

DISTRICT OF BARRIERE

Bylaw No. 95

A Bylaw respecting the enforcement of Bylaw Notices under the
Local Government Bylaw Notice Enforcement Act

The Council for the District of Barriere, in open meeting assembled, enacts the following:

Title

1.1 This Bylaw may be cited as the “Bylaw Notice Enforcement Bylaw No . 95 ”.

Interpretation

2.1 In this Bylaw:

“Act” means the *Local Government Bylaw Notice Enforcement Act*, S.B.C. 2003, c. 60;

“Adjudication” means the formal decision or judgement given by an administrative authority in resolution of a dispute.

“Agent” means a property use inspector, business licence inspector, building inspector, staff member or other person appointed by the Chief Administrative Officer, acting for the Municipality;

“Bylaw Notice” means a Bylaw Notice under section 4 of the Act and under this Bylaw, in the form of a written notice or ticket, giving notification of a contravention of a bylaw identified in Schedule A;

“Early Payment Amount” means an amount stated in Column 4 of Schedule A that reflects a discount if payment is received by the District within 5 calendar days, or if closed on the 5th day, on the next business day.

“Late Payment Amount” means the amount stated in Column 7 of Schedule A that reflects an amount added to the Penalty if unpaid after 30 calendar days, or if closed on the 30th day, after the next business day.

“Municipality” means the District of Barriere;

“Penalty” means the amount that the recipient of a Bylaw Notice is liable to pay in respect of a contravention of the related bylaw as identified in Column 3 of Schedule A;

“Receive or Receipt” in relation to delivery of a Bylaw Notice, includes the date that, under the Act, a Bylaw Notice is presumed to have been received by the person to whom it is directed;

“Registry” means the District of Barriere Bylaw Notice Adjudication Registry established under section 7.2 of this Bylaw;

“Regulation” means the *Bylaw Notice Enforcement Regulation*, B.C. Reg. 175/2004 under the Act

- 2.2 A reference to a statute in this bylaw refers to a statute of the Province of British Columbia unless otherwise indicated, and a reference to any statute, Regulation, or bylaw refers to that enactment as it may be amended or replaced from time to time. Except as otherwise indicated in this Bylaw, words and phrases herein are to be construed in accordance with their meanings under the Act, the Regulation, the *Community Charter*, and the *Interpretation Act*, as the context and circumstances require. If any part of this Bylaw is for any reason held to be invalid by a court of competent jurisdiction, the invalid portion is severed and the remainder of this Bylaw continues to be valid.

Bylaw Contraventions

- 3.1 The bylaw contraventions designated in Schedule A may be dealt with by Bylaw Notice.

Period for Paying or Disputing a Bylaw Notice

- 4.1 A person who receives a Bylaw Notice must, within 30 calendar days of receiving the Bylaw Notice:
- (a) pay the Penalty to the Municipality in accordance with the Bylaw Notice; or
 - (b) request dispute Adjudication in respect of the allegation on the Bylaw Notice:
 - (i) by completing the Adjudication notice form on the reverse of the Bylaw Notice, in accordance with instructions on the Bylaw Notice; and
 - (ii) delivering the Adjudication notice form, either by mail or in person during regular office hours, to the Municipality.

Penalties

- 5.1 The Penalty for a contravention of a bylaw designated in a row of Schedule A is the amount set out in Column 3 of that row.
- 5.2 A person described in section 4.1 may avoid paying the full Penalty amount set out in Column 3 of the Schedule by paying the Early Payment Amount set out in Column 4 within 5 days of receiving the Bylaw Notice.
- 5.3 If, after 30 days of receiving a Bylaw Notice, a person has not:
- (a) paid the Penalty applicable to the contravention identified on the Bylaw Notice;
 - (b) requested Adjudication in accordance with section 4.1; or
 - (c) paid the Early Payment Amount in accordance with section 5.2,
- the person must pay the Late Payment Amount set out in Column 7 of Schedule A.
- 5.4 In relation to sections 5.2 and 5.3 of this Bylaw, if the last calendar day falls on a day the District of Barriere office is closed for a full day, the last day will be the next calendar day the District of Barriere office is open.

- 5.5 If a person is reissued a Bylaw Notice under section 25 of the Act, the time limits for responding to a Bylaw Notice under sections 4.1, 5.2 and 5.3 of this Bylaw commence from the time a copy of the Bylaw Notice is delivered to that person.

Payment Period following Adjudicator's Order

- 6.1 If as a result of adjudication, the adjudicator orders the Penalty to be immediately due and payable to the Municipality, the person must pay that amount within 30 days of the date of the order, or failing to do so, must pay the Late Payment Penalty set out in Column 7 of Schedule A.

Dispute Adjudication and Registry

- 7.1 A system for Bylaw Notice dispute Adjudication is hereby established to provide for the hearing and determination of disputes in respect of whether:
- (a) the contravention alleged in a Bylaw Notice occurred as alleged; or
 - (b) the terms and conditions of a compliance agreement were observed or performed.
- 7.2 The District of Barriere Bylaw Dispute Adjudication Registry is hereby established to administer and monitor Bylaw Notices, compliance agreements and requests for adjudication.
- 7.2 The civic address of the Registry is:
- 4936 Barriere Town Road
Barriere, British Columbia, V0E 1E0
- 7.3 A person who is unsuccessful in a dispute adjudication, whether in relation to a Bylaw Notice or a compliance agreement, must pay, in addition to the applicable Penalty for contravention, a fee of Twenty-five (\$25.00) Dollars to the Municipality.

Screening Officers

- 8.1 The position of Screening Officer is hereby established.
- 8.2 The Chief Administrative Officer is appointed to the position of Screening Officer.
- 8.3 The powers, duties and functions of the Screening Officer include:
- (a) to review a Bylaw Notice for which a dispute Adjudication is scheduled;
 - (b) where requested by a person who is alleged to have contravened a bylaw, to:
 - i. communicate information respecting the nature of the contravention;
 - ii. identify the provisions of a bylaw contravened;
 - iii. outline the facts forming the basis of an allegation of contravention;
 - iv. confirm the penalty for a contravention;
 - v. provide for the opportunity, if any, to enter into a compliance agreement;
 - vi. refer the matter to Adjudication as necessary; and
 - vii. confirm the fees or fees payable in relation to the Bylaw Notice enforcement process;

- (c) to communicate with any or all of the following persons for the purposes of performing their functions under this Bylaw or the Act:
 - i. the person against whom a contravention is alleged, or their representative;
 - ii. the officer issuing the Bylaw Notice;
 - iii. a complainant or their representative;
 - iv. the staff of the Municipality; and
 - v. an adjudicator, roster organization, or agency of the government;
- (d) where permitted, and in accordance with the Act and Regulation, to prepare and enter into compliance agreements under section 9, including to establish terms and conditions for compliance that the Screening Officer may consider necessary or advisable, including for any compliance agreement discount, time periods for payment of penalties, and compliance with the bylaw that is the subject of a Bylaw Notice;
- (e) to cancel a Bylaw Notice if the Screening Officer determines that the contravention did not occur as alleged, the Bylaw Notice does not comply with the Act, or a ground for cancellation authorized by resolution of Council for the Municipality; and
- (f) on an application under section 5 of the Regulation, to hear the matter, cancel a debt that, due to a circumstance described in those provisions, was not the fault of the debtor, and otherwise to deal with the matter in accordance with the Regulation.

Compliance Agreements

- 9.1 The Screening Officer may enter into a compliance agreement in respect of any bylaw contravention indicated in Columns 5 and 6 of Schedule A.
- 9.2 The maximum duration of a compliance agreement is one year.

Bylaw Enforcement Officers

- 10.1 A person holding any of the following positions may issue a Bylaw Notice under this Bylaw, and otherwise Act to enforce this Bylaw:
 - (a) a member of the Royal Canadian Mounted Police;
 - (b) a bylaw enforcement officer or other agent of the Municipality;
 - (c) a local assistant to the Fire Commissioner under section 6 of the *Fire Services Act*.

Form of Notice

- 11.1 A Bylaw Notice or other notice under this Bylaw may be in a form approved by the Chief Administrative Officer of the Municipality.

Other Methods of Enforcement

- 12.1 Nothing in this Bylaw prevents the Municipality from enforcing a bylaw identified herein by any other proceeding authorized bylaw.

Schedule

13.1 Schedule A is attached to and forms part of this Bylaw.

READ A FIRST TIME this **20th** day of **August**, 2012.

READ A SECOND TIME this **20th** day of **August**, 2012.

READ A THIRD TIME this **20th** day of **August**, 2012.

ADOPTED this **4th** day of **September**, 2012.

Original signed by, _____
Bill Humphreys
Mayor

Original signed by, _____
Colleen Hannigan
Corporate Officer

DISTRICT OF BARRIERE						
Bylaw Notice Enforcement Bylaw No. 95						
Compiled Schedule A						
Designated Bylaw Contraventions and Penalties						
1	2	3	4	5	6	7
Bylaw Section	Description	Penalty	Early Payment Amt. (within 5 days)	Compliance Agreement Available	Compliance Agreement Discount	Late Payment Amount
Noise Management Bylaw No. 0020						
4(a)	Disturb peace, quiet rest, enjoyment, comfort, convenience - 1st offence	\$ 100	\$ 75	NO		\$ 200
4(b)	Allow property to be used so that noise or sound disturbs	\$ 100	\$ 75	NO		\$ 200
4(c)	play or operate radio, stereo, instrument or amplification	\$ 100	\$ 75	NO		\$ 200
4(d)	own/harbour noisy animal or bird	\$ 100	\$ 75	YES	50%	\$ 200
5(a)	cause or permit commercial veh. to idle in residential/10 min.	\$ 100	\$ 75	YES	50%	\$ 200
6(a)	construction/demolition outside 07:00-22:00 hrs	\$ 100	\$ 75	YES	50%	\$ 200
	2nd violation of specific subsection of Bylaw No. 0020	\$ 300		NO		\$ 500
	3rd violation of specific subsection of Bylaw No. 0020	\$ 800		NO		\$ 1,000

1	2	3	4	5	6	7
Bylaw Section	Description	Penalty	Early Payment Amt. (within 14 days)	Compliance Agreement Available	Compliance Agreement Discount	Late Payment Amount
The following fines apply to the contraventions below						
Road Right-of-Way Usage No. 0022						
400	Construct, excavate, obstruct, divert traffic, damage roadway	\$100.00	\$ 75.00			\$ 200.00
401	Gain access to roadway causing damage to or erection of plant life	\$100.00	\$ 75.00			\$ 200.00
402	Allow accumulation of snow, ice, rubbish on sidewalks/paths	\$100.00	\$ 75.00			\$ 200.00
403	Amend or change an approved plan	\$100.00	\$ 75.00			\$ 200.00
600(c)	Accept responsibility for liability to person/property	\$100.00	\$ 75.00			\$ 200.00
700(a)	Excavation extended beyond road centre line before backfill	\$100.00	\$ 75.00			\$ 200.00
700(b)	More than 60 m longitudinally opened at one time	\$100.00	\$ 75.00			\$ 200.00
700(d)	Failure to saw cut bituminous pavement surface ahead of excav.	\$100.00	\$ 75.00			\$ 200.00
700(e)	Failure to remove unstable pavement over cave outs/over breaks	\$100.00	\$ 75.00			\$ 200.00
700(f)	Failure to remove sidewalk to nearest contraction joint	\$100.00	\$ 75.00			\$ 200.00
700(g)	Failure to safely pile/maintain excavation materials	\$100.00	\$ 75.00			\$ 200.00
701(b)	Failure to take appropriate measures to ensure adequate traffic flow	\$100.00	\$ 75.00			\$ 200.00
701(c)	Failure to place warning signs/traffic control in advance of worksite	\$100.00	\$ 75.00			\$ 200.00
701(d)	Failure to display lighted barricades for sunset/sunrise excavation	\$100.00	\$ 75.00			\$ 200.00
701(e)	Failure to maintain access to private drive/ lane/loading area	\$100.00	\$ 75.00			\$ 200.00
702(a)	Interference with existing utilities	\$100.00	\$ 75.00			\$ 200.00
702(c)	Failure to support/protect pipes, conduits/poles/wires	\$100.00	\$ 75.00			\$ 200.00
702(d)	Failure to install alternate drainage protection during construction	\$100.00	\$ 75.00			\$ 200.00
702(e)	Removal of monuments locating/preserving lines of prop/street	\$100.00	\$ 75.00			\$ 200.00
702(f)	Failure to restore to original condition: boulevard, planted median	\$100.00	\$ 75.00			\$ 200.00
703(b)	Failure to clean streets of rubbish, excess earth, rock/debris	\$100.00	\$ 75.00			\$ 200.00
703(c)	Failure to provide temp. resurfacing during prohibiting weather	\$100.00	\$ 75.00			\$ 200.00
703(d)	Failure to restore sub-base/base/concrete/asphalt to DOB specs.	\$100.00	\$ 75.00			\$ 200.00
703(e)	Failure to notify Const. Insp. min. 48 hrs of permanent restoration	\$100.00	\$ 75.00			\$ 200.00
800	Contravention of DOB Sign By-Law and its amendments	\$100.00	\$ 75.00			\$ 200.00
1000	Failure to improve boulevard to standard consistent with owner's prop.	\$100.00	\$ 75.00			\$ 200.00
1002	Failure to keep boulevard in tidy and sightly condition	\$100.00	\$ 75.00			\$ 200.00
1004	Cause damage to grass/shrub/tree/asphalt/concrete/curb in boulevard	\$100.00	\$ 75.00			\$ 200.00
1005	Deposit or accumulate dirt/debris/mess/materials/rubbish on boulevard	\$100.00	\$ 75.00			\$ 200.00
1006	Deposit materials on boulevard/right-of-way causing harm to vehicles/bicy	\$100.00	\$ 75.00			\$ 200.00
1100	Failure to remove accumulation of snow/ice on sidewalk by 10:00 hrs	\$100.00	\$ 75.00			\$ 200.00
1101	Failure to remove dirt/debris/rubbish from sidewalk	\$100.00	\$ 75.00			\$ 200.00
1102	Failure to remove accumulation of snow/ice on roof adj. to roadway	\$100.00	\$ 75.00			\$ 200.00
1103	Allow accumulation of snow/ice/rubbish on sidewalk impeding pedestrian	\$100.00	\$ 75.00			\$ 200.00
	2nd violation of specific subsection of Bylaw No. 0022	\$300.00				\$ 500.00
	3rd violation of specific subsection of Bylaw No. 0022	\$800.00				\$1,000.00

1	2	3	4	5	6	7
Bylaw Section	Description	Penalty	Early Payment Amt. (within 14 days)	Compliance Agreement Available	Compliance Agreement Discount	Late Payment Amount
The following fines apply to the contraventions below						
Business Licence Bylaw No. 41 as amended						
5.2(a)	Fails to comply with the provision in Bylaw No. 41	\$100	\$50	YES	50%	\$125
5.2(e)	Carries on a business without a licence	\$100	\$50	YES	50%	\$125

1	2	3	4	5	6	7
Bylaw Section	Description	Penalty	Early Payment Amt. (within 14 days)	Compliance Agreement Available	Compliance Agreement Discount	Late Payment Amount
The following fines apply to the contraventions below						
Parks Regulation Bylaw No. 42 as amended						
3.15(a)	Create a public safety issue or nuisance *1st offence	\$200	\$100	YES	50%	\$225
3.15(b)	Operate any motorized vehicle w/o a valid permit obtained from DOB *2nd + offence	\$200	\$100	YES	50%	\$225
3.15(a)	Create a public safety issue or nuisance *1st offence	\$400	\$300	NO	n/a	\$500
3.15(b)	Operate any motorized vehicle w/o a valid permit obtained from DOB *2nd + offence	\$400	\$300	NO	n/a	\$500

1	2	3	4	5	6	7
Bylaw Section	Description	Penalty	Early Payment Amt. (within 14 days)	Compliance Agreement Available	Compliance Agreement Discount	Late Payment Amount
Waterworks Bylaw No.110 as amended						
8.3	Connect, cause to be connected, or allow to remain connected, any piping, fixture, fitting, container or other appliance to a fire hydrant, stand pipe or any other temporary water connection without permission from the District. <i>* 1st offence</i>	\$2,000	n/a	NO	n/a	\$2,500
10.3	Failure to have an approved backflow prevention assembly tested within seventy-two (72) hours of notice.	\$86.00	n/a	n/a	n/a	\$86.00
11.3	Tap, uncover, or make any connection to, use, alter or disturb any water mains, fire hydrants or stand pipes without permission from the District. <i>* 1st offence</i>	\$2,000	n/a	NO	n/a	\$2,500
8.3	Connect, cause to be connected, or allow to remain connected, any piping, fixture, fitting, container or other appliance to a fire hydrant, stand pipe or any other temporary water connection without permission from the District. <i>* 2nd and subsequent offences</i>	\$4,000	n/a	NO	n/a	\$4,500
11.3	Tap, uncover, or make any connection to, use, alter or disturb any water mains, fire hydrants or stand pipes without permission from the District. <i>* 2nd and subsequent offences</i>	\$4,000	n/a	NO	n/a	\$4,500

1	2	3	4	5	6	7
Bylaw Section	Description	Penalty	Early Payment Amt. (within 14 days)	Compliance Agreement Available	Compliance Agreement Discount	Late Payment Amount
Fire Regulations Bylaw No. 55 as amended						
7.1	Failure to comply with the provision & schedules of Bylaw No. 55 as amended	\$300	\$250	NO	n/a	\$500

DISTRICT OF BARRIERE						
Bylaw Notice Enforcement Bylaw No. 95						
Schedule A						
Designated Bylaw Contraventions and Penalties						
1	2	3	4	5	6	7
Bylaw Section	Description	Penalty	Early Payment Amt. (within 5 days)	Compliance Agreement Available	Compliance Agreement Discount	Late Payment Amount
Nuisance Bylaw No. 134						
4(a)i	Failure to prevent the emission of dust	\$ 100	\$ 75	YES	50%	\$ 200
5(a)i	Depositing snow from private property onto ROW that impedes visibility	\$ 100	\$ 75	YES	50%	\$ 200
5(a)ii	Depositing snow on highway or street	\$ 100	\$ 75	NO		\$ 200
6(a)	Allowing animal under their care or control to cause/create/be a nuisance	\$ 100	\$ 75	YES	50%	\$ 200

1	2	3	4	5	6	7
Bylaw Section	Description	Penalty	Early Payment Amt. (within 14 days)	Compliance Agreement Available	Compliance Agreement Discount	Late Payment Amount
Food Sector Grease Interceptor Regulation Bylaw NO. 153 as amended						
12(b)	Failure to comply with the provision & schedules of Bylaw No. 153 as amended	\$200	\$100	YES	50%	\$300

1	2	3	4	5	6	7
Bylaw Section	Description	Penalty	Early Payment Amt. (within 14 days)	Compliance Agreement Available	Compliance Agreement Discount	Late Payment Amount
Development Approval Procedures Bylaw No. 0049, 2005 as amended						
10	Failure to comply with the provision(s) of a Development Permit	\$200	\$200	YES	50%	\$500