

DATE: November 29, 2019

FILE: 4020 - 20

TO: Chair and Directors
Electoral Areas Services Committee

FROM: Russell Dyson
Chief Administrative Officer

Supported by Russell Dyson
Chief Administrative Officer

R. Dyson

RE: Proposed Amendments to Municipal Ticket Information Bylaw

Purpose

The purpose of this report is to provide the Electoral Areas Services Committee with information on proposed amendments to the Municipal Ticket Information bylaw to reference the recent adoption of the Rural Comox Valley Zoning Bylaw No. 520, 2019.

Recommendation from the Chief Administrative Officer:

THAT the proposed changes for schedule 16 of Bylaw No. 104 being the “Comox Valley Regional District Municipal Ticketing Bylaw No.104, 2010” be amended to address ticketable offences in the “Rural Comox Valley Zoning Bylaw, No. 520, 2019” as outlined in the staff report dated November 29, 2019.

Executive Summary

The “Rural Comox Valley Zoning Bylaw, No. 520, 2019” was adopted by the Board of the Comox Valley Regional District on October 29, 2019, and repealed Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005”. This effectively repeals the existing section of the Municipal Ticketing Bylaw No. 104, which now needs to be updated and amended to reflect the changes and some additional zoning sections before Municipal Ticket Informations (MTI) can be issued. (The list of proposed changes are attached to this report as Appendix A).

- This report addresses the need to update the existing schedule and fine amounts;
- The cost to administer an issued MTI is limited with bylaw compliance staff conducting the payment hearing; and
- In the event of a disputed MTI, the prosecution is in Provincial Court;
- Not updating the MTI bylaw to address the new zoning bylaw changes leaves Provincial Court applications as the only enforcement option, which can be cost prohibitive and excessive on simpler land use violations.
- Bylaw Compliance staff issue MTIs after voluntary compliance has been exhausted or in the case of long standing enforcement infractions.

Prepared by:

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Manager of Bylaw Compliance

Concurrence:

S. Smith

Scott Smith
General Manager of
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Background/Current Situation

Should the recommendations in this report be approved, an amendment to the MTI bylaw will be presented to Board that clarifies each ticketable offence and the corresponding fine amounts from \$500 to \$1000.

The existing schedule of offences for zoning within the ticketing bylaw only includes violations in regards to illegal home occupations. To update this schedule with the zoning bylaw that was adopted in October 2019, Bylaw and Planning staff reviewed the most common zoning related files and associated challenges with obtaining voluntary compliance.

Most often bylaw complaints related to zoning or land use, come in as a nuisance type complaint, such as fence height, keeping of chickens, or setback of an accessory building. Staff also took into consideration sections of the zoning bylaw that have been challenging to achieve compliance on in the past due to limited enforcement options with the absence of ticketing abilities.

This report and suggested amendments to the MTI bylaw does not address any ticketable offences related to Cannabis production due to potential amendments to the Official Community Plan and subsequent amendments to the Zoning Bylaw No. 520. In addition no ticketable offences related to vacation rentals were suggested at this time in anticipation of further review as well as the Housing Needs Assessment and Report that is underway and expected to be completed in Spring of 2020.

Policy Analysis

The Bylaw Enforcement Policy identifies roles, responsibilities, enforcement authority and methods, and the related policies and operational guidelines to enforce the CVRD bylaws.

Section 413 of the *Local Government Act* and Part 8 of the *Community Charter* authorize the Comox Valley Regional District to enact a bylaw to allow the use of ticketing for bylaw enforcement offences.

Options

1. To implement the changes as outlined;
2. To not change the existing Municipal Ticket Information bylaw;

This report supports option 1.

Financial Factors

There are no specific financial factors associated with the proposed amendments to Bylaw No. 104. Any costs associated with administering enforcement on zoning related files are contained within the current approved budget for planning services.

Legal Factors

Bylaw staff prepare and process all disputed MTIs issued by the CVRD Bylaw and Building staff as well as any issued by RCMP or Animal Control officers. Bylaw Compliance staff has an established system to review any fine disputes, which has greatly assisted in having fines paid and mediation with property owners without having to attend court. Staff have been successful in utilizing the Province's online Civil Resolution Tribunal (CRT) to collect unpaid MTIs, and will continue to pursue these fines through the CRT or Provincial court payment hearings as appropriate.

Regional Growth Strategy Implications

Compliance is achieved on enforcement files while working with property owners and tenants that may be living in hazardous or unhealthy living conditions. A sound methodology in negotiating compliance achieves the aim of supporting a quality of life through the protection and enhancement of community health, safety and well-being.

Intergovernmental Factors

No implications.

Interdepartmental Involvement

Bylaw Compliance continues to work closely with the other branches of the CVRD with a variety of enforcement issues, including issuing MTIs on building violations, illegal dumping, and enforcement in CVRD parks.

Citizen/Public Relations

The CVRD continues to process and respond to all bylaw complaints and inquiries in a timely manner, with the goal of compliance on all enforcement matters. Any changes to a bylaw especially with fine increases, requires an education process and the chance for compliance to be achieved before Bylaw Compliance staff would start to issue fines.

Attachments: Appendix A – Proposed changes to Bylaw No. 104 being “Municipal Ticket Information Bylaw No. 104, 2010”

Schedule 16

Bylaw No. 520 - 'Comox Valley Zoning Bylaw No. 520, 2019'

Column A Offence	Column B Bylaw Section No.	Column C Amount of Fine
Use contrary to zoning	102(1)	\$500
Construct, reconstruct, alter, move or extend a building or structure contrary to zoning	103(1)	\$1000
Fail to comply with an order given under this bylaw or prevents or obstructs or attempts to obstruct an authorized person	106(5)	\$500
Prohibited use contrary to zoning	302(2)	\$500
Process or conduct retail sales associated with an agricultural use outside the home occupation and/or Domestic Industrial Use provision	303(1)(ii)	\$500
Operating farm retail sales contrary to regulations	303(2)(i)	\$500
Operating agri-tourism activities without farm classification	303(2)(iv)	\$500
Operating agri-tourism accommodation contrary to regulations	303(3)(i)(ii)(iii)	\$500
Operating a temporary sawmill contrary to regulations	303(3)(iv)	\$500
Operating an animal kennel contrary to requirements	303(3)(v)	\$500
Domestic agriculture contrary to requirements	304	\$500
Operating a home occupation contrary to requirements	305	\$1,000
Operating a bed and breakfast contrary to requirements	306	\$500
Allowing activity contrary to domestic industrial use requirements	307	\$1000
Operating mobile vending contrary to conditions	308	\$500
Permit/build or maintain a fence contrary to restrictions	310	\$500
Install new or change existing renewable energy devices contrary to regulations	311	\$500
Occupy a recreational vehicle contrary to condition and/or restriction	313(1)(2)(3)	\$500
Operate a portable sawmill contrary to conditions	316	\$500

Maintenance of a gravel pit contrary to regulations	317(1)(2)(3)	\$500
Off street parking contrary to requirements	319	\$500
Erect or maintain sign contrary to regulation and/or prohibition	322	\$500