

REGULAR MEETING OF COUNCIL AGENDA

DATE: September 7, 2021
TIME: 4:30 p.m.
LOCATION: Enderby City Hall

Please contact Enderby City Hall at 250-838-7230 or info@cityofenderby.com by **3:30 pm on the day of the meeting** to obtain access codes to attend the meeting electronically.

The City of Enderby uses Zoom for its electronic facilities and encourages members of the public unfamiliar with the application to test it in advance; for technical support, please contact Zoom.

If you do not have a computer or mobile phone capable of using Zoom, please let us know and we can provide you with a number that you can call in from a regular telephone.

When applicable, public hearing materials are available for inspection at www.cityofenderby.com/hearings/

1. APPROVAL OF AGENDA

2. ADOPTION OF MINUTES

- 2.1. Meeting Minutes of August 16, 2021 Page 1
- 2.2. Public Hearing Report of August 16, 2021 Page 6

3. PETITIONS AND DELEGATIONS

*Todd Peterson: Petition to Allow Residents of Enderby to Have Chickens in their Backyard – **Report deferred to next regular council meeting***

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

5. DEVELOPMENT MATTERS

- 5.1. 0037-21-DVP-END (Kiwis Power Sports and Marine Ltd.) Page 8
- Legal: LOT 2 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 14156
- Address: 1304 George Street, Enderby BC
- Applicant: Kevin Johnston
- Owner(s): Grant's Tackle & Outdoors Ltd.

6. REPORTS

- 6.1. Mayor and Council Reports Verbal
- 6.2. Area F Director Report Verbal
- 6.3. Chief Administrative Officer Report Verbal

7. BYLAWS

7.1. Parks, Recreation and Cultural Fees Imposition Bylaw No. 1693, 2020 - adoption Page 19

7.2. Business License and Regulation Bylaw No. 1558, 2014 Amendment Bylaw No. 1729, 2021 - adoption Page 21

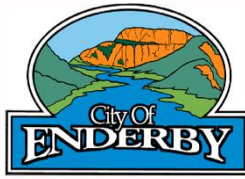
7.3. Council Procedure Bylaw No. 1732, 2021 – adoption Page 22

8. NEW BUSINESS

8.1. BC Enderby Step Code – Phase 1 Implementation Page 43
Memo prepared by Chief Administrative Officer dated August 25, 2021

9. PUBLIC QUESTION PERIOD

10. ADJOURNMENT



THE CORPORATION OF THE CITY OF ENDERBY

Minutes of a **Regular Meeting** of Council held via video conference on Monday, August 16, 2021 at 4:30 p.m. in Council Chambers.

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

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

Other: Press and Public

APPROVAL OF AGENDA

Moved by Councillor Case, seconded by Councillor Baird
“THAT the August 16, 2021 Council Meeting agenda be approved as circulated.”

CARRIED

ADOPTION OF MINUTES

Council Meeting Minutes of June 21, 2021

Moved by Councillor Shishido, seconded by Councillor Knust
“THAT the July 12, 2021 Council Meeting minutes be adopted as circulated.”

CARRIED

PUBLIC AND STATUTORY HEARINGS

0002-21-RZ-END (Backus)

The regular meeting gave way to the public hearing at 4:31 p.m.

The regular meeting re-convened at 4:40 p.m.

DELEGATIONS

Todd Petersen: Petition to Allow Residents of Enderby to Have Chickens in their Backyard

Mr. Petersen presented his request to allow for chickens within City limits. He has been a resident of Enderby for the past 49 years and has had chickens on his property for the past 8 under the impression that they were permitted. He listed the following reasons in support of permitting chickens in Enderby:

- Chickens kill rats and mice; they also eat bugs and weeds
- Many people are unable to eat store-bought eggs; having farm eggs fills a need in the community
- Supports living a more sustainable lifestyle
- Beneficial to gardeners as you can use the manure
- Many surrounding communities allow chickens in residential neighbourhoods (Kelowna, Vernon, Armstrong, Salmon Arm, Calgary, etc.)
- Received 150 signatures on the petition in a very short time frame; could get more if given more time
- 194 votes in favor on social media with hundreds of positive feedback comments
- Suggested limiting amount of chickens based on property size

Councillor Knust thanked Mr. Petersen for his presentation and asked where he disposed of any associated waste and if he’s had any issues with rats. Mr. Petersen stated that all waste was composted and that his chickens have killed many rats. Councillor Baird asked how we determine the ratio for chickens permitted vs. land size. Council discussed permitting processes as well as support for backyard bees. Staff will report back with an analysis of options for both backyard hens and backyard bees.

BUSINESS ARISING FROM THE MINUTES AND/OR UNFINISHED BUSINESS

None

DEVELOPMENT MATTERS

0002-21-RZ-END (Backus)

Legal: PARCEL B (PLAN B6868) OF LOT 2 DISTRICT LOT 226 KAMLOOPS DIVISION YALE DISTRICT AND OF SECTION 35 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1593 EXCEPT PLANS 6122, 6269 AND 16810

Address: 349 Brickyard Road, Enderby BC

Applicant: Brandon Backus

Owner(s): Brandon Backus

Moved by Councillor Schreiner, seconded by Councillor Case
“THAT Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1730, 2021 which proposes to rezone the property legally described as PARCEL B (PLAN B6868) OF LOT 2 DISTRICT LOT 226 KAMLOOPS DIVISION YALE DISTRICT AND OF SECTION 35 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1593 EXCEPT PLANS 6122, 6269 AND 16810, and located at 349 Brickyard Road, Enderby BC, from the Country Residential (C.R.) zone to the General Industrial (I.2) zone be given third reading and adoption.”

CARRIED

REPORTSArea F Director

Noted that COVID-19 numbers are high and vaccine rates are low in this area and questioned if there were ways to help increase numbers. Wildfires have been the immediate priority but can we support Interior Health in their vaccination initiatives?

Mara Fire Protection Area petition failed. Area F will continue to implement FireSmart practices.

Chief Administrative Officer

- Knight Avenue construction is substantially complete
- Kids Don't Float Kiosks and life rings are being installed
- Resources and staff time has been taken up with emergency management due to local wildfires. There have been a substantial number of phone calls from both the City and Area F. Cooperation among local governments throughout the region was evident.
- Water Treatment Plant's transfer well was drained, inspected, and repaired. Water demand is decreasing but peak hourly demand was extremely high this season; Council should expect to see a proposal come forward in the fall for enhanced water conservation measures to manage peak hourly demand and drought in the future.
- Sewer plant's rotating drum thickener has failed and a repair is in progress.

June 2021 Financial Report

Moved by Councillor Case, seconded by Councillor Knust

"THAT Council receives and files the June 2021 Financial Report."

CARRIED

Vernon North Okanagan Detachment

Moved by Councillor Knust, seconded by Councillor Baird

"THAT Council receives and files the Vernon North Okanagan Detachment 2nd Quarter Report."

CARRIED

RDNO Building Permit Summary – July 2021

Moved by Councillor Baird, seconded by Councillor Shishido

"THAT Council receives and files the RDNO Building Permit Summary – July 2021."

CARRIED

BYLAWSInter-Community License Bylaw No. 1430, 2008 Amendment Bylaw No. 1731, 2021 – adoption

Moved by Councillor Knust, seconded by Councillor Schreiner

"THAT Council adopts the bylaw cited as the Corporation of the City of Enderby Parks, Recreation and Culture Fees Imposition Bylaw No. 1693, 2020 Amendment Bylaw No. 1728, 2021."

CARRIED

Council Procedure Bylaw No. 1732, 2021 – 1st, 2nd, and 3rd readings

Moved by Councillor Case, seconded by Councillor Schreiner

"THAT Council gives first, second, and third readings of the bylaw cited as the Corporation of the City of Enderby Council Procedure Bylaw No. 1732, 2021;"

AND THAT Council directs staff to give notice of City of Enderby Council Procedure Bylaw No. 1732, 2021 in accordance with section 94 of the Community Charter;

AND FURTHER THAT Council repeals its “Decisions on Delegation Requests” policy upon City of Enderby Council Procedure Bylaw No. 1732, 2021 coming into force and effect.

CARRIED

NEW BUSINESS

Consent for North Okanagan Fire Dispatch Establishment Amendment Bylaw No. 2900, 2021
Moved by Councillor Knust, seconded by Councillor Shishido

“That Council provides consent for North Okanagan Fire Dispatch Establishment Amendment Bylaw No. 2900, 2021;

AND THAT Council directs staff to notify the Regional District of North Okanagan of its consent for North Okanagan Fire Dispatch Establishment Amendment Bylaw No. 2900, 2021.”

CARRIED

Disclosure of Contracts – Council

Moved by Councillor Knust, seconded by Councillor Davyduke

“That Council receives and files the Disclosure of Contracts – Council Memorandum.”

CARRIED

Amendments to Shipping Container Health and Safety Policy

Moved by Councillor Knust, seconded by Councillor Baird

“That Council adopts the amended Shipping Container Health and Safety Policy.”

CARRIED

Lot Frontage Waiver Request – 2009 McGowan Street, Enderby BC

Moved by Councillor Knust, seconded by Councillor Case

“THAT Council authorizes an exemption to Section 603.8.a of the City of Enderby Zoning Bylaw No. 1550, 2014 to reduce the minimum lot frontage for single-family dwellings from 15 m (49.21 feet) to 12 m (39.37 feet) for the proposed subdivision of the property legally described as LOT 7 DISTRICT LOT 226 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN KAP50468 and located at 2009 McGowan Street, Enderby BC, as shown on the attached Schedule 'A'.”

CARRIED

District of Sicamous: Protection of outdoor recreation opportunities and established snowmobile Recreation Sites or Trails in B.C.

Moved by Councillor Case, seconded by Councillor Shishido

“THAT Council provides a letter of support for the resolutions sponsored by the District of Sicamous from the BC Snowmobile Federation (BCFS) concerning the Forest Range & Practice Act (FRPA) objectives and site-level objectives for snowmobile trails”

CARRIED

Ministry of Health: Opioid Overdose Crisis in Canada

Moved by Councillor Shishido, seconded by Councillor Knust

“That Council receives and files the Ministry of Health: Opioid Overdose Crisis in Canada correspondence.”

CARRIED

PUBLIC QUESTION PERIOD

None

CLOSED MEETING RESOLUTION

Moved by Councillor Schreiner, seconded by Councillor Shishido (5:21 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) (e) and (f) of the Community Charter.”

CARRIED

ADJOURNMENT

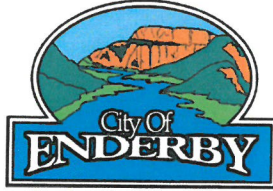
Moved by Councillor Knust, seconded by Councillor Davyduke

“That the regular meeting of August 16, 2021 adjourn at 6:31 p.m.”

CARRIED

MAYOR

CORPORATE OFFICER



THE CORPORATION OF THE CITY OF ENDERBY

Report of a **Public Hearing** held via videoconference on August 16, 2021 at 4:31 p.m. in the Council Chambers of City Hall.

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

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

Mayor McCune read the rules of procedure for public hearings and introduced the following Bylaw:

Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1730, 2021

0002-21-RZ-END (Backus)

Legal: PARCEL B (PLAN B6868) OF LOT 2 DISTRICT LOT 226 KAMLOOPS
DIVISION YALE DISTRICT AND OF SECTION 35 TOWNSHIP 18 RANGE 9
WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN
1593 EXCEPT PLANS 6122, 6269 AND 16810

Address: 349 Brickyard Road, Enderby BC

Applicant: Brandon Backus

Owner(s): Brandon Backus

The Planner and Deputy Corporate Officer provided an overview of the background information related to the application.

There were no comments from the public.

There were no written submissions.

The Mayor opened the floor to Council for questions. Councillor Case asked if the applicant planned to build a shop on the property. The applicant stated that he is starting construction small and will grow the business as needed over time. He noted that septic waste is disposed of

in Vernon, BC. Councillor Knust raised some concerns around the driveway access and lines of sight. The applicant is planning to brush it out to make the access visible from all four directions.

Mayor McCune made his closing statement and declared the Public Hearing closed at 4:40 p.m. pm.

Pursuant to Section 465 (6) of the *Local Government Act*, I, Tate Bengtson, Corporate Officer, hereby certify this to be a fair and accurate report of the Public Hearing held on August 16, 2021.



Signature

Aug 26/21

Date

CITY OF ENDERBY
DEVELOPMENT VARIANCE PERMIT APPLICATION

AGENDA

File No.: 0037-21-DVP-END

August 24, 2021

APPLICANT: Kevin Johnston

OWNER: Grant's Tackle & Outdoors Ltd.

LEGAL DESCRIPTION: LOT 2 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 14156

P.I.D.: 002-590-131

CIVIC ADDRESS: 1304 George Street, Enderby BC

PROPERTY SIZE: 0.842 hectares (2.08 acres/8,417 m²)

ZONING: Highway and Tourist Commercial (C.2)

O.C.P DESIGNATION: Highway and Tourist Commercial

PROPOSAL: Construct a freestanding sign

PROPOSED VARIANCES: Vary Zoning Bylaw to increase the maximum sign area for a freestanding sign from 6.25 m² (67.26 square feet) to 8.00 m² (86.13 square feet)

RECOMMENDATION:

THAT Council authorizes the issuance of a Development Variance Permit for the property legally described as LOT 2 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 14156 and located at 1304 George Street, Enderby B.C. to permit a variance to Section 310.4.a.ii of the City of Enderby Zoning Bylaw No. 1550, 2014 by increasing the maximum sign area for a freestanding sign from 6.25 m² (67.26 square feet) to 8.00 m² (86.13 square feet), as shown on the attached Schedule 'A'.

BACKGROUND:

This report relates to a Development Variance Permit application for the property located at 1304 George Street. The applicant is proposing to construct a 5.94 m (19.5 feet) tall freestanding sign in the northeast corner of the property, as shown on the attached Schedule 'A'. In order to accommodate the preferred size of sign, the applicant is seeking a variance to Section 310.4.a.ii of the City of Enderby Zoning Bylaw No. 1550, 2014 in order to increase the maximum sign area for a freestanding sign from 6.25 m² (67.26 square feet) to 8.00 m² (86.13 square feet).

Site Context

The 0.842 hectares (2.08 acres/8,417 m²) subject property is located on the western side of Highway 97A (George Street); the property abuts an unpaved lane to the south which runs east-west between Highway 97A and Sicamous Street. The property is flat with access being gained via paved maneuvering aisles off of Highway 97A.

A principal commercial building is located along in the southeast corner of the property and is used for the retail of boats, marine equipment, tackle, ATVs, and motorcycles. The central portion of the lot is paved and fenced, and is used for the storage and display of boats, ATVs and motorcycles. A covered storage building is located in the western portion of the lot, which is rented as covered storage for boats and recreational vehicles. An ancillary building is located along the northern property boundary and used for storage and service/repair of equipment and vehicles.

A permanent freestanding sign is located adjacent to Highway 97A in the southeast corner of the property, while a temporary freestanding sign is located in the northeast corner of the property.

The subject property is zoned Highway and Tourist Commercial (C.2) and is designated as Highway and Tourist Commercial in the Official Community Plan (OCP). The properties to the east and south are zoned Residential Single Family (R.1-A) and are designated as Residential Low Density and Residential Medium Density in the OCP. The property to the west (MV Beattie Elementary School) is zoned Assembly, Civic and Public Service Use (S.1) and is designated as School in the OCP. The property to the north (St. Ann's Church) is zoned Assembly, Civic and Public Service Use (S.1) and is designated as Institutional in the OCP. The following map shows the zoning designation of the subject and surrounding properties:

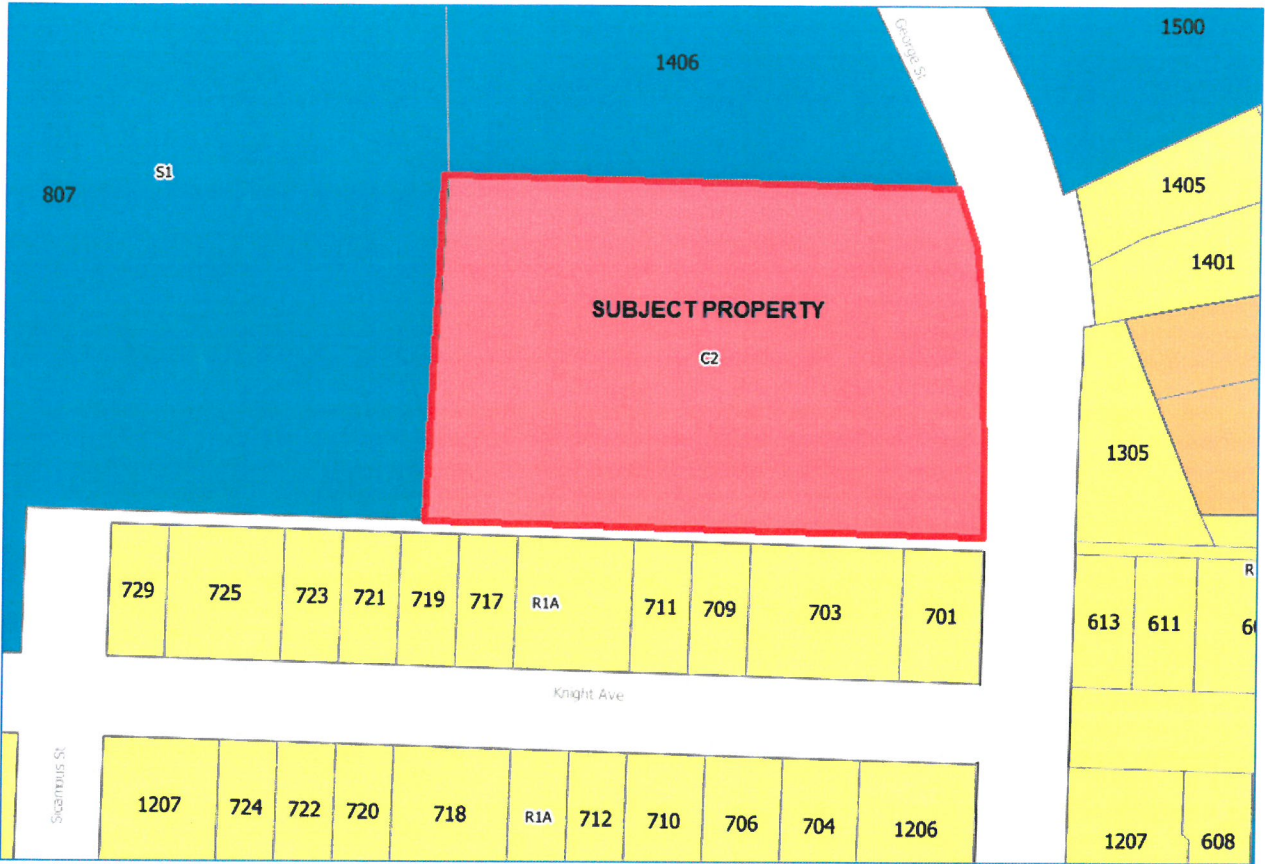


Figure 1: Zoning Map

- Pink – Highway and Tourist Commercial (C.2) Zone
- Yellow – Residential Single Family (R.1-A) Zone
- Orange – Residential Multi-Family (R.3) Zone
- Teal – Assembly, Civic and Public Service (S.1) Zone

The following orthophoto of the subject and surrounding properties was taken in 2011:



Figure 2: Orthophoto

The Proposal

The applicant is proposing to construct a 5.94 m (19.5 feet) tall freestanding sign in the northeast corner of the property, as shown on the attached Schedule 'A'. In order to accommodate the preferred size of sign, the applicant is seeking a variance to Section 310.4.a.ii of the City of Enderby Zoning Bylaw No. 1550, 2014 in order to increase the maximum sign area for a freestanding sign from 6.25 m² (67.26 square feet) to 8.00 m² (86.13 square feet).

ZONING BYLAW:

The subject property is zoned Highway and Tourist Commercial (C.2); uses permitted within this zone include:

- Accessory buildings and structures

- Accommodation including apartments, dwelling units, hotels and motels
- Assembly and civic use and public service
- Food service including coffee shops, dairy bars, restaurants, bakeries, butcher shops, caterers, and fish shops
- Retail sales and service for: automobiles, farm equipment, boats, mobile homes, trucks, recreation vehicles, motorcycles, and sporting goods; also included is the rental of the aforementioned items
- Retail sales including servicing where applicable: confectionery stores, flowers, fruit, plants, produce, nurseries, green houses, tire shops, wine and beer shops, appliances, beverages, bicycles, electronic equipment, furniture, garden supplies, glass, hardware, paint, pets, pet food, plants, animal beauty parlours, bakery shops, hairdressers, locksmith shops, optical shops, shoe repair, tailor shops, and watch repair
- Service - repair and rental: service stations, garages for automobile service and repairs, mini storage facilities, car washes, petroleum distribution, costume rentals, and video rentals
- Transportation facilities including commercial parking lots, passenger transportation depots, taxi dispatch offices, and weigh scales
- Retail sales of beer, wine and liquor
- Educational facilities and professional studios including art studios, business colleges, dance studios, music studios, photography studios, radio studios, television studios, and trade schools
- Entertainment and recreation facilities including arcades, billiard halls, bowling alleys, drive-in clubs, sports clubs, and sports facilities
- Office and commerce facilities and accommodations for engineers, funeral homes, land surveyors, management companies, mortuaries, newspapers, publishing, real estate, surveyors, veterinarians, massage therapy clinics, dentists, doctors, and any other professional office

The proposal as compared to the Zoning Bylaw's sign regulations is as follows (highlighted items require a variance):

CRITERIA	ZONING REQUIREMENT	PROPOSAL
Freestanding sign setback (min.)	1 m (3.281 feet)	> 1 m (3.281 feet)
Sign area for freestanding signs (max.)	Square root of (the total wall area x 2) = 6.25 m ² (67.26 square feet)	8.00 m ² (86.13 square feet)
Copy area (max.)	45%	> 45%
Height of freestanding signs (max.)	6 m (19.68 feet)	5.94 m (19.5 feet)

OFFICIAL COMMUNITY PLAN:

The following policies from the City of Enderby Official Community Plan relate to this development:

- Policy 2.2.c - To maintain and enhance the social well-being, development, and the quality of life for all citizens of Enderby.
- Policy 3.3.c - Council recognizes that development of land has social impacts and will act through the approval process to minimize negative and maximize positive impacts.
- Policy 5.3.c - Council will work with the business community and stakeholders to promote a diverse local economy that provides the goods and services necessary to competitively meet local demand and attract visitors.
- Policy 12.3.c - Council encourages and supports creative and innovative infilling, development, redevelopment and renovation of existing buildings in order to maintain a strong focus on commercial activity in commercial areas.

REFERRAL COMMENTS:

The subject application was referred for comment to the City of Enderby Public Works Manager, Building Inspector, and Fire Chief.

No comments were received in response to the referral.

PLANNING ANALYSIS:

The City of Enderby Planner raises no objections to the applicant's request to vary Section 310.4.a.ii of the City of Enderby Zoning Bylaw No. 1550, 2014 by increasing the maximum sign area for a freestanding sign from 6.25 m² (67.26 square feet) to 8.00 m² (86.13 square feet), as shown on the attached Schedule 'A'. Upon consideration of input from adjacent land owners, it is recommended that Council authorize the issuance of the Development Variance Permit for the following reasons:

- The maximum sign area is calculated based on the total wall area of the principal building on the property, which is intended to ensure that the sign area of a freestanding sign is proportionate to the intensity of development on the site. However, in this case the subject property is quite large in relation to the size of the principal building, and much of the use of the site is not enclosed in the principal building (i.e. covered storage in western portion of lot, outdoor storage and display in central portion of the lot). Given this, permitting a larger sign area is appropriate given the nature of the use of the site;
- The proposed sign area is consistent with other signs located in the area along Highway 97A; and
- It is not anticipated that increasing the maximum sign area would negatively impact the use and enjoyment of the subject or surrounding properties.

SUMMARY

This report relates to a Development Variance Permit application for the property located at 1304 George Street. The applicant is proposing to construct a 5.94 m (19.5 feet) tall freestanding sign in the northeast corner of the property, as shown on the attached Schedule 'A'. In order to accommodate the preferred size of sign, the applicant is seeking a variance to Section 310.4.a.ii of the City of Enderby Zoning Bylaw No. 1550, 2014 in order to increase the maximum sign area for a freestanding sign from 6.25 m² (67.26 square feet) to 8.00 m² (86.13 square feet).

The City of Enderby Planner is recommending that Council supports the variance request.

Prepared By:



Kurt Inglis, MCIP, RPP
Planner and Deputy Corporate Officer

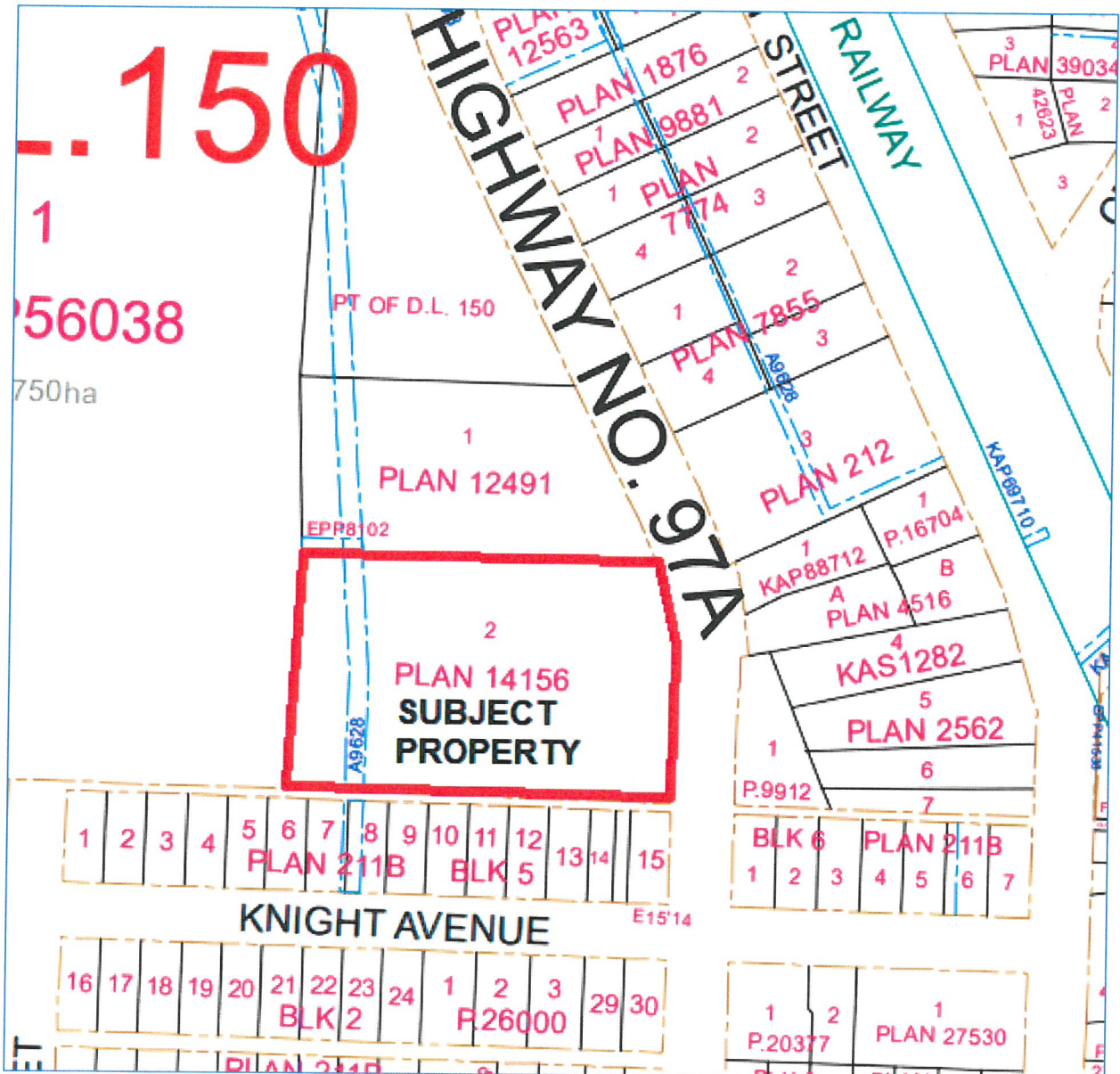
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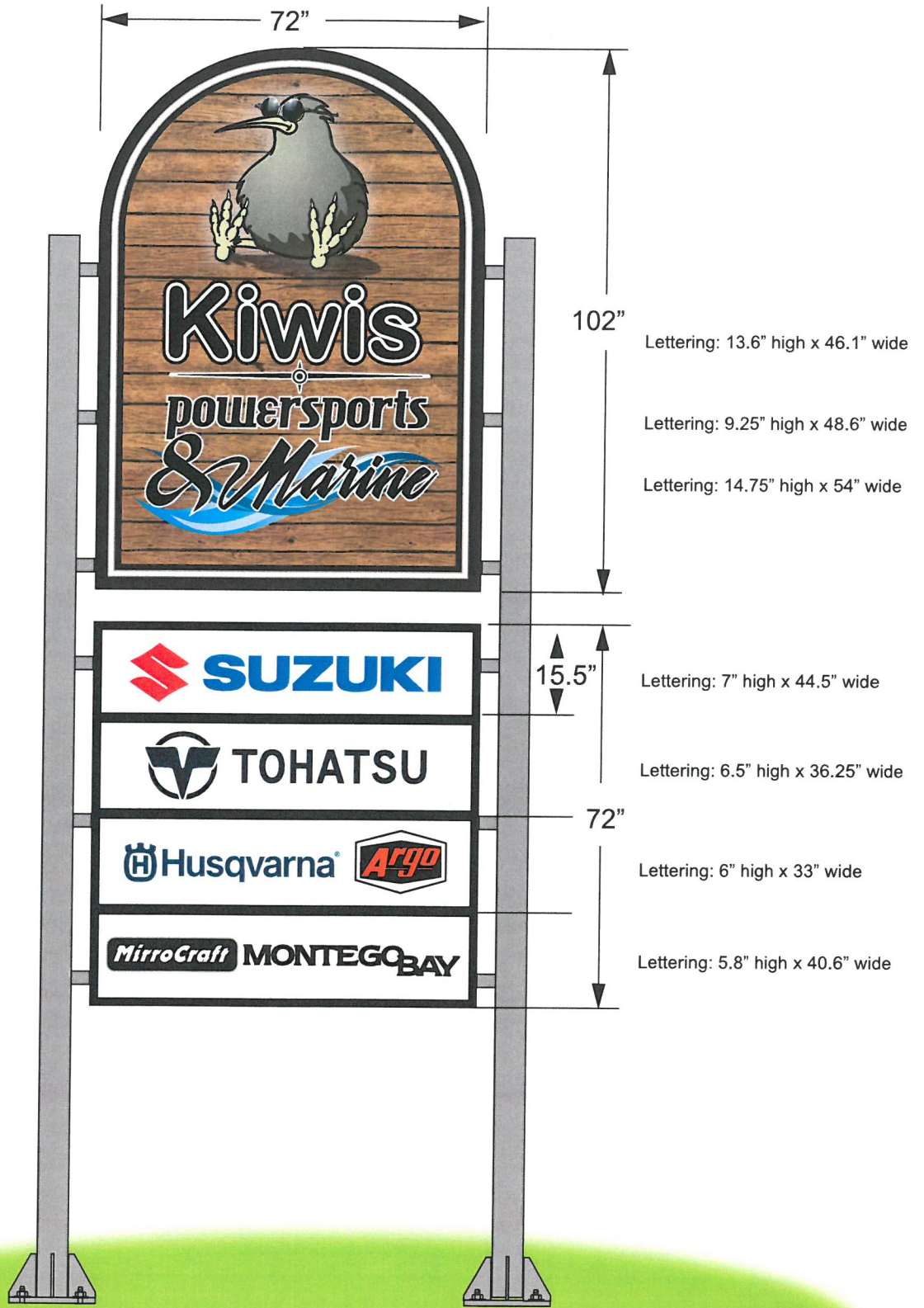



Tate Bengtson
Chief Administrative Officer

THE CORPORATION OF THE CITY OF ENDERBY
DEVELOPMENT VARIANCE PERMIT APPLICATION
SUBJECT PROPERTY MAP

File: 0037-21-DVP-END
Applicant: Kevin Johnston
Owner: Grant's Tackle & Outdoors Ltd.
Location: 1304 George Street, Enderby BC

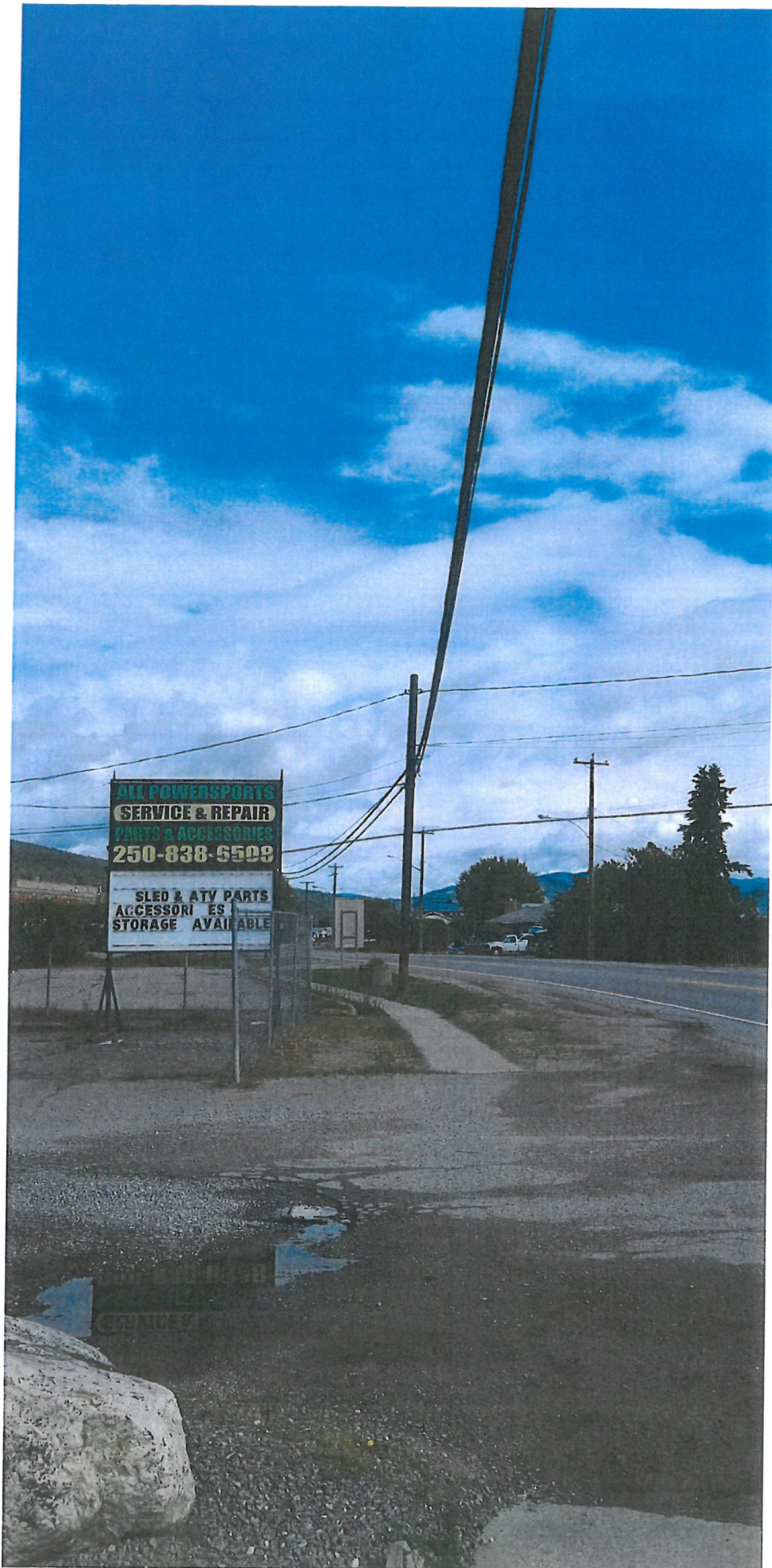




CUSTOMER Kiwi's Power Sports & Marine		CONTACT David Konowalchuk	APPROVED
	PHONE 250.498.6365	FAX 250.498.2215	E-MAIL DavidK@Outreachneon.com
	DESIGNER Mary Fry	SALESPERSON	FILE NAME # 9191
	DATE Aug. 18, 2021	THIS DRAWING IS THE SOLE PROPERTY OF OUTREACH NEON LTD. AND MAY NOT BE COPIED OR REPRODUCED IN ANY FASHION UNLESS PERMISSION IS EXPRESSED IN WRITING BY OUTREACH NEON LTD.	
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LOCATION
OF
NEW SIGN.

**THE CORPORATON OF THE CITY OF ENDERBY
BYLAW No. 1728**

A bylaw to amend Parks, Recreation and Culture Fees Imposition Bylaw No. 1693, 2020

WHEREAS The Council of the Corporation of the City of Enderby has adopted "The Corporation of the City of Enderby Parks, Recreation and Culture Fees Imposition Bylaw No. 1693, 2020";

AND WHEREAS Council wishes to amend the fees;

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

1. This Bylaw may be cited as "The Corporation of the City of Enderby Parks, Recreation and Culture Fees Imposition Bylaw No. 1693, 2020 Amendment Bylaw No. 1728, 2021".
2. Schedule "B" of "The Corporation of the City of Enderby Parks, Recreation and Culture Fees Imposition Bylaw No. 1693, 2020" is deleted and Schedule "B" attached to and forming part of this bylaw is substituted therefore.

READ a FIRST time this ___ day of _____, 2021.

READ a SECOND time this ___ day of _____, 2021.

READ a THIRD time this ___ day of _____, 2021.

ADOPTED this ___ day of _____, 2021.

Mayor

Corporate Officer

SCHEDULE "B" – ARENA FEES

	2021/22*
Ice (per hour unless otherwise indicated)	
Adult	
- Prime	158.00
- Non-prime	79.00
- Statutory Holiday**	193.00
Youth and Preschool	
- Prime	87.00
- Non-prime	44.00
- Statutory Holiday**	122.00
Family	
- Prime	94.00
- Non-prime	47.00
- Statutory Holiday**	129.00
Senior – rental	
- Prime	114.00
- Non-prime	57.00
- Statutory Holiday**	149.00
Shinny Hockey – Drop-In	
- Youth or Parent & Tot	2.00
- Adult	5.00
SD #83	JOINT USE AGREEMENT
ALF Hockey Academy	JOINT USE AGREEMENT
Public Skate	FREE
Summer Ice	\$9,975*** / week
Dry Floor (per hour unless otherwise indicated)	
Adult	62.00
Youth	28.00
Senior	31.00
Parent & Tot or Youth – Drop-In	2.00
Adult or Senior – Drop In	5.00
Non-Profit (per day)	624.00
Commercial (per day)	1,248.00
SD #83	JOINT USE AGREEMENT

*All rental fees are to be increased by 2% at the beginning of each season. For clarity, this excludes drop-in rates and rentals under a joint use agreement.

**Rental times subject to staffing availability.

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

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1729

A BYLAW TO AMEND THE CITY OF ENDERBY BUSINESS LICENSE AND REGULATION
BYLAW NO. 1558, 2014

WHEREAS Council of the City of Enderby has adopted "The City of Enderby Business License and Regulation Bylaw No. 1558, 2014";

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

1. This bylaw may be cited as the "City of Enderby Business License and Regulation Bylaw No. 1558, 2014 Amendment Bylaw No. 1729, 2021".
2. *Section 5 - Business Regulations* of "City of Enderby Business License and Regulation Bylaw No. 1558, 2014" is hereby amended by deleting Section 5.i.v.f.

READ a FIRST time this day of , 2021.

READ a SECOND time this day of , 2021.

READ a THIRD time this day of , 2021.

ADOPTED this day of , 2021.

MAYOR

CORPORATE OFFICER

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1732

A BYLAW TO ESTABLISH COUNCIL PROCEDURES

WHEREAS under Section 124 of the *Community Charter*, Council must establish general procedures to be followed by council and council committees in conducting their business;

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

PART 1 – INTRODUCTION

Title

1. This Bylaw may be cited as the “City of Enderby Council Procedure Bylaw No. 1732, 2021”.

Interpretation

2. (1) In this Bylaw,

“**City**” means the Corporation of the City of Enderby;

“**City Hall**” means Enderby City Hall located at 619 Cliff Avenue, Enderby, British Columbia;

“**Committee**” means a standing, select, or other committee of Council, but does not include COTW;

“**COTW**” means the Committee of the Whole of Council;

“**Commission**” means a municipal commission established by Council under Section 143 of the *Community Charter*;

“**Corporate Officer**” means the person duly appointed by Council pursuant to section 148 of the *Community Charter*;

“**Council**” means the council of the City of Enderby;

“**Mayor**” means the mayor of the City;

“**Public Notice Posting Place**” means the public notice board at City Hall.

- (2) Unless otherwise provided in this Bylaw, words and phrases used herein have the same meaning as in the *Community Charter*, *Local Government Act* and the *Interpretation Act* as the context and circumstances may require.
- (3) A reference to an Act in this Bylaw refers to a statute of British Columbia unless expressly indicated otherwise, and a reference to any enactment refers to that enactment as it may be amended or replaced from time to time.
- (4) Words in their singular include the plural and words in the plural include the singular.
- (5) Headings are for convenience only and must not be construed as defining or limiting the scope or intent of the provisions.

Application of rules of procedure

3. (1) The provisions of this Bylaw govern the proceedings of Council, COTW, and Council's committees and commissions.
- (2) In cases not provided for under this Bylaw, *Robert's Rules of Order Newly Revised* apply to meeting proceedings to the extent that those Rules are:
 - (a) applicable in the circumstances; and
 - (b) not inconsistent with provisions of this Bylaw, another enactment of the City, the *Community Charter*, or the *Local Government Act*.

PART 2 – COUNCIL MEETINGS

Inaugural meeting

4. (1) Following a general local election, the first Council meeting must be held on the first Monday in November in the year of the local government election.
- (2) If a quorum of council members elected at the general local election has not taken office by the date of the meeting referred to in subsection (1), the first Council meeting must be called by the Corporate Officer and held as soon as reasonably possible after a quorum has taken office.
- (3) In the event that section 119(4) of the *Community Charter* applies, the method for selecting the previous Councillors who will continue in office

for a transitional period, until a quorum of incoming Councillors have taken office, will be determined by a drawing of lots administered by the Corporate Officer.

Time and location of meetings

5. (1) Notwithstanding subsection (4), all Council meetings must take place within City Hall except when Council resolves to hold meetings elsewhere.
- (2) Regular Council meetings must:
 - (a) be held on the first and third Monday of each month during February, March, April, May, June, September, October, November and December;
 - (b) be held on the third Monday of January, July and August;
 - (c) begin at 4:30 p.m.;
 - (d) be adjourned at 7:00 p.m. on the day scheduled for the meeting unless Council resolves to proceed beyond that time in accordance with this Bylaw;
 - (e) when such meeting falls on a statutory holiday, be held on the next day City Hall is open which is not a statutory holiday; and
 - (f) only be held on the first Monday of the month in October of a general election year.
- (3) Regular Council meetings may be cancelled by Council, provided that two consecutive meetings are not cancelled.
- (4) Subject to the provisions of Section 128 of the *Community Charter*, a regular or special meeting may be conducted by means of electronic or other communication facilities.
- (5) Subject to the provisions of Section 128 of the *Community Charter*, a member who is unable to attend a meeting may participate in the meeting by means of electronic or other communication facilities and is deemed to be present at the meeting.
- (6) In accordance with Section 128(b) of the *Community Charter*, a meeting that is conducted by means of electronic or other communication facilities must:
 - (a) indicate on the agenda and at the Public Notice Posting Place that the meeting will be conducted using electronic or other communication facilities;

- (b) provide general instructions by which the public may access the meeting using electronic or other communication facilities, such that they may hear, or watch and hear, the meeting except for any part of the meeting that is closed to the public; and
 - (c) be attended by the Corporate Officer or designate who shall attend at the specified place.
- (7) In accordance with Section 465 and 494 of the *Local Government Act*, a public hearing may be conducted by means of electronic or other communication facilities, provided:
- (a) the notice posted to the Public Notice Posting Place indicates that the meeting will be held using electronic or other communication facilities;
 - (b) in accordance with section 466 of the *Local Government Act*, notice is given describing the way in which the hearing is to be conducted using electronic or other communication facilities;
 - (c) general instructions are given by which the public may access the meeting using electronic or other communication facilities, such that they may hear, or watch and hear, each other; and
 - (d) be attended by the Corporate Officer or designate who shall attend at the specified place; and
 - (e) a public hearing may be adjourned and no further notice of the hearing is necessary if the following are stated to those in attendance at the time the hearing is adjourned:
 - (i) The time and date of the resumption of the hearing;
 - (ii) The place of the resumed hearing, if applicable; and
 - (iii) The way in which the hearing is to be conducted by means of electronic or other communication facilities, if applicable.

Notice of regular council meetings

6. In accordance with section 127 of the *Community Charter*, Council must make available to the public, on or before January 1 of each year, a schedule of the date, time and, if applicable, place of regular Council meetings and must make the schedule available to the public by posting it at the Public Notice Posting Place.

7. In accordance with section 127 of the *Community Charter*, Council must give notice of the availability of the schedule of regular Council meetings on or before January 1 of each year.
8. Where revisions are necessary to the annual schedule of regular Council meetings, the Corporate Officer must, as soon as possible, post a notice at the Public Notice Posting Place indicating the date, time and place or cancellation of a regular Council meeting.

Notice of special meetings

9. (1) Except where notice of a special meeting is waived by unanimous vote of all Council members under section 127(4) of the *Community Charter*, a notice of the date, hour, and place of a special meeting must be given at least 24 hours before the time of meeting, by:
 - (a) posting a copy of the notice at the Public Notice Posting Place;
and
 - (b) either leaving one copy of the notice for each member in the member's mailbox at City Hall or notifying each member by telephone or electronic communication.
- (2) The notice under subsection (1) must describe in general terms the purpose of the meeting and be signed by the Mayor or the Corporate Officer.

PART 3 - DESIGNATION OF MEMBER TO ACT IN PLACE OF MAYOR

10. (1) Annually, Council must, from amongst its members, designate Councillors to serve on a rotating basis, with a line of succession, as the member responsible for acting in the place of the Mayor when the Mayor is absent or otherwise unable to act for periods of less than 90 days.
- (2) In the event of a foreseeable absence by the Mayor that is likely to be greater than 90 days, or if the office of Mayor becomes vacant, Council shall elect, by ballot from amongst its members, a non-rotating Acting Mayor until such time as the Mayor returns to office or a newly elected Mayor makes an oath or solemn affirmation of office in accordance with section 120 of the *Community Charter*.
- (3) If the Mayor is absent from the Council meeting, the Acting Mayor must preside at the Council meeting.
- (4) Each Councillor designated as Acting Mayor under this section must fulfill the responsibilities of the Mayor in the latter's absence.

- (5) The Acting Mayor has the same powers and duties as the Mayor in relation to the applicable matter.

PART 4 – COUNCIL PROCEEDINGS

Attendance of public at meetings

11. (1) Except where the provisions of section 90 of the *Community Charter* apply, all Council meetings must be open to the public.
- (2) Before closing a Council meeting or part of a Council meeting to the public, Council must pass a resolution in a public meeting in accordance with section 92 of the *Community Charter*.
- (3) This section applies to all meetings of the bodies referred to in section 93 of the *Community Charter*, including without limitation:
 - (a) COTW;
 - (b) committees;
 - (c) parcel tax roll review panel;
 - (d) board of variance;
 - (e) commissions; and
 - (f) an advisory body established by Council.
- (4) Despite subsection (1), the Mayor or, when applicable, Acting Mayor, may expel or exclude from a Council meeting a person in accordance with section 133 of the *Community Charter*.

Minutes of meetings to be maintained and available to public

12. (1) Minutes of the proceedings of Council must be:
 - (a) legibly recorded;
 - (b) certified as correct by the Corporate Officer; and
 - (c) signed by the Mayor, Acting Mayor, or presiding member at the meeting when the minutes are adopted.
- (2) In accordance with section 97(1)(b) of the *Community Charter* minutes of the proceedings of Council must be open for public inspection at City Hall during its regular office hours.

- (3) Subsection (2) does not apply to minutes of a Council meeting or that part of a Council meeting from which persons were excluded under section 90 of the *Community Charter*.

Calling meeting to order

13. (1) As soon after the time specified for a Council meeting as there is a quorum present, the Mayor, if present, or otherwise the Acting Mayor, must take the chair and call the Council meeting to order.
- (2) If a meeting quorum is present but the presiding member does not attend within 15 minutes of the scheduled time for the meeting, and section 10(3) of this Bylaw does not apply:
 - (a) the Corporate Officer must call to order the members present; and
 - (b) the members present must choose a member to preside at the meeting.

Adjourning meeting where no quorum

14. If there is no quorum of Council present within 15 minutes of the scheduled time for a Council meeting, or if a member of Council either physically leaves or is disconnected from an electronic meeting, and does not return within 15 minutes, the Corporate Officer must:
 - (1) record the names of the members present, and those absent; and
 - (2) adjourn the meeting.

Agenda

15. (1) Prior to each Council meeting, the Corporate Officer must prepare an Agenda setting out all the items for consideration at that meeting.
- (2) All items or reports for the agenda of a meeting of Council, other than a special Council meeting, must be delivered to the Corporate Officer no later than 3 business days prior to the meeting. Any item not delivered in a complete format by that deadline shall be held to the next agenda, unless approved as a late item by the Chief Administrative Officer prior to the distribution of the agenda to Council members, or otherwise added to the agenda by resolution of Council as a late item.
- (3) The Corporate Officer must make the agenda available to the members of Council and the public at least 48 hours prior to the meeting.
- (4) Council must not consider any matters not listed on the Agenda unless a new matter for consideration is properly introduced as a late item.

Order of proceedings and business

16. (1) The agenda for all regular Council meetings contains the following matters in the order in which they are listed below:
 - (a) Approval of Agenda;
 - (b) Adoption of the Minutes;
 - (c) Delegations;
 - (d) Public Hearings;
 - (e) Development Matters and Related Bylaws;
 - (f) Continuing Business and Business Arising from Committees and Delegations;
 - (g) Bylaws;
 - (h) Reports;
 - (i) New Business;
 - (j) Notices of Motion;
 - (k) Correspondence and Information Items;
 - (l) Public Question Period;
 - (m) Adjournment.
- (2) When preparing the agenda, the Corporate Officer may vary the order set out in subsection (1) and may delete agenda sections if there is no business under those items.
- (3) Particular business at a Council meeting must in all cases be taken up in the order in which it is listed on the agenda unless otherwise resolved by Council.
- (4) With unanimous consent of the members, including the presiding member, any or all of the items under subsection (1)(k) may be received and filed with a single resolution.

Late Items

17. (1) An item of business not included on the agenda must not be considered at a Council meeting unless the late item is introduced by Council and approved by majority vote during Approval of Agenda.
- (2) Late items shall be restricted to essential items, which would include matters arising after the presentation of the Agenda and which, if not acted upon in a timely manner, would adversely affect the City's position or the position of a constituent or group of constituents.

Voting at meetings

18. (1) The following procedures apply to voting at Council meetings:
 - (a) when debate on a matter is closed, the presiding member must put the matter to a vote of Council members;
 - (b) when the Council is ready to vote, the presiding member must put the matter to a vote;
 - (c) when the presiding member is putting the matter to a vote under paragraphs (a) and (b) a member must not:
 - (i) leave the room;
 - (ii) make a noise or other disturbance; or
 - (iii) interrupt the voting procedure under paragraph (b) unless the interrupting member is raising a point of order.
 - (d) after the presiding member finally puts the question to a vote under subsection (b), a member must not speak to the question or make a motion concerning it;
 - (e) the presiding member's decision about whether a question has been finally put is conclusive;
 - (f) whenever a vote of Council on a matter is taken, each member present shall signify their vote by raising their hand; and
 - (g) the presiding member must declare the result of the voting by stating that the question is decided in either the affirmative or the negative.
- (2) The way in which the members vote on a motion shall be recorded in the minutes.
- (3) No vote shall be taken in a Council meeting by ballot or by any other method of secret voting unless expressly authorized in this Bylaw.

Delegations

19. (1) The Council may, by resolution, allow an individual or a delegation to address Council at the meeting provided written application on a prescribed form has been received by the Corporate Officer in accordance with section 15(2) of this Bylaw.
- (2) Where written application has not been received by the Corporate Officer as prescribed in subsection (1), an individual or delegation may

address the meeting if approved by a majority vote of the members present.

- (3) No one delegation to Council on any one or more matters shall exceed a total speaking time of ten (10) minutes. The maximum time allotted for delegations per meeting shall be twenty (20) minutes, unless a resolution is passed to authorize additional time for delegations and/or speaking time.
- (4) Council must not permit a delegation to address a meeting of the Council regarding a bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a prerequisite to the adoption of the bylaw.
- (5) The Corporate Officer may schedule delegations to another Council meeting or advisory body as deemed appropriate according to the subject matter of the delegation.
- (6) The Corporate Officer may refuse to place a delegation on the agenda if the issue is not considered to fall within the jurisdiction of Council. If the delegation wishes to appeal the Corporate Officer's decision, the information must be distributed under separate cover to Council for their consideration.
- (7) Where a delegation has addressed Council on a particular issue, if a subsequent request is received from a delegation to address Council on the same issue, and no significant new information is provided, the Corporate Officer will be granted the authority not to place the item on the Agenda but will circulate the request under separate cover as an item of general information.
- (8) Council shall not act on a request from a delegation until the next regular meeting, unless a two-thirds affirmative vote of the members present is given to consider the matter at the same meeting as the delegation presentation.

Points of order

20. (1) The presiding member must preserve order and decide points of order that may arise, subject to an appeal in accordance with section 132 of the *Community Charter*.

Conduct and debate

21. (1) A member may speak to a question or motion at a meeting only if that member first addresses the presiding member.

- (2) Members must address the presiding member by that person's title of Mayor, Acting Mayor, Councillor, or Chairperson.
- (3) Members must address other non-presiding members by their respective title.
- (4) No member must interrupt a member who is speaking except to raise a point of order.
- (5) If more than one member speaks, the presiding member must call on the member who, in the presiding member's opinion, first spoke.
- (6) Members who are called to order by the presiding member:
 - (a) must immediately stop speaking;
 - (b) may explain their position on the point of order; and
 - (c) may appeal to Council for its decision on the point of order in accordance with section 132 of the *Community Charter*.
- (7) Members speaking at a Council meeting:
 - (a) must use respectful language;
 - (b) must not use offensive gestures or signs;
 - (c) must speak only in connection with the matter being debated;
 - (d) may speak about a vote of Council only for the purpose of making a motion that the vote be rescinded; and
 - (e) must adhere to the rules of procedure established under this Bylaw and to the decisions of the presiding member, subject to an appeal under section 132 of the *Community Charter*, in connection with the rules and points of order.
- (8) If a member does not adhere to subsection (7), the presiding member may order the member to leave the member's seat, and:
 - (a) if the member refuses to leave, the presiding member may cause the member to be removed by a peace officer from the Council Chamber; and
 - (b) if the member apologizes to the Council, Council may, by resolution, allow the member to retake the member's seat.

- (9) A member may require the question being debated at a Council meeting to be read at any time during the debate if that does not interrupt another member who is speaking.
- (10) The following rules apply to limit speech on matters being considered at a Council meeting:
 - (a) a member may speak more than three times in connection with the same question only;
 - (i) with the permission of Council; or
 - (ii) if the member is explaining a material part of a previous speech without introducing a new matter.
 - (b) a member who has made a substantive motion to the Council may reply to the debate;
 - (c) a member who has moved an amendment, the previous question, or an instruction to a committee may not reply to the debate;
 - (d) a member may speak to a question, or may speak in reply, for longer than a total time of 15 minutes only with the permission of Council.

Motions generally

- 22. (1) Council may debate and vote on a motion only if it is first made by one Council member and then seconded by another.
- (2) When a question (main motion) is under consideration, a motion shall be received if it is in order and one of the following:
 - (a) **Subsidiary Motion**
 - (i) To reconsider;
 - (ii) To postpone indefinitely;
 - (iii) To divide the question;
 - (iv) To amend;
 - (v) To refer to a committee;
 - (vi) To postpone to a future meeting;
 - (vii) To close debate and take the vote immediately; and

- (viii) To lay on the table (set aside temporarily for consideration later in the meeting).
- (b) Privileged Motions (related to matters of procedure)
 - (i) To raise a question of privilege;
 - (ii) To raise a point of order;
 - (iii) To appeal the presiding member's decision on a point of order;
 - (iv) To recess;
 - (v) To suspend the rules;
 - (vi) To adjourn; and
 - (vii) To fix the time to adjourn.

Motion to refer to a committee

23. Until it is decided, a motion made at a Council meeting to refer to committee or staff takes precedence over an amendment of the main question.

Amendments generally

24. (1) A Council member may, without notice, move to amend a motion that is being considered at a Council meeting.
- (2) An amendment may propose removing, substituting for, or adding to the words of an original motion.
- (3) A proposed amendment must be reproduced in writing by the mover if requested by the presiding member.
- (4) A proposed amendment must be decided or withdrawn before the motion being considered is put to a vote unless there is a call for the main question.
- (5) An amendment may be amended once only.
- (6) An amendment that has been decided in the negative by a vote of Council cannot be proposed again.
- (7) A Council member may propose an amendment to an adopted amendment.

- (8) The presiding member must put the main question and its amendments in the following order for the vote of Council:
 - (a) a motion to amend a motion amending the main question;
 - (b) a motion to amend the main question, or an amended motion amending the main question if the vote under subparagraph (a) is carried;
 - (c) the main question.

Reconsideration by Council member

25. (1) Subject to subsection (4), and notwithstanding the power of reconsideration by the Mayor under section 131 of the *Community Charter*, a Council member who voted affirmatively for a resolution adopted by Council may, at the next meeting:
 - (a) move to reconsider a matter on which a vote, other than to postpone indefinitely, has been taken; and
 - (b) move to reconsider an adopted bylaw after an interval of at least 24 hours following its adoption.
- (2) Council must not discuss the main matter referred to in subsection (1) unless a motion to reconsider that matter is adopted in the affirmative.
- (3) A vote to reconsider must not be reconsidered.
- (4) Council may only reconsider a matter that has not:
 - (a) had the approval or assent of the electors and been adopted;
 - (b) been reconsidered under subsection (1) or section 131 of the *Community Charter*;
 - (c) been acted on by an officer, employee, or agent of the City.
- (5) The conditions that applied to the adoption of the original bylaw, resolution, or proceeding apply to its rejection under this section.
- (6) A bylaw, resolution, or proceeding that is reaffirmed under subsection (1) or section 131 of the *Community Charter* is as valid and has the same effect as it had before reconsideration.
- (7) If the original decision was the adoption of a bylaw, resolution or proceeding, and that decision is rejected on reconsideration, the bylaw, resolution, or proceeding is of no effect and is deemed to be repealed.

Reports from committees

26. Council may take any of the following actions in connection with a report it receives from a committee or COTW:
- (a) agree or disagree with the resolution or recommendation;
 - (b) amend the resolution or recommendation;
 - (c) refer the resolution or recommendation back to the committee or COTW;
 - (d) postpone consideration of the resolution or recommendation.

Adjournment

27. (1) Council may continue a meeting after 8:00 p.m. only by an affirmative vote of a majority of the Council members present, and past 10:00 p.m. only by a unanimous affirmative vote of the Council members present.
- (2) A motion to adjourn either a Council meeting or the debate at a Council meeting is always in order if that motion has not been preceded at that meeting by the same motion.
- (3) Subsection (2) does not apply to a motion to fix the time to adjourn.

PART 5 – BYLAWS

Copies of proposed bylaws to Council members

28. A proposed bylaw may be introduced at a Council meeting only if a copy of it has been delivered to each Council member at least 48 hours before the Council meeting, or all Council members unanimously agree to waive this requirement.

Form of bylaws

29. A bylaw introduced at a Council meeting must:
- (1) be printed;
 - (2) have a distinguishing name;
 - (3) have a distinguishing number;
 - (4) be divided into sections.

Bylaws to be considered separately or jointly

30. Council must consider a proposed bylaw at a Council meeting either:
- (1) separately when directed by the presiding member or requested by another Council member, or
 - (2) jointly with other proposed bylaws in the sequence determined by the presiding member.

Reading and adopting bylaws

31. (1) The presiding member of a Council meeting may read, or:
- (a) have the Corporate Officer read a synopsis of each proposed bylaw or group of proposed bylaws; and then
 - (b) request a motion that the proposed bylaw or group of bylaws be read.
- (2) The readings of the bylaw may be given by stating its name and number.
- (3) A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community Charter*.
- (4) Each reading of a proposed bylaw must receive the affirmative vote of a majority of the Council members present, subject to any specific, additional Provincial requirements, including but not limited to official community plan bylaws, which must meet the requirements of section 477(2) of the *Local Government Act*.
- (5) In accordance with section 135 of the *Community Charter*, Council may give up to three readings of a proposed bylaw at the same Council meeting.
- (6) Despite section 135(3) of the *Community Charter*, and in accordance with sections 477 and 480 of the *Local Government Act*, Council may adopt a proposed official community plan bylaw or zoning bylaw at the same meeting at which the bylaw passed third reading.

Bylaws must be signed

32. After a bylaw is adopted, and signed by the Corporate Officer and the presiding member of the Council meeting at which it was adopted, the Corporate Officer must have it placed in the City's records for safekeeping and endorse upon it:
- (1) the City's corporate seal;

- (2) the dates of its readings and adoption; and
- (3) the date of Ministerial approval or approval of the electors if applicable.

PART 6 – NOTICE OF MOTION

Copies of notice of motion to Council members

33. A notice of motion may be introduced at a Council meeting only if a copy of it has been delivered to the Corporate Officer and each member of Council at least 48 hours before the Council meeting, or all Council members unanimously agree to waive this requirement.

Form of notice of motion

34. A notice of motion introduced at a Council meeting must be printed and have a distinguishing title or number assigned by the Corporate Officer.

Introducing notice of motion

35. The presiding member of a Council meeting may:
- (1) have the Corporate Officer read the resolution contained in the notice of motion; and
 - (2) request a motion that the resolution contained in the notice of motion be introduced.

Debating notice of motion

36. (1) A notice of motion must be seconded by another member in order to be debated.
- (2) Debate of a notice of motion is postponed until the next regular meeting if the member who introduced it is not present at the meeting and it is on the agenda, unless the introducing member has provided written consent to the presiding member or Corporate Officer.

PART 7 - COMMITTEE OF THE WHOLE

COTW procedures and conduct

37. (1) At any time during a council meeting, Council may by resolution go into COTW.
- (2) In addition to subsection (1), a meeting, other than a committee or commission meeting, to which all members of Council are invited to

consider but not to decide on matters of the City's business, is a meeting of COTW.

- (3) COTW meetings are to be conducted in the same manner of rules and procedures as regular Council meetings, except that:
 - (i) Any member may serve as presiding member for COTW except that, in the absence of an affirmative resolution to this effect, the presiding member shall be the Mayor;
 - (ii) A motion to adjourn is not allowed;
 - (iii) A member may speak any number of times on the same question; and
 - (iv) A member must not speak longer than a total of 10 minutes on any one question.

Notice for COTW meetings

38. (1) Subject to subsection (2), a notice of the day, hour and place of a COTW meeting must be given at least 24 hours before the time of the meeting in the same manner as notice is given of a regular Council meeting.
- (2) Subsection (1) does not apply to a COTW meeting that is called during a meeting for which public notice has been already been given.

Reporting

39. (1) A motion for COTW to rise and report to Council must be decided without debate.
- (2) The COTW's report to Council may be presented by the Corporate Officer, the COTW presiding member, or the Mayor.
- (3) A motion for COTW to rise without reporting:
 - (i) Is always in order and takes precedence over all other motions;
 - (ii) May be debated; and
 - (iii) May not be addressed more than once by any one member.
- (4) If a motion to rise without reporting is adopted by COTW at a meeting constituted under section 36(1), the regular meeting must resume and proceed to the next order of business.

PART 8 – COMMITTEES AND COMMISSIONS

Duties of standing committees

40. The Mayor must establish standing committees for matters that the Mayor considers would be better dealt with by committee and must appoint persons, at least half of which being Council members, to those standing committees who will consider, inquire into, report, and make recommendations to Council.

Duties of select committees

41. Council may establish select committees and appoint persons, at least one of which being a Council member, to consider or inquire into any matter and report its findings and opinion to Council.

Duties of commissions

42. Council may establish and appoint a commission to do one or more of the following:
- (1) Operate services;
 - (2) Undertake operation and enforcement in relation to Council's exercise of its authority to regulate, prohibit, and impose requirements; and
 - (3) Manage property and licenses held by the City.

Appointments and the authority to rescind appointments

43. (1) The authority to appoint to a committee or commission includes the authority to rescind the appointment at any time and appoint another person in place of the person whose appointment was rescinded.
- (2) The authority to appoint to a commission may be limited by, and must be consistent with, any establishment or delegation bylaw in force and effect at the time of the appointment.

Schedule of meetings

44. Meetings held under this Part shall be held at the call of the presiding member.

Notice of meetings

45. Notice of meetings held under this Part must be given at least 24 hours before the time of the meeting in the same manner as notice is given of a regular Council meeting.

Attendance at meetings

46. Council members who are not members of a committee or commission may attend the meetings of the committee or commission.

Minutes to be maintained and available to public

47. Minutes of the proceedings of a committee or commission must be:
- (1) legibly recorded;
 - (2) certified by the Corporate Officer;
 - (3) signed by the Chair or presiding member at the meeting when the minutes are adopted; and
 - (4) open for public inspection in accordance with section 97(1)(c) of the *Community Charter*.

Quorum and presiding member

48. The quorum for a committee or commission is a majority of all of its members.
49. At the first committee or commission meeting of the year, the members must elect a presiding member from amongst its members. In the absence of the presiding member, the members who are in attendance will elect an acting presiding member from amongst the present members.

Conduct and debate

50. (1) The rules of Council procedure must be observed during committee and commission meetings, so far as is possible and unless as otherwise provided in this Bylaw.
- (2) Council members attending a meeting of a committee or commission, of which they are not a member, may participate in the discussion with the permission of the Chair.
- (3) Council members attending a meeting of a committee or commission of which they are not a member must not vote on a question.

PART 9 – GENERAL

51. If any section, subsection or clause of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.
52. Notwithstanding the revisions authorized pursuant to Section 1(2) of *Bylaw Revision Regulation 367/2003*, this bylaw may not be amended or repealed

and substituted unless Council first gives notice in accordance with section 94 of the *Community Charter*.

53. Council authorizes the revision of this Bylaw in accordance with the revisions authorized pursuant to Section 1(2) of *Bylaw Revision Regulation 367/2003*.
54. This Bylaw, as revised under a Revision Bylaw, shall be brought before Council for consideration of first, second and third readings and adoption in accordance with Part 5 of this Bylaw, as amended from time to time, except that before third reading, the Corporate Officer must certify that the proposed revision bylaw has been revised in accordance with Section 3 of *Bylaw Revision Regulation 367/2003*.
55. Council Procedure Bylaw No. 1506, 2012 is hereby repealed at 11:59 p.m. on September 28, 2021.
56. This Bylaw shall be effective at 12:00 a.m. on September 29, 2021.

READ a FIRST time this ___ day of _____, 2021.

READ a SECOND time this ___ day of _____, 2021.

READ a THIRD time this ___ day of _____, 2021.

ADOPTED this ___ day of _____, 2021.

MAYOR

CORPORATE OFFICER

MEMO

To: Mayor and Council
From: Tate Bengtson, CAO
Date: August 25, 2021
Subject: BC Energy Step Code - Phase 1 Implementation

RECOMMENDATION

THAT Council directs staff to implement Phase 1 of the BC Energy Step Code as of January 3, 2022;

AND THAT Council authorizes staff to complete the Building and Safety Standards Branch's initial notification form indicating that the City of Enderby intends to transition to Phase 1 of the BC Energy Step Code as of January 3, 2022;

AND THAT Council directs staff to commence drafting amendments to the City of Enderby Building Bylaw No. 1582, 2015 to reflect the Energy Step Code requirements;

AND FURTHER THAT Council directs staff to dialogue with the Regional District of North Okanagan regarding opportunities to coordinate and collaborate in the retention of an Energy Specialist consultant.

BACKGROUND

The Province introduced the BC Energy Step Code to provide a phased, consistent approach to improving energy efficiency in buildings. The Step Code provides a performance-based (rather than prescriptive) approach to meeting energy efficiency targets. The BC Energy Step Code is intended to replace a patchwork of energy efficiency building requirements that were previously contained in individual local government building bylaws, which were rendered ineffective upon the *Building Act* coming into force several years ago.

The BC Energy Step Code is divided into 5 steps, with the first 3 steps grouped as "Lower Steps" and the last 2 steps grouped as "Upper Steps." Each step increases the energy efficiency requirements of new construction. Step 1 is a "familiarization" step that is intended to orient the industry to the new way of measuring energy efficiency performance, but does not impose performance requirements (Step 1 is described in more detail below). Steps 2 and 3 impose energy efficiency performance requirements that "can rely upon conventional building designs with careful air-sealing practices, and incrementally incorporate some key elements in

the design, building envelope, and equipment and systems” of new construction. Steps 4 and 5 will require more substantive, “integrated” changes to building design.

The Province has set dates by which each step is targeted to come into effect; however, a building authority may give effect to a particular step in advance of provincial deadlines, provided it consults with stakeholders to establish a general level of readiness, primarily through education and awareness. While most professional builders are already aware of the requirements through industry communications, education, and training, as well as informal conversations with building officials, the BC Energy Step Code may pose challenges for owner-builders in particular.

In order to assist with the transition (the Province is mandating Step 3 for residential/small buildings and Step 2 for large/complex buildings by the end of 2022), the Regional District of North Okanagan is proposing to commence with Step 1 as of January 3, 2022 for the electoral areas, for which the RDNO is the authority having jurisdiction.

Step 1 of the BC Energy Step Code does not impose performance requirements but rather intends “to familiarize builders with a new way of measuring energy efficiency.” The Province has indicated that this will involve using

a whole-building energy model to calculate the energy use of the building and conduct an airtightness test, but the performance of the building only needs to be as good as the base *BC Building Code* requirements for energy efficiency.

By adopting Step 1 on January 3, 2022, this will provide an opportunity for the local construction industry to familiarize itself with how energy efficiency will be measured and how to fine-tune building performance, in advance of the performance-based deadlines coming into effect at the end of 2022.

RDNO has indicated that it intends to research opportunities, including grants, to retain an Energy Specialist to assist stakeholders, building officials, and authorities having jurisdiction in this transition. The Energy Specialist would be retained on a temporary basis. Staff suggest that this could be an invaluable aspect of easing the transition, as best practices can be developed and shared more readily with respect to building for and measuring energy efficiency performance. As such, staff are recommending that Council endorse further dialogue over how the City of Enderby could coordinate and collaborate on the retention of this specialist.

The City of Enderby is an authority having jurisdiction for building. It implements this authority through a contract with the RDNO for building inspections and ancillary services. As the RDNO delivers similar services to other municipalities in the region, staff suggest that the value of a harmonized approach towards the BC Energy Step Code, with a gradual familiarization for the industry through the adoption of Step 1, hopefully with the support of an Energy Specialist, will ease the transitional burden for stakeholders. Attached to this memorandum is the RDNO correspondence to contracting municipalities, along with background on the BC Energy Step Code.

In terms of next steps, building authorities are required to submit an initial notification to the Building and Safety Standards Branch indicating that local consultation has commenced (at this time, primarily through informal conversations occurring between building officials and the construction industry). Once a building authority has established, adopted, or ratified a bylaw amendment, policy, or program, a final notification form must be completed. Between the initial and final notifications, staff will work collaboratively with the RDNO to develop a building bylaw amendment that, ideally, is harmonized across jurisdictions.

Respectfully submitted,



Tate Bengtson
Chief Administrative Officer



REGIONAL DISTRICT NORTH OKANAGAN

MEMBER MUNICIPALITIES:

CITY OF ARMSTRONG

CITY OF ENDERBY

DISTRICT OF COLDSTREAM

VILLAGE OF LUMBY

CITY OF VERNON

TOWNSHIP OF SPALLUMCHEEN

ELECTORAL AREAS:

"B" – SWAN LAKE

"C" – BX DISTRICT

"D" – LUMBY (RURAL)

"E" – CHERRYVILLE

"F" – ENDERBY (RURAL)

OFFICE OF: BUILDING DEPARTMENT

OUR FILE No.: 3760.01

August 23, 2021

Trevor Seibel, Chief Administrative Officer
District of Coldstream
9901 Kalamalka Road
Coldstream, BC V1B 1L6
tseibel@coldstream.ca

Tate Bengtson, Chief Administrative Officer
City of Enderby
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Lumby, BC V0E 2G0
tomk@lumby.ca

Doug Allin, Chief Administrative Officer
Township of Spallumcheen
4144 Spallumcheen Way
Spallumcheen, BC V0E 1B6
doug.allin@spallumcheentwp.bc.ca

Re: BC Energy Step Code

At the Regular Meeting on August 18, 2021, the Board of Directors considered a report regarding the BC Energy Step Code and potential changes to the RDNO Building Bylaw (*Attached*), and passed the following resolution:

That Step One of the BC Energy Step Code be implemented on January 3, 2022; and further,

That staff be directed to draft amendments to the Building Bylaw to reflect the Energy Step Code Requirements; and further,

That staff be directed to explore funding for an Energy Specialist consultant to provide leadership, project management, education and support on the BC Energy Step Code.

The Province has identified their intent to increase the energy requirements in the BC Building Code in 2022 (20% more efficient) and 2027 (40% more efficient) and move to the higher steps of the Step Code as a minimum requirement by 2032.

In order to ensure a smooth transition within the development community from the current code requirements to the BC Energy Step Code and to provide consistency within the region, the Building Department recommends that your community **consider implementing Step One on January 3, 2022, as a transitional approach to Step Three, which is expected to become mandatory in December of 2022 with the next update to the BC Building Code.**

The Step Code marks the transition from a prescriptive to a performance-based approach. This means the Step Code does not specify how to construct a building but instead identifies an energy efficiency target that must be met and lets the designer/builder decide how to meet it. In the

Regional District of North Okanagan
9848 Aberdeen Road
Coldstream, BC
V1B 2K9

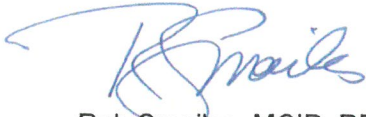
Toll Free: 1.855.650.3700
Phone: 250.550.3700
Fax: 250.550.3701
Web: www.rdno.ca
E-Mail: info@rdno.ca

Okanagan, the Step Code can currently be applied to Part 9 buildings (houses and small buildings), which has 5 levels of performance targets broken down to lower and upper steps. Application to Part 3 buildings (more significant residential and commercial buildings) contains 4 levels of performance targets and can be viewed at <https://energystepcode.ca/>.

Throughout the Province, local governments have hired Energy Specialists to support the development of policies, programs and actions that move their organization towards low carbon energy resilience. The programs vary by community, but the aim is to develop, promote, and deliver low-carbon energy solutions. An Energy Specialist consultant would be temporary and dependent on grant funding. However, if successful in securing grant funds, a key task of the Energy Specialist within the RDNO would be to coordinate and prepare policies and programs to advance low carbon energy initiatives and education on the Energy Step Code. Workshops could be held regionally to assist in raising awareness with builders in all of the communities. If you see value in the Energy Specialist opportunity and wish to partner on this initiative, please feel free to contact the undersigned or Laura Frank, Regional Planning Projects Manager at laura.frank@rdno.ca.

If you have any questions about the BC Energy Step Code and its implementation, please contact me, Rob Smailes, at (250) 550-3736 or rob.smailes@rdno.ca.

Sincerely,



Rob Smailes, MCIP, RPP
General Manager, Planning and Building

Attachments: RDNO Staff Report dated July 19, 2021

TO: Electoral Area Advisory Committee
FROM: Building Department
SUBJECT: BC Energy Step Code

File No: 3760.01
Date: July 19, 2021

RECOMMENDATION:

That Step One of the BC Energy Step Code be implemented on January 3, 2022; and further,

That staff be directed to draft amendments to the Building Bylaw to reflect the Energy Step Code Requirements; and further,

That staff be directed to explore funding for, an Energy Specialist consultant to provide leadership, project management, education and support on the BC Energy Step Code.

SUMMARY:

This report intends to inform the Board of Directors on the BC Energy Step Code and the Regional District's authority to adopt a level of the BC Energy Step Code prior to the mandatory province-wide adoption schedule. The Province has identified their intent to increase the energy requirements in the BC Building Code in 2022 (20% more efficient) and 2027 40% more efficient) and move to the higher steps of the Step Code as a minimum requirement by 2032.

In order to ensure a smooth transition within the development community from the current code requirements to the BC Energy Step Code, it is recommended that Step One be implemented on January 3, 2022, as a transitional approach to Step Three which is expected to become mandatory in December of 2022 with the next update to the BC Building Code.

Funding should be explored to engage an Energy Specialist consultant to assist in creating awareness within the development community on the Step Code requirements and changes, including hosting workshops, training sessions and creating general public awareness. In addition, this consultant could assist with and support the RDNO in the analysis of energy information and provide recommendations on the best options moving forward to reduce Greenhouse Gas emissions.

DISCUSSION:

Prior to adoption of the *BC Building Act* in December of 2018, local governments could mandate energy conservation, greenhouse gas reductions, and green building practices through the implementation of local bylaws. The intent of the *Building Act* was to make building regulations uniform throughout the Province so developers would have consistent rules no matter where they build within British Columbia. The revised *Building Act* made these local bylaws unlawful. To replace these bylaws and achieve provincial goals to construct net-zero energy-ready buildings by 2032, the provincial government developed the BC Energy Step Code.

The BC Energy Step Code is a key measure to enable BC to meet the provincial goal of constructing net-zero energy-ready buildings by 2032 and help local governments achieve their greenhouse gas emission reduction targets. The Step Code achieves this by establishing a series (or steps) of measurable, performance-based energy-efficiency requirements for construction that communities may choose to adopt when ready.

The Step Code marks the transition from a prescriptive to a performance-based approach. This means the Step Code does not specify how to construct a building but instead identifies an energy efficiency target that must be met and lets the designer/builder decide how to meet it. In the Okanagan, the Step Code can currently be applied to Part 9 buildings (houses and small buildings), which has 5 levels of performance targets broken down to lower and upper steps. Application to Part 3 buildings (more significant residential and commercial buildings) is also available <https://energystepcode.ca/>.

The Step Code was developed over multiple years in consultation with stakeholders, including the building and development sectors, associated trades and professionals, utilities, public agencies, non-government organizations, and local governments. The Province has identified 2017-2020 as a transitional period, during which time the Energy Step Code Council (comprised of associations representing the stakeholders identified above) will provide preliminary support to local governments as they transition towards the consultation, engagement and implementation of the Step Code. The BC Building Code will be updated to require staged increases in energy performance once the transition period formally closes. The Province has identified their intent to increase the energy requirements in the BC Building Code in 2022 (20% more efficient) and 2027 (40% more efficient) and move to the higher steps of the Step Code as a minimum requirement by 2032.

The Regional District can adopt and make mandatory a level of the BC Energy Step Code earlier than the mandated provincial timeline for adoption. It is suggested that to ease the transition from today's code; the Regional District adopt Step One of the BC Energy Step Code on January 3, 2022.

Relevant Policies

Regional Growth Strategy

EE/CA-1.4 Encourage developments and projects which will provide for a low-carbon built form that supports efficient energy use, the reuse of building materials, the provision of clean and renewable district energy, active transportation modes, transit service, and low/zero emission vehicles.

EE/CA-1.5 Support climate change adaptation, resiliency and the mitigation of greenhouse gas emissions in existing and proposed activities and development.

FINANCIAL/BUDGETARY CONSIDERATIONS:

Throughout the Province, local governments have hired Energy Specialists to support the development of policies, programs and actions that move their organization towards low carbon energy resilience. The programs vary by community, but the aim is to assist local governments in developing, promoting and delivering low carbon energy solutions. Energy Specialists can work with internal leaders to identify and implement low carbon corporate and community energy management opportunities to save energy and costs while building long-term energy resiliency. A key task of an Energy Specialist within the RDNO would be to coordinate and prepare policies and programs to advance low carbon energy initiatives and education on the Energy Step Code. The Energy Specialist consultant would be temporary in nature and dependent on grant funding. It is recommended that staff explore potential funding for an Energy Specialist consultant.

The Regional District of Central Kootenay has utilized the Fortis BC Climate Action Partners program to fund a portion of their Energy Specialist with the remaining funds from the Columbia Basin Trust. The Fortis BC Climate Action Partners program offers resources/funding to help local governments achieve their climate action goals. The Pacific Institute for Climate Solutions also has a program for student internships that supports communities pursuing climate change mitigation and adaptation research, planning or implementation.

In terms of costs associated with building to the Energy Step Code a builder will need to engage the services of an energy advisor who will develop a model of the house using software to determine the energy efficiency rating of the house rather than the current prescribed standards for example installing R24 walls and R50 in the ceilings. The energy model takes into account building orientation, efficiency of heating, air conditioning, ventilation, appliances, insulation, windows and doors, etc. The energy advisor will do a blower door test on the house to verify the air tightness of the house. The current cost for these services is approximately \$2000 per house. This cost will change depending upon the demand and the number of energy advisors practicing in the area.

The cost of the actual building will also vary as higher steps will require more insulation and more efficient windows, doors and heating systems. Putting a value on this is difficult as the Step Code is performance based and no two buildings will be the same. The Energy Step Code Advisory Board has suggested that the cost of implementing the Step Code will be minimal but gives no hard numbers.

The Central Okanagan Chapter of the Canadian Home Builders Association has commissioned a study that indicates an increased building cost of between 2% and 9% to achieve the lower levels of the Step Code. This equates to an increase of between \$11,000 and \$48,000, per house depending upon the size, options and quality of the house. The report did not take into account the amount of energy savings and the payback period. The report indicates that the increased cost will be a barrier to housing affordability in an already challenging market.

The Province suggests local governments could offer a wide range of incentives to encourage use of the Step Code including permit fee reduction, expedited permitting, reductions in DCC's or density bonuses. The Regional District does not have a bylaw regulating building efficiency or greenhouse gas reduction prior to the new Building Act becoming effective so any financial incentives, if offered, would be an additional cost or reduction in revenue to the Regional District.

Educating contractors and home owners will take additional staff resources. Most contractors are aware of the Step Code and have taken courses in preparation of the proposed changes and should be capable of complying with the regulations if implemented. A large percentage of the homes constructed in the Regional District are by owner/builders who will not have the experience, education or knowledge to comply with the regulations and will likely be looking to Building Department Staff to educate them and guide them through the process. It is anticipated this will take additional staff time and resources. The Energy Specialist consultant could take on this education role.

What other local governments are doing

The City of Kelowna adopted Step 1 of the Step Code effective December 1, 2019 and as of June 1, 2021 has adopted Step 3 for Part 9 buildings (Residential Buildings). The District of Lake Country has adopted Step 1 as of April 1, 2019 and Step 3 as of October 1, 2020. The City of Vernon and City of West Kelowna have both given notice to the Province that they have started to consult on the BC Energy Step Code.

The City of Penticton has adopted Step One of the Step Code effective March 15, 2019. As an incentive they offer a 5% building permit fee discount on any dwelling which achieves a minimum of Step 3 of the Step Code at time of occupancy.

Attachments

Attachment A – Website: <https://energystepcode.ca/how-it-works/>

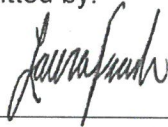
Attachment B – Building and Safety Standards Branch: Information Bulletin dated April 30, 2019 - Complying with Step 1 of the BC Energy Step Code for Part 9 Buildings

Submitted by:



Dwayne Skublen
Chief Building Inspector

Submitted by:



Laura Frank, MCIP, RPP
Regional Planning Projects Manager

Reviewed and endorsed by:



Rob Smalles, MCIP, RPP
General Manager, Planning and Building

Approved for Inclusion:



David Sewell
Chief Administrative Officer



How the BC Energy Step Code works

The Province of British Columbia first introduced energy efficiency as a BC Building Code objective in 2008. Ever since, designers and builders have had the option to use either “prescriptive” or “performance” approaches to comply with the code’s efficiency requirements.

To date, the vast majority of builders in British Columbia have pursued the prescriptive approach. Following this approach, buildings must meet specific requirements for insulation, windows, furnaces, water heaters, lighting and other equipment and systems. It focuses on individual elements, rather than ensuring the building functions well as a system. The result can be a building that does not perform as well as intended.

Builders have a second option to comply with the energy-efficiency requirements of the BC Building Code: the performance approach. The BC Energy Step Code offers a specific form of this approach.

The performance approach establishes a desired outcome, and leaves it to the design and building team to decide how to achieve it.

To comply with the BC Energy Step Code, builders must use energy software modelling and on-site testing to demonstrate that both their design and the constructed building meet the requirements of the standard. They may use any materials or construction methods to do so.

This approach echoes that taken by many green-building certification programs, including Natural Resources Canada’s Energy Star for New Homes™ and R-2000™ programs,

and Passive House Institute (in Darmstadt) certification, as well as the Canadian Home Building Association’s Net Zero Home™ and Net Zero Ready Home™ programs.

A high-performance staircase

As shown below, the regulation sets performance targets for new construction and groups them into “steps” that apply across various building types and regions of the province. The Lower Steps are relatively straightforward to meet; the Upper Steps are more ambitious.

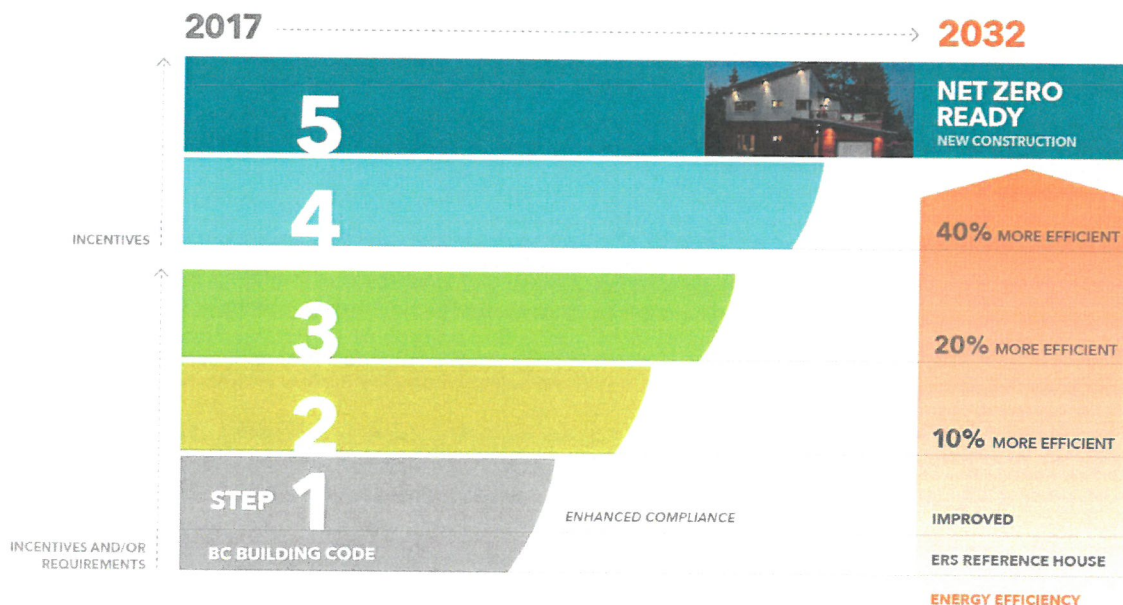
All authorities having jurisdiction over the BC Building Code—including local governments—can choose to require or incentivize builders to meet one or more steps of the BC Energy Step Code as an alternative to the code’s prescriptive requirements.

For governments, the BC Energy Step Code offers assurance that new buildings are performing as billed. Meanwhile, on the other side of the counter, builders have a more flexible option to comply with the energy-efficiency provisions of the provincial legislation. The new standard empowers builders to pursue innovative, creative, cost-effective solutions—and allows them to incorporate leading-edge technologies as they come available.

Local governments can choose to require or incentivize a given step of the BC Energy Step Code in new construction. In addition, beyond the regulatory context, builders and developers can adopt a given step to use across all of their projects, if they wish.

The diagrams below show what the performance improvements look like for simple buildings (those covered under Part 9 of the BC Building Code) and more complex buildings (covered by Part 3 of the code). The first diagram outlines five steps from the current BC Building Code requirements to net-zero energy ready requirements for Part 9 residential buildings. As shown in the second diagram, the same progression for Part 3, wood-frame residential buildings is four steps.

PATHWAY TO 2032: PART 9 (HOMES)



PATHWAY TO 2032: PART 3 (WOOD-FRAME RESIDENTIAL)



Over time, as high-performance designs, materials, and systems become increasingly available and cost-effective, the building industry will integrate new techniques into all new buildings. By 2032, the BC Building Code will move toward the higher steps of the BC Energy Step Code as a minimum requirement. The National Building Code of Canada is similarly moving towards this outcome by 2030.

Source: <https://energystepcode.ca/how-it-works/>



No. B19 – 01
 April 30, 2019

Complying with Step 1 of the BC Energy Step Code for Part 9 Buildings

This bulletin clarifies the purpose of Step 1 and provides suggestions to assist building officials, Energy Advisors and builders working on Step 1 buildings. It is part of a series of three bulletins about the BC Energy Step Code that includes:

- B19 – 02: Step 1 in the BC Energy Step Code: Airtightness, Enhanced Compliance and Compliance Paths, and
- B19 – 03: Guidelines for Energy Advisors – Setting Airtightness Values for Energy Modelling of Part 9 Buildings for Compliance with the BC Energy Step Code.

Bulletin B18 – 03 (released July 2018) is a companion bulletin that provides information on the BC Energy Compliance Reports - Performance Paths for Part 9 Buildings.

What is the BC Energy Step Code?

The BC Energy Step Code is an optional performance-based compliance path in the BC Building Code (BCBC). For Part 9 buildings, it applies to residential occupancies only. Local governments may use the BC Energy Step Code, if they wish, to incentivize or require a level of energy efficiency in new construction above the requirements of the base BCBC.

What is Step 1 of the BC Energy Step Code and How is it Achieved?

Achieving Step 1 of the BC Energy Step Code requires understanding how buildings comply with the BC Building Code (BCBC). Traditionally, builders complied with the BCBC by following the BCBC's prescriptive requirements. To improve flexibility and achieve desired outcomes, building codes have begun to move towards performance-based compliance. With this approach, codes specify the designed performance the building must achieve, and the building team determines how to achieve the performance level.

A building constructed to Step 1 is intended to have as good or better energy performance as a reference building constructed to the BCBC's minimum prescriptive requirements for energy efficiency in Subsections 9.36.2. through 9.36.4. As such, Step 1 of the BC Energy Step Code is intended to help builders familiar with traditional prescriptive codes make a smooth transition to building to performance codes that are focused on outcomes.

To comply with Step 1 of the BC Energy Step Code for Part 9 buildings, the builder is required to do the following:



At the Building Permit Application stage:

- Submit an energy model of the building. The energy model can be created either in accordance with Natural Resources Canada's (NRCan) EnerGuide Rating System (ERS) by an Energy Advisor¹ qualified by NRCan, or in accordance with the requirements of Subsection 9.36.5. by an energy modeller. To comply with Step 1 of the BC Energy Step Code, builders must submit a proposed house² energy model demonstrating that the building's energy performance will be no worse than a reference house.³ The airtightness value of the proposed house is determined by following the guidance in Bulletin B19 – 03.
- Local building departments may require the submission of Pre-Construction BC Energy Compliance Report, described in Bulletin B18 – 03 and developed based on the requirements in Division C, Subsection 2.2.8. of the BC Building Code.
- The building plans, building energy model and Pre-Construction Compliance Report must all be consistent with each other.

At building completion (see Table 1 below):

- Conduct a blower door test to assess the airtightness of the building. This airtightness score must be reported to the Authority Having Jurisdiction (AHJ). In the ERS compliance path, the airtightness value must be incorporated into the as-built energy model, which is used to determine whether the Step 1 targets have been achieved. Under the Subsection 9.36.5. compliance path, there is no requirement to incorporate the airtightness test result into the as-built energy model. This is discussed further in Bulletin B19 – 02.
- Submit an energy model of the building as constructed, produced by an Energy Advisor or an energy modeler. This model must show that the completed building has an energy performance as well or better than the reference house.
- Local building departments may require the submission of an As-Built BC Energy Compliance Report, a companion report to the Pre-Construction Report submitted at Building Permit Application stage.

¹ An Energy Advisor, in the context of this Bulletin, is "an individual registered with Natural Resources Canada to deliver the EnerGuide Rating System Basic Service and additional services," as per NRCan's "EnerGuide Rating System Standard Version 15.6," p. 6. The term energy modellers is used in a generic sense in this Bulletin.

² The proposed house, in the context of energy modelling, is the house as designed, with standard operating conditions such as number of occupants, appliance and hot water loads, and operating schedules as defined either by HOT2000 or by Subsection 9.36.5.

³ An ERS reference house, according to the EnerGuide Rating System's HOT2000 User Guide, is a "copy of the (proposed) house with standard operating conditions. It is then manipulated to represent the modelled house as if it were built to the National Building Code of Canada (NBC) Section 9.36 energy-efficiency requirements." A Subsection 9.36.5. reference house shares many of the same properties as the reference house in the ERS, but is not identical to the Reference House referred to in the ERS. The differences are discussed further in Bulletin B19 – 02.

Table 1. Step 1 compliance requirements for ERS and Subsection 9.36.5. compliance paths.

Compliance Path	Building Energy Model Needed?	Airtightness Requirement		Performance Requirement of Building Equipment and Systems	Performance Requirement of Building Envelope
		Blower Door Test Needed?	Air Changes Per Hour at 50 Pa Pressure Differential (ACH ₅₀) for As-Built House		
ERS	☑	☑	As tested	Report % better than ERS v15 reference house	
9.36.5.	☑	☑	4.5 ACH ₅₀ , 3.5 ACH ₅₀ or as tested, as determined in Sentence 9.36.5.10.(9)*	Report % better than reference house of Articles 9.36.5.13. through 9.36.5.16.	

* For more details on which airtightness value should be used, see Bulletin B19 – 03.

The Importance of Airtightness

Airtight buildings are much more likely to have better energy performance and durability, and are more likely to comply with the BC Energy Step Code. While there is no minimum requirement for airtightness at Step 1 of the BC Energy Step Code, the reference house in both the ERS path and the Subsection 9.36.5. path assumes an airtightness of 2.5 ACH₅₀. A building that is designed to and achieves an airtightness of 2.5 ACH₅₀ may not need any upgrades relative to prescriptive code minimums. However, buildings modeled with a proposed airtightness higher than 2.5 ACH₅₀ will likely need to incorporate energy efficiency upgrades relative to prescriptive code minimums to achieve Step 1 of the BC Energy Step Code.

New buildings in British Columbia that have gone through the ERS between 2010 and mid-2018 averaged an airtightness of 4 ACH₅₀. Builders may find that their first building projects under the BC Energy Step Code will bring new challenges if they have not had their buildings tested for airtightness in prior projects. Builders new to airtightness testing should not assume they have been meeting the prescriptive expectation of 2.5 ACH₅₀ in the absence of data. Achieving 2.5 ACH₅₀ can be accomplished with attention to air barrier details, training and practice.

Information to Help Building Officials

There are two energy modelling compliance paths for Step 1 of the BC Energy Step Code: the ERS and Subsection 9.36.5. Subsection 9.36.5. is a no-fail compliance path. While both paths require airtightness testing and reporting of results, the results of this test are not required to be part of the energy modelling in the Subsection 9.36.5. path. The ERS offers quality assurance and quality control (QA/QC) procedures, which gives building officials greater confidence in submissions, while the Subsection 9.36.5. path does not.

The Energy Advisor modelling a building using the ERS has more flexibility to set an airtightness value for the proposed house than if they follow the Subsection 9.36.5. path, which



prescribes airtightness values for proposed houses. The reference house in both paths must be modelled at 2.5 ACH₅₀. More details can be found in Bulletin B19 – 03.

It may be challenging to meet the Step 1 energy performance requirements in the earliest projects if builders cannot achieve the airtightness values used in their proposed house energy models. The no-fail compliance path helps to avoid a bottleneck at the time of occupancy. Building teams will be able to learn from these early projects how to improve air barrier details, leading to improved airtightness performance in the medium term. For more details, see Bulletins B19 – 02 and B19 – 03.

AHJs may have different administrative requirements for the two compliance paths, and may seek further assurance that the building complies with the Code for a Subsection 9.36.5. submission. Examples include:

- Requiring builders to attend an airtightness course at their own time and expense;
- Requiring a professional engineer sign-off plans for a BC Energy Step Code building that follows Subsection 9.36.5., to provide further confidence to Local Governments that the model is compliant with the Code (though this may add additional cost); and
- Requiring mid-construction/pre-drywall blower door testing, in addition to post-completion airtightness testing.

Information to Help Energy Advisors and Energy Modellers

Energy Advisors and energy modellers should review Technical Bulletins B19 – 02 and B19 – 03 for guidance on achieving Step 1 and setting airtightness values for all Part 9 BC Energy Step Code buildings. They should consult with the building team about previous projects done by the builder and the builder's experience with improving building airtightness, as this can help determine the default airtightness values to use.

Energy Advisors should consider using airtightness values for the pre-construction models for buildings complying with the ERS path that are achievable for the building team, and support builders new to airtightness testing to help them identify cost-effective energy efficient building solutions. The Energy Advisor should work with the building team to identify additional energy efficiency measures when energy modelling to help meet the energy performance requirements, to compensate for the possibility of a proposed house air leakage rate that is higher than that of the reference house. This will help avoid an energy model at building completion that does not comply, causing delays or unexpected costs.

The building team should identify in advance how a local government will respond if they need to utilize Subsection 9.36.5. as a 'No Fail Step Code Compliance Path' should the ACH₅₀ result make it impossible to comply with Step 1 using the ERS, so they can prepare accordingly.

Information to Help Builders

A builder seeking to comply with the BC Energy Step Code should work with an Energy Advisor at the outset of a project to identify strategies to construct more airtight and energy efficient buildings. Building an airtight house with proper ventilation is often the most cost-effective way of meeting BC Energy Step Code requirements and reduces the number of other energy efficiency measures required. It also results in a more comfortable and durable home for future

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occupants, with reduced risk of building envelope failure due to moisture problems from air leakage.

If the builder has not focused on meeting an airtightness requirement in previous projects, they may want to speak with building officials regarding the 'No Fail Step Code Compliance Path' option. If there is a possibility that airtightness may cause the building to fail the energy performance requirements of Step 1, the builder should review the options for complying using Subsection 9.36.5.

Resources for Airtightness

The following resources give more guidance on airtightness.

Illustrated Guide: Achieving Airtight Buildings - This BC Housing guide describes how to design, build and test airtight buildings, and is available online at <https://www.bchousing.org/research-centre/library/residential-design-construction/achieving-airtight-buildings>.

BC Energy Step Code Builder Guide – This BC Housing guide provides information on the key strategies and approaches that builders can use to meet the BC Energy Step Code for houses and low-rise (Part 3 and Part 9) wood-frame residential buildings up to six storeys. It is available online at <https://www.bchousing.org/research-centre/library/residential-design-construction/bc-energy-step-code-builder-guide&sortType=sortByDate>.

BCIT's Airtightness Training Course – This one-day workshop covers airtightness from top to bottom in a day. It starts with a discussion of what an air barrier is and how to define it on a project, and then shifts to a hands-on workshop that details all aspects of how an air barrier is made. More information about the course is available online at <http://www.smallplanetssupply.com/vancouver-airtightness-1>.

Vendors – Vendors of air sealing products may offer training opportunities on the job site or in product-knowledge training sessions.

More Information

Please visit www.gov.bc.ca/buildingcodes or www.energystepcode.ca.

Questions related to this bulletin can be directed to CodeQuestion@gov.bc.ca.

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