection.

If a violation is identified, the contravener will be instructed to take action to resolve the issue immediately or within a specified time period. If further action is required to resolve the infraction, a bylaw file is subsequently created to track the violation, assessment, enforcement and outcome.

While encouraging compliance with District bylaws is important, staff safety is paramount. If a staff member is verbally or physically threatened while administering the bylaws, then no further investigative action shall be carried out until a police officer accompanies the staff member on any site inspections. Authorization requirements to enter a property or building will be followed as per Section 16 of the Community Charter. Tenant rights as specified in the Residential Tenancy Act will be respected during enforcement.

Assessment Criteria

When assessing the priority of the bylaw violation, staff will consider, but are not limited to, matters such as:

- potential risk to public health and/or safety;
- magnitude, nature and duration of the contravention;
- history of non-compliance on the property or by the contravener;
- potential short and long term impact on a structure, the community and the environment;
- potential for setting a precedent;
- resources available to resolve the matter;
- potential costs associated with enforcement action; and,
- likelihood of obtaining the desired results.

Enforcement Priority

To maintain consistency throughout the bylaw enforcement process, the staff members involved will meet as necessary to review file details. The bylaw violation will be assessed in accordance with the following hierarchy of priority levels.

Low Priority

A bylaw violation unlikely to cause health or safety issues or negatively impact the community or the environment

Examples of bylaw violations that may be considered as **Low Priority** would be:

1. Minor renovations without a building permit, where there are no concerns relating to health and safety; and the use and building comply with the Land Use Bylaw (*Building Bylaw No. 1470*)
2. Minor encroachment into a setback (*Land Use Bylaw No. 1309*)
3. Protected tree pruned without permit, where there is no harm done to the tree (*Tree Protection Bylaw No. 1595*)

Medium Priority

Multiple low priority violations or a bylaw violation with potential to cause health and/or safety issues and/or negatively impact the community or the environment

Examples of bylaw violations that may be considered as **Medium Priority** would be:

1. Remove or deposit soil without a permit (*Soil Removal and Deposit Bylaw No. 1544*)
2. Noxious weeds or unsightly premises (*Noxious Weeds Bylaw No. 763* or *Land Use Bylaw No. 1309*)
3. Burning without permit (*Open Burning Bylaw No. 1091*)
4. Secondary suite constructed without a building permit where there are no significant safety issues (*Building Bylaw No. 1470*)
5. Additional unauthorized dwelling unit (*Land Use Bylaw No. 1309*)

High Priority

Multiple medium priority violations or a bylaw violation likely to cause health and/or safety issues and/or negatively impact the community or the environment

Examples of bylaw violations that may be considered as **High Priority** would be:

1. Non-conforming land use, inadequate parking and site development without a Development Permit (*Land Use Bylaw No. 1309 and OCP Bylaw No. 1600*)
2. Unauthorized secondary suite with multiple code violations such as inadequate smoke alarms, fire separations, or egress windows due to alterations without a building permit (*Building Bylaw No. 1470*)
3. Inadequate exiting and/or fire protection due to building alterations without a permit (*Building Bylaw No. 1470*)
4. Cut down tree, that is protected and located in the Erosion District, without permits (*Erosion Control and Tree Cutting Bylaw No. 993 and Tree Protection Bylaw No. 1595*)

Enforcement Tools

When compliance cannot be achieved through initial enforcement, staff may escalate enforcement by first determining the appropriate tools with which to do so. Details of the various options available to the District are provided below (see also Schedule A).

Stop work order

Where a particular bylaw provides authority, a District official may order the cessation of any work that is proceeding in contravention of a bylaw by posting a Stop Work notice.

Municipal Ticket Information (MTI)

The Municipal Ticket Information (MTI or municipal ticket) can be used for the prosecution of minor local government bylaw matters. The MTI is completed and personally delivered by an enforcement officer to the alleged offender. The alleged offender has the option of admitting the offence and paying the penalty within a specified time period, or disputing the offence and waiting for a court appearance.

No Occupancy Posting

For Building Bylaw violations, a No Occupancy notice may be posted after other attempts to resolve the issues have failed and/or if significant or serious health and safety issues are

suspected. The *owner* of the property on which a No Occupancy notice has been posted, and every other person, shall cease *occupancy* of the *building* or *structure* immediately.

District Solicitor involvement

The District Solicitor may provide the contravener with a warning letter, and/or, if authorized by Council, will initiate court proceedings.

Direct enforcement

Direct enforcement involves carrying out enforcement remedies and adding the cost of doing so to the subject property's taxes. Council approval may be required, depending on the contravention.

Section 57

Under specific circumstances, such as a building bylaw contravention related to permits, inspections or safety, a building inspector may recommend to Council that it consider a resolution to place a notice of the contravention on the title of a property pursuant to Section 57 of the Community Charter.

Remedial Action

Council may impose remedial action requirements in relation to hazardous conditions, declared nuisances, or harm to drainage. A remedial action requirement may be imposed on the owner or lessee of the matter or thing, and/or the owner or occupier of the land on which it is located. A remedial action requirement may require the person to remove or demolish the matter or thing; fill it in, cover it over or alter it; bring it up to a standard specified by bylaw, or otherwise deal with it in accordance with the directions of Council or a person authorized by Council.

Prosecution by Long Form Information

Section 263 of the *Community Charter* authorizes a municipality to proceed with a quasi criminal prosecution of a bylaw offence with a maximum fine of up to \$10,000. Local governments can commence proceedings under the *Offence Act* in B.C. Provincial Court by swearing an information before a court official that sets out the details of the offence. The information must be served on the accused, and once it is served, the offence comes under the jurisdiction of the Provincial Court. However, as provincial Crown Counsel will not prosecute bylaw offences, municipalities shall either hire their own lawyers, or enforcement officers could act as prosecutors. Although long-form prosecutions involve a lengthy Provincial Court process, they are appropriate for major offences if a larger fine is warranted. In addition to the penalty imposed, the court may make a compliance order prohibiting the offender from repeating the offence as well as directing the offender to remedy any harm done. Council approval may be required prior to commencing proceedings.

Consent order

This is an order where legal proceedings have commenced, however, prior to appearing before a judge or master of the court, the parties agree to a Consent Order. Once the order is signed by all parties it is then registered with the court and has the same effect as a court order. Council approval is required prior to filing the initial statement of claim or petition, and may also be required to accept the terms of a consent order.

Injunction proceedings

An injunction is a Supreme Court Order directing a person to do, or not to do, a specified act. Council approval is required prior to seeking an injunction.

Procedure

To guide staff through the enforcement procedure, flow charts have been created outlining the possible steps to compliance (Schedule B).

Where illegal or unauthorized activity has not ceased, or where compliance is not achieved through voluntary compliance or initial enforcement, a report will be brought forward to Council. The report will indicate options for further action and may request approval to commence legal proceedings. Council will decide whether to provide funding for legal action, decline to do so, or recommend other actions. Staff, with the assistance of legal counsel, will follow up with Council's motion to initiate legal proceedings. At the end of the proceedings, and the resolution of the bylaw violation, the file will be closed.

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN BOARD POLICY

POLICY: Bylaw Enforcement Procedures

AUTHORITY: Board Resolution dated April 19, 2018 (Item D.2.a).

INTRODUCTION

Respecting the rights of our neighbours and preserving the quality of life in our unincorporated communities and electoral areas are important aspects of community living. The goal of any proactive Bylaw Enforcement program is not to penalize residents but rather to achieve voluntary compliance with reasonable standards through increased public education and awareness of our regulations and the rationale for them.

While certain areas of enforcement are health and safety related that may require proactive enforcement, the majority of our regulations are enforced on a complaint only basis. RDOS may investigate complaints received from the public about alleged violations of various regulatory bylaws and regulations such as property maintenance, excessive noise, animal and dog control, and land use issues.

Some complaints may be considered either as a civil dispute between property owners, such as storm drainage, or as a minor non-enforceable issue, such as trees overgrowing property lines. These will not be acted upon by the Regional District.

In all cases, the Regional District supports balancing accountability and confidentiality among the parties in the bylaw enforcement process.

1. POLICY STATEMENT

It is the policy of the RDOS to rely primarily on written citizen complaints as a means of enforcing regulatory bylaws; and, to refuse disclosure of complainant or responder information unless consent is obtained from the person who supplied the information or ordered to do so by a higher authority.

The Regional District has no duty to take enforcement action with respect to every contravention of every bylaw that may be occurring within its jurisdiction, allowing discretion based on need and urgency.

2. PURPOSE

The purpose of this policy is to provide guidance to staff, elected officials, and members of the public on the receipt of complaints and initiation of investigation and enforcement proceedings as they related to contravention of designated RDOS regulatory bylaws.

3. ROLES & RESPONSIBILITIES

.1 Board of Directors:

- Adopts bylaws and policy and any amendment thereto. Regulatory bylaws shall identify the enforcement jurisdiction and the person and/or agent authorized to enforce those regulations.

-
- The Board shall consider all enforcement matters that may require Supreme Court decision or Direct Enforcement action. Direct Enforcement action is referred to cases where the Regional District requires a person to take action to comply with a bylaw, and if not completed, the Regional District will complete the action and then recover compliance costs (as per the *Local Government Act*).
 - The Board shall hear and make decision on valid appeals of enforcement actions.
 - All Board inquiries related to bylaw enforcement shall be directed to the Chief Administrative Officer. Individual members of the Board shall not sanction, direct, investigate or assess a complaint.
- .2 Chief Administrative Officer, or designate, shall:
- Enforce regulatory bylaws, make recommendations to the Board for policy amendments and shall keep the Board advised of any significant enforcement actions.
 - Direct enforcement functions relating to voluntary compliance and quasi-criminal proceedings in Provincial Court.
 - Consider the validity of appeals prior to authorizing a Board hearing of the appeal. The validity of an appeal may be based on the following factors:
 - That the RDOS has a bylaw that deals with the subject issue.
 - That the subject issue is not a civil matter.
 - That the subject issue occurs within the jurisdiction of where a bylaw's powers reside.
 - That the subject issue is not frivolous and may have an impact to a person's enjoyment of their personal property or well-being.
- .3 Designated Officer:
- The Designated Officer shall coordinate all regulatory bylaw enforcement actions and shall act as the contact for contracted Bylaw Enforcement Officers engaged in carrying out enforcement.
 - The Designated Officer may attend or accompany a Bylaw Enforcement Officer on site investigations when a situation warrants it or when requested by the Officer.
- .4 Bylaw Enforcement Officer(s):
- Bylaw Enforcement Officer(s) shall attend at site to investigate complaints and carry out enforcement actions.
 - Where a Bylaw Enforcement Officer has reasonable and probable grounds to believe and does believe that a violation exists, he or she may enter upon private property to further an investigation or resolve any violation. The Regional District will take all reasonable steps to notify the owner or occupant before an Officer conducts an on-site inspection. Officers will only conduct business on the property related to the issue of the complaint.
 - Bylaw Enforcement Officer(s) shall maintain a detailed reporting of enforcement activity in a database format, and provide a monthly report on enforcement activity for submission to the Designated Officer.

4. SUBMISSION OF A COMPLAINT

- .1 All bylaw enforcement complaints are required to be made in writing and all complaints are to be submitted by the complainant to the Designated Officer.
- .2 Each individual complaint shall be in writing – a letter, an email or the Regional District's Bylaw Complaint Form (see attached) – and shall contain the complainant's:
 - i) name;
 - ii) address;
 - iii) phone number; and
 - iv) a description of the nature and location of the alleged infraction as well as its impact on the complainant.
- .3 Complaints will be prioritized on the basis of the date the complaint was received, unless the complaint is determined to involve a matter that may adversely impact the environment or the health, safety, and security of citizens or may result in a liability incurred by the Regional District of Okanagan-Similkameen.
- .4 The Designated Officer may commence an investigation without written complaint where:
 - i) notification of bylaw violations related to an Animal Control, Dog Control, or Noise Bylaw that are directed to a Bylaw Enforcement Officer;
 - ii) bylaw violations are observed by an employee or agent of the Regional District;
 - iii) involves a matter that may adversely impact the environment or the health, safety, and security of citizens or may result in a liability incurred by the Regional District of Okanagan-Similkameen;
 - iv) a notification or referral is received from an external agency that identifies bylaw violations on a subject property;
 - v) advertisements for uses believed to be illegal have been observed; and
 - vi) correspondence and/or communications undertaken with the Regional District that identify a bylaw violation (i.e. property and zoning inquiries, requests for comfort letters, etc.).
- .5 Anonymous complaints or observed infractions may not be acted upon unless the alleged infraction is a life, safety or environment matter.
- .6 A complainant may be requested to sign an affidavit and/or be prepared to stand as a witness should an enforcement proceed to court.
- .7 All written complaints are to be acknowledged of receipt within five (5) business days.

5. PROCESSING PROCEDURE – WRITTEN COMPLAINTS

- .1 The procedures contained within this section apply to all regulatory bylaws, except those that contain specific procedures for processing complaints included within the bylaw (i.e. Untidy and Unsightly), as well as the Animal Control, Dog Control, Building and Electoral Area Noise Bylaws. In all cases, procedures provided in a bylaw will take precedence over those provided in this policy.
- .2 All bylaw enforcement complaints shall be directed to the Designated Officer to be logged, recorded, and acknowledged. On receipt of a written complaint, a preliminary review of the complaint is undertaken to ensure that the complaint is well founded.

-
- .3 If upon preliminary review, it is determined that a complaint is not well founded or and that no violation exists, the Designated Officer will advise the complainant of such within a written letter format, together with reasons provided for making this determination.
 - .4 If the Designated Officer determines the alleged violation may be in relation to the Building Bylaw, the complaint will be forwarded to a Building Official for assessment, investigation, and enforcement of the Building Bylaw provisions.
 - .5 If the Designated Officer determines that the alleged violation may be in violation of a regulatory bylaw, an Enforcement Assessment Form will be completed. A site inspection may be requested of a Bylaw Enforcement Officer to confirm the infraction and to provide a report of findings. The Bylaw Enforcement Officer's report, together with an Enforcement Assessment Form will be referred to the applicable department that manages the regulatory bylaw for comments and provision of options to rectify.
 - .6 Upon receipt of the completed Enforcement Assessment form, the content will be reviewed by the Designated Officer who will determine whether to proceed with enforcement action. The Designated Officer shall determine the appropriate action in accordance with this policy.
 - .7 If no action is determined, a letter will be provided to the complainant that describes any additional steps taken to assess the complaint (i.e. on-site inspections), the reasons for no enforcement, and provide any other relevant information to the complainant.
 - .8 If action is initiated, the process as set out in Section 6.0 Investigation and Enforcement will be implemented.
 - .9 When exercising discretion for determining a course of action, the following factors shall be considered:
 - i) the scale, number and duration of the infraction(s);
 - ii) the current, short and long term impacts caused by the infraction;
 - iii) frivolous, repeat and/or multiple complaints of an alleged infraction;
 - iv) the potential for precedent; and
 - v) the resources available to resolve the matter.
- The Regional District retains the right to not commence enforcement proceedings in accordance with one or more of these criteria.
- .10 In the case of frivolous, repeat and/or multiple complaints, each complaint will be dealt with on its own merits and according to this policy. However, Regional District staff and contractors will endeavour to focus on balancing fairly the interests of both the individual making the complaint and the broader community. The Regional District retains the right to not intervene in civil matters that are clearly disputes between individuals. The Regional District may consider responding to repeat complaints only where the complainant provides new information or raises a new issue. New information may be referred to the appropriate department for further assessment.
 - .11 Complaints not related to a Regional District bylaw will not be investigated and no file will be opened. Staff will make best efforts to educate complainants of the applicable regulatory agency that may address their concerns and how complainants can lodge their concerns with the applicable regulatory agency for their information and follow-up.

6. INVESTIGATION AND ENFORCEMENT

-
- .1 Should a violation be determined to have occurred, the person(s) who committed the infraction (i.e. offender) and/or the property owner will be notified in writing with a warning letter. The required elements to be included in the warning letter include:

- i) explaining the terms of confidentiality for both the complainant and offender;
- ii) providing an explanation of the relevant bylaw and how the person is alleged to have contravened it;
- iii) the time limit for voluntary compliance;
- iv) notification of fines and other potential enforcement measures associated with the offence.

Depending on the severity of the infraction, offenders may be given the opportunity to respond and achieve voluntary compliance before further action is taken. Offenders should cease the activity or construction immediately until the necessary action to rectify is completed.

- .2 The offender/property owner may be requested to take action within thirty (30) days, or a time limit determined by the Designated Officer. Additional time may be authorized by the Chief Administrative Officer, upon receipt of a written request for such extension from the offender/property owner.
- .3 Intermediate enforcement steps may include a second field inspection or monitoring of the property following the initial time set for voluntary compliance and negotiation of further time to comply.
- .4 Enforcement action may be taken without providing notice where a violation requires immediate action in response to an immediate risk to health, safety or the environment. After enforcement action is taken, the affected person will be provided with a written letter explaining the reasons to commence the enforcement action.
- .5 Enforcement action may be taken without providing notice in cases where a previously enforced violation is on file that is similar to the current violation.
- .6 Where unlawful activity has not ceased or where compliance is not being actively pursued (i.e. submission of a land use application to the Regional District) within the time period provided for voluntary compliance, the following action(s) may occur:
 - a) The Designated Officer directs the Bylaw Enforcement Officer(s) to proceed with the enforcement action set out in the warning letter, including, but not limited to, issuing Notices for bylaws listed within the Bylaw Notice Enforcement Bylaw.
 - b) The Designated Officer will prepare a report indicating that legal proceedings or direct enforcement action should be initiated. The report should identify whether the proceedings should involve:
 - i) prosecution under the *Offence Act*;
 - ii) Direct Enforcement action in accordance to the *Local Government Act* ;
 - iii) an application for a Provincial Court compliance order under the *Local Government Act*; or
 - iv) an application for a Supreme Court injunction.

If legal proceedings are recommended, the report will identify options to the recommended course of action and the implication of those options.

If Direct Enforcement action is recommended, the report will outline the recommended action by the Regional District, the anticipated expense, and the process to recover the costs incurred by the Regional District from the offender as debt.

- .7 Enforcement through the courts is a Board decision and a report will be processed in accordance with the Regional District's Decision-Making Guidelines Policy.
- .8 If legal proceedings are to be withheld, through resolution of the Board, for cause (i.e. budget, investment of staff time, not deemed to be in the public interest, etc.), the complainant and offender will be so advised in writing, and the enforcement file closed.
- .9 If legal proceedings are approved, through resolution of the Board, the file will be assigned to legal counsel with all reports, correspondence, title documents and a certified bylaw, and preparation of a witness list.
- .10 At the end of legal proceedings or direct enforcement action, the Designated Officer will advise the complainant and the Board of the outcome, and close the enforcement file once compliance has been established or the court decision renders continuing enforcement unnecessary.
- .11 An enforcement file may be reactivated if the Regional District is made aware through either the monitoring of the Bylaw Enforcement Officer, or receipt of new information, that the offender/property owner is no longer in compliance after closure of the initial investigation.

7. APPEALS

- .1 The Regional District will consider the inclusion of an appeals section in the review and update of all regulatory bylaws to ensure a mechanism and process for members of the public to appeal the provisions of these bylaws to the Board.
- .2 For all bylaw notices issued under the Bylaw Notice Enforcement Bylaw, appeals will be subject to the bylaw notice adjudication system as set out in the *Local Government Bylaw Notice Enforcement Act*.
- .3 For all bylaw enforcement actions other than bylaw notices or legal proceedings (i.e. direct action, notices on title, etc.) the alleged offender may appeal to the Board of Directors for reconsideration of the action by submitting a letter (with reasons cited to justify reconsideration) to the Chief Administrative Officer. The Chief Administrative Officer, after considering the reasons of appeal and the validity of justification, may schedule a time for the alleged offender to appear before the Board to present its case to reconsider the action. Following the presentation and submission of any evidence, the Board of Directors has full discretion to either uphold the action or revoke the action.
- .4 Following the hearing of an appeal, staff will prepare a letter of correspondence to the appellant to provide notice of the decision of the Board and the reasons for the decision.

8. CONFIDENTIALITY

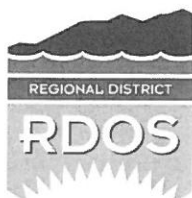
- .1 The identity of a complainant and the written complaint itself shall not be disclosed to the alleged offender or any member of the public. It is not necessary for the complainant to request confidentiality. Likewise, the response of the alleged offender shall not be disclosed to the complainant, whether it is in writing or made orally. It is recognized that

many complaints take place in the context of other disputes between neighbours and the motivation for the complaint itself may be retribution. Disclosure could serve to exacerbate the dispute and may put persons or property at risk of harm.

- .2 While the investigation is ongoing, or while a resulting matter is before the courts, only information regarding the matter shall be made available to the public or the complainant.
- .3 If persons apply to the Regional District for disclosure of personal information about them in complaints and responses to the complaints under the *Freedom of Information and Protection of Privacy Act*, the Regional District shall refuse disclosure unless consent is obtained from the person who supplied the information and who would otherwise be assured of confidentiality under this policy.
- .4 Despite the foregoing, the Regional District will not guarantee the anonymity and confidentiality of complainants and may disclose personal information in bylaw enforcement files in the following circumstances:
 - i) If the investigation results in RCMP enforcement proceedings;
 - ii) If disclosure is required pursuant to the provisions of the *Freedom of Information and Protection of Privacy Act*;
 - iii) If an order for disclosure is issued by the Information and Privacy Commissioner under the *Freedom of Information and Protection of Privacy Act*;
 - iv) As otherwise required by law.

9. STAFF SAFETY

- .1 The safety of staff and/or agents of the Regional District is of utmost importance. If a Bylaw Enforcement Officer or other Regional District staff is verbally or physically threatened while administering the bylaws of the Regional District, then no further investigative action shall be carried out until a private security firm can be hired or RCMP accompanies the Bylaw Enforcement Officer or other Regional District staff.



OKANAGAN
SIMILKAMEEN

Regional District of Okanagan-Similkameen

101 Martin Street, Penticton, B.C., V2A-5J9

Telephone: (250) 492-0237

Fax: (250) 492-0063

Email: info@rdos.bc.ca

Website:

www.rdos.bc.ca

Office use only

File No:

Date:

Received by:

Type:

Bylaw Complaint Form

Personal information contained on this form is received by the Regional District in confidence. This confidentiality cannot be guaranteed if this complaint results in court proceedings. Release of this information is governed by the provisions of the *Freedom of Information and Protection of Privacy Act*.

COMPLAINANT:

Name:

Address:

City/Town:

Province:

Postal Code:

Day Phone:

Cell Phone:

Email:

INCIDENT INFORMATION:

Address (where alleged bylaw violation is taking place):

Name of Occupier of Property (if known):

Name of Registered Property Owner (if known):

Detailed description of alleged bylaw violation and how it affects you, your property, or daily life. (*attach as a separate sheet if required*):

Date(s) and Time(s) of alleged bylaw violation:

DECLARATION:

By signing this complaint form, I confirm that I understand that the Regional District of Okanagan-Similkameen will be unable to guarantee confidentiality of the above information if this matter results in court action or an order from the Provincial Information and Privacy Commission.

Signature

Date

Print name



CITY OF WEST KELOWNA

COUNCIL POLICY MANUAL

Pages: 1 of 4
Date: April 4, 2017

SUBJECT: Bylaw Enforcement Policy

Purpose:

To provide guidance to staff on the receipt of complaints and the initiation of investigation and enforcement proceedings related to contraventions of City bylaws.

The City of West Kelowna cannot take enforcement action with respect to every contravention of a bylaw that may occur within its jurisdiction. The City will use discretion on a case-by-case basis to evaluate contraventions, and take reasonable steps to investigate contraventions in accordance with this policy and operational guidelines of the City.

1. Overview

1.1 Bylaw Enforcement statistics, trends, fines, and categories of files including proactive vs. complaint basis files, shall be reported quarterly to Council in conjunction with the Strategic Priorities Quarterly Report.

1.2 Reporting statistics shall include, but not be limited to the following:

- Bylaw Enforcement files opened;
- New Business Licenses issued/declined;
- Parking/traffic files opened;
- Parks files opened;
- Total tickets issued;
- The amount of fines issued / collection efficiency;
- The number of pro-active files and the number of complaint files;
- Trends in enforcement activity (ie. parking issues, homelessness, graffiti, vandalism, vacation rentals, secondary suites, etc.);
- Tickets disputed in Court (and the outcomes);
- Tickets disputed through Bylaw Adjudication (and the outcomes);
- Number of staff hours spent in Court.

1.3 Priority setting for Bylaw Enforcement matters shall be undertaken annually through Council's strategic priority meetings. The priority settings are at Council's discretion, and may identify

enforcement goals for the year, focus on emerging bylaw enforcement trends, identify areas that may require greater proactive enforcement, or prioritize levels of proactive enforcement.

Council members are not involved in day-to-day bylaw enforcement decisions.

1.4 Bylaw Enforcement coverage shall be provided as follows:

May to September - 7:00 a.m. – 6:00 p.m., 7 days/week
October to April - 7:00 a.m. – 4:00 p.m., Monday – Friday

Enforcement matters occurring outside the above-noted coverage times shall be referred to the RCMP.

Additional enforcement coverage during the summer months is provided by seasonal bylaw enforcement officers and may include bike patrols for parks, beaches, and other areas of concern.

2. **General:**

2.1 For the purpose of this policy, a “Bylaw Officer” includes a peace officer, municipal officer, employee, agent, or any other person authorized by Council to enforce City bylaws.

2.2 Although the Bylaw Department operates on a complaint basis, a Bylaw Officer, acting in the regular course of his or her duties, may initiate investigations and conduct inspections to determine compliance with all regulations, prohibitions and requirements of City bylaws. Section 16 of the *Community Charter* allows a Bylaw Officer to enter onto private property for the following purposes:

- (a) To inspect and determine whether all regulations, prohibitions and requirements are being met in relation to any matter for which the Council, a municipal officer or employee or a person authorized by the Council has exercised authority under this or another Act to regulate, prohibit and impose requirements;
- (b) To take action authorized under section 17(1) [*municipal action at defaulter's expense*];
- (c) In relation to section 18 [authority to discontinue providing a service], to disconnect or remove the system or works of the service;
- (d) To assess or inspect in relation to the exercise of authority under section 8 (3) (c) [*spheres of authority – trees*].

2.3 Investigations may be initiated in person, by written complaint (e-mail or letter), or by phone. A complaint with respect to an alleged contravention of a municipal bylaw must provide:

- a) The name, address and contact information of the complainant;
- b) A description of the nature and location of the alleged contravention.

2.4 Complaints will be investigated on a priority basis and will be based on the following criteria:

- Health, safety, and security of the public;
- Damage to the environment;
- The impact of the violation on the community;
- The impact of the violation on the complainant;
- The nature of the complaint and the allegation (ie. repeat offence).

2.5 All complaints will be acknowledged within 48 hours and shall be placed in priority sequence for additional follow-up.

- Details of the complaint will be recorded and assigned to a Bylaw Enforcement Officer for follow-up;
- The Investigating Officer will review the file details and determine an appropriate priority response;
- Depending on the nature of the complaint, the Investigating Officer may contact the complainant for additional detail and may provide expected timelines for the complaint to be addressed or provide reasons why the complaint will not be investigated;
- Not all types of complaints necessitate that an Officer contact the complainant to advise of the file outcome.

2.6 Complaints that are frivolous or become repeat complaints, will be referred to the CAO for a determination on the outcome and the complainant will be notified in writing on the reason for imposing the outcome.

3. **Confidentiality:**

3.1 The identity of a complainant is confidential and will not be disclosed to anyone for any purpose, except as required by law, and in accordance with the following provisions:

- a) The complainant's identity shall not be disclosed to the person under investigation or any member of the public;
- b) Bylaw enforcement investigations may not necessarily be discussed with a complainant subsequent to the initial submission of a complaint.
- c) Where a person submits a request pursuant to the *Freedom of Information and Protection of Privacy Act* for the disclosure of personal information contained in a bylaw enforcement file, it shall be the City's policy to release the records in accordance with the *Freedom of Information and Protection of Privacy Act*.
- d) Despite the foregoing, the City shall not guarantee the anonymity and confidentiality of complainants and may disclose personal information in bylaw enforcement files in the following circumstances:
 - i. If disclosure is required pursuant to the provisions of the *Freedom of Information and Protection of Privacy Act*;
 - ii. As otherwise required by law.

4. **Enforcement:**

4.1 In determining whether to commence enforcement proceedings, the City may consider one or more of the following criteria:

- a) The scale, nature, and duration of the contravention;
- b) The amount of time that has lapsed since the contravention occurred;
- c) The impact of the contravention on the community;
- d) The resources available to resolve the matter;
- e) The costs associated with enforcement action;
- f) The probability of a successful outcome;
- g) The policy implications of the enforcement action and the potential for precedents;
- h) Whether public safety is at risk;
- i) Whether enforcement may be a deterrent in future cases.

4.2 The City's primary enforcement objective shall be to obtain voluntary compliance.

- 4.3 If voluntary compliance is not achieved, the City may exercise enforcement powers in accordance with the following remedies:
- a) The issuance of an Order to Comply;
 - b) The issuance of a Municipal Ticket or Bylaw Offence Notice;
 - c) Quasi-criminal proceedings in Provincial Court, including prosecutions under the *Offence Act*, and any other remedy as set out in Section 260 of the *Community Charter*;
 - d) Supreme Court injunction proceedings as set out in Section 274 of the *Community Charter*;
 - e) Remedial action and any other remedy as set out in Part 3, Divisions 5-12 of the *Community Charter*, and the City may further seek to fulfill those requirements at the expense of the person in contravention, in accordance with the provisions of Section 17 of the *Community Charter*.
- 4.4 The City retains the discretion to not commence enforcement proceedings in accordance with one or more of the criteria listed in Section 4.1 of this policy.
- 4.5 The Bylaw Officer shall maintain a written record of inspections and investigations undertaken and record the disposition of all complaints received.



TOWN OF GOLDEN CORPORATE POLICY

BYLAW ENFORCEMENT

Effective Date: March 19 th , 2019	Authorized By: Council Resolution # 19-095	Replaces: New
---	---	---------------

INTENT

To provide guidance to staff on the receipt of complaints and the initiation of investigation and enforcement proceedings related to contraventions of Town bylaws.

To establish a code of conduct for Bylaw Enforcement Officers.

1. OVERVIEW

1.1 Bylaw Enforcement statistics, trends, fines, and categories of files including proactive vs. complaint basis files, shall be reported quarterly to Council.

1.2 Reporting statistics shall include, but not be limited to the following:

- Bylaw Enforcement files opened;
- Dogs licensed;
- Parking/traffic files opened;
- Stray dogs impounded/released;
- Tickets disputed in Court (and the outcomes);
- Tickets disputed through Bylaw Adjudication (and the outcomes);
- Total tickets issued;
- Total tickets issued by the RCMP;
- The amount of fines issued/collection efficiency;
- The number of pro-active files and the number of complaint files;
- Trends in enforcement activity (ie. parking issues, homelessness, graffiti, vandalism, short term rentals, noise, animal control, etc.);
- Vehicles towed.

1.3 Priority setting for Bylaw Enforcement matters shall be undertaken annually through Council's strategic priority meetings. The priority settings are at Council's discretion, and may identify enforcement goals for the year, focus on emerging bylaw enforcement trends, identify areas that may require greater proactive enforcement, or prioritize levels of proactive enforcement.

Council members are not involved in day-to-day bylaw enforcement decisions.

2. GENERAL

- 2.1 For the purpose of this policy, a “Bylaw Enforcement Officer” includes a municipal officer, employee, agent, or any other person authorized by Council to enforce Town bylaws.
- 2.2 Although the function operates on a complaint basis, a Bylaw Enforcement Officer, acting in the regular course of his or her duties, may initiate investigations and conduct inspections to determine compliance with all regulations, prohibitions and requirements of Town bylaws. Section 16 of the *Community Charter* allows a Bylaw Enforcement Officer to enter onto private property for the following purposes:
- a) To inspect and determine whether all regulations, prohibitions and requirements are being met in relation to any matter for which the Council, a municipal officer or employee or a person authorized by the Council has exercised authority under this or another Act to regulate, prohibit and impose requirements;
 - b) To take action authorized under section 17(1) [*municipal action at defaulter's expense*];
 - c) In relation to section 18 [*authority to discontinue providing a service*], to disconnect or remove the system or works of the service;
 - d) To assess or inspect in relation to the exercise of authority under section 8 (3) (c) [*spheres of authority – trees*].
- 2.3 Investigations may be initiated in person, by written complaint (e-mail or letter), or by phone. A complaint with respect to an alleged contravention of a municipal bylaw must provide:
- a) The name, address and contact information of the complainant and
 - b) A description of the nature and location of the alleged contravention;
- Anonymous complaints will not be accepted.
- 2.4 Complaints will be investigated on a priority basis and will be based on the following criteria:
- Health, safety, and security of the public;
 - Damage to the environment;
 - The impact of the violation on the community;
 - The impact of the violation on the complainant;
 - The nature of the complaint and the allegation (ie. repeat offence).
- 2.5 All complaints will be acknowledged in a timely manner and shall be placed in priority sequence for additional follow-up, noting that:
- Details of the complaint will be recorded and assigned for follow-up;
 - The Bylaw Enforcement Officer will review the file details and determine an appropriate priority response;

- Depending on the nature of the complaint, the Bylaw Enforcement Officer may contact the complainant for additional detail and may provide expected timelines for the complaint to be addressed or provide reasons why the complaint will not be investigated;
- Not all types of complaints necessitate that the Bylaw Enforcement Officer contact the complainant to advise of the file outcome.

2.6 Complaints that are frivolous or become repeat complaints, will be referred to the manager responsible for a determination on the outcome and the complainant will be notified on the reason for imposing the outcome.

3. CONFIDENTIALITY

3.1 The identity of a complainant is confidential and will not be disclosed to anyone for any purpose, except as required by law, and in accordance with the following provisions:

- a) The complainant's identity shall not be disclosed to the person under investigation or any member of the public;
- b) Bylaw enforcement investigations may not necessarily be discussed with a complainant subsequent to the initial submission of a complaint.
- c) Where a person submits a request pursuant to the *Freedom of Information and Protection of Privacy Act* for the disclosure of personal information contained in a bylaw enforcement file, it shall be the Town's policy to release the records in accordance with the *Freedom of Information and Protection of Privacy Act*.
- d) Despite the foregoing, the Town shall not guarantee the anonymity and confidentiality of complainants and may disclose personal information in bylaw enforcement files in the following circumstances:
 - i. If disclosure is required pursuant to the provisions of the *Freedom of Information and Protection of Privacy Act*;
 - ii. As otherwise required by law.

4. ENFORCEMENT

4.1 The Town of Golden cannot take enforcement action with respect to every contravention of a bylaw that may occur within its jurisdiction. Bylaw enforcement initiatives/actions will be determined by available capacity and resources. The Town will use discretion on a case-by-case basis to evaluate contraventions, and take reasonable steps to investigate contraventions in accordance with this policy and operational guidelines of the Town. In determining whether to commence enforcement proceedings, the Town may consider one or more of the following criteria:

- a) The scale, nature, and duration of the contravention;
- b) The amount of time that has lapsed since the contravention occurred;
- c) The impact of the contravention on the community;
- d) The resources available to resolve the matter;
- e) The costs associated with enforcement action;
- f) The probability of a successful outcome;
- g) The policy implications of the enforcement action and the potential for precedents;

- h) Whether public safety is at risk;
- i) Whether enforcement may be a deterrent in future cases.

4.2 The Town's primary enforcement objective shall be to obtain voluntary compliance.

4.3 If voluntary compliance is not achieved, the Town may exercise enforcement powers in accordance with the following remedies:

- a) The issuance of an Order to Comply;
- b) The issuance of a Bylaw Offence Notice;
- c) Quasi-criminal proceedings in Provincial Court, including prosecutions under the *Offence Act*, and any other remedy as set out in Section 260 of the *Community Charter*;
- d) Supreme Court injunction proceedings as set out in Section 274 of the *Community Charter*;
- e) Remedial action and any other remedy as set out in Part 3, Divisions 5-12 of the *Community Charter*, and the Town may further seek to fulfill those requirements at the expense of the person in contravention, in accordance with the provisions of Section 17 of the *Community Charter*.

4.4 The Town retains the discretion to not commence enforcement proceedings in accordance with one or more of the criteria listed in Section 4.1 of this policy.

4.5 The Bylaw Enforcement Officer shall maintain a written record of inspections and investigations undertaken and record the disposition of all complaints received.

5. CODE OF CONDUCT FOR BYLAW ENFORCEMENT OFFICERS

5.1 A Bylaw Enforcement Officer shall not violate:

- a) An Act of the Parliament of Canada;
- b) An Act of the Legislative Assembly of British Columbia;
- c) Any regulation made under an Act of either the Parliament of Canada or the Legislative Assembly of British Columbia.

5.2 A Bylaw Enforcement Officer shall not:

- a) Act in a disorderly or inappropriate manner;
- b) Act in a manner that would be harmful to the organizational discipline or is likely to discredit the reputation of law enforcement;
- c) Commit insubordination, where the Bylaw Enforcement Officer by word or action, and without lawful excuse, disobeys, omits or neglects to carry out any lawful order;
- d) Withhold or suppress a complaint against, or a report made about, a Bylaw Enforcement Officer;
- e) Neglect, without a lawful excuse, to promptly or diligently perform their duties;
- f) Wilfully or negligently make or sign a false, misleading or inaccurate statement in any official document or record;

- g) Without lawful excuse:
 - i. destroy, mutilate or conceal an official document or record;
 - ii. alter or erase an entry in any official document or record;
- h) Make known any matter that is a person's duty to keep in confidence, or communicate to the news media or to any unauthorized person any law enforcement matter which could be injurious to any person or ongoing investigation;
- i) Fail to account for or to make a prompt and true return of money or property that the Bylaw Enforcement Officer receives in their official capacity;
- j) Directly or indirectly ask for, or receive, a payment, gift, subscription, testimonial or favour;
- k) Become involved in a financial, contractual or other obligation with a person whom the Bylaw Enforcement Officer could reasonably expect to report or give evidence about;
- l) Without lawful excuse, use their official position for personal advantage or another person's personal advantage;
- m) Exercise authority when it is unlawful or unnecessary to do so;
- n) Participate directly in any political activity which would impair the Bylaw Enforcement Officer's impartiality in the performance of his or her duties;
- o) Apply excessive or otherwise inappropriate force in circumstances where force (force includes fines) is used.

6. COMPLAINTS AND DISCIPLINARY MEASURES

- 6.1 For the purposes of this policy, any violation of the Code of Conduct section constitutes disciplinary defaults by a Bylaw Enforcement Officer.
- 6.2 Any person may make a complaint in writing regarding a Bylaw Enforcement Officer to the manager responsible and/or the Chief Administrative Officer.
- 6.3 Where a complaint is made under section 6.2, the Chief Administrative Officer must investigate and dispose of the complaint in accordance with the procedures set out in the *Town of Golden Progressive Discipline Policy*.

ORIGINAL SIGNED BY R. OSZUST

ORIGINAL SIGNED BY J. WILSGARD

Mayor

CAO



NOTICE OF COMPLAINT:

It is the policy of the Township that complaints with respect to bylaw infractions will only be pursued where:

1. The complainant has filed a complaint in writing to the Municipality.
2. There are two (2) separate complaints from two (2) separate properties filed, or the complainant resides on a property directly affected by or adjacent to the offending property where no other neighbours exist, or the complaint is reviewed by the CAO and determined to be an obvious and urgent health and safety matter.
3. There is one (1) complaint about a business operating in non-compliance with a Township of Spallumcheen bylaw.
4. The complaint has been initiated by municipal management, with consultation/consent from the Chief Administrative Officer (CAO) prior to it being referred to the Bylaw Enforcement Officer for investigation.

*Complaints shall be made in writing and provide complete information in the form attached as Appendix 1 and forming part of this policy.

REFERRAL OF COMPLAINT FORM:

Step one – once two (2) signed complaints have been received from two (2) separate residents from two (2) separate properties, or one (1) signed complaint is received about a business operating in non-compliance with a Township of Spallumcheen bylaw, they will be referred to the CAO, or designate, for consideration of a course of action giving due consideration for risk and severity factors, prior to referring to the Bylaw Enforcement Officer.

Step two – once deemed appropriate, the complaint will be referred to the Bylaw Enforcement Officer for investigation and report back to the CAO or designate.

Step three – the CAO, or designate, will determine the preferred initial course of action e.g. initial phone call, or letter. If, in the opinion of the CAO or designate, substantial compliance has been achieved or will be done so in a timely manner with the property owner's cooperation. Administration will monitor the file and close once substantial compliance is achieved.

Step four – If cooperation is not achieved from the property owner, staff will prepare a report to Council requesting authority to take further action, potentially including a follow-up demand letter from the Township's lawyer. If compliance is subsequently achieved, a report is prepared to Council and file closed.

Step five – If, after the violator has received the lawyer's letter(s) and is unwilling to comply, a further report is prepared to Council seeking authority or direction on potential next steps (with a cost estimate) which could include but not be limited to: Notice on Title process, further legal action, or Council direction to take no further action and file closure.

THE TOWNSHIP OF SPALLUMCHEEN

POLICY: COMPLAINT POLICY

Policy #4000.002

Page 2 of 2

CONFIDENTIALITY OF COMPLAINANTS:

It is the policy of the Township that personal names, addresses and telephone numbers of complainants shall not be released on the basis of the following criteria:

- That the disclosure of the identities of the complaints would be an unreasonable invasion of personal privacy as identified in the Freedom of Information, Protection of Privacy Act (FOIPPA) Legislation.
- That the personal information has been supplied in confidence in relation to the complainant.
- That the disclosure could reasonably be expected to be detrimental to a bylaw enforcement matter.
- That it would reveal the identity of a confidential source of bylaw enforcement information.

Complainants will be advised that names and addresses will be held in confidence unless required to be revealed by any ensuing legal process or by the Freedom of Information Commissioner upon adjudicating an appeal under the Act or unless the Municipality is instructed otherwise by the complainant.

REGULATORY BYLAWS INVOLVED:

- Zoning Bylaw No. 1700, 2008 and amendments thereto.
- Unsightly Premises Bylaw No. 1710, 2008 and amendments thereto.
- Noise Prevention Bylaw No. 1269, 1992 and amendments thereto.
- Business Licensing and Regulation Bylaw No. 1877, 2014 and amendments thereto.
- Any other regulatory bylaw as determined by resolution of Council for enforcement.

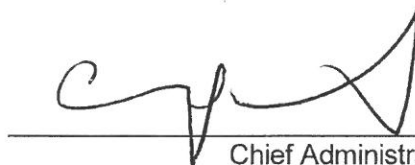
REPEAL:

The Township of Spallumcheen Complaint Policy #4000.001 is hereby rescinded.

Policy #4000.002

Certified Correct:

Date: Adopted: June 17th, 2013
Amended: October 17th, 2016



Chief Administrative Officer



VILLAGE OF LUMBY
POLICIES AND PROCEDURES
COUNCIL POLICY

POLICY TITLE: **Bylaw Enforcement Policy**

ADOPTED BY COUNCIL: **June 5, 2017**

Bylaw Enforcement Policy

POLICY:

The objective of the Bylaw Enforcement Policy is to obtain compliance with municipal bylaws through effective enforcement based on consistency, education and fairness. This policy describes the procedures related to bylaw enforcement, including the issues of confidentiality as set out in the *Freedom of Information & Protection of Privacy Act*, the setting of priorities for action, and includes provisions for further enforcement.

PURPOSE:

Municipal bylaws are enacted by the Village of Lumby Council, under the regulatory authority of the *Community Charter* and the *Local Government Act*, to preserve the quality of life to which each citizen is entitled.

Every attempt shall be made to achieve voluntary compliance with bylaws through education and information prior to initiating any manner of enforcement action. Wherever possible, it is recommended that residents attempt to resolve their issues amicably between neighbours before contacting the Village for assistance.

The Village has no duty to take enforcement action on any bylaw within the municipality. Discretion will be exercised by the Village on a case-by-case basis as outlined in this policy.

CONFIDENTIALITY:

As a matter of practice, the identity of the complainant(s) and the written complaint itself shall not be disclosed to the alleged offender or any member of the public. It is not necessary for the complainant(s) to request confidentiality. Likewise, the response of the alleged offender shall not be disclosed to the complainant(s), whether it is in writing or made orally.

This policy recognizes that many complaints take place in the context of other disputes between neighbours and the motivation for the complaint itself may be retribution. Disclosure could serve to escalate the dispute and may even put persons at risk of harm. The anonymity and confidentiality given to complainants and alleged offenders under this policy cannot be assured if the investigation results in court proceedings.

Individuals can request the disclosure of personal information about them related to complaints and responses to complaints under the *Freedom of Information and Protection of Privacy Act*. It is the policy of the Village to refuse disclosure under the Act, unless written consent is obtained from the person who supplied the information. The Village is subject to orders issued by the Information and Privacy Commissioner under the Act and will not necessarily appeal an order for disclosure.

SCOPE OF BYLAW ENFORCEMENT RESPONSIBILITIES:

Village staff will be responsible for responding to complaints and conducting investigations. Their roles and responsibilities for doing so are outlined in specific Village bylaws. The Mayor and Council are not to be involved in the investigation of a complaint.

Village staff are not required to report bylaw violations observed unless it is during regular work hours, within that employee's scope of duty and where the violation poses a risk to life, health and/or safety.

STAFF SAFETY:

The safety of staff and/or agents of the Village is of utmost importance. If staff are verbally or physically threatened while administering bylaws then no further investigative action shall be carried out until a police officer accompanies them.

Authorization requirements to enter a property or building will be followed as per Section 16 of the *Community Charter*. Tenant rights as specified in the *Residential Tenancy Act* will be respected during any enforcement action.

SUBMISSION OF A COMPLAINT:

To be considered a valid complaint, reports of alleged infractions of bylaws are to be reported by the complainant to the Village office, preferably in writing using the Complaint Form in Schedule 'A'. Anonymous complaints of alleged infractions will not be acted upon.

To be considered an enforceable complaint, a complainant must:

- a) Provide their name, address and telephone number;
- b) Describe the nature and location of the alleged infraction; and
- c) Describe any attempts made by the complainant to resolve the problem.

Complaints to the Bylaw Enforcement Officer may be initiated by phone, although a formal written complaint will be required. Anonymous complaints will not be accepted through a member of Council.

PROCESSING PROCEDURE:

All complaints directed to the Village will be logged, recorded, and acknowledged within three (3) business days of receipt. A preliminary review of the complaint will be undertaken to set a priority level and ensure that the complaint is credible and in the best interest of the Village of Lumby and its residents.

The named individual(s) will be notified by phone call, in-person, by email, or by registered letter and given the opportunity to provide their perspective and any supporting evidence.

Following a review of this information, established violations, if any, will be identified and the individual will be given the opportunity achieve voluntary compliance within a set timeframe, identified on a case-by case basis, before further action is taken. Individuals may also be requested to cease the activity until compliance is achieved.

Where a complaint is deemed credible, all actions associated with investigation and enforcement will be documented in a bylaw infraction file.

COMMUNICATION WITH COMPLAINANT DURING PROCESS:

The timeframe for conducting reviews and investigations will vary depending on the facts of the case, however, if an investigation proceeds beyond one month the complainant will be contacted and advised of the status of the complaint, understanding that no guarantee can be given to the potential completion date; every effort will be made to respond to complainants in an efficient, expedient manner.

As the review progresses:

- a) If no violation is found or;
- b) If the individual voluntarily complies within the set timeframe or;
- c) If the Village requests the actions cease and they do,

the bylaw infraction file will be closed and the complainant will be advised of the conclusion of the review/investigation by email, or by registered letter if no email is available. Note: all bylaw related matters must be permanently retained.

A response to the complainant may be withheld if legal action is pending.

CONFIDENTIALITY PROVIDED and LIMITATIONS

A complainants name and any particulars of the complaint which may reveal the identity of the complainant will not be disclosed to the alleged violator or any member of the public.

A response of an alleged violator, whether verbal or written, shall not be disclosed to the complainant.

Where personal information is provided, the Village will keep the information confidential and use the personal information only to determine the validity of the complaint and the alleged violator's response.

If a person submits a request under the *Freedom of Information and Protection of Privacy Act* for the disclosure information of records contained in a complaint or in a response to a complaint, other than for that persons own personal information, it is the Village's policy to refuse disclosure under sections 15 and 22 of the Act.

The anonymity and confidentiality afforded complainants and alleged violators by this Policy cannot be assured if the investigation results in court proceedings as the complainant may be required to act as a witness for the prosecution.

PRIORITY OF INVESTIGATION:

Upon receipt of a bylaw complaint, infractions will first be ordered on the basis of the date the complaint was received, and will then be assigned a priority level of:

- **Low Priority:** A bylaw violation unlikely to cause life, health and/or safety issues and/or negatively impact the community or the environment.
- **Medium Priority:** Multiple low priority violations or a bylaw violation with potential to cause life, health and/or safety issues and/or negatively impact the community or the environment.
- **High Priority:** Multiple bylaw violations or a bylaw violation currently causing life, health and/or safety issues and/or negatively impact the community or the environment.

DECISION NOT TO ENFORCE:

Where a decision is made not to enforce compliance with a bylaw, the decision will be documented on the bylaw infraction file and an email, or registered letter if email is not available, will be sent to both the individual with the established violation and the complainant. The correspondence will include the reasons that the bylaw will not be enforced in the specific case.

ENFORCEMENT TOOLS:

Staff will attempt to obtain voluntary compliance of Village bylaws before any bylaw enforcement action is taken unless there is a record of previous bylaw violations by that individual.

Staff will consider the use of restorative justice principles in suitable situations and where both the complainant and the alleged violator agree to participate. In such circumstances, both the complainant and the alleged violator must agree to waive their rights to confidentiality between the parties and the applicable confidentiality provisions of this policy would not apply.

The Village is not obliged to enforce any bylaw or to pursue law enforcement action on any bylaw infraction.

In situations where voluntary compliance is not achieved, particularly where the non-compliant behaviour is willful, repetitive, is harmful to public health or safety, is harmful to infrastructure or is harmful the environment, staff may escalate enforcement. All enforcement actions will be documented in the bylaw infraction file and may be appealed.

APPEAL PROCESS:

The BC Ombudsperson has jurisdiction over a wide range of provincial public agencies, including local governments. They can investigate complaints to ensure that they have been handled in an administratively fair manner. If there is a disagreement with an enforcement action that has been taken by the Village, several options are available to submit a complaint:

- Call toll-free at 1-800-567-3247 from anywhere in BC or 250-387-5855 if you are calling from the Capital Region. Our phone lines are answered between 8:30am and 4:30pm, Monday to Friday
- Use the Online Complaint Form at <https://bcombudsperson.ca/complaints/make-online-complaint>
- Make a written complaint using a printable complaint form at <https://bcombudsperson.ca/complaints/make-written-complaint> and faxing the completed form to 250-387-0198, or mailing it to PO Box 9039 STN PROV GOVT, Victoria BC V8W 9A5

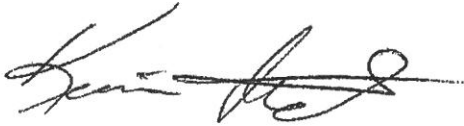
COUNCIL AUTHORIZATION OF LEGAL ACTION:

Where illegal or unauthorized activity has not ceased, or where compliance is not achieved through voluntary compliance or initial enforcement a staff report will be brought forward to Council. The report will indicate whether or not legal proceedings should be initiated and in particular whether the proceedings should involve:

- i. Prosecution under the *Offence Act*, or;
- ii. An application for a Provincial Court compliance order under the *Local Government Act*, or;
- iii. An application for a Supreme Court injunction.

Council will decide whether to provide funding for legal action, decline to do so, or recommend other actions. Staff, with the assistance of legal counsel, will follow up with any motion to initiate legal proceedings.

At the end of legal proceedings, the Chief Administrative Officer (CAO) will advise the complainant and any other affected parties of the outcome, and close the enforcement file once compliance has been established (i.e. completion of any on-going monitoring requirements).



Mayor



Corporate Officer