

**REGULAR MEETING OF COUNCIL  
AGENDA**

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**DATE:** January 17, 2022  
**TIME:** 4:30 p.m.  
**LOCATION:** Electronic Facilities, hosted at Council Chambers, Enderby City Hall

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

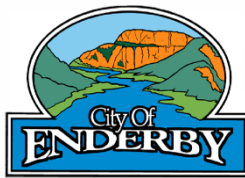
The City of Enderby uses Zoom for its electronic facilities and encourages members of the public unfamiliar with the application to test it in advance; for technical support, please contact Zoom.

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/](http://www.cityofenderby.com/hearings/)

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Designation for Municipal Employees for the Financial Disclosure Act  
Memo prepared by Chief Administrative Officer dated January 1, 2022
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Zoning Bylaw Update and Introduction of Animal Control Bylaw  
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- 5. REPORTS**
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<b>7.</b>	<b>CORRESPONDENCE AND INFORMATION ITEMS</b>	
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<b>8.</b>	<b>PUBLIC QUESTION PERIOD</b>	
<b>9.</b>	<b>CLOSED MEETING RESOLUTION</b> <i>Closed to the public, pursuant to Section 90 (1) (a) and (e) of the Community Charter</i>	
<b>10.</b>	<b>ADJOURNMENT</b>	



## THE CORPORATION OF THE CITY OF ENDERBY

Minutes of a **Regular Meeting** of Council held via video conference on Monday, December 20, 2021 at 4:30 p.m. in Council Chambers.

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

Staff: Chief Administrative Officer – Tate Bengtson  
Chief Financial Officer – Jennifer Bellamy  
Planner and Deputy Corporate Officer – Kurt Inglis  
Clerk-Secretary – Andraya Holmes

Other: Press and Public

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### **APPROVAL OF AGENDA**

Moved by Councillor Schreiner, seconded by Councillor Davyduke  
*“THAT the December 20, 2021 Council Meeting agenda be approved as circulated.”*

CARRIED

### **ADOPTION OF MINUTES**

Meeting Minutes of December 6, 2021

Moved by Councillor Schreiner, seconded by Councillor Case  
*“THAT the December 6, 2021 Council Meeting minutes be adopted as amended.”*

CARRIED

### **DEVELOPMENT MATTERS AND RELATED BYLAWS**

Lot Frontage Waiver Request – 806 Cliff Avenue

Moved by Councillor Case, seconded by Councillor Baird  
*“THAT Council authorizes an exemption to Section 604.a.8 of the City of Enderby Zoning Bylaw No. 1550, 2014 for the property legally described as PARCEL A (DD L23640) OF THE SOUTH WEST 1/4 OF SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT EXCEPT PLAN 27069, and located at 806 Cliff Avenue, Enderby BC in order to reduce the minimum lot frontage for single-family dwellings from 12 m (39.37 feet) to:*

- Proposed Lot 4 – 11.15 m (36.58 feet);
- Proposed Lot 5 – 10.0 m (32.80 feet);
- Proposed Lot 6 – 10.0 m (32.80 feet);
- Proposed Lot 7 – 10.0 m (32.80 feet);
- Proposed Lot 10 – 9.981 m (32.74 feet); and
- Proposed Lot 11 – 10.0 m (32.80 feet),

as shown on the attached Schedule 'A'.”

CARRIED

## **BYLAWS**

City of Enderby Building Bylaw No. 1582, 2015 Amendment Bylaw No. 1734, 2021 (Adoption)

Moved by Councillor Baird, seconded by Councillor Davyduke  
 “THAT Council adopts the bylaw cited as the Corporation of the City of Enderby Building Bylaw Amendment No. 1734, 2021”

CARRIED

## **REPORTS**

### Mayor and Council Reports

#### Councillor Baird

Reported that Christmas Bingo is going well. Finalizing organization of the Community Christmas Dinner. The dinner has had to transition from a sit-down event to take-out.

Councillor Knust thanked Councillor Baird for her work on the Christmas events this year.

Other Council reports were provided during the Committee of the Whole meeting.

#### Area F Director

Discussed that the Shuswap Watershed Council has received a water quality grant to improve the river environment. Working on a phosphorus action plan. Research is ongoing to measure phosphorus and determine the major contributors to the watershed.

The Shuswap Watershed Council is also involved in study of the Glacier at Adams Lake to measure how fast it is melting.

Attended a Rail Trail walk. Reported there is some sloughing occurring on parts of the trail. Discussed that the Rail Trail is important to Splatins for several reasons. It will help economically by increasing tourism, as well as demonstrate how well our communities can work together to accomplish a common goal. It is also an opportunity to share the story of Splatins with the world.

#### Chief Administrative Officer

Reported City Hall will be closing from December 27, 2021 to December 31, 2021 for the holidays. Public works will operate as normal during the week with a smaller crew working



during the statutory holidays. Chief Administrative Officer will be in the office periodically throughout the break. Other critical services will operate as normal with regular monitoring still in place.

Work is being done to adjust policies amidst the new health orders, with groups smaller than 50 people now affected by vaccine passport requirements while at an event or gathering.

Restoration work at the arena should be finished on Tuesday December 21, 2021 with access to the washrooms most likely restored by next week. Staff are waiting on the results of the clearance testing to confirm that it is safe to re-open the closed-off portion of the arena. The porta-potties at the arena were knocked over this past weekend, but the restoration contractor was able to attend and return them to their upright position quickly.

Work on improving the City's cyber-security technology and telephone system is going well.

Hosted a Zoom meeting to discuss Shuswap Watershed Council's phosphorus action plan with owners of other nearby wastewater treatment plants, in order to provide a response as a collective of owners to the Shuswap Watershed Council.

Mayor McCune expressed that the City website looks great and thanked the Chief Administrative Officer.

#### RDNO Building Permit Report – November 2021

Moved by Councillor Baird, seconded by Councillor Case  
*"THAT the RDNO Building Permit Report – November 2021 be received and filed."*

CARRIED

#### **NEW BUSINESS**

#### Community Futures Fall Update – December 2021

Moved by Councillor Baird, seconded by Councillor Shishido  
*"THAT the Community Futures Fall Update – December 2021 be received and filed."*

CARRIED

#### Council Strategic Plan Scorecard 2021

Mayor McCune inquired if there will be a strategic planning session.

Chief Administrative Officer responded that a strategic planning session is being planned and requested Council wait until early January to determine a date so that he has time to pull together some of the necessary information for the meeting.

Councillor Knust inquired if the meeting would be hosted through Zoom or if it is possible to meet in person.

Chief Administrative Officer responded that he would try to source a large enough venue to host the meeting in person.

Councillor Baird inquired if meeting could be held in Council Chambers.

Mayor McCune responded that Council Chambers is too small and to try to find a larger venue.

Moved by Councillor Shishido, seconded by Councillor Davyduke  
*“THAT the Council Strategic Plan Scorecard 2021 be received and filed.”*

CARRIED

Appointments to the Okanagan Regional Library Board for 2022

Councillor Knust nominated Councillor Baird to continue in her role as Okanagan Regional Library Board Trustee.

Councillor Baird stated that she can only fill this roll for one more year in accordance with the term limits.

Moved by Councillor Knust, seconded by Councillor Shishido  
*“THAT Council appoints Tundra Baird to the Okanagan Regional Library Board as Trustee for 2022 and Brian Schreiner as the Alternate Trustee for 2022.”*

CARRIED

Appointment of Jennifer Miles as Deputy Approving Officer

Councillor Shishido inquired about the Indemnity Agreement and what the one-dollar payment is for.

Chief Administrative Officer responded this is a standard clause in some agreements that is intended to demonstrate the exchange of a nominal consideration between parties to satisfy a requirement of contract law.

Moved by Councillor Baird, Seconded by Councillor Case  
*“THAT Council appoints Jennifer Miles as Deputy Approving Officer for the City of Enderby;*

*AND THAT Council authorizes the Mayor and Corporate Officer to execute the attached Indemnity Agreement for the appointment of Jennifer Miles as Deputy Approving Officer.”*

CARRIED

Request for Temporary Signs Along Rail-Trail Corridor

Councillor Baird explained that the signs along the Rail-Trail Corridor will tell the public how to donate.

Moved by Councillor Baird, seconded by Councillor Shishido  
*“THAT Council defers enforcing the provisions of the Zoning Bylaw related to prohibiting temporary signs, for the placement of two temporary 4’ x 8’ billboard signs along the former CP Rail corridor, subject to the following conditions:*

- 1. The deferral of enforcement would only apply until the earlier of a 6-month period or the Zoning Amendment Bylaw introducing temporary sign regulations being adopted;*
- 2. The deferral of enforcement only applies to the temporary signs as shown in the attached letter;*

3. *The temporary signs must be sited in accordance with the applicable setback provisions of the sign regulations outlined in the City of Enderby Zoning Bylaw No. 1550, 2014;*
4. *The temporary signs shall be constructed with appropriate materials (i.e. no plywood, untreated lumber, etc.), be maintained in good repair, and not create a hazard due to construction or impeding sightlines; and*
5. *Should any of the aforementioned conditions be contravened, the City may require the removal of the temporary signs at its sole and unfettered discretion.”*

CARRIED

**PUBLIC QUESTION PERIOD**

Heather Black asked for Clarification on the decision to approve the lot frontage waiver request for 806 Cliff Avenue. It was confirmed that the request was approved.

**ADJOURNMENT**

Moved by Councillor Schreiner, seconded by Councillor Baird  
“*THAT the regular meeting of December 20, 2021 adjourn at 4:57 p.m.*”

CARRIED

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**MAYOR**

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**CORPORATE OFFICER**

MEMO

To: Mayor and Council  
From: Tate Bengtson, CAO  
Date: January 1, 2022  
Subject: Designation of Municipal Employees for the Financial Disclosure Act

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**RECOMMENDATION**

THAT Council gives three readings to the City of Enderby Municipal Employees Financial Disclosure Designation Bylaw No. 1736, 2022.

**BACKGROUND**

The *Financial Disclosure Act* (“the Act”) is Provincial legislation that requires specified employees and officials to disclose assets, debts, and sources of income. It is applicable to the Province, local governments, and school districts.

The Act requires:

- written disclosure by all *elected* officials on an annual basis; and
- written disclosure by those municipal *employees* who are designated by the council or board on an annual basis.

In accordance with the *Financial Disclosure Act*, the written disclosures of elected officials are accessible by the public, while the written disclosures of municipal employees are accessible by Council.

Historically, the City of Enderby has not had a bylaw formally designating those positions for which written disclosure is required. Despite this, the City has followed the common practice of many municipalities by obtaining statements of financial disclosure from all statutory officers appointed pursuant to the *Community Charter* (Chief Administrative Officer, Chief Financial Officer, and Corporate Officer). The rationale is that the statutory officer positions are typically those with significant decision-making authority or influence over matters related to real estate, land use, or business licensing, which are the areas that written disclosure under the *Financial Disclosure Act* is intended to address.

The attached bylaw designates all of the statutory officer positions and adds that this includes any deputy or designate to a statutory officer; this is intended to clarify that Council intends

consistency with section 4 of the Schedule to the *Community Charter*, which speaks to deputies and designates.

Should Council adopt this bylaw, there will be no material change to the City's practices; this is intended to provide clarity on the implementation of its practices.

Respectfully submitted,

A handwritten signature in blue ink, consisting of a stylized 'T' followed by a long, sweeping horizontal stroke that curves upwards at the end.

Tate Bengtson  
Chief Administrative Officer

THE CORPORATION OF THE CITY OF ENDERBY

**BYLAW NO. 1736**

A BYLAW TO DESIGNATE MUNICIPAL EMPLOYEES FOR THE FINANCIAL DISCLOSURE  
ACT

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WHEREAS Council of the City of Enderby may designate municipal employees for which written disclosure is required pursuant to the *Financial Disclosure Act*;

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

**CITATION**

1. This bylaw may be cited as the “City of Enderby Municipal Employees Financial Disclosure Designation Bylaw No. 1736, 2022”.

**DEFINITIONS**

2. In this bylaw, unless the context otherwise requires:
  - (a) “Council” means the Council of the City of Enderby;
  - (b) “Disclosure Clerk” means the Corporate Officer of the City of Enderby;
  - (c) “Municipal Employee” means a person who is employed or appointed by Council, and who is designated by Council to be a Municipal Employee; and
  - (d) “Written Disclosure” means a written disclosure required to be made and filed in the manner prescribed by the *Financial Disclosure Act*.

**MUNICIPAL EMPLOYEES**

3. Persons holding the following positions with the City of Enderby are hereby designated to be Municipal Employees for the purposes of the *Financial Disclosure Act*:
  - (a) Chief Administrative Officer;
  - (b) Chief Financial Officer; and
  - (c) Corporate Officer.
4. Persons holding the following positions with the City of Enderby are hereby designated to be Municipal Employees for the purposes of the *Financial Disclosure Act*:
  - (a) a deputy to a Municipal Employee; and
  - (b) a person designated by Council to act in the place of a Municipal Employee.

**WRITTEN DISCLOSURES**

5. All Municipal Employees shall make and file a Written Disclosure with the Disclosure Clerk in accordance with the *Financial Disclosure Act*.

READ a FIRST time this \_\_\_ day of \_\_\_\_\_, 2022.

READ a SECOND time this \_\_\_ day of \_\_\_\_\_, 2022.

READ a THIRD time this \_\_\_ day of \_\_\_\_\_, 2022.

ADOPTED this \_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

# THE CORPORATION OF THE CITY OF ENDERBY

**AGENDA**

## MEMO

To: Tate Bengtson, Chief Administrative Officer

From: Kurt Inglis, Planner and Deputy Corporate Officer

Date: January 11, 2022

Subject: Zoning Bylaw Update and Introduction of Animal Control Bylaw – Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1710, 2022 and Animal Control Bylaw No. 1735, 2022

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### **RECOMMENDATION**

THAT Council gives first and second readings to City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1710, 2022 and directs Staff to advance the Bylaw to a Public Hearing;

AND THAT Council gives three readings to City of Enderby Animal Control Bylaw No. 1735, 2022;

AND THAT Council directs Staff to draft consequential amendment bylaws to the Municipal Ticketing Information (MTI) System Bylaw No. 1518, 2013, Bylaw Notice Enforcement Bylaw No. 1581, 2015, and Fees and Charges Bylaw No. 1479, 2010 for three readings to support implementation of the regulatory framework for the keeping of backyard hens and bees;

AND FURTHER THAT Council directs Staff to prepare a driveway crossing policy and permitting system for Council's consideration.

### **BACKGROUND**

Since the adoption of the Official Community Plan (OCP) and Zoning Bylaw in 2014, regular updates have been enacted by Council to keep these bylaws reflective of the community context and emerging issues.

The following items have been either directed by Council or recommended by Staff for inclusion in the next round of updates to the OCP and Zoning Bylaw:

1. Updating maximum G.V.W. limits for trucks and commercial vehicles in residential zones;
2. Rezoning of 130 Cliffview Lane in anticipation of the termination of its land use contract;
3. Updating residential dwelling definitions;
4. Removal of 'Apartments' as a permitted use within the General Commercial (C.1) and Highway and Tourist Commercial (C.2) zones;
5. Providing clarity to fencing regulations;
6. Reviewing Riparian Areas Regulations;
7. Reviewing Cannabis production regulations;
8. Reviewing driveway setbacks from intersections;
9. Reviewing temporary sign regulations;



10. Updating the Official Community Plan's Regional Context Statement and including policies related to the City of Enderby Housing Needs Assessment Report;
11. Limiting residential floor space on first storey level in commercial zones; and
12. Implementing a regulatory framework for the keeping of backyard hens and backyard bees.

For the sake of ensuring that time-sensitive updates are advanced, coupled with the need to ensure that an update to the OCP is reflective of the outcomes of the forthcoming City of Enderby Housing Strategy, Staff are proposing that the following OCP related items be deferred until later in 2022:

- Reviewing Riparian Areas Regulations;
- Updating the City of Enderby Regional Context Statement; and
- Including policies related to the City of Enderby Housing Needs Assessment Report.

The following is an overview of the proposed updates included in Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1710, 2021, which is being advanced to Council for first and second readings:

#### Updating Maximum G.V.W. Limits for Trucks and Commercial Vehicles in Residential Zones

The Zoning Bylaw currently restricts the parking of a truck or commercial vehicle on a residential zoned property if it exceeds 1,000 kg G.V.W. (2,205 pounds G.V.W.) rated capacity. This provision was originally intended to avoid large commercial-scale vehicles being parked in a residential area and detracting from the character of the neighbourhood. However, the 1,000 kg G.V.W. limit is excessively restrictive and does not align with the overall intent of this regulation (i.e. 1,000 kg limit would not allow for transport vans, contractor trucks, etc. to be parked on residential properties).

Staff are proposing that the maximum G.V.W. limit for trucks and commercial vehicles in residential zones be increased to 5,600 kg (12,346 pounds G.V.W.), which is consistent with:

1. The City's Streets and Traffic Bylaw's G.V.W. limit for the size of vehicle that may park overnight on a street in a residential zone; and
2. The standard G.V.W. limits in residential zones in other nearby communities (i.e. Kelowna = 5,500 kg, Salmon Arm = 5,600 kg, Lake Country = 5,500 kg).

#### Rezoning of 130 Cliffview Lane

The property at 130 Cliffview Lane is a modular home park that is subject to a Land Use Contract. A Land Use Contract is an agreement between a local government and a land owner that provides the land owner with site-specific development rights despite the current Zoning Bylaw. The Province has legislated that all Land Use Contracts are effectively terminated as of 2024. Once the Land Use Contract is terminated, the property will be subject to the regulations of the property's base zoning designation. 130 Cliffview Lane has a base zoning designation of Residential Single Family (R.1-A), which does not permit a modular home park. In order to allow the existing use to continue in a 'legally conforming' state after the Land Use Contract

terminates, Staff are proposing to rezone the property to the Residential Mobile Home Park (R.5) zone. It should be noted that the existing Land Use Contract required the property to develop in accordance with the R.5 zoning regulations, so the rezoning would have no impact on the manner in which the site develops.

#### Updating Residential Dwelling Definitions

Staff are proposing to defer updating any residential dwelling definitions, as these may be implicated by the City's forthcoming Housing Strategy.

#### Removal of 'Apartments' as a Permitted Use Within the General Commercial (C.1) and Highway and Tourist Commercial (C.2) Zones

Staff are proposing to update the Zoning Bylaw to clarify that apartment buildings are only permitted in the Residential Multi-Family Medium Intensity (R.3) zone. Based on the existing wording of the Bylaw, there is a risk of misinterpretation in the General Commercial (C.1) and Highway and Tourist Commercial (C.2) zones that allowing an apartment unit above or behind the principal commercial use could be understood as allowing a standalone apartment building, which is not the intent of these zones.

It should be noted that by clarifying that apartment buildings are only permitted within the R.3 zone, this will not prevent residential dwelling units from occurring alongside commercial development (i.e. mixed use development) and will only remedy a potential misinterpretation that apartment buildings are permitted as a *standalone* use within commercial zones.

#### Providing Clarity to Fencing Regulations

Staff are proposing amendments to the Zoning Bylaw's fencing regulations in order to:

- i. Differentiate between typical fencing and required 'screening' (solid fence or wall that is required to provide a visual barrier between adjacent land uses); and
- ii. Better arranging the regulations based on category (i.e. maximum height, materials, land use, etc.).

It should be noted that the City's existing regulatory framework for fencing/screening remains largely intact (i.e. maximum height and setbacks remain the same), but it has been updated for ease of reference and clarity. The only new regulation being proposed is the prohibition of 'spiked' metal fencing; this type of fencing creates a significant and unnecessary danger to local wildlife (i.e. wildlife such as deer attempt to clear the spiked metal fence and become impaled, often leading to serious injury or death) and some communities are taking steps to prohibit its use.

### Reviewing Cannabis Production Regulations

Under the City's Zoning Bylaw, cannabis production facilities are only permitted within the City when located in the Agricultural Land Reserve (ALR). The *Agricultural Land Use Regulation* was enacted by the Province in 2019 and provides clarity regarding the extent to which local governments may prohibit cannabis production within the ALR. Section 8 of the *Agricultural Land Use Regulation* specifically states that the use of agricultural lands for producing cannabis lawfully may not be prohibited by a local government if the cannabis is produced:

- Outdoors in a field; or
- Inside of a structure with a base consisting entirely of soil, with the following conditions having to be met:
  - a. the structure was, before July 13, 2018,
    - i. constructed for the purpose of growing crops inside it, including but not limited to producing cannabis lawfully, or
    - ii. under construction for the purpose referred to in subparagraph (i), if that construction:
      - A. was being conducted in accordance with all applicable authorizations and enactments, and
      - B. continues without interruption from the date it began until the date the structure is completed, other than work stoppages considered reasonable in the building industry;
  - b. the structure has not been altered since July 13, 2018 to increase the size of its base or to change the material used as its base.

Given this, Staff are proposing that the Zoning Bylaw be amended to state that Cannabis Production is only permitted in the ALR in accordance with Section 8 of the *Agricultural Land Use Regulation* noted above. This approach will support the protection of the soil of local farm land for future farming and help avoid the loss of agricultural lands to industrial scale cannabis production. This would be over and above the existing requirements in the Zoning Bylaw for cannabis production facilities within the ALR related to minimum lot area, setbacks, etc.

### Reviewing Driveway Setbacks from Intersections

The Zoning Bylaw currently requires that driveway accesses for corner lots must be setback at least 8 m (26.25 feet) from the point of intersection of the exterior side lot line and the front/rear lot line; this is intended to ensure that there is sufficient space between the driveway and an adjacent intersection/corner so that vehicles can safely enter on to a roadway from the driveway. However, Staff identified this setback regulation as being problematic due to the fact that there is ambiguity as to how it is applied to corner lots which have corner-cut-outs or rounded lot lines (i.e. lots that do not have a clear intersection of the exterior side lot line and the front/rear lot line). This prompted Staff to review the manner in which other communities

are regulating the location of driveways, and it was determined contemporary best practices involve the use of a driveway crossing policy and permitting system, which focuses on the crossing of and access to public property rather than the regulation of private land use. Such a policy and permitting system would allow for driveway location standards to be maintained, but in a manner that allows site-specific flexibility and analysis that could not be realized through zoning regulations (i.e. zoning regulations do not provide for flexibility and can only be varied through the prescribed Development Variance Permit process). Furthermore, a driveway crossing permitting system would have the added benefit of allowing the City to use a permit to expressly communicate the terms and conditions of driveway crossings, which are often misunderstood by property owners. Given the above, Staff are recommending that the driveway setback provision be removed from the Zoning Bylaw and that Staff be directed to prepare a driveway crossing policy and permitting system for Council's consideration.

#### Reviewing Temporary Sign Regulations

The Zoning Bylaw specifies a range of regulations for signs pertaining to siting, sizing, materials, and permitting. However, Staff have encountered an issue where there is a need for temporary signs in certain situations (i.e. undeveloped commercial lots that are looking to market their business in advance of construction, developers seeking to market their subdivisions while under construction), but the Zoning Bylaw currently prohibits their use.

Staff are proposing the following framework for temporary signs:

- Permitting a 'Project Sign', which is a sign erected on a development, subdivision or construction site that names and describes the project and provides marketing information relating to the project, which may include project name, logo, contact information and/or office hours, and may also list the names of the consultants involved on the development team;
- Limiting to a maximum of one Project Sign per lot, except in cases where the subject lot is one acre in size or greater, or the subject lot fronts more than one street, in which case the maximum number of Project Signs is two;
- Limiting to a maximum sign area of 9.0 m<sup>2</sup> (96.88 square feet) and a maximum height of 4.5 m (14.76 feet);
- Display of a Project Sign cannot begin until a Building Permit has been issued or the subdivision has received a Preliminary Layout Review letter from the Approving Officer;
- The display shall be limited to a period of three years after the Building Permit or Preliminary Layout Review letter is issued; and
- Should the associated project not continue to actively proceed for a period of one year or more, or a Building Permit or Preliminary Layout Review letter is expired, surrendered, or cancelled, the Project Sign shall be removed immediately.

### Limiting Residential Floor Space on First Storey Level in Commercial Zones

As per the City's Zoning Bylaw, residential dwelling units are permitted entirely above or behind a commercial use as long as the maximum permitted gross density limits are not exceeded. The Zoning Bylaw does not include any limit on the extent to which the first storey level can be used for residential purposes, as long as it is located behind a commercial space; Staff have identified this as being problematic as there could be a scenario where the vast majority of the first storey level of a commercial building could be used for residential purposes, as long as there is a nominal commercial space in the front. Over time, this could result in the City's ground floor commercial floor space being eroded in lieu of residential uses, which could have significant impacts on the local economy and the vitality of the commercial core.

The intent of the Zoning provision which permits residential dwelling units entirely above or behind a commercial use is to allow for an *ancillary* residential use to accompany a *principal* commercial use on a property; this arrangement supports additional residential development within the community (i.e. infill development), while also providing a financial boost to local businesses by allowing business owners to live on premises, or realize additional income through renting the dwelling unit(s). However, if this Zoning provision enables commercial floor space to be eroded in favour of residential uses, that original intent is not being achieved.

To find a balance between the preservation of commercial floor space while enabling ancillary residential uses to occur within commercial zones, Staff are proposing to introduce a regulation whereby, when dwelling units are located on the first storey level of a building and behind a commercial use, the floor area of the total dwelling units shall not exceed 40% of the total floor area of the first storey level.

It should be noted that if there are existing dwelling units within commercial zones that do not comply with this regulation, they would become legally non-conforming (grandfathered) by way of siting/sizing and would be subject to the legally non-conforming provisions of the *Local Government Act*.

### Incorporating Backyard Hen and Backyard Bee Regulations

Council previously directed Staff to explore the implementation of regulatory frameworks for the keeping of backyard hens and backyard bees. Staff presented Council with two proposed regulatory frameworks for the keeping of hens and bees, which were based upon:

- The local context;
- Best practices used in other communities; and
- Regulations that are best suited to mitigate neighbourhood-level and local government bylaw compliance capacity impacts.

Council supported the proposed regulatory frameworks, which are outlined in Schedule 'A' and 'B' of this memorandum. To implement the regulatory frameworks, Staff are proposing that

the Zoning Bylaw be amended to include land use regulations related to the keeping of hens and bees, while a new Animal Control Bylaw be introduced to regulate how backyard hens and backyard bees must be cared for, managed and licensed.

Once the Zoning Bylaw and Animal Control Bylaw have received support from Council, there will be a need to advance consequential amendments to the Fees and Charges Bylaw to introduce a fee structure for the licensing for backyard hens and bees. Staff are proposing that the licensing fee for both the keeping of backyard hens and backyard bees be set at a one-time fee of \$50, which will cover the costs associated with processing the licensing application and performing a site inspection to ensure compliance with the relevant City bylaws and policies. Furthermore, given that the provisions of the Zoning Bylaw and Animal Control Bylaw related to the keeping of backyard hens and bees need to be enforceable, there is a need for amendments to the City's Municipal Ticketing Information (MTI) System Bylaw and Bylaw Notice Enforcement Bylaw.

Should Council support the proposed amendments to the Zoning Bylaw, the amendment bylaw will be advanced to a Public Hearing with the proposed zoning amendments to be advertised in the newspaper in advance.

Respectfully Submitted,



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Kurt Inglis  
Planner and Deputy Corporate Officer

**SCHEDULE 'A' – PREVIOUSLY SUPPORTED REGULATORY FRAMEWORK FOR THE  
KEEPING OF BACKYARD HENS**

<b>TABLE 1 – BACKYARD HENS</b>		
<b>Category</b>	<b>Proposed Regulation</b>	<b>Staff Comments</b>
<b>Types of Birds</b>	Hens only	Given the noise level associated with roosters (~90 decibels vs. 60-70 decibels for hens), it is not standard practice to permit the keeping of roosters in an urban setting.
<b>Maximum Number of Hens</b>	5	A maximum of 5 hens appears to be a common standard among communities that permit the keeping of hens in urban areas, and it is anticipated that a typical single-family lot within Enderby can accommodate the intensity of use associated with 5 hens.
<b>Required Zoning / Principal Use</b>	Ancillary use to a single-family dwelling in R.1, R-1-A, and R.2 zones	It is standard for the keeping of hens in an urban area to only be associated with single-family lots, given that they are generally located in lower density neighbourhoods.  By clearly stating that the keeping of hens is an ancillary use to a detached single-family dwelling, this will prevent cases where hens are kept on vacant parcels.
<b>Minimum Lot Requirements</b>	Backyard must be fully fenced, in accordance with the Screening requirements outlined in Section 309 of Zoning Bylaw	Requiring properties to be fenced will help prevent hens from escaping a property, while also ensuring that coops and outdoor enclosures are not visible from the street, which may detract from the aesthetics of the streetscape.
<b>General Coop Requirements</b>	Coops must be fully enclosed and constructed in a manner that:	These requirements will help to: <ul style="list-style-type: none"> <li>• reduce the potential for wildlife conflicts and attraction of rodents;</li> <li>• reduce the potential for hens escaping;</li> <li>• reduce the potential for nuisances by way of noise from the hens;</li> </ul>



**TABLE 1 – BACKYARD HENS**

Category	Proposed Regulation	Staff Comments
<p><b>General Coop Requirements Cont.</b></p>	<ul style="list-style-type: none"> <li>• Eliminates potential for infiltration from predatory animals and rodents</li> <li>• Facilitates reasonable sound attenuation</li> <li>• Ensures proper ventilation and sufficient space for hens</li> <li>• Is accessible for persons to clean and maintain the coop</li> </ul> <p>Coops must provide one perch and one nest per hen</p> <p>Must provide a run that is fenced on all sides and entirely covered from above in a manner that will keep predators and rodents out, and prevent hens from escaping</p>	<ul style="list-style-type: none"> <li>• provide suitable living conditions for the birds (i.e. perches provide opportunities for increased exercise and roosting off the ground at night); and</li> <li>• ensure proper maintenance of the coop.</li> </ul>
<p><b>Coop Siting Requirements</b></p>	<p>Must be located in rear yard, to the rear of the single-family dwelling</p> <p>Must be setback a minimum of 3 m (9.84 feet) from rear lot line, interior side lot line, or exterior side lot line</p>	<p>Requiring coops and enclosures to be located in the rear yard will ensure that they are not visible from the street, thus ensuring the use does not detract from the aesthetics of the streetscape.</p> <p>Minimum setbacks will help to minimize any potential impacts to neighbouring properties.</p>
<p><b>Coop Sizing Requirements</b></p>	<p>Maximum height of 2 m (6.56 feet)</p> <p>Must provide a minimum of 0.5 m<sup>2</sup> (5.38 square feet) per hen inside the coop, and a minimum 1 m<sup>2</sup> (10.76 square</p>	<p>Requiring a maximum height of 2 m (6.56 feet) will ensure that the coop does not exceed the maximum height of the backyard fence, which will ensure that the coop remains screened from adjacent neighboring properties.</p> <p>Requiring a minimum area of indoor and outdoor space will ensure that the hens have</p>



**TABLE 1 – BACKYARD HENS**

Category	Proposed Regulation	Staff Comments
<p><b>Coop Sizing Requirements Cont.</b></p>	<p>feet) of roofed outdoor enclosure per hen</p> <p>Maximum size of coop and hen enclosure is 10 m<sup>2</sup> (107.6 square feet)</p>	<p>sufficient area to be able to live comfortably and exhibit natural behaviours. By requiring the outdoor enclosure area to be roofed, this will prevent the hens from escaping, as hens can fly short distances, while also preventing birds of prey from accessing the enclosure area.</p> <p>Providing a maximum size for the coop and hen enclosure of 10 m<sup>2</sup> (107.6 square feet) will ensure that the keeping of hens remains ancillary to the broader residential use of the property.</p>
<p><b>On-site Slaughtering and Disposal</b></p>	<p>No slaughtering is permitted on-site</p>	<p>Prohibiting slaughtering on-site is standard among communities that permit the keeping of hens in an urban setting, given that the process can present significant potential for conflict and impacts.</p>
<p><b>Standards of Care</b></p>	<p>Coop must be kept to a clean and sanitary condition</p> <p>All hens must be provided sufficient food, water, shelter, light, ventilation, veterinary care; and opportunities for essential behaviors such as scratching, dust-bathing, and roosting</p>	<p>Requiring proper living conditions will ensure that the fundamental needs of hens are met and that they are able to live a happy and healthy life.</p>
<p><b>Removal and Storage of Feces / Manure</b></p>	<p>Feces must be promptly removed and hygienically stored in a sealed container</p>	<p>Requiring the prompt removal and hygienic storage of feces will help to mitigate potential impacts related to smell.</p> <p>It is anticipated that many property owners will want to use the manure generated from</p>

**TABLE 1 – BACKYARD HENS**

Category	Proposed Regulation	Staff Comments
<p><b>Removal and Storage of Feces / Manure Cont.</b></p>	<p>Manure must be stored within a sealed container, with no more than 0.08 m<sup>3</sup> (3 cubic feet) of manure stored at one time</p> <p>All manure not used for composting or fertilizing must be removed from the property</p>	<p>the keeping of hens for composting and fertilizing purposes. Requiring manure to be stored in a sealed container, and manure not used for composting or fertilizing to be removed, will limit the opportunity for this activity to create nuisance by way of smell. Furthermore, this will help to avoid the potential for the manure to act as an attractant to wildlife and rodents.</p>
<p><b>Feed Storage</b></p>	<p>Feed must be stored in sealed container and not located in an area accessible by wildlife and animals</p>	<p>Requiring feed to be stored in an air-tight container will help to avoid the potential for the feed to attract wildfire and rodents.</p>
<p><b>Licensing / Registration of Hens</b></p>	<p>Must apply for a permit and pay a nominal fee</p> <p>If not the owner of the property, the applicant is required to obtain property owner’s written consent</p>	<p>Requiring property owners to apply for a permit for the keeping of hens on their property will enable the City to:</p> <ul style="list-style-type: none"> <li>• track properties where this use is occurring;</li> <li>• provide the applicant with relevant educational materials (i.e. FAQ, backyard hen guide, etc.);</li> <li>• initiate an inspection process;</li> <li>• ensure that property owners are providing their consent in cases where an applicant is renting a property; and</li> <li>• revoke permits in cases where the bylaw requirements are not being adhered to, which also strengthens the City’s enforcement abilities.</li> </ul> <p>Requiring a nominal fee will help to cover the administration costs associated with implementing and maintaining a backyard hen program.</p>

**TABLE 1 – BACKYARD HENS**

<b>Category</b>	<b>Proposed Regulation</b>	<b>Staff Comments</b>
<b>Commercial Sales</b>	Personal use only	<p>If a property owner were to sell the eggs produced on their property, it creates the potential for additional impacts associated with:</p> <ul style="list-style-type: none"><li>• additional traffic to the property associated with customers; and</li><li>• the property owner maximizing the number of birds on their property beyond what is needed for their household consumption, in order to increase egg production and profits.</li></ul> <p>There are strict guidelines associated with the sale of ungraded eggs, for which the City does not have the capacity to regulate and enforce.</p> <p>It should be noted that if a property owner wished to distribute any excess eggs produced on their property, this is not something that the City would be proposing to regulate or prohibit.</p>

**SCHEDULE 'B' – PREVIOUSLY SUPPORTED REGULATORY FRAMEWORK FOR THE  
KEEPING OF BACKYARD BEES**

<b>TABLE 2 – BACKYARD BEES</b>		
<b>Category</b>	<b>Proposed Regulation</b>	<b>Staff Comments</b>
<b>Required Zoning / Principal Use</b>	Ancillary use to a single-family dwelling in R.1, R-1-A, and R.2 zones	<p>It is standard for the keeping of bees in an urban area to only be associated with single-family lots, given that they are generally located in lower density neighbourhoods.</p> <p>By clearly stating that the keeping of bees is an ancillary use to a detached single-family dwelling, this will prevent cases where bees are kept on vacant parcels.</p>
<b>General Beehive Requirements and Standards of Care</b>	<p>Must be maintained in a condition that will reasonably prevent swarming or aggressive behaviour</p> <p>Must ensure that the bees are requeened if they are subject to undue swarming or aggressive behaviour</p> <p>Must provide adequate water to prevent the bees from seeking water from other sources</p> <p>Beekeepers must comply with the Bee Regulation or other applicable standards adopted by the Province of British Columbia</p>	<p>Requiring proper maintenance and living conditions, and requeening if necessary, will help to prevent instances of swarming or aggressive behaviour, which are likely to create impacts to the broader neighbourhood.</p> <p>Providing adequate water on-site will ensure that the bees are not required to seek water from other sources, such as on neighbouring properties, which could result in conflict.</p>

**TABLE 2 – BACKYARD BEES**

Category	Proposed Regulation	Staff Comments
<p><b>Beehive Siting Requirements</b></p>	<p>Must be located in rear yard</p> <p>Minimum setback of 7.5 m (24.6 feet) from front of beehive to any property line, and 3 m (9.84 feet) from the side and rear of the beehive to any property line, except where the beehive is:</p> <ul style="list-style-type: none"> <li>- Sited behind a 1.8 m (5.9 feet) fence, 7.5 m (24.6 feet) is reduced to 6 m (19.68 feet) and 3 m (9.84 feet) is reduced to 1 m (3.28 feet)</li> </ul>	<p>These requirements for the siting of beehives appears to be a common standard among communities that permit the keeping of bees in an urban setting, and is intended to minimize potential impacts to adjacent neighbouring properties.</p>
<p><b>Maximum Number of Beehives / Colonies</b></p>	<p>2 beehives / colonies and 2 nucleus colonies on lots less than 1,000 m<sup>2</sup> (0.25 acre)</p> <p>4 beehives / colonies and 4 nucleus colonies on lots equal to or greater than 1,000 m<sup>2</sup> (0.25 acre)</p>	<p>This maximum number of beehives/colonies appear to be a common standard among communities that permit the keeping of bees in an urban setting, and is intended to ensure that the intensity of the use is proportional to the size of the lot.</p> <p>It should be noted that nucleus colonies are smaller colonies created from larger colonies, which are generally used for rearing and storing queen bees; nucleus colonies are important to prevent swarming and aggressive bee behaviour.</p>
<p><b>Commercial Sales</b></p>	<p>Personal use only</p>	<p>If a property owner were to sell the honey produced on their property, it creates the potential for additional impacts associated with:</p> <ul style="list-style-type: none"> <li>• additional traffic to the property associated with customers; and</li> <li>• the property owner maximizing the number of bees on their property beyond</li> </ul>

**TABLE 2 – BACKYARD BEES**

Category	Proposed Regulation	Staff Comments
<p><b>Commercial Sales Cont.</b></p>		<p>what is needed for their household consumption, in order to increase honey production and profits.</p> <p>It should be noted that if a property owner wished to distribute any excess honey produced on their property, this is not something that the City would be proposing to regulate or prohibit.</p>
<p><b>Licensing / Registration of Bees</b></p>	<p>Must apply for a permit and pay a nominal fee</p> <p>If not the owner of the property, the applicant is required to obtain property owner’s consent</p> <p>Confirm that anyone keeping bees must register their apiary location with the Province</p>	<p>Requiring property owners to apply for a permit for the keeping of bees on their property will enable the City to:</p> <ul style="list-style-type: none"> <li>• track properties where this use is occurring;</li> <li>• provide the applicant with relevant educational materials (i.e. FAQ, beekeeping guide, information of Provincial registry for apiaries, etc.);</li> <li>• initiate an inspection process;</li> <li>• ensure that property owners are providing their consent in cases where an applicant is renting a property;</li> <li>• ensure the City has the applicant’s contact information on hand, so that it can follow up with them quickly if there are issues with the beehives (i.e. swarming or aggressive behaviour); and</li> <li>• revoke permits in cases where the bylaw requirements are not being adhered to, which also strengthens the City’s enforcement abilities.</li> </ul> <p>Requiring a nominal fee will help to cover the administration costs associated with</p>

**TABLE 2 – BACKYARD BEES**

Category	Proposed Regulation	Staff Comments
<p><b>Licensing / Registration of Bees Cont.</b></p>		<p>implementing and maintaining a backyard beekeeping program.</p> <p>It is provincially legislated that all apiary (collection of hives or colonies) locations are registered with the Province. This requirement should be expressly confirmed in the regulatory framework to ensure prospective beekeepers are aware of this requirement.</p>
<p><b>Miscellaneous</b></p>	<p>Beehives shall be securely located to prevent accidental disturbance or trespass by people and pets, and to prevent damage from wildlife</p> <p>The person who keeps bees must be a resident of the property where the bees are kept</p>	<p>Ensuring beehives are securely located will reduce the potential for them to be accidentally disturbed, which could create a situation where they are impacting neighbouring properties.</p> <p>Requiring the beekeeper to be a resident of the property will ensure that they are generally available to be able to respond to any issues with the hive, given that beekeeping is a specialized skillset and there is potential for serious impacts to the broader neighbourhood. If the beekeeper lived off-site, it increases the likelihood that they would be unable to respond in a timely manner should issues arise such as swarming or aggressive bee behaviour.</p>

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1710, 2022

A BYLAW TO AMEND THE TEXT OF THE CITY OF ENDERBY ZONING BYLAW NO. 1550,  
2014

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

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

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

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

1. This bylaw may be cited as the "City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1710, 2022".
2. Division Two – Interpretation of Schedule "A" of Zoning Bylaw No. 1550, 2014 is hereby amended by including the following definitions:

**Backyard Bees** means a domestic honey producing bee (from the genus *Apis* of the family *Apidae*) that are kept on a property other than an intensive agricultural use, limited agricultural use, or restricted agricultural use as defined in this Bylaw.

**Backyard Hens** means domesticated female chickens that are at least four months old that are kept on a property other than an intensive agricultural use, limited agricultural use, or restricted agricultural use as defined in this Bylaw.

**Beehive** means a box or receptacle with movable frames, used for housing a colony of bees.

**Colony** means queen, brood and accompanying bees.

**Fence Picket** means a post, stick, stake or peg attached to horizontal rails between upright posts.

**Finial** means a relatively small, ornamental, vertical, terminal feature projecting from the top, or any other horizontal rail, of a fence, gable, pinnacle, or furniture.

**Nucleus Colony** means a small honeybee colony created from a larger colony.

3. Division Three – General Regulations of Schedule "A" of Zoning Bylaw No. 1550, 2014 is hereby amended by replacing '1,000 kg G.V.W. (2,205 pounds G.V.W.)' with '5,600 kg G.V.W. (12,346 pounds G.V.W.)' under Section 307.4.a.i.



4. Division Three – General Regulations of Schedule “A” of Zoning Bylaw No. 1550, 2014 is hereby amended by removing Section 307.6 and renumbering the remainder of Section 307 accordingly.
5. Division Three – General Regulations of Schedule “A” of Zoning Bylaw No. 1550, 2014 is hereby amended by replacing Section 309 as follows:

309 Screening, Fencing and Landscaping

1. Screening

- a. Screening consisting of a solid 2.5 m (8.202 feet) fence or wall, which shall be uniformly painted and well maintained and not used for advertising or display purposes or for the posting of notices, shall be provided as follows:
  - i. In Commercial and Industrial zones, any part of a lot used or intended to be used as an outside storage area shall be closed by screening on any side not facing directly upon the principal building on the lot, and no material shall be piled to extend above such screening.

Required front screening shall be so situated as to conform with the front yard setback provisions of the applicable zone.
  - ii. Where any Commercial, Industrial, or Multi-Family Residential parking or display area abuts a lot in a Residential zone, or is separated by a lane therefrom, screening of 2 m (6.562 feet) in height shall be provided and properly maintained along the common property boundary.
  - iii. Notwithstanding the requirements of Subsection a.ii., screening along a lane shall be not less than 0.7 m (2.297 feet) and not more than 1.1 m (3.609 feet) in height for a distance of not less than 6 m (19.68 feet) from all points of ingress and egress to and from such parking or display area.
- b. Screening of over 1 m (3.281 feet) in height or any lesser height which constitutes a traffic hazard shall not be permitted within the area described by three (3) lines interconnecting an exterior lot corner, a point on the front lot line 6 m (19.68 feet) from the exterior lot corner and a point on the exterior lot line 6 m (19.68 feet) from the exterior lot corner, the exterior lot corner being the point of intersection of the exterior side lot line and the front lot line, as shown on Figure 1 below.

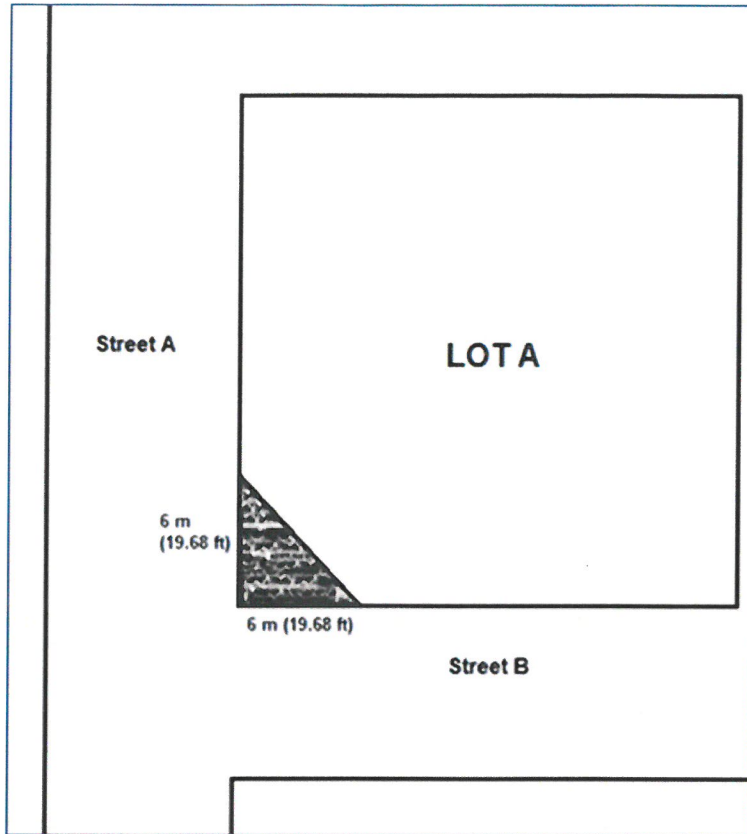


Figure 1.

- c. The height of screening shall be determined by measurement from the ground level at the average grade level.
- d. That portion of a retaining wall which projects above the surface of the ground which it supports shall be considered as a screen and subject to the regulations of this Subsection.
- e. Notwithstanding Subsection 1.d. above, in cases where a retaining wall has been constructed along a property line, the height of screening shall be determined by the measurement from the surface of the ground which the retaining wall supports at the average grade level.
- f. Screening shall not consist of untreated plywood, corrugated metal or chain link fencing, except for chain link fencing that contains slat inserts to create a visual barrier.
- g. No metal screening shall allow the ends of fence pickets or finials to extend above a horizontal surface, such as a rail, as shown on Figure 2 below:

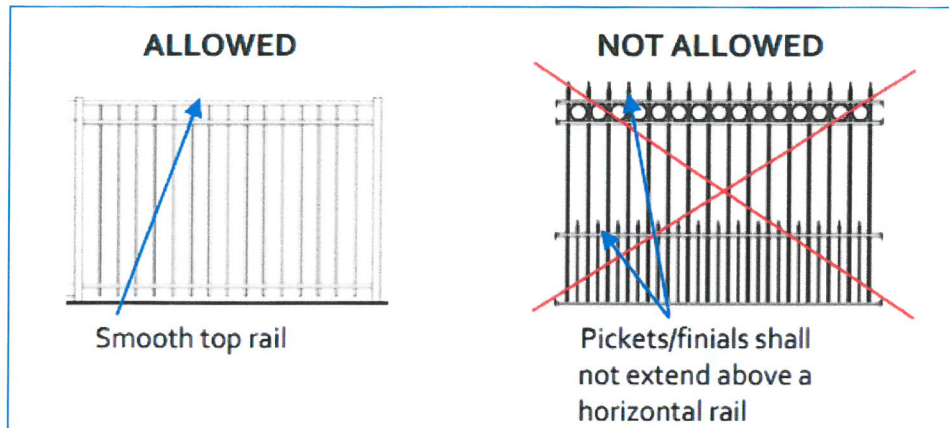


Figure 2.

## 2. Fences and Retaining Walls

- a. For fencing or walls that are not required screening pursuant to Section 309.1 above, the following height limitations shall apply to fencing and walls:
  - i. In all zones, fences or walls not greater than 1.2 m (3.937 feet) in height may be located anywhere on a lot.
  - ii. In all zones, except Industrial zones, fences or walls not greater than 2 m (6.562 feet) in height may be located on any lot to the rear of a required front yard.
  - iii. In Industrial zones, fences or walls not greater than 2.5 m (8.202 feet) in height may be located on any lot to the rear of a required front yard.
  - iv. In Residential zones, where the rear line of a lot abuts the side line of an adjoining lot, the height of fences or walls on such rear lot line shall be not greater than the height permitted on the side line of an adjoining lot at the point of abutment.
  - v. Fences or walls along a lane shall be not less than 0.7 m (2.297 feet) and not more than 1.1 m (3.609 feet) in height for a distance of not less than 6 m (19.68 feet) from all points of ingress and egress to and from such parking or display area.
- b. Subsection 2.a shall not apply to open mesh or chain link type fences erected on cemetery, public playground, park, playfield, or school areas, and in Commercial and Industrial zones; in these cases, no such fence shall exceed a height of 3.5 m (11.48 feet).
- c. The height of fences and walls shall be determined by measurement from the ground level at the average grade level.

- d. Fences and walls of over 1 m (3.281 feet) in height or any lesser height which constitutes a traffic hazard shall not be permitted within the area described by three (3) lines interconnecting an exterior lot corner, a point on the front lot line 6 m (19.68 feet) from the exterior lot corner and a point on the exterior lot line 6 m (19.68 feet) from the exterior lot corner, the exterior lot corner being the point of intersection of the exterior side lot line and the front lot line, as shown on Figure 3 below.

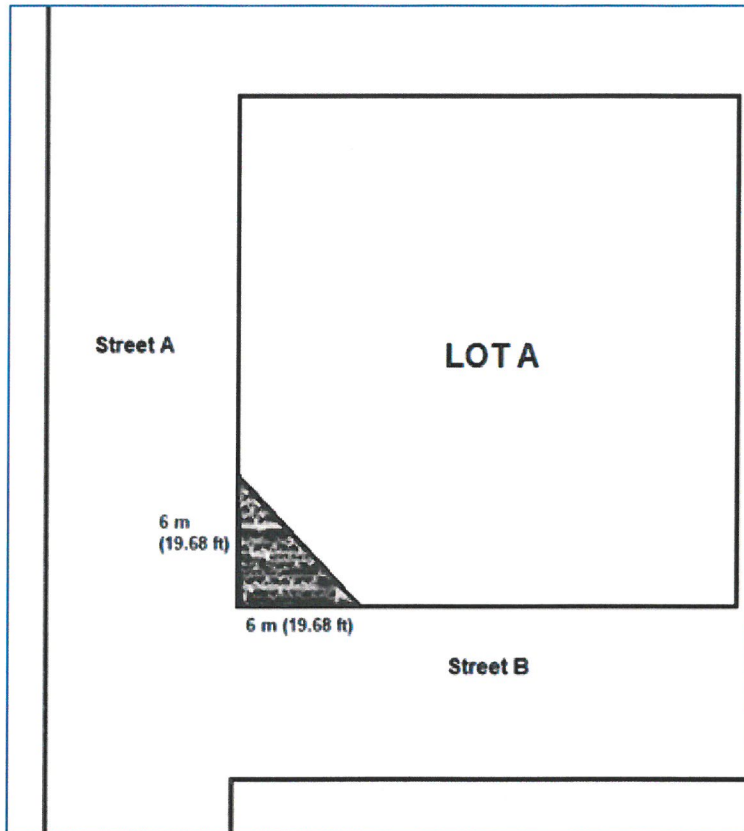


Figure 3.

- e. No metal fencing shall allow the ends of fence pickets or finials to extend above a horizontal surface, such as a rail, as shown on Figure 4 below:

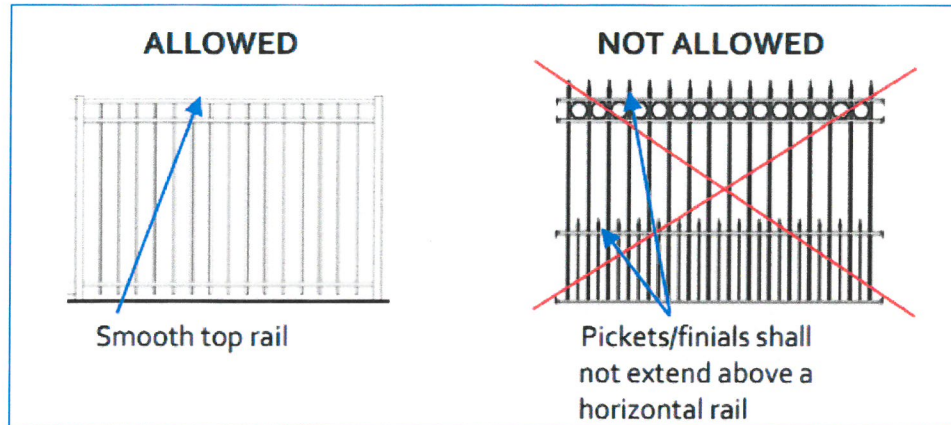


Figure 4.

- f. Retaining walls on all residential lots, except those required as a condition of subdivision approval, must not exceed a height of 1.2 m (3.94 feet) measured from grade on the lower side, and must be constructed so that multiple retaining walls are spaced to provide at least a 1.2 m (3.94 feet) horizontal separation between them.
  - g. The combined height of a fence on top of a retaining wall at the property line or within 1 m of a property line shall not exceed 2.0 m (6.56 feet), measured from natural grade at the property line.
  - h. A retaining wall may be higher than 1.2 m (3.94 feet), measured from grade, where the natural grade of the subject property is lower than the abutting property.
3. Landscaping
- a. Landscaping shall be provided and well maintained at all times, as follows:
    - i. Where any commercial or industrial development abuts a lot in a Residential Zone, a landscaped buffer area shall be provided with a minimum width of 2 m (6.562 feet).
    - ii. Where any commercial or industrial development abuts a Controlled Access Highway, a landscaped buffer area shall be provided with a minimum width of 2 m (6.562 feet).
    - iii. Where any commercial or industrial development abuts any other highway, a landscaped buffer area shall be provided equal to the required front or exterior side yard requirement of the applicable zone.

The remainder of the property that is not used for buildings, display, parking, or access driveways shall be suitably landscaped.

- b. Landscaping shall consist of the following:



- i. A grass to shrubbery ratio from 6:4 to 8:2.
  - ii. A minimum of five percent (5%) of the landscaped area shall be planted in trees using the canopy area of the trees as a measure of the number and size of trees required.
  - iii. A maximum of fifteen percent (15%) of the area shall be planted to annuals.
  - iv. Other acceptable landscape materials may be used, subject to a plan approved by the City from a competent landscape contractor or landscape architect.
6. Division Three – General Regulations of Schedule “A” of Zoning Bylaw No. 1550, 2014 is hereby amended by adding the following definition for ‘Project Sign’ under Section 310.1:

**Project Sign** means a sign erected on a development, subdivision or construction site that names and describes the project and provides marketing information relating to the project, which may include project name, logo, contact information and/or office hours, and may also list the names of the contractors or consultants involved on the development team;

7. Division Three – General Regulations of Schedule “A” of Zoning Bylaw No. 1550, 2014 is hereby amended by adding Section 310.5 as follows:

5. Specific Regulations – Project Signs

- a. Display of a Project Sign cannot begin until a Building Permit has been issued or the subdivision has received a Preliminary Layout Review letter from the Approving Officer.
  - b. The display of a Project Sign shall be limited to a period of three years after the Building Permit or Preliminary Layout Review letter is issued.
  - c. Should the project not continue to actively proceed for a period of one year or more, or a Building Permit or Preliminary Layout Review letter is expired, surrendered, or cancelled, the Project Sign shall be removed immediately.
  - d. There is a maximum of one Project Sign per lot, except in cases where the subject lot is one acre in size or greater, or the subject lot fronts more than one street, in which case the maximum number of Project Signs is two.
  - e. The maximum sign area for Project Signs is 9.0 m<sup>2</sup> (96.88 square feet) and the maximum height of freestanding Project Signs is 4.5 m (14.76 feet).
8. Division Three – General Regulations of Schedule “A” of Zoning Bylaw No. 1550, 2014 is hereby amended by replacing Section 312.8 as follows:

8. Cannabis Production is only permitted within the Agricultural Land Reserve when the cannabis is produced in accordance with Section 8 of the *Agricultural Land Reserve Use Regulation*.
9. Division Three – General Regulations of Schedule “A” of Zoning Bylaw No. 1550, 2014 is hereby amended by adding Sections 318 and 319 as follows:

**318 Backyard Hens**

1. The regulations outlined in this Section do not apply to the keeping of poultry when considered an intensive agricultural use, limited agricultural use, or restricted agricultural use that is permitted under this Bylaw.
2. The keeping of backyard hens shall at all times be consistent with City of Enderby Animal Control Bylaw No. 1735, 2022 and all other municipal and provincial enactments.
3. The keeping of no more than five (5) backyard hens is permitted as an ancillary use to a single-family dwelling within the Residential Single Family (R.1), Residential Single-Family (R.1-A) and Residential Two-Family (R.2) zones, and the keeping of roosters is expressly prohibited.
4. The keeping of backyard hens must be contained entirely to the rear of a single-family dwelling and the area to the rear of the single-family dwelling must be fully enclosed by solid fencing that is at least 1.8 m (5.9 feet) in height.
5. Every owner of backyard hens shall provide a coop for the backyard hens, with an outdoor enclosure attached to the coop, which shall meet the following specifications:
  - i. Coops and outdoor enclosures must be located entirely to the rear of a single-family dwelling and must be setback a minimum of 3 m (9.84 feet) from the rear lot line, interior side lot line, and exterior side lot line.
  - ii. Maximum height of a coop and outdoor enclosure is 2 m (6.56 feet).
  - iii. Maximum combined size of coop and outdoor enclosure is 10 m<sup>2</sup> (107.6 square feet).

**319 Backyard Bees**

1. The regulations outlined in this Section do not apply to the keeping of bees when considered an intensive agricultural use, limited agricultural use, or restricted agricultural use that is permitted under this Bylaw.
2. The keeping of backyard bees shall at all times be consistent with City of Enderby Animal Control Bylaw No. 1735, 2022 and all other municipal and provincial enactments.

3. The keeping of backyard bees is permitted as an ancillary use to a single-family dwelling within the Residential Single Family (R.1), Residential Single-Family (R.1-A) and Residential Two-Family (R.2) zones.
4. A maximum of two (2) beehives / colonies and two (2) nucleus colonies are permitted on lots less than 1,000 m<sup>2</sup> (0.25 acre), and a maximum of four (4) beehives / colonies and four (4) nucleus colonies are permitted on lots equal to or greater than 1,000 m<sup>2</sup> (0.25 acre).
5. Beehives must meet the following siting requirements:
  - i. Must be located entirely to the rear of a single-family dwelling, with the area to the rear of the single-family dwelling to be fully enclosed by solid fencing that is at least 1.8 m (5.9 feet) in height.
  - ii. Beehive must be oriented to face away from adjacent properties, lanes, and streets and sited so as to allow a clear flight path of at least 6 m (19.68 feet) straight ahead from the front of the beehive to any property line and 1 m (3.28 feet) from the side and rear of the beehive to any property line.
10. Division Four – Commercial Zones of Schedule “A” of Zoning Bylaw No. 1550, 2014 is hereby amended by removing ‘apartments’ from Sections 401.1.b and 402.1.b.
11. Division Four – Commercial Zones of Schedule “A” of Zoning Bylaw No. 1550, 2014 is hereby amended by inserting the following as Sections 401.11.d.vi, 402.11.c.vi, 403.11.d.i:

When dwelling units are located on the first storey level of a building, behind a commercial use, the total floor area of the dwelling units shall not exceed 40% of the total floor area of the first storey level of the building.
12. Division Six – Residential Zones of Schedule “A” of Zoning Bylaw No. 1550, 2014 is hereby amended by inserting the following as Section 601.1.g and 601.1.h:
  - g. The keeping of backyard hens, subject to the provisions of Section 318
  - h. The keeping of backyard bees, subject to the provisions of Section 319
13. Division Six – Residential Zones of Schedule “A” of Zoning Bylaw No. 1550, 2014 is hereby amended by inserting the following as Section 602.1.g and 602.1.h:
  - g. The keeping of backyard hens, subject to the provisions of Section 318
  - h. The keeping of backyard bees, subject to the provisions of Section 319
14. Division Six – Residential Zones of Schedule “A” of Zoning Bylaw No. 1550, 2014 is hereby amended by inserting the following as Section 603.1.j and 601.1.k:
  - g. The keeping of backyard hens, subject to the provisions of Section 318



h. The keeping of backyard bees, subject to the provisions of Section 319

15. The zoning designation of the property legally described as LOT A DISTRICT LOT 150 KAMLOOPS DIVISION YALE DISTRICT PLAN 35976, and located at 130 Cliffview Lane, Enderby BC is hereby changed from the Residential Single Family (R.1-A) zone to the Residential Mobile Home Park (R.5) zone.

READ a FIRST time this    day of    , 2022.

READ a SECOND time this    day of    , 2022.

Advertised on the    day of    , 2022 and the    day of    , 2022 and a Public Hearing held pursuant to the provisions of Section 464 of the Local Government Act on the    , day of    , 2022.

READ a THIRD time this    day of    , 2022.

APPROVED pursuant to Section 52(3)(a) of the Transportation Act this    day of    , 2022.

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Development Officer  
Ministry of Transportation and Infrastructure

ADOPTED this    day of    , 2022.

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MAYOR

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CORPORATE OFFICER

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1735, 2022

A bylaw to regulate the keeping of animals but excluding dogs

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WHEREAS Section 8(3)(k) of the Community Charter authorizes the Council of the City of Enderby to, by bylaw, regulate, prohibit and impose requirements in relation animals.

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

**1. CITATION**

a. This Bylaw shall be cited as “City of Enderby Animal Control Bylaw No. 1735, 2022”.

**2. DEFINITIONS AND INTERPRETATION**

In this Bylaw:

**Backyard Bees** means a domestic honey producing bee (from the genus *Apis* of the family *Apidae*) that are kept on a property, other than an intensive agricultural use, limited agricultural use, or restricted agricultural use as defined in the City of Enderby Zoning Bylaw No. 1550, 2014.

**Backyard Hens** means domesticated female chickens that are at least four months old that are kept on a property, other than an intensive agricultural use, limited agricultural use, or restricted agricultural use as defined in the City of Enderby Zoning Bylaw No. 1550, 2014.

**Beehive** means a box or receptacle with movable frames, used for housing a colony of bees.

**Beekeeper** means a person who owns or controls bees, beehives or beekeeping equipment.

**City** means the Corporation of the City of Enderby.

**Owner** means person who owns or has custody, care or control of an animal regulated under this Bylaw.

**3. GENERAL**

1. All Bylaw Enforcement Officers appointed by the City are hereby authorized to enforce and carry out the provisions of this Bylaw.
2. Every Bylaw Enforcement Officer is hereby authorised to enter, at all reasonable times, upon any property within the municipal boundaries of the City of Enderby subject to this Bylaw and Section 16 of the *Community Charter*, in order to ascertain whether the regulations of this Bylaw are being obeyed.

#### 4. BACKYARD HENS REGULATIONS

1. The keeping of backyard hens shall follow the land use regulations outlined in the City of Enderby Zoning Bylaw No. 1550, 2014 and all other municipal and provincial enactments.
2. Every owner of backyard hens shall provide a coop for the backyard hens, with an outdoor enclosure attached to the coop, which shall meet the following specifications:
  - i. Coops must be fully enclosed and constructed in a manner that:
    - a. Eliminates potential for infiltration from predatory animals and rodents;
    - b. Provides reasonable sound attenuation;
    - c. Ensures proper ventilation and sufficient space for hens; and
    - d. Is accessible for persons to clean and maintain the coop.
  - ii. Coops must provide one perch and one nest per hen.
  - iii. Coops must be accompanied by an attached outdoor enclosure that is enclosed on all sides and entirely covered from above in a manner that will keep predators and rodents out and prevent hens from escaping.
  - iv. Coops must provide a minimum of 0.5 m<sup>2</sup> (5.38 square feet) per hen inside the coop, and a minimum 1 m<sup>2</sup> (10.76 square feet) of outdoor enclosure per hen.
3. Backyard hens must be housed completely within either a coop or an outdoor enclosure at all times, and they must not be able to escape.
4. Coops and outdoor enclosures must be kept to a clean and sanitary condition.
5. All hens must be provided with sufficient food, water, shelter, light, ventilation, veterinary care, and opportunities for essential behaviors such as scratching, dust-bathing, and roosting.
6. Feces must be promptly removed and hygienically stored in a sealed container.
7. Manure must be stored within a sealed container, with no more than 0.08 m<sup>3</sup> (3 cubic feet) of manure stored at one time, and all manure not used for composting or fertilizing must be immediately removed from the property.
8. Feed for backyard hens must be stored in sealed containers and not located in an area accessible by pests, wildlife or domestic animals.
9. Eggs produced by backyard hens are for personal use only, with commercial sales being expressly prohibited.
10. The slaughtering or burial of backyard hens is prohibited on all residential zoned properties.
11. The keeping of backyard hens is subject to any applicable City of Enderby policies, fees, and bylaws.

12. The keeping of backyard hens is subject to the owner licensing the backyard hen flock with the City and paying the applicable licensing fee prescribed in the City of Enderby Fees and Charges Bylaw No. 1479, 2010. Issuance of the license for the keeping of backyard hens is subject to the following:
  - i. The registered property owner(s) must provide their written consent in cases where the applicant is renting the property on which the backyard hens are proposed to be located; and
  - ii. A City representative or Bylaw Enforcement Officer must inspect the property upon which the backyard hens are proposed to be located to confirm that all requirements of this Bylaw and the City of Enderby Zoning Bylaw No. 1550, 2014 have been satisfied.

## 5. BACKYARD BEES REGULATIONS

1. The keeping of backyard bees shall follow the land use regulations outlined in the City of Enderby Zoning Bylaw No. 1550, 2014 and all other municipal and provincial enactments.
2. Beehives must be securely located to prevent accidental disturbance or trespass by people and pets, and to prevent damage from wildlife.
3. The beekeeper responsible for the backyard bees on a property must ensure that:
  - i. Beehives are maintained in a condition that will reasonably prevent swarming or aggressive behaviour;
  - ii. Backyard bees are requeened if they are subject to undue swarming or aggressive behaviour;
  - iii. Backyard bees are provided with adequate water to prevent them from seeking water from other sources;
  - iv. They comply with the *Bee Regulation* under the *Animal Health Act* and any other applicable standards adopted by the Province of British Columbia; and
  - v. They register their apiary location with the Province of British Columbia.
4. The Beekeeper must be a resident of the property where the backyard bees are kept.
5. Honey produced by backyard bees is for personal use only, with commercial sales being expressly prohibited.
6. The keeping of backyard bees is subject to any applicable City of Enderby policies, fees, and bylaws.
7. The keeping of backyard bees is subject to the owner licensing the backyard bees with the City and paying the applicable licensing fee prescribed in the City of Enderby Fees and Charges Bylaw No. 1479, 2010. Issuance of the license for the keeping of backyard bees is subject to the following:
  - i. The registered property owner(s) must provide their written consent in cases where the applicant is renting the property on which the backyard bees are proposed to be located; and

- ii. A City representative or Bylaw Enforcement Officer must inspect the property upon which the backyard bees are proposed to be located to confirm that all requirements of this Bylaw and the City of Enderby Zoning Bylaw No. 1550, 2014 have been satisfied.

**6. OFFENSES**

1. Every person who contravenes or violates any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, commits an offence and, upon conviction, shall be liable to a fine or penalty not to exceed \$10,000, and a jail term of not more than 6 months.
2. Each day the offence continues is considered a separate offence.
3. This Bylaw is enforceable through the City of Enderby Municipal Ticketing Information (MTI) System Bylaw No. 1518, 2013 and the City of Enderby Bylaw Notice Enforcement Bylaw No. 1581, 2015.

**7. SEVERABILITY**

1. If a section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of a Court of competent jurisdiction, it shall be severed and such decision shall not affect the validity of the remaining portions of this bylaw.

**8. EFFECTIVE DATE**

1. This bylaw shall come into full force and effect as and from the date of adoption.

READ a FIRST time this    day of    , 2022.

READ a SECOND time this    day of    , 2022.

READ a THIRD time this    day of    , 2022.

ADOPTED this    day of    , 2022.

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MAYOR

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CORPORATE OFFICER

**RDNO Building Permits Issued Comparison for Year/Month - Summary**

Area: CITY OF ENDERBY

Category: BUILDING PERMITS

Year: 2021 Month: 12

Folder Type	2021 / 12		2020 / 12		2021 to 12		2020 to 12		
	Permits Issued	Res. Units Created	Building Value	Permits Issued	Res. Units Created	Building Value	Permits Issued	Res. Units Created	
ACCESSORY BUILDING	0	0	0	0	0	0	0	0	
AGRICULTURAL BUILDING	0	0	0	0	0	0	0	0	
COMMERCIAL BUILDING	0	0	0	0	0	0	0	0	
DEMOLITION	0	0	0	0	0	0	0	0	
END - ACCESSORY BUILDING	0	0	0	0	6	117,440	2	0	
END - COMMERCIAL BUILDING	0	0	0	0	2	2,780,000	5	1	
END - DEMOLITION	0	0	200,000	0	2	20,000	1	0	
END - INDUSTRIAL BUILDING	0	0	0	0	0	0	0	0	
END - MANUFACTURED HOME	0	0	0	0	2	165,000	0	0	
END - MODULAR HOME	0	0	0	0	1	300,000	1	1	
END - MULTI FAMILY DWELLING	0	0	0	0	3	1,467,783	1	4	
END - PLUMBING	0	0	0	0	0	0	0	0	
END - SIGN	0	0	0	0	0	0	1	0	
END - SINGLE FAMILY DWELLING	0	0	2,500	0	15	5,814,898	17	10	
INDUSTRIAL BUILDING	0	0	0	0	0	0	0	0	
INSTITUTIONAL	0	0	0	0	0	0	0	0	
MANUFACTURED HOME	0	0	0	0	0	0	0	0	
MODULAR HOME	0	0	0	0	0	0	0	0	
MULTI FAMILY DWELLING	0	0	0	0	0	0	0	0	
OLD PIMS PERMITS	0	0	0	0	0	0	0	0	
PLUMBING	0	0	0	0	0	0	0	0	
POOL	0	0	0	0	0	0	0	0	
RETAINING WALL	0	0	0	0	0	0	0	0	
SIGN	0	0	0	0	0	0	0	0	
SINGLE FAMILY DWELLING	0	0	0	0	0	0	0	0	
SOLID FUEL BURNING APPLIANC	0	0	0	0	0	0	0	0	
<b>Report Totals</b>	<b>0</b>	<b>0</b>	<b>202,500</b>	<b>0</b>	<b>31</b>	<b>10,665,121</b>	<b>28</b>	<b>16</b>	<b>3,562,100</b>

**AGENDA**

# THE CORPORATION OF THE CITY OF ENDERBY

AGENDA

## MEMO

To: Tate Bengtson, Chief Administrative Officer  
From: Kurt Inglis, Planner and Deputy Corporate Officer  
Date: January 4, 2022  
Subject: Bylaw Enforcement Statistics for Third Period of 2021 (Sept-Dec)

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### RECOMMENDATION

THAT Council receives this memorandum for information.

### BACKGROUND

The bylaw enforcement statistics for the third period of 2021 (Sept-Dec) are attached to this memorandum as Appendix "A"; the highlights of these statistics are as follows:

- A total of 86 complaints were received between September 1, 2021 and December 31, 2021, which is an increase from the 70 complaints that were received for the third period of 2020.
- The most common complaints were related to vegetation overhanging on to the adjacent roadway/sidewalk, snow and ice removal, and vehicles interfering with snow removal operations (combined 37.2% of complaints).
- Of the 86 complaints, 53 (61.6%) were resolved through voluntary compliance or were already compliant upon investigation.
- The following enforcement measures were undertaken:
  - 17 warnings issued;
  - 3 Bylaw Notices issued;
  - 2 RCMP referrals;
  - 1 Dangerous Dog Designation;
  - 1 Order to Comply issued; and
  - 1 Stop Work Order issued.

The City received the following four COVID-19 related complaints in the third period of 2021:

- Two complaints of entities not verifying proof of vaccination prior to providing service; Staff investigated both of the complaints and determined that the entities were in fact verifying proof of vaccination prior to service, consistent with the applicable Public Health Order;
- One complaint of a restaurant failing to maintain two metres of separation between tables; Staff investigated the complaint and determined that the restaurant had provided sufficient separation between tables, consistent with the applicable Public Health Order; and



- One complaint of a business permitting people to enter an indoor public space without face coverings; Staff investigated the complaint and confirmed that the business was requiring those entering the indoor public space to be wearing face coverings, consistent with the applicable Public Health Order.

Respectfully Submitted,



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Kurt Inglis  
Planner and Deputy Corporate Officer



**Appendix "A" - BYLAW COMPLAINT STATISTICS FOR THIRD PERIOD OF 2021 (SEPT-DEC)**

<b>BREAKDOWN OF COMPLAINTS</b>		
<b>Category</b>	<b>No. of Complaints</b>	<b>Percentage of Complaints</b>
Parking/traffic	36	41.9%
Property	18	20.9%
Dogs	15	17.4%
Zoning	4	4.7%
Public spaces	4	4.7%
COVID-19	4	4.7%
Nuisance	3	3.5%
Building	2	2.3%
<b>TOTAL</b>	<b>86</b>	
<b>Identified By</b>	<b>Bylaw Enforcement / Staff</b>	<b>Public</b>
	42 (48.8%)	44 (51.2%)

<b>PARKING/TRAFFIC COMPLAINTS</b>		
<b>Type</b>	<b>No. of Complaints</b>	<b>Percentage of Parking/Traffic Complaints</b>
Vegetation overhanging on to roadway/sidewalk	14	38.9%
Vehicles interfering with snow removal operations	9	25.0%
Unlawful parking	7	19.4%
Detached trailer on public property	3	8.3%
Unlawful use of engine brakes	2	5.6%
Blocking driveway access	1	2.8%
<b>TOTAL</b>	<b>36</b>	

<b>PROPERTY COMPLAINTS</b>		
<b>Type</b>	<b>No. of Complaints</b>	<b>Percentage of Property Complaints</b>
Snow/ice removal	9	50.0%
Unightly property	4	22.2%
Deposit snow on to roadway	2	11.1%
Deposit material on to roadway	1	5.6%
Derelect vehicle	1	5.6%
Unlawful burning	1	5.6%
<b>TOTAL</b>	<b>18</b>	

DOG COMPLAINTS		
Type	No. of Complaints	Percentage of Dog Complaints
Excessive barking	8	53.3%
Dog at large	2	13.3%
Aggressive dog	1	6.7%
Dog on cat attack	1	6.7%
Dog on dog attack	1	6.7%
Dog on person attack	1	6.7%
Failure to remove feces from public property	1	6.7%
<b>TOTAL</b>	<b>15</b>	
<b>Complaints Per Jurisdiction</b>	<b>Enderby</b>	<b>Area 'F'</b>
	12 (80.0%)	3 (20.0%)

ZONING COMPLAINTS		
Type	No. of Complaints	Percentage of Zoning Complaints
Unlawful fencing	2	50.0%
Unlawful trailer(s)	1	25.0%
Unlawful use	1	25.0%
<b>TOTAL</b>	<b>4</b>	

PUBLIC SPACES COMPLAINTS		
Type	No. of Complaints	Percentage of Public Spaces Complaints
Taking abode in public space	3	75.0%
Urinating in public space	1	25.0%
<b>TOTAL</b>	<b>4</b>	

COVID-19 COMPLAINTS		
Type	No. of Complaints	Percentage of COVID-19 Complaints
Failure to verify proof of vaccination prior to service	2	50.0%
Permitting people to enter indoor public space without a face covering	1	25.0%
Failure to maintain two metre separation between tables at a restaurant	1	25.0%
<b>TOTAL</b>	<b>4</b>	

<b>NUISANCE COMPLAINTS</b>		
<b>Type</b>	<b>No. of Complaints</b>	<b>Percentage of Nuisance Complaints</b>
Excessive noise	3	100.0%
<b>TOTAL</b>	<b>3</b>	

<b>BUILDING COMPLAINTS</b>		
<b>Type</b>	<b>No. of Complaints</b>	<b>Percentage of Building Complaints</b>
Construction without a Building Permit	1	50.0%
Construction outside of permitted hours	1	50.0%
<b>TOTAL</b>	<b>2</b>	

THE CORPORATION OF THE CITY OF ENDERBY

MEMO

AGENDA

To: Tate Bengtson, Chief Administrative Officer  
From: Kurt Inglis, Planner and Deputy Corporate Officer  
Date: January 3, 2022  
Subject: BC Hydro Community Regreening Program - Grant Application for Tuey Park

---

**RECOMMENDATION**

THAT Council authorizes Staff to submit a grant application under the BC Hydro Community Regreening Program for the planting of trees at Tuey Park.

**BACKGROUND**

The BC Hydro Community Regreening Program is intended to assist in the planting of trees within municipalities throughout British Columbia, with an awareness and sensitivity to the proximity of power lines. Program objectives include:

- Enhance open spaces;
- Restore and improve urban canopies;
- Diversify and enhance urban forests;
- Beautify parks and outdoor recreation areas;
- Create natural habitats; and
- Bring the community together and support environmental action.

The City of Enderby and the Enderby & District Services Commission have been previously successful in several grant applications under the BC Hydro Community Regreening Program, which resulted in the planting of:

- 14 Autumn Blaze Maple trees (2.5" caliper) at Riverside Park in 2015;
- 8 Ivory Silk Lilac trees (1.5" caliper) along Cliff Avenue, west of George Street, in 2015.
- 5 Summit Green Ash trees (5" caliper) at Barnes Park in 2017;
- 10 Autumn Blaze Maple trees (5" caliper) at Barnes Park in 2018; and
- 17 Autumn Blaze Maple trees (2.5" caliper) at Riverside RV Park in 2021.

Since 2015, the BC Hydro Community Regreening Program has funded the purchase of 54 trees throughout the community.

Staff are recommending that Council authorizes Staff to submit a grant application under the 2022 BC Hydro Community Regreening Program intake to fund the planting of flood-tolerant trees in Tuey Park.

Over the past 5 years, approximately 6 fully-mature trees have been removed from the cleared area at Tuey Park, as the trees had reached end of life and were hazardous. The removal of these mature trees has resulted in a significant reduction in shade cover for park users. Given that Tuey Park is a key recreational area for residents and tourists, the re-introduction of shade bearing trees to the site will be a valuable amenity to park users.

The total cost of the project is estimated at \$7,000, with \$5,000 being requested through grant funding and the remainder (~\$2,000) to be funded locally through a combination of in-kind contributions, contracts, and internal labour/machinery costs.

Respectfully Submitted,



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Kurt Inglis  
Planner and Deputy Corporate Officer

# THE CORPORATION OF THE CITY OF ENDERBY

## MEMO

AGENDA

To: Tate Bengtson, Chief Administrative Officer  
From: Kurt Inglis, Planner and Deputy Corporate Officer  
Date: January 3, 2022  
Subject: Digital Billboard Sponsorship Renewal for 2022

---

### RECOMMENDATION

THAT Council renews the annual digital billboard sponsorships for the year 2022.

### BACKGROUND

In response to a high priority strategy identified through the Integrated Community Sustainability Planning process, the City of Enderby purchased and installed a community digital billboard to market community events and programming while also enhancing communication between the City of Enderby, its residents, and tourists.

As per the Digital Billboard Policy, local community groups and sports associations which are registered not-for-profit organizations or charities can apply to Council for an in-kind annual sponsorship which will go towards advertising on the digital billboard. Since the initial installation of the billboard, 43 groups/organizations have received a sponsorship from Council. It is recommended that Council renew the following groups/organizations' annual sponsorships for the year 2022:

1. Enderby & District Community Resource Centre	\$11,200
2. Enderby & District Services Commission	\$10,000
3. Alzheimer Society of BC	\$8,400
4. Enderby & District Lions Club	\$8,400
5. Royal Canadian Legion Branch #98	\$8,400
6. Enderby & District Cancer Support Group	\$8,400
7. Wheels to Meals	\$8,000
8. Enderby & District Curling Club	\$7,000
9. MV Beattie PAC	\$7,000
10. Enderby & District Arts Council	\$6,000
11. Enderby Preschool Society	\$5,600
12. Enderby & Area Early Years Committee	\$5,200
13. St. Andrews United Church	\$5,100
14. AL Fortune	\$5,000
15. Enderby Fire Rescue Society	\$5,000
16. Enderby Fish and Game Association	\$4,900
17. IODE Lambly's Landing Chapter	\$4,900

18. Okanagan Regional Library (Enderby Branch)	\$4,900
19. Enderby & District Museum Society	\$4,900
20. Enderby Artists' Initiative	\$4,200
21. Open Air Market	\$3,750
22. Shuswap Trail Alliance	\$3,500
23. Enderby & District Garden Club	\$3,500
24. Enderby Winter Market	\$3,000
25. Enderby Evangelical Chapel	\$2,800
26. Enderby Army Cadets	\$2,800
27. Enderby & District Youth Soccer Association	\$2,800
28. Enderby Minor Baseball Association	\$2,800
29. St. Ann's Catholic Church	\$2,800
30. Church of Jesus Christ of Latter-day Saints	\$2,800
31. Anglican Church Women	\$2,100
32. NexusBC	\$2,100
33. Enderby & Area Junior Air Rifle Program	\$2,100
34. Myeloma Canada	\$2,100
35. Santa's Workshop	\$2,100
36. Cliff Notes Community Choir	\$2,100
37. Hunter's Range Snowmobile Association	\$1,400
38. Enderby & District Seniors Complex	\$1,400
39. Shuswap Seed Savers	\$1,400
40. Enderby in Motion	\$700
41. Polar Bear Dip	\$700
42. Okanagan Historical Society (Enderby Branch)	\$700
43. Canadian Cancer Society	\$700

\*\*Note: messaging is valued at \$100/day

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<b>TOTAL</b>	<b>\$177,650</b>
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The renewal of the annual digital billboard sponsorships will result in the City of Enderby providing local groups/associations with \$177,650 worth of advertising for the marketing of community events and programming throughout 2022, free of charge.

Respectfully Submitted,

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Kurt Inglis  
Planner and Deputy Corporate Officer



THE CORPORATION OF THE CITY OF ENDERBY

AGENDA

MEMO

To: Tate Bengtson, Chief Administrative Officer  
From: Kurt Inglis, Planner and Deputy Corporate Officer  
Date: January 3, 2022  
Subject: Update on City of Enderby Geographic Information System (GIS) Program

---

**RECOMMENDATION**

THAT Council receives this memorandum for information.

**BACKGROUND**

In 2020, the City of Enderby was successful in receiving a \$17,440 grant through the *Municipal Asset Management Program* in order to refine its geographic information system (GIS) program. GIS is a system that creates, manages, analyzes, and maps all types of data. In essence, GIS connects data to a map, integrating location data (where things are) with all types of descriptive information (what things are like there). For example, using GIS software you could select an individual parcel and be provided with a range of information relative to that parcel, such as its zoning designation, OCP future land use designation, lot area, and legal description.

Historically, the City of Enderby did not have in-house GIS capabilities and relied on support through its planning contract with the Regional District of North Okanagan (RDNO) for GIS and mapping services. For infrastructure data (i.e. water, sanitary sewer, and storm drainage infrastructure), the City relied on hard copy infrastructure atlases.

In 2015, the City engaged LandInfo Technologies to develop an in-house GIS program in order to support day-to-day operations (i.e. planning, public works, asset management); this project relied upon three key pillars: i) data, ii) software, and iii) data management.

1. Data

Data is the foundation of any GIS program. GIS data can be expressed in several different forms including points, lines and polygons; for example, a point could represent the location of a fire hydrant, a line could represent the water main to which the fire hydrant is connected, and a polygon could represent a residential parcel upon which the fire hydrant is located.

In order to support an in-house GIS program for the City's day-to-day operations, LandInfo integrated the following datasets:



- Parcel and addressing data which is maintained by the RDNO (shows the boundaries and dimensions of individual parcels throughout the community, along with civic addresses);
- Zoning data which is maintained by the RDNO (shows the zoning designations of individual parcels, depicts floodplain boundaries);
- Official Community Plan data which is maintained by the RDNO (shows the future land use designations of individual parcels);
- Miscellaneous datasets maintained by the RDNO, such as fire protection zones and the dog control service area; and
- BC Assessment data (assessment value, lot area, legal description, etc. for individual properties).

One of the key processes that was undertaken by LandInfo in developing a robust GIS dataset for the City was to take the utility infrastructure data depicted in the City's hard copy infrastructure atlases, and transposing it into shapefiles that could be used in the City's GIS software; this was a significant undertaking that enabled Staff to use GIS to easily access, query and manipulate infrastructure data that was previously static within hardcopy maps.

## 2. Software

Many local governments use ArcGIS software for their in-house GIS programs. Although ArcGIS is a very powerful software platform that can perform a wide range of complex functions, the vast majority of these functions are not necessary for the City of Enderby's day-to-day GIS needs. Furthermore, ArcGIS software comes at a significant annual expense, with a standard term license being \$1,300/year per user; assuming three City of Enderby Staff would need access to the software, this would come at a cost of \$3,900/year. The City instead uses QGIS, which is a free open source application and although this software is not as powerful as ArcGIS, its functions and capabilities still meet the day-to-day needs of Staff.

## 3. Data Management

Although the compilation and integration of datasets was critical to building the foundation for the City's in-house GIS program, this data still needs to be maintained and updated regularly to ensure that it is accurate. The following are examples of the types of data updates that are required on a regular basis:

- Incorporating new lots and infrastructure created through subdivisions;
- Updating infrastructure data;
- Updating civic addressing;
- Updating Official Community Plan and zoning designations; and
- Correcting data errors and omissions that are identified through day-to-day operations.

As Staff have limited capacity to maintain the City's GIS data, a running inventory of required updates is kept by Staff; every 1-2 years, LandInfo is engaged to complete this data update, which keeps the process streamlined and cost-effective.

For the current grant project under the *Municipal Asset Management Program*, LandInfo was retained to complete the refinement to the City's GIS program; the project was completed throughout 2021 and the key outcomes include:

- Make significant corrections to improve completeness of infrastructure data;
- Update datasets based on the running inventory of required updates (incorporating new subdivisions, infrastructure from new road projects);
- Integration of datasets from several new sources such as ParcelMap BC, BC Hydro, Fortis, and Shaw;
- Integration of datasets from a range of City of Enderby functions including evacuation route planning, community wildfire planning, floodplain mapping, and Development Cost Charge zones;
- Inclusion of aerial imagery as a base layer; and
- The production of hardcopy maps that will replace the outdated hardcopy infrastructure atlases.

An in-house GIS program is a valuable tool in enhancing a range of municipal functions and services. Through creativity and grant funding, the City has been able to develop an in-house GIS solution which is cost effective, streamlined, and proportionate to the needs of a community of Enderby's size. The City's grant through the *Municipal Asset Management Program* has played a critical role in improving the accuracy, comprehensiveness and overall usefulness of its GIS system.

Respectfully Submitted,



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Kurt Inglis  
Planner and Deputy Corporate Officer

MEMO

To: Mayor and Council  
From: Tate Bengtson, CAO  
Date: December 24, 2021  
Subject: Plastic Bag Bylaw

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**RECOMMENDATION**

THAT Council does not proceed with implementing a plastic bag and single-use plastics bylaw at this time;

AND THAT Council directs staff to monitor forthcoming provincial and federal legislation regarding plastic waste and, should that legislation occupy regulatory areas distinct from the authority granted to municipalities, report back to Council with an analysis so that the matter may be further considered.

**ALTERNATE RECOMMENDATION**

THAT Council directs staff to proceed with drafting a plastic bag and single-use plastics bylaw, and report back with an implementation program addressing timelines, education and outreach, and capacity impacts.

**BACKGROUND**

The Government of BC has recently enacted a regulation enabling municipalities, by bylaw, to regulate plastic bags and single-use plastics. The regulatory provisions are attached to this memorandum as Schedule A. Provided a municipality's bylaw is consistent with the regulation as outlined in Schedule A, the bylaw does not require ministerial approval prior to adoption.

In essence, municipalities are now permitted to prohibit plastic bags and other single-use plastic goods except in certain circumstances (such as accessible drinking straws). Should a municipality exercise its authority respecting this matter, it must also require businesses to charge customers for recycled paper bags. This is intended to promote reduction and reuse of the items used in lieu of plastic.

Council should note that the fees charged by a business for recycled paper bags are not collectable by a municipality as a fee, so there would be no new revenues flowing to the City respecting this matter.

The implementation of a plastic-regulating bylaw requires consideration of the following:

1. Whether an implementation period is advisable and, if so, its duration;
2. What kinds of public education and outreach may be most appropriate; and
3. Which methods of achieving compliance are going to be most successful at achieving the desired outcomes without compromising other priorities.

Staff have reviewed a number of municipalities which are “early adopters” of plastic-regulating bylaws and noted the following commonalities:

1. Most are providing a six-month transition period after the adoption of the bylaw;
2. All are providing a public education and business outreach component;
3. All are intending to approach the matter as one of progressive compliance involving education, then warnings, and then penalties.

The Government of BC has signaled its own intentions to phase out single-use plastics and packaging beginning in early 2023.<sup>1</sup> More recently, the Government of Canada has announced that it intends to adopt legislation implementing its own plan for managing plastic waste, which will include extended producer responsibility across Canada.<sup>2</sup>

In the absence of provincial and federal regulations intended to address plastic waste, staff would recommend in favour of implementing a regulatory bylaw. However, given the forthcoming initiatives announced by senior government, staff recommend against adopting a regulatory bylaw for plastic waste *at this time* for the following reasons:

1. The impact of a plastics-regulating bylaw may be relatively short-lived if the forthcoming provincial legislation duplicates or makes moot the municipal authority;
2. By implementing a regulatory bylaw ahead of the provincial legislation, it may create a public perception that the City is the default compliance authority, which will increase the burden on bylaw enforcement capacity;
3. There will be administrative capacity invested in drafting the bylaw and implementing an education and outreach program involving matters that the Province has indicated that it intends to regulate; and
4. A cohesive provincial and federal regulatory framework will be easier for the public and businesses to follow, rather than a patchwork of bylaws across jurisdictions.

Should the forthcoming provincial and federal legislation occupy regulatory areas distinct from the authority granted to municipalities, such that there is a gap that should be addressed, staff feel that further consideration of this matter by Council would be worthwhile.

Respectfully submitted,



Tate Bengtson  
Chief Administrative Officer

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<sup>1</sup> <https://news.gov.bc.ca/releases/2021ENV0066-002040>

<sup>2</sup> <https://www.canada.ca/en/environment-climate-change/news/2021/12/government-of-canada-moving-forward-with-banning-harmful-single-use-plastics0.html>



## Part 3 — Plastic Waste Reduction

### *Definitions for Part 3 and interpretation*

3 (1) In this Part:

**"accessible straw"** means a drinking straw made wholly of plastic that is not compostable or biodegradable, has a corrugated section that allows the straw to bend and maintain its position and is individually wrapped in paper;

**"checkout bag"** means a paper or plastic single-use supplementary bag;

**"introductory period"** means a period that may be set by a municipality during which there is a reduced minimum charge for the provision of a recycled paper bag or a reusable bag;

**"item"** means the applicable of the following:

- (a) a bag;
- (b) a service ware container;
- (c) a utensil;
- (d) a drinking straw;

**"plastic"** includes compostable and biodegradable plastic;

**"polystyrene foam"**, when used in reference to an item, means an item made primarily of polystyrene foam;

**"recycled paper bag"** means a paper checkout bag that meets the criteria described in subsection (2);

**"reusable bag"** means a bag that is designed and manufactured to be used and machine-washed at least 100 times;

**"service ware container"** means a container that is ordinarily provided for service of prepared food or beverages and includes a cup, plate, bowl, tray, carton or lidded container;

**"single-use"**, when used in reference to an item, means the item is provided for a single use or a short-term purpose;

"**small paper bag**" means a paper bag that is less than 15 cm by 20 cm when flat;

"**stir stick**" means an item that is designed and manufactured to stir beverages;

"**supplementary**", when used in reference to an item, means an item that is provided to a customer by a business to facilitate the transport of a purchase from the business, or consumption of a product, including prepared food that is purchased for take-out or delivery;

"**used bag**" means a checkout bag or a reusable bag that has been previously used and is being reused;

"**utensil**" includes a spoon, fork, knife, chopstick or stir stick.

(2) In order to be considered recycled for the purposes of this Part, a paper checkout bag must contain at least 40% recycled paper content, and have a reference printed on the outside of the bag to the applicable amount of recycled content with the word "recyclable".

[en. B.C. Reg. 219/2021, s. 2.]

#### *Application of this Part*

**4** The authority to make a bylaw under section 5 to regulate, prohibit and impose requirements in relation to the protection of the natural environment does not apply to the sale of single-use items that are sold as a product, ordinarily in sets of multiple items.

[en. B.C. Reg. 219/2021, s. 2.]

#### *Authority of municipality*

**5** (1) For the purposes of section 9 (4) (a) (i) of the Act, a municipality may, by bylaw, regulate, prohibit and impose requirements in relation to the protection of the natural environment under section 8 (3) (j) of the Act as set out in this section and in accordance with this Part.

(2) Subject to subsections (3), (4) and (5), a municipality may, by bylaw, do any of the following:

(a) prohibit a business from providing any of the following single-use supplementary items:

(i) checkout bags other than

(A) recycled paper bags, or

(B) used bags;

(ii) polystyrene foam service ware containers;

(iii) plastic utensils;

(iv) plastic drinking straws;

(b) if the municipality has prohibited a business from providing checkout bags under paragraph (a) (i), require that a business provide a recycled paper bag or a reusable bag to a customer only on payment of a minimum charge for each bag, as follows:

(i) subject to subparagraph (ii), a charge of at least

(A) \$0.25 for each recycled paper bag, and

(B) \$2 for each reusable bag;

(ii) if the municipality sets an introductory period, a charge during the introductory period of at least

(A) \$0.15 for each recycled paper bag, and

(B) \$1 for each reusable bag;

(c) if paragraph (a) (iii) or (iv) does not apply, require that a business provide the following, as applicable, to a customer only on request by the customer:

(i) a single-use utensil;

(ii) subject to the exemption under subsection (4), a drinking straw made of a material other than plastic;

(d) set out exemptions to the bylaw, including the exemption under subsection (4), if applicable, to the prohibitions and requirements under this subsection;

(e) require that a business report to the municipality the distribution of items governed by a bylaw made under this section.

(3) If a municipality makes a bylaw prohibiting a business from providing checkout bags other than recycled paper bags under subsection (2) (a) (i),

(a) the bylaw must provide for the payment of a minimum charge for recycled paper bags or reusable bags under subsection (2) (b), and

(b) the bylaw must include an exemption from the payment of the minimum charge for the following:

(i) used bags;

(ii) small paper bags;

(iii) in the case of prescribed pharmaceutical drugs or devices, recycled paper bags.

(4) If a municipality makes a bylaw prohibiting plastic drinking straws under subsection (2) (a) (iv), the bylaw must have an exemption so that businesses would not be prevented from providing an accessible straw on request by a person with disabilities or due to medical reasons.

(5) The authority of a municipality to make a bylaw under this section does not include the authority to permit businesses to collect, use or disclose personal information for considering a person's entitlement to an exemption in respect of the bylaw.

[en. B.C. Reg. 219/2021, s. 2.]

*Exemptions to be considered and plan for implementation and enforcement*

**6** A municipality that intends to make a bylaw under section 5 must

(a) consider appropriate exemptions in respect of the bylaw, including exemptions for

(i) persons with disabilities,

(ii) medical reasons,

(iii) a hospital or any facility licensed as a community care facility under the *Community Care and Assisted Living Act*, and

(iv) in the case of a charge referred to in section 5 (2) (b), reasons of financial hardship,

(b) establish a plan for

(i) implementation of the bylaw, which may include setting an introductory period of not more than 12 months for the charge referred to in section 5 (2) (b) (ii), and

(ii) enforcement of the bylaw, and

(c) set a date for the bylaw to come into force that is at least 6 months after the date the bylaw is adopted by council.

[en. B.C. Reg. 219/2021, s. 2.]

*Charge not a fee payable to municipality*

**7** An amount charged in accordance with the authority referred to in section 5 (2) (b) must not be collected by the municipality as a fee payable to the municipality.

[en. B.C. Reg. 219/2021, s. 2.]





AGENDA

December 20, 2021

Ref: 268457

Tate Bengtson  
Chief Administrative Officer  
City of Enderby  
PO Box 400  
Enderby BC V0E 1V0

Dear Tate Bengtson:

Thank you for your letter advising of support of the Metro Vancouver Regional District and the City of Langley resolutions proposing a change to legislation governing the appointment of municipal directors to regional district boards.

Section 198 of the *Local Government Act* enables local governments maximum flexibility to decide which council member(s) to appoint as municipal director(s) to the regional district board. This appointment process for local governments is applied differently across British Columbia based on local needs and decisions. For example, the City of Victoria has established a bylaw that sets the procedure to allow citizens to vote for the council member candidates they would like to represent the municipality on the regional district board and then the municipality appoints on that basis.

The flexibility under current legislation allows municipalities the option, if they so choose, to pass a procedural bylaw to require the mayor be appointed the municipal director at the regional district board. Additionally, the regional district board as a whole can express a preference that all member municipalities agree to appoint the mayor, or mayor's designate, as a municipal director, although this is, of course, not binding on the municipalities.

A statutory amendment to the Act to require municipal councils appoint the mayor, or the mayor's designate, as the municipal director to the regional district board would be a significant change that would affect all local governments across B.C. and would, in some cases, alter how municipalities currently appoint their municipal directors. As there are many views on the municipal director appointment process, the province recommends that these types of matters be brought forward through the established Union of BC Municipalities (UBCM) resolutions process, which allows for other local governments to consider the proposed changes and endorse them or not.

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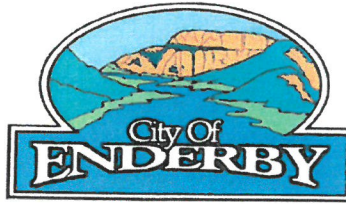
Tate Bengtson  
Page 2

Thank you again for writing.

Sincerely,

A handwritten signature in black ink, appearing to read 'Josie', with a long horizontal flourish extending to the right.

Josie Osborne  
Minister



619 Cliff Avenue  
P. O. Box 400  
Enderby, B. C. V0E 1V0

The Corporation of the City of Enderby  
*Where the Shuswap Meets the Okanagan*

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October 11, 2021

Honourable Josie Osborne  
Minister of Municipal Affairs

VIA Email: MAH.Minister@gov.bc.ca

Dear Minister:

Re: Appointment of Directors to Regional District Board

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Enderby City Council considered correspondence from the City of Langley and the Metro Vancouver Regional District with respect to a council's discretion to appoint a member, or members, of its choosing as municipal directors to its respective regional district board.

Enderby City Council passed the following resolution at its regular meeting of October 4, 2021:

*"THAT Council issue a letter of support to the Minister of Municipal Affairs for the City of Langley's resolution regarding the Appointment of Directors to Regional District Board;*

*AND THAT the City of Enderby endorse the City of Langley's proposal that the Ministry of Municipal Affairs conduct a broad consultative process in partnership with the Union of British Columbia Municipalities and all local governments and local government associations in BC to solicit feedback on any proposed amendment to section 198 of the Local Government Act."*

Enderby City Council feels that the discretion to appoint from among its members should remain at the pleasure of council, so as to ensure that the choosing of municipal directors properly represents the democratic will of those duly elected officials.

Thank you for your consideration of this matter.

Yours truly,

Tate Bengtson  
Chief Administrative Officer

TB/lg

CC: Kelly Kenney, Corporate Officer, City of Langley (VIA email)