

DATE OF MEETING OCTOBER 19, 2020

AUTHORED BY KAREN ROBERTSON, DEPUTY CITY CLERK

SUBJECT BYLAW NOTICE ENFORCEMENT BYLAW AMENDMENT – FINES FOR ZONING AND TREE PROTECTION REGULATIONS

OVERVIEW

Purpose of Report

To introduce amendments to “Zoning Bylaw 2011 No. 4500”, “Management and Protection of Trees Amendment Bylaw 2020 No. 7126”, and “Bylaw Notice Enforcement Amendment Bylaw 2020 No. 7159” so that fines for violations under those bylaws can be administered through the City’s Dispute Adjudication Registry System (DARS).

Recommendations

Zoning Amendment Bylaw:

1. That “ZONING AMENDMENT BYLAW 2020 NO. 4500.179” (to replace the Violation and Penalty section and delete the fine schedule) pass first reading;
2. That “ZONING AMENDMENT BYLAW 2020 NO. 4500.179” pass second reading; and
3. Whereas s. 464(2) of the *Local Government Act* permits Council to waive the holding of a public hearing where a proposed zoning amendment bylaw is consistent with the Official Community Plan;
And Whereas Zoning Amendment Bylaw 2020 No. 4500.179 is consistent with Official Community Plan Bylaw 2008 No. 6500;
Be it resolved that Council waives the holding of a public hearing with respect to Zoning Amendment Bylaw 2020 No. 4500.179.

Management and Protection of Trees Amendment Bylaw:

1. That “MANAGEMENT AND PROTECTION OF TREES AMENDMENT BYLAW 2020 NO. 7126.01” (to replace the Violation and Penalty section and delete the fine schedule) pass first reading;
2. That “MANAGEMENT AND PROTECTION OF TREES AMENDMENT BYLAW 2020 NO. 7126.01” pass second reading;
3. That “MANAGEMENT AND PROTECTION OF TREES AMENDMENT BYLAW 2020 NO. 7126.01” pass third reading.

Bylaw Notice Enforcement Amendment Bylaw:

1. That “BYLAW NOTICE ENFORCEMENT BYLAW 2020 NO. 7159.08” (to replace the fine schedule for the Zoning Amendment Bylaw, add a fine schedule for the Management of Trees Bylaw, and replace Schedule B - Registry Agreement) pass first reading;
2. That “BYLAW NOTICE ENFORCEMENT BYLAW 2020 NO. 7159.08” pass second reading;
3. That “BYLAW NOTICE ENFORCEMENT BYLAW 2020 NO. 7159.08” pass third reading.

BACKGROUND

As outlined in the Deputy City Clerk's October 19, 2020 Bylaw and Policy Renewal Information Report, one of the deliverables identified is to streamline the City's ticketing system and do housekeeping amendments to include consistent violation and penalty language within the regulatory bylaws so that Bylaw Enforcement Officers (BEO's) are able to issue tickets through the City's Bylaw Dispute Adjudication Registry System.

The bylaws referenced below, and attached to this report, are the first in a series of bylaws to contain the consistent violation and penalty language for Council's consideration.

DISCUSSION

Zoning Bylaw Amendment No. 4500.179 (Attachment 1)

There are two changes proposed through this amendment:

1. The fines for the Zoning Bylaw under the Bylaw Notice Enforcement Bylaw point to outdated sections of the Zoning Bylaw and many sections are missing. This has presented challenges for the Bylaw Enforcement Department, as BEO's are currently unable to issue fines for bylaw violations through the DARS.
2. The violation and penalty language in the Zoning Bylaw also needs to be amended to include language that authorizes the issuance of tickets under the DARS program. Currently, ticket provisions only reference the *Offence Act*.

The proposed bylaw does not contain any other substantive changes and is consistent with the Official Community Plan; therefore, staff recommend that Council waive the public hearing requirements pursuant to *Local Government Act* section 464(2). Ministry of Transportation approval is also not required as the proposed amendment does not impact any controlled areas.

Management and Protection of Trees Amendment Bylaw No. 7126.01 (Attachment 2)

The amendment proposed for the Management and Protection of Trees bylaw is similar to the proposed Zoning Amendment in that the violation and penalty language needs to be amended to include provisions for issuance of tickets under the DARS.

Bylaw Notice Enforcement Amendment Bylaw 7159.08 (Attachment 3)

Should Council support the proposed amendments to the Zoning Bylaw and Management and Protection of Trees Bylaw noted above, the fine schedules for both bylaws would be added to the Bylaw Notice Enforcement Bylaw.

The other change proposed under this amendment is housekeeping in nature. Schedule "B" (The Registry) needs to be amended to formally authorize the City of Port Alberni, the Regional District of Nanaimo, the Regional District of Alberni Clayoquot, and the Village of Port Clements to participate in the DARS. Their participation, along with the City of Duncan, District of Tofino,

and City of Parksville (who joined in 2014) collectively share in the costs to run the program. Although the new members formally received approval by their respective Councils in 2019, the agreement (noted as Schedule “B”) to the bylaw also needs to be formally adopted by City of Nanaimo Council.

OPTIONS

As the City has been operating the Dispute Adjudication Registry Ticketing System since 2012, under the authority of the Bylaw Notice Enforcement Bylaw, it is important that the regulatory bylaws that are administered through the bylaw have consistent violation and penalty language so that Bylaw Enforcement Officers (BEO) are able to issue the appropriate ticket for an offence. These amendments are primarily housekeeping in nature; therefore, no alternate recommendations are being put forward.

SUMMARY POINTS

As part of the Bylaw Renewal Project, one of the deliverables is to streamline the City’s ticketing system and do housekeeping amendments to include consistent violation and penalty language within each regulatory bylaw.

ATTACHMENTS:

- Attachment 1 – BL4500.179 – Zoning Amendment
- Attachment 2 – BL7126.01 – Management and Protection of Trees Amendment Bylaw
- Attachment 3 – BL7159.08 – Bylaw Notice Enforcement Bylaw Amendment

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