



CARIBOO REGIONAL DISTRICT

BYLAW NO. 5247, 2019

A bylaw of the Cariboo Regional District, in the Province of British Columbia, respecting the enforcement of Bylaw Offence Notices.

The Board of Directors of the Cariboo Regional District, duly assembled in an open meeting, enacts as follows:

1. CITATION

This bylaw may be cited for all purposes as “Cariboo Regional District Bylaw Offence Notice Enforcement Bylaw No. 5247, 2019”.

2. SEVERABILITY

If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

3. DEFINITIONS

In this bylaw:

“**Act**” means the Local Government Bylaw Notice Enforcement Act;

“**Regional District**” means the Cariboo Regional District;

“**Registry**” means the Cariboo Regional District Bylaw Notice Dispute Adjudication Registry established pursuant to Part 8 of this Bylaw.

4. TERMS

The terms in this bylaw have the same meaning as the terms defined in the *Act*.

5. BYLAW CONTRAVENTIONS

The bylaw contraventions designated in Schedule “A” may be dealt with by bylaw notice.

6. OFFENCE AND PENALTY

The penalty for a contravention referred to in Part 5 is as follows:

- 6.1 subject to subsection 6.2 and 6.3, is the Penalty amount set out in column A1 of Schedule “A”,
- 6.2 if received by the *Registry* within 14 days of the person receiving or being presumed to have received the notice, is the Early Payment Penalty set out in column A2 of Schedule “A”,
- 6.3 if more than 28 days after the person received or is presumed to have received the bylaw notice, is subject to a late payment surcharge in addition to the penalty under subsection 6.1 and is the Late Payment Penalty set out in column A3 of Schedule “A”.

7. PERIOD OF PAYING A DISPUTED NOTICE

- 7.1 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 offence notice:
 - 7.1.1 pay the penalty in any manner prescribed on the reverse side of the bylaw offence notice, or
 - 7.1.2 request dispute adjudication by completing the form on the reverse side of the bylaw offence notice and delivering it to the *Registry* Office, Suite D, 180 North Third Avenue, Williams Lake, BC V2G 2A4.
- 7.2 A person may pay the indicated penalty after 14 days of receiving the bylaw offence notice, subject to the applicable surcharge for late payment in accordance with subsection 6.3, but no person may dispute the bylaw offence notice after 14 days of receiving the bylaw offence notice.
- 7.3 Where a person was not served personally with a bylaw offence notice and advises the Regional District, in accordance with the requirements of Section 25 of the *Act*, that they did not receive a copy of the original bylaw offence notice, the time limits for

responding to a bylaw offence notice under Part 6 and Section 7.1 of this bylaw do not begin to run until a copy of the bylaw offence notice is re-delivered to them in accordance with the *Act*.

8. BYLAW NOTICE DISPUTE ADJUDICATION REGISTRY

- 8.1 The *Registry* is established as a bylaw notice dispute adjudication system in accordance with the *Act* to resolve disputes in relation to bylaw notices.
- 8.2 The civic address of the *Registry* is Suite D, 180 North Third Avenue, Williams Lake, BC V2G 2A4.
- 8.3 Every person who is unsuccessful in a dispute adjudication in relation to a bylaw offence notice or a compliance agreement under the dispute adjudication system agreement established under this section must pay the *Regional District* an additional fee of \$25.00 for the purpose of the *Regional District* recovering the costs of the adjudication system.

9. SCREENING OFFICERS

- 9.1 The position of Screening Officer is established.
- 9.2 The following are designated classes of persons that are appointed as Screening Officers:
 - 9.2.1 Manager Responsible for Bylaw Enforcement;
 - 9.2.2 Corporate Officer;
 - 9.2.3 Chief Financial Officer.

10. POWERS, DUTIES AND FUNCTIONS OF SCREENING OFFICERS

- 10.1 The powers, duties and functions of Screening Officers are as set out in the *Act*, and include the following powers:
- 10.1.1 Where requested by the person against whom a contravention is alleged, 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 the contravention, the opportunity to enter into a compliance agreement (Schedule “B”), 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;
- 10.1.2 To communicate with any or all of the following for the purposes of performing their functions under this bylaw or the *Act*:
- a) The person against whom a contravention is alleged or their representative;
 - b) The officer issuing the notice;
 - c) The complainant or their representative;
 - d) *Regional District* staff and records regarding the disputant’s history of bylaw compliance.
- 10.1.3 To prepare and enter into compliance agreements under the *Act* with persons who dispute bylaw notices, including establishing terms and conditions for compliance the Screening Officer considers necessary or advisable. Including time periods for payment of penalties and compliance with the bylaw;
- 10.1.4 To provide for payment of a reduced penalty if a compliance agreement is entered into, as provided in column A4 of Schedule “A”; and
- 10.1.5 To cancel bylaw offence notices in accordance with the *Act* or *Regional District* policies and guidelines.
- 10.2 The bylaw contraventions in relation to which a Screening Officer may enter into a compliance agreement are indicated in column A4 of Schedule “A”.
- 10.3 The maximum duration of a compliance agreement is one year.

10.4 Where a compliance agreement is entered into, the penalty payable for the offence shall be reduced to one half of the penalty for the offence as listed in column A1 of Schedule “A” of this bylaw.

11. BYLAW ENFORCEMENT OFFICERS

Persons acting as any of the following are hereby designated as Bylaw Enforcement Officers for the purposes of this bylaw and the *Act*:

11.1 Special constables, officers, members or constables of:

- a) The provincial police force as defined in section 1 of the Police Act, or
- b) A municipal police force;

11.2 Members of the Royal Canadian Mounted Police;

11.3 Bylaw enforcement officers, building inspectors, animal control officers or other persons acting in another capacity on behalf of the *Regional District* for the purpose of enforcement of one or more of its bylaws.

12. FORM OF BYLAW NOTICE

The *Regional District* may from time to time provide for the form or forms of the bylaw offence notice to change, provided the bylaw notice complies with section 4 of the *Act*.

13. REPEAL

“Cariboo Regional District Bylaw Offence Notice Enforcement Bylaw No. 4886, 2014” is hereby repealed.

SCHEDULES

The following schedules are attached to and form part of this bylaw:

Schedule “A” – Designated Bylaw Contraventions and Penalties

Schedule “B” – Compliance Agreement

READ A FIRST TIME THIS _____ day of _____, 2019.

READ A SECOND TIME THIS _____ day of _____, 2019.

READ A THIRD TIME THIS _____ day of _____, 2019.

ADOPTED THIS _____ day of _____, 2019.

Chair

Manager of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 5247 cited as the “Cariboo Regional District Bylaw Offence Notice Enforcement Bylaw No. 5247, 2019”, as adopted by the Regional District Board on the _____ day of _____, 2019.

Manager of Corporate Services

Schedule “A” to Bylaw No. 5247, 2019

DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

The penalties shown in Column A2 below include a discount for early payment in accordance with section 6.2 of this bylaw.

The penalties shown in Column A3 below include a surcharge for late payment in accordance with section 6.3 of this bylaw.

Bylaw Notice Bylaw Citation (as may be amended from time to time)	Description	A1 Penalty	A2 Early Payment Option	A3 Late Payment Penalty	A4 Compliance Agreement Available?
Cariboo Regional District Building Bylaw No. 4818, 2013	Building without a valid permit	\$200	\$190	\$210	No
	Fail to obtain a plumbing permit	\$200	\$190	\$210	No
	Fail to obtain inspection	\$150	\$140	\$160	No
	Occupancy without valid approval	\$100	\$90	\$110	No
	Submit false or misleading information	\$100	\$90	\$110	No
	Alter or remove posted Notice	\$100	\$90	\$110	No
	Disobey Stop Work Notice	\$200	\$190	\$210	No
Work at variance to approved plans	\$100	\$90	\$110	No	
Change of Occupancy without a permit	\$100	\$90	\$110	No	

Bylaw Notice Bylaw Citation (as may be amended from time to time)	Description	A1 Penalty	A2 Early Payment Option	A3 Late Payment Penalty	A4 Compliance Agreement Available?
Cariboo Regional District Noise Regulation and Prohibition Bylaw No. 4713, 2012	Noise in/on public/private place	\$100	\$90	\$110	No
	Sound amplification equipment that disturbs	\$100	\$90	\$110	No
	Conducting construction in a service area before 07:00 hrs or after 22:00 hrs	\$100	\$90	\$110	No
	Permit or cause dog to bark	\$100	\$90	\$110	No
	Unsightly premises	\$200	\$190	\$210	Yes
Chilcotin Area Rural Land Use Bylaw No. 3500, 1999	Use of property contrary to permitted use	\$100	\$90	\$110	Yes
	Fail to comply with setback requirements	\$100	\$90	\$110	Yes
	Fail to comply with home occupation requirements	\$100	\$90	\$110	Yes
	Fail to comply with home industry requirements	\$100	\$90	\$110	Yes

Bylaw Notice Bylaw Citation (as may be amended from time to time)	Description	A1 Penalty	A2 Early Payment Option	A3 Late Payment Penalty	A4 Compliance Agreement Available?
South Cariboo Area Zoning Bylaw No. 3501, 1999	Use of property contrary to permitted use	\$100	\$90	\$110	Yes
	Fail to comply with setback requirements	\$100	\$90	\$110	Yes
	Fail to comply with home occupation requirements	\$100	\$90	\$110	Yes
Williams Lake Fringe and 150 Mile House Area Zoning Bylaw No. 3502, 1999	Use of property contrary to permitted use	\$100	\$90	\$110	Yes
	Fail to comply with setback requirements	\$100	\$90	\$110	Yes
	Fail to comply with home occupation requirements	\$100	\$90	\$110	Yes
Central Cariboo Area Rural Land Use Bylaw No. 3503, 1999	Use of property contrary to permitted use	\$100	\$90	\$110	Yes
	Fail to comply with setback requirements	\$100	\$90	\$110	Yes
	Fail to comply with home occupation requirements	\$100	\$90	\$110	Yes
	Fail to comply with home industry requirements	\$100	\$90	\$110	Yes

Bylaw Notice Bylaw Citation (as may be amended from time to time)	Description	A1 Penalty	A2 Early Payment Option	A3 Late Payment Penalty	A4 Compliance Agreement Available?
Quesnel Fringe Area Zoning Bylaw No. 3504, 1999	Use of property contrary to permitted use	\$100	\$90	\$110	Yes
	Fail to comply with setback requirements	\$100	\$90	\$110	Yes
	Fail to comply with home occupation requirements	\$100	\$90	\$110	Yes
North Cariboo Area Rural Land Use Bylaw No. 3505, 1999	Use of property contrary to permitted use	\$100	\$90	\$110	Yes
	Fail to comply with setback requirements	\$100	\$90	\$110	Yes
	Fail to comply with home occupation requirements	\$100	\$90	\$110	Yes
Cariboo Regional District Mobile Home Parks By-law No. 1019, 1980	Establish or construct a mobile home park without a permit	\$100	\$90	\$110	No
	Alter or subdivide a mobile home park without a permit	\$100	\$90	\$110	No

Bylaw Notice Bylaw Citation	Description	A1	A2	A3	A4
(as may be amended from time to time)		Penalty	Early Payment Option	Late Payment Penalty	Compliance Agreement Available?
Cariboo Regional District Solid Waste Disposal Regulation Bylaw No. 2898, 1994	Disposal of prohibited waste	\$200	\$190	\$210	No
	Use of vehicles outside of designated area	\$200	\$190	\$210	No
	Unauthorized burning	\$200	\$190	\$210	No
	Unauthorized removal/relocation of refuse	\$200	\$190	\$210	No
	Deposit solid waste outside of trench	\$200	\$190	\$210	No
	Deposit solid waste outside of transfer bin	\$200	\$190	\$210	No
	Deposit of controlled waste outside of designated area at disposal site	\$200	\$190	\$210	No
	Deposit of specified waste outside designated area at transfer station	\$200	\$190	\$210	No
	Removal/defacing of signs at disposal site	\$200	\$190	\$210	No
	Removal/defacing of signs at transfer stations	\$200	\$190	\$210	No

Bylaw Notice Bylaw Citation (as may be amended from time to time)	Description	A1 Penalty	A2 Early Payment Option	A3 Late Payment Penalty	A4 Compliance Agreement Available?	
Cariboo Regional District 108 Greenbelt Community Use Property Control Bylaw No. 5248, 2019	Cut or remove tree/log/brush/natural growth from greenbelt property without permission	\$500	\$490	\$510	No	
	Apply pesticide on greenbelt property without permission	\$100	\$90	\$110	No	
	Remove/damage any fence/sign/structure without permission	\$100	\$90	\$110	No	
	Construct or erect any fence, gate, sign or other structure without permission	\$100	\$90	\$110	Yes	
	Camp on greenbelt property between 10:00pm and 6:00am	\$100	\$90	\$110	No	
	Use public beaches between 10:00pm and 6:00am	\$100	\$90	\$110	No	
	Operate a motor vehicle on greenbelt property without permission	\$100	\$90	\$110	No	
	Operate an aircraft on greenbelt property	\$100	\$90	\$110	No	
	General	Obstruct a Building Official	\$200	\$190	\$210	No
		Obstruct a Bylaw Enforcement Officer	\$200	\$190	\$210	No

SCHEDULE “B” TO BYLAW NO. 5247, 2019

**COMPLIANCE AGREEMENT PURSUANT TO CARIBOO REGIONAL DISTRICT
BYLAW OFFENCE NOTICE ENFORCEMENT BYLAW NO. 5247, 2019.**

I _____ (Name) of _____ (Address),
acknowledge receipt of Bylaw Offence Notice(s) # _____ (the “Bylaw Notice”), and
wish to enter into this 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 _____

_____ ; and

2. On or before _____ I will _____

_____.

I understand that this agreement is binding upon me for one 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 Regional District’s 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 this 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

Date

Date