

**DISTRICT OF TAYLOR
BYLAW NO. 877, 2023**

A Bylaw to Establish a Process for Enforcing Bylaws by Bylaw Notice

WHEREAS the *Local Government Bylaw Notice Enforcement Act*, S.B.C. 2003, c. 60 empowers the Municipal Council of the District of Taylor, by Bylaw, to designate those bylaws for which bylaw notice enforcement may be used;

WHEREAS the Municipal Council of the District of Taylor wishes to establish a process for Bylaw Enforcement through the issuance of Bylaw Notices,

NOW THEREFORE the Council of the District of Taylor in open meeting assembled enacts as follows:

1. TITLE

This bylaw may be cited as "District of Taylor Bylaw Notice Enforcement Bylaw No. 877, 2023".

2. DEFINITIONS

In this bylaw:

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

"Bylaw Enforcement Officer" means a person or persons appointed by Council from time to time to enforce the regulatory bylaws of the municipality.

"Designated Bylaw" means a bylaw listed in Column 1 of Schedule "A" to this Bylaw;

"Designated Schedule" means the schedule specified in Column 3 of Schedule "A" to this Bylaw that corresponds with and is attached to the Designated Bylaw being enforced; and

"District" means the District of Taylor;

"Registry" means the Bylaw Notice Adjudication Registry established pursuant to this Bylaw.

3. STATUTORY TERMS

Subject to Section 2, the terms in this bylaw have the same meaning as the terms defined in the Act.

4. BYLAW CONTRAVENTIONS

The bylaws listed in Column 1 of Schedule "A" to this Bylaw may be dealt with by bylaw notice.





5. PENALTY OR DISPUTE

- 5.1 A person who receives a bylaw notice must, within 14 days of the date on which the person received or is presumed to have received the bylaw notice:
- (a) Pay to the District the penalty in the amount specified in Column A5 (Early Payment) of the Designated Schedule for the contravention, or
 - (b) Request dispute adjudication by filling in the appropriate portion of the bylaw notice indicating the intention to dispute and delivering it, either in person during regular office hours, or by mail, to the District office.
- 5.2 If a person receives a bylaw notice but fails to pay the penalty or dispute the bylaw notice in the time required under subsection 5.1 of this Bylaw, that person must:
- (a) pay to the District the penalty in the amount specified in Column A4 of the Designated Schedule for the contravention if the payment is received by the District within 30 days of the date on which the person received the bylaw notice or is presumed to have received the bylaw notice; or
 - (b) pay to the District the penalty in the amount specified in Column A6 of the Designated Schedule for the contravention.
- 5.3 Where a person was not personally served with a bylaw notice and advises the District, in accordance with the requirements of Section 25 of the Act, that they did not receive a copy of the original notice, the time limits for responding to a bylaw notice under subsection 5.1 and making a payment under subsection 5.2 of this Bylaw do not start until a copy of the bylaw notice is redelivered to them in accordance with the Act.

6. BYLAW NOTICE DISPUTE ADJUDICATION REGISTRY

- 6.1 The Registry is established to provide a bylaw notice dispute adjudication system for the purpose of hearing disputes in accordance with the Act.
- 6.2 The civic address of the Registry is: District of Taylor located at 10007 – 100th A Street, Taylor, BC V0C 2K0.
- 6.3 Every person who is unsuccessful in a dispute adjudication hearing in relation to a bylaw notice or a compliance agreement under the dispute adjudication system established under this section must pay the District an additional fee of \$25.00 for the purpose of the District recovering the costs of the adjudication system.

7. SCREENING OFFICERS

- 7.1 The position of screening officer is established.



7. SCREENING OFFICERS (continued)

7.2 The following are the designated staff positions that may be appointed as screening officers:

- (a) Fire Chief,
- (b) Director of Operations,
- (c) Parks and Facilities Manager,
- (d) Bylaw Enforcement Officer, and
- (e) Any other officer, employee, or contractor of the District that is designated in writing by any of the above noted employees or the Chief Administrative Officer.

8. POWERS, DUTIES AND FUNCTIONS OF SCREENING OFFICERS

8.1 The powers, duties, and functions of screening officers are as set out in the Act, and include the following powers:

- (a) where requested by the person against whom a contravention is alleged, to communicate information respecting the nature of the contravention, the provision of the bylaw contravened, the facts on which the contravention allegation is based, the penalty for a contravention, the opportunity to enter into a compliance agreement, the opportunity to proceed to the bylaw notice dispute adjudication system and the fee or fees payable in relation to the bylaw notice enforcement process;
- (b) to communicate with any or all of the following for the purposes of performing their functions under this Bylaw or the Act:
 - (i) the person against whom a contravention is alleged or their representative;
 - (ii) the officer issuing the notice;
 - (iii) the complainant or their representative; and
 - (iv) the District's staff and records regarding the disputant's history of bylaw compliance;
- (c) to prepare and enter into compliance agreements under the Act with persons who dispute bylaw notices, including to establish terms and conditions for compliance that the Screening Officer considers necessary or advisable, including time periods for payment of penalties and compliance with the Bylaw;
- (d) to enable the payment of a reduced penalty if a compliance agreement is entered into, as provided in each bylaw; and
- (e) to cancel bylaw notices in accordance with the Act and District policies and guidelines.



8.2 A Screening Officer may only enter into a compliance agreement for a contravention that is indicated as being available for a compliance agreement under Column A7 of the Designated Schedule.

8. POWERS, DUTIES AND FUNCTIONS OF SCREENING OFFICERS (continued)

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

9. BYLAW ENFORCEMENT OFFICERS

Those persons listed in Column 2 of Schedule "A" to this Bylaw are authorized to issue and complete bylaw notices for the purpose of enforcing the corresponding Designated Bylaws as well as special constables, officers, members, or constables of the Royal Canadian Mounted Police.

10. FORM OF BYLAW NOTICE

The Fire Chief may from time to time prescribe a form or forms of Bylaw notice, provided the bylaw notice complies with Section 4 of the Act.

11. ADMINISTRATIVE

11.1 Schedule "A" is attached to and forms a part of this bylaw.

11.2 If any provision of this bylaw is declared or held to be illegal, invalid, or ultra vires, in whole or in part, then the provision shall not apply and the remainder of this bylaw shall continue in full force and effect and be construed as if it had been enacted without the illegal, invalid, or ultra vires provision.

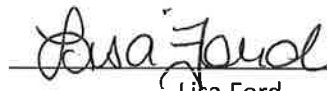
12. EFFECTIVE DATE

This bylaw comes into effect as of January 1st, 2024.

READ FOR THE FIRST THREE TIMES THIS 4th DAY OF December, 2023

ADOPTED THIS 18th DAY OF December, 2023


Brent Taillefer
Mayor


Lisa Ford
Deputy Corporate Officer





SCHEDULE A

| COLUMN 1 Designated Bylaw | COLUMN 2 Designated Bylaw Enforcement Officers | COLUMN 3 Designated Bylaw Schedule |
|---|---|---|
| Responsible Pet Ownership Bylaw No. 871, 2023 | Fire Chief Bylaw Enforcement Officer RCMP Officer | Schedule "A" of Bylaw No. 871, 2023 |
| Cemetery Bylaw No. 817, 2017 | Director of Operations Fire Chief Bylaw Enforcement Officer Parks and Facilities Manager | Schedule "E" of Bylaw No. 817, 2017 |
| Unightly Premises Bylaw No. 876, 2023 | Fire Chief Director of Operations Bylaw Enforcement Officer Parks and Facilities Manager | Schedule "A" of Bylaw No. 876, 2023 |
| Water Conservation Bylaw No. 716, 2006 | Bylaw Enforcement Officer | Schedule "C" of Bylaw No. 716, 2006 |
| Fire Protection and Life Safety Bylaw No. 771, 2012 | Fire Chief Fire Inspector | Schedule "A" of Bylaw No. 771, 2012 |
| Garbage Collection and Disposal Bylaw No. 812, 2017 | Director of Operations | Schedule "D" of Bylaw No. 812, 2017 |
| Open Air Burning Bylaw No. 834, 2019 | Fire Chief Bylaw Enforcement Officer | Schedule "A" of Bylaw No. 834, 2019 |



**SCHEDULE B
Compliance Agreement**

I, _____ of _____
acknowledge receipt of Bylaw Offence Notice(s) # _____ and wish to enter into a Compliance Agreement whereby I agree to fulfill the conditions below, in exchange for a reduced penalty which shall be one half of the penalty identified on the face of the Bylaw Offence Notice.

Specifically, I agree to pay the reduced penalty of \$ _____ on or before _____
_____.

I further agree to comply with the following terms and conditions of this agreement:

1. On or before _____ I will _____

2. On or before _____ I will _____

I understand that this agreement is binding upon me for one (1) year from the date of this Agreement.

I also understand that if I breach a term of this Agreement or fail to observe or perform the above terms and conditions, the District of Taylor Screening Officer may rescind this Agreement. I understand that if this Agreement is rescinded, I will have 14 days to dispute the Screening Officer's decision to rescind the Agreement. And that if I do not dispute the decision in that time, the full penalty stated in the Bylaw Notice(s) of \$ _____ will be immediately due and payable and subject to all fees and penalties as if the Bylaw Notice was not disputed.

Signature of Bylaw Notice Recipient

Signature of Screening Officer