

DATE OF MEETING OCTOBER 4, 2021

AUTHORED BY KAREN ROBERTSON, DEPUTY CITY CLERK

**SUBJECT BYLAW NOTICE ENFORCEMENT AMENDMENT BYLAW –
BUSINESS LICENCE FINE SCHEDULE**

OVERVIEW

Purpose of Report

To replace the fine schedule within the Bylaw Notice Enforcement Bylaw to reflect the new Business Licence Bylaw provisions.

Recommendation

1. That “Bylaw Notice Enforcement Bylaw 2021 No. 7159.13” (to replace the fine schedule for the Business Licence Regulation Bylaw) pass first reading;
2. That “Bylaw Notice Enforcement Bylaw 2021 No. 7159.13” pass second reading;
3. That “Bylaw Notice Enforcement Bylaw 2021 No. 7159.13” pass third reading.

BACKGROUND

Should Council proceed with giving first three readings to “Business Licence Bylaw 2021 No. 7318,” the fine schedule within the Bylaw Notice Enforcement Bylaw will need to be replaced to reflect the provisions associated with the new bylaw. Introducing a new bylaw also provides an opportunity for staff to review the fines to see if they are still relevant or outdated.

DISCUSSION

Business Licence Bylaw No. 5351 was enacted in 1998 and while business licence fees have increased over time, the fines have not. When staff compared the fine schedule with other similar sized municipalities, the research showed that the average fine charged for carrying on a business without a licence, or failing to comply with licence terms and conditions, is \$250; the City’s fine is currently \$100. There was also no fine for obstructing a Licence Inspector or Bylaw Enforcement Officer under the existing bylaw. Other City bylaws contain this fine and it is \$500. Should Council support the proposed fines, which match those of Victoria and Kelowna, staff recommend that Council give first three readings to “Bylaw Notice Enforcement Bylaw 2021 No. 7159.13” as attached to the staff report.

Should Council wish to select alternate fines, direction would be sought on the amount and once determined, the bylaw could then be given its first three readings.

OPTIONS

Option 1:

That “Bylaw Notice Enforcement Bylaw 2021 No. 7159.13” (to replace the fine schedule for the new Business Licence Regulation Bylaw) pass first reading;

That “Bylaw Notice Enforcement Bylaw 2021 No. 7159.13” pass second reading;

That “Bylaw Notice Enforcement Bylaw 2021 No. 7159.13” pass third reading.

Implications:

Under this option, the proposed fines would be reflective of what is charged in other municipalities of similar size and would help in off-setting the administrative costs associated with bylaw enforcement and the ticketing process through the adjudication program. The increased fine is also an incentive for businesses to obtain a licence.

Option 2:

That Council select alternate fine amounts for the Business Licence Bylaw and then consider the following recommendation.

That “Bylaw Notice Enforcement Bylaw 2021 No. 7159.13” (to replace the fine schedule for the new Business Licence Regulation Bylaw) pass first reading;

That “Bylaw Notice Enforcement Bylaw 2021 No. 7159.13” pass second reading;

That “Bylaw Notice Enforcement Bylaw 2021 No. 7159.13” pass third reading.

Implications:

Should Council wish to select alternate fines for the Business Licence Bylaw, staff would seek direction from Council on the amount. Once selected, staff recommend that the bylaw then be given its first three readings.

SUMMARY POINTS

- With adoption of a new Business Licence Bylaw, the Bylaw Notice Enforcement Bylaw will need to be amended to reflect the new bylaw provisions.
- The existing fines have not been updated in 23 years.
- The proposed fines are based on fines charged in similar sized municipalities.

ATTACHMENTS:

Attachment 1 – B7159.13 – BON Bylaw Amendment – Business Licence Fine Schedule

Submitted by:

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Concurrence by:

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