

DATE OF MEETING DECEMBER 6, 2021

AUTHORED BY KAREN ROBERTSON, DEPUTY CITY CLERK

SUBJECT BYLAW NOTICE ENFORCEMENT AMENDMENT – FINES FOR BRECHIN BOAT RAMP FACILITIES REGULATION BYLAW

OVERVIEW

Purpose of Report

To transfer the fine schedule from the Brechin Boat Ramp Facilities Regulation Bylaw into the Bylaw Notice Enforcement Bylaw and transfer the fee schedule to the Fees and Charges Bylaw.

Recommendations

Brechin Boat Ramp Facilities Regulation Amendment Bylaw

That:

1. "Brechin Boat Ramp Facilities Regulation Amendment Bylaw 2021 No. 7110.01" (to remove the fine and fee schedules and update the violation and penalty language) pass first reading.
2. "Brechin Boat Ramp Facilities Regulation Amendment Bylaw 2021 No. 7110.01" pass second reading; and
3. "Brechin Boat Ramp Facilities Regulation Amendment Bylaw 2021 No. 7110.01" pass third reading.

Bylaw Notice Enforcement Amendment Bylaw

That:

1. "Bylaw Notice Enforcement Amendment Bylaw 2021 No. 7159.15" (to add the fine schedule associated with the Brechin Boat Ramp Facilities Regulation Bylaw) pass first reading.
2. "Bylaw Notice Enforcement Amendment Bylaw 2021 No. 7159.15" pass second reading; and
3. "Bylaw Notice Enforcement Amendment Bylaw 2021 No. 7159.15" pass third reading.

Fees and Charges Bylaw

That:

1. "Fees and Charges Bylaw 2021 No. 7336" (to replace the fee schedule and add the Brechin Boat Ramp commercial permit fees) pass first reading.
2. "Fees and Charges Bylaw 2021 No. 7336" pass second reading.
3. "Fees and Charges Bylaw 2021 No. 7336" pass third reading.

BACKGROUND

Recently there have been issues associated with derelict vessels being tied up to the dock at the Brechin Boat Ramp. This is often associated with: 1) boat owners who have been evicted

from nearby marinas or have vessels that are not seaworthy and liable to sink if left at anchor; or 2) boat owners tying up in a manner that obstructs the dock during prime boat launching and fishing periods.

Staff has the option to either tow these vessels or issue tickets for these offences. Marine towing can be expensive and if the boat is derelict and the owner does not claim it, the City can find itself embroiled in salvage or disposal. In terms of ticketing, the existing language only authorizes ticketing through the Provincial Court system. This can also be a costly process. As such, staff is bringing forward amendment bylaws to update the violation and penalty language which would authorize ticketing through the Bylaw Notice Enforcement Bylaw. This is the system the City utilizes for issuing tickets under \$500 and is a much more cost effective and efficient system to seek compliance.

Staff also propose that the fees be transferred to the Fees and Charges Bylaw as is done whenever regulatory bylaws come forward with other amendments.

DISCUSSION

By updating the violation and penalty language in the Brechin Boat Ramp Facilities Regulation Bylaw to mimic the City's other regulatory bylaws, and by removing the fine schedule and adding it to the Bylaw Notice Enforcement Bylaw, staff would be in a position to issue Bylaw Notice Offence tickets which, if disputed, would be adjudicated through the Dispute Adjudication Registry System. This is a much quicker and more cost effective process for all parties. The Brechin Boat Ramp Facilities Amendment Bylaw for Council's consideration is attached to the staff report as Attachment 1, the redlined version can be found on Attachment 2, and the Bylaw Notice Enforcement Amendment Bylaw can be found on Attachment 3.

The second amendment proposed is to remove the fees from the regulation bylaw and add them to the Fees and Charges bylaw (see Attachment 4). Typically staff would bring forward an amendment to the Fees and Charges bylaw to add the fees; however, it has been challenging to add in new schedules as the initial bylaw was set up alphabetically, by department, each with its own schedule. To remedy this, staff is bringing forward a new Fees and Charges bylaw with only one schedule, similar to how the Bylaw Notice Enforcement Bylaw has been set up. Fees could then be easily added while retaining the list alphabetically. Other than reformatting of the new bylaw and adding in the Brechin Boat Ramp permit fees, no other changes have been made.

OPTIONS

Option 1:

Brechin Boat Ramp Facilities Regulation Amendment Bylaw

That:

1. "Brechin Boat Ramp Facilities Regulation Amendment Bylaw 2021 No. 7110.01" (to remove the fine and fee schedules and update the violation and penalty language) pass first reading.
2. "Brechin Boat Ramp Facilities Regulation Amendment Bylaw 2021 No. 7110.01 " pass second reading; and
3. "Brechin Boat Ramp Facilities Regulation Amendment Bylaw 2021 No. 7110.01" pass third reading.

Bylaw Notice Enforcement Amendment Bylaw

That:

1. “Bylaw Notice Enforcement Amendment Bylaw 2021 No. 7159.15” (to add the fine schedule for the Brechin Boat Ramp Facilities Regulation Bylaw) pass first reading.
2. “Bylaw Notice Enforcement Amendment Bylaw 2021 No. 7159.15” pass second reading; and
3. “Bylaw Notice Enforcement Amendment Bylaw 2021 No. 7159.15” pass third reading.

Fees and Charges Bylaw

That:

1. “Fees and Charges Bylaw 2021 No. 7336” (to replace the fee schedule and add the Brechin Boat Ramp commercial permit fees) pass first reading.
2. “Fees and Charges Bylaw 2021 No. 7336” pass second reading.
3. “Fees and Charges Bylaw 2021 No. 7336” pass third reading.

Option 2:

The amendments are housekeeping in nature to ensure that: 1) the regulatory bylaw has consistent violation and penalty language; 2) to transfer the fine schedule to the Bylaw Notice Enforcement Bylaw; and 3) to transfer the fee schedule to the Fees and Charges Bylaw. Should Council wish to make any further amendments, Council direction would be sought.

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 and transfer fees into one comprehensive bylaw.

ATTACHMENTS:

Attachment 1 – B7110.01 – Brechin Boat Ramp Facilities Regulation Amendment Bylaw

Attachment 2 – B7110 – Red Lined

Attachment 3 – B7159.15 – Bylaw Notice Enforcement Amendment Bylaw - Brechin Boat Ramp

Attachment 4 – B7336 – Fees and Charges Bylaw

Submitted by:

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Concurrence by:

Sheila Gurrie, Director of Legislative Services
Dave LaBerge, Manager of Bylaw Services
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Dale Lindsay, GM, Development Services