

**DATE:** July 2, 2021**FILE:** 4020-01**TO:** Chair and Directors  
Electoral Areas Services Committee**FROM:** Russell Dyson  
Chief Administrative OfficerSupported by Russell Dyson  
Chief Administrative Officer**R. Dyson****RE: Restructuring of Regulatory Services - Update**

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**Purpose**

To provide follow up on the public outreach as per the approved communication plan and re-introduce the amendment bylaws for third reading, prior to the bylaws being forwarded to the Ministry of Municipal Affairs for approval.

**Recommendation from the Chief Administrative Officer:**

THAT the Board give third reading to Bylaw No. 645 being “Comox Valley Animal Control Extended Service Conversion Bylaw No. 2266, 2000, Amendment No. 1” attached as Appendix A to the staff report, and Bylaw No. 646, “Regional District Fireworks Regulation Extended Service Conversion Bylaw No. 2002, 1997, Amendment No. 3” attached as Appendix B to the staff report;

AND FURTHER THAT Bylaws No. 645 and 646 be forwarded to the Inspector of Municipalities for approval.

**Executive Summary**

- Staff have followed the recommended and required steps that support the required legislative process for the proposed restructuring of several existing regulatory services to streamline service delivery and achieve efficiencies respecting governance, administration, and public communication. The service establishment bylaws that are required for the restructure are attached as Appendix A and B of this report.
- The Comox Valley Regional District’s (CVRD) COVID-19 Response and Renewal report for the Electoral Areas Services Committee (EASC) identified restructuring of the existing regulatory services within the Electoral Areas.
- The proposed administrative restructuring would result in a Denman Island and Hornby Island Bylaw Enforcement Service, and an Electoral Area A (Baynes Sound), Electoral Area B (Lazo North and Electoral Area C (Puntledge – Black Creek) Bylaw Enforcement Service and would not present any financial impact to residents.
- Public communication on the proposed changes has been completed.

Prepared by:

Concurrence:

**A. Yasinski**

**A. Mullaly**

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Amanda Yasinski  
Manager of Bylaw Compliance

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Alana Mullaly, RPP, MCIP  
General Manager of Planning and  
Development Services

### **Background/Current situation**

One of the proposed actions from the COVID-19 Response and Renewal report that was presented on August 10, 2020 to the EASC was to pursue the merger of bylaw compliance services under two services to streamline the delivery and administration of these services. There are currently five existing regulatory services that are separate functions from one another and vary in service area. For Electoral Areas A, B and C the CVRD provides services for land use enforcement, unsightly premises, noise control, animal control (Vancouver Island portion only) and fireworks. There are no CVRD services for land use enforcement or animal control on Denman Island or Hornby Island.

The Board agreed to pursue the following two services:

- Restructuring of existing bylaw services to form an Electoral Area A (Baynes Sound portion) B, and C bylaw enforcement service as follows:
  - Expand the purpose of the existing animal control service to include noise control, unsightly and fireworks;
  - Land use administration and zoning service to stay with planning.
- Restructuring of existing bylaw services to form a Denman Island and Hornby Island bylaw enforcement service as follows:
  - Expand the purpose of the fireworks service to include noise control and unsightly premises;
  - Amend the boundary to encompass only Denman Island and Hornby Island.

For the merger of the services and repeal of the redundant service establishment bylaws director consent is required from two thirds of the participating jurisdictions (Electoral Areas A, B and C) as well as approval by the Inspector of Municipal Affairs. Despite this change presenting no notable financial impacts to residents, a communication plan was developed to ensure the public is informed of the proposed changes.

The expected timeline to accomplish the restructuring of existing bylaw services, is identified as follows:

- Q1 2021: Staff to bring draft bylaws for introduction and a communication plan to inform the community of the proposed changes.
- Q1 and Q2 2021: Public communication in the spring of 2021.
- Q3 2021: Report to the Electoral Areas Services Committee respecting the results of the community engagement. Consideration of third reading of required bylaws followed by director consent and submission to the Inspector of Municipalities for approval.
- Q4 2021 Consideration of final adoption of bylaws.

### **Options**

Option 1: Approve the recommendation in this report and provide third reading to the draft bylaws.

Option 2: Alternatively the committee can direct staff to review alternative approaches to the service merger concept or not proceed with the merger at this time.

This report supports option 1.

### Financial Factors

The financial benefits from combining existing bylaw services, will include ease of administration of the bylaw service from a budget perspective as well as accessibility to additional funds when required during legal action files.

The reserve funds for Animal Control Function No. 291 can remain and form the reserve fund balance for the newly established Electoral Area A (Baynes Sound portion) B, and C bylaw enforcement service. However, the reserve funds within the existing bylaw services for Noise Control and Unsightly Premises will have to be individually expended before that service can be repealed and encompassed into a new service.

The current reserve fund balances for each existing bylaw service are shown in the table below.

Reserve Fund Balances as of December 31, 2020		
Function No. 291	Animal Control	\$131,198
Function No. 295	Noise Control	\$36,000
Function No. 298	Unsightly Premises	\$36,548
Function No. 299	Fireworks	No reserve established

Staff have reviewed options to expend the outstanding reserve balances for both Noise Control and Unsightly Premises. The best option to equally expend these funds across the existing service areas was identified in the purchase of a replacement vehicle for bylaw services.

At the March 9, 2021 CVRD Board meeting the Board approved the use of \$36,000 from the future expenditure reserve for Function No. 295 (Animal Control) and \$36,548 from the future expenditure reserve for Function No. 298 (Unsightly Premises) towards the purchase of a new bylaw enforcement vehicle in 2021 in Function No. 291 (Animal Control) with these transactions to be reflected in the 2021 – 2025 recommended financial plan.

The existing bylaw vehicle is scheduled to be replaced in 2021 with the funds currently budgeted out of function No. 500 (Electoral Areas Planning Service). A reduction in capital expenditures in 2021 by \$30,000 for the replacement of the 2014 Nissan Rogue with a corresponding reduction in transfers from the capital works reserve (No. 850) will occur for that service. Following this vehicle purchase, the next vehicle replacement would be scheduled for 2027 and would be accommodated from Function No. 500 at that time.

### Legal Factors

No specific factors at this time.

### Intergovernmental Factors

As the changes present no tax impacts to local area residents and property owners it is proposed that participating area approval be achieved through director consent, not an Alternate Approval Process or assent vote (referendum). Inspector approval will be required to accomplish the two new independent bylaw services.

### Citizen/Public Relations

The proposed services restructure was communicated to the public throughout the month of June 2021 and included the use of a website project page, social media, Electoral Areas Newsletter and

print advertising. The communication plan was structured to ensure the residents are aware of the changes to the bylaw structure taking place, that there is zero tax impact for this change, and to increase knowledge regarding bylaw enforcement overall within the region. As of the date of this report, staff has not received any correspondence from the public in regards to the proposed services restructure.

The results from the website project page and social media views are as follows:

- The news release performed well and received no comments.
- Facebook - the advertisements reached 11,752 people and received no comments.
- Twitter - the posts reached approximately 3500 people and received no comments.
- CVRD webpage & Electoral Areas newsletter - no correspondence or feedback received.

Attachments: Appendix A – Animal Control Service Conversion Amend 1  
Appendix B – Fireworks Regulation Extended Service Conversion Amend 3

## Appendix A

### **COMOX VALLEY REGIONAL DISTRICT**

#### **BYLAW NO. 645**

A bylaw to amend the service establishing bylaw for the Comox Valley Animal Control Extended Service by expanding the service purpose to include noise control, control of unsightly premises, and regulation of fireworks

**WHEREAS** the Comox Valley Animal Control Extended Service was created by the adoption of Bylaw No. 2266 being “Comox Valley Animal Control Extended Service Conversion Bylaw No. 2266, 2000”;

**AND WHEREAS** the board wishes to amend the bylaw by expanding the service to include:

- noise control as established by the adoption of Bylaw No. 2275 being “Noise Control Extended Service Conversion Bylaw No. 2275, 2000”;
- control of nuisances, unsightly premises, unwholesome or noxious materials and odours as established by the adoption of Bylaw No. 2051 being “Unsightly Premises Extended Service Establishment Bylaw 2051, 1998”; and
- the regulation of fireworks as established by the adoption of Bylaw No. 2002 being “Fireworks Regulation Extended Service Conversion Bylaw No. 2002, 1997”;

**AND WHEREAS** the following bylaws shall be repealed, by bylaw, upon the full expenditure of any and all reserve funds associated with the service:

- Bylaw No. 2051 being “Unsightly Premises Extended Service Establishment Bylaw 2051, 1998”
- Bylaw No. 2275 being “Noise Control Extended Service Conversion Bylaw No. 2275, 2000”;

**AND WHEREAS** participating area approval has been obtained in writing from the directors of Electoral Areas A (Baynes Sound – Denman / Hornby Islands), B (Lazo North) and C (Puntledge – Black Creek) under section 349 of the *Local Government Act* (RSBC, 2015, c.1);

**AND WHEREAS** the approval of the Inspector of Municipalities has been obtained under section 342 of the *Local Government Act* (RSBC, 2015, C. 1); and,

**NOW THEREFORE** the board of the Comox Valley Regional District in open meeting assembled enacts as follows:

#### **Amendment**

1. Bylaw No. 2266 being “Comox Valley Animal Control Extended Service Conversion Bylaw No. 2266, 2000” is hereby amended by
  - a) Replace Section 1 “Extended Service Establishment” which reads:

**Extended Service Establishment**

1. The service of Animal Control operated by the Regional District under Division XL of its supplementary Letters Patent is hereby established as an extended service.

with the following:

**Service**

2. (a) This service shall hereby be known as the Electoral Areas A (Baynes Sound), B and C Bylaw Enforcement Service.
- (b) The service established by this bylaw is to provide animal control, noise control, control of unsightly premises, and regulation of fireworks to the Electoral Areas A (Baynes Sound), B and C Bylaw Enforcement Service Area.

- b) Replacing Section 2 "Boundaries of the Service Area" which reads:

2. The boundaries of the "Comox Valley Animal Control Extended Service Area" shall be coterminous with the boundaries of Electoral Areas 'A', 'B' and 'C' of the Regional District of Comox-Strathcona

with the following:

2. The boundaries of the Electoral Area A (Baynes Sound), B and C Bylaw Enforcement Service Area shall be those portions of Electoral Areas A, B, and C as outlined on the map shown in Schedule A.

- c) Replacing Section 4 "Cost Recovery" which reads:

4. The annual costs for the extended service, net of grants and other revenue, shall be recovered by one or more of the following:
  - a) by the imposition of fees and other charges which may be fixed by separate bylaw;
  - b) by the requisition of money under Section 823 of the Municipal Act to be collected by a property value tax to be levied and collected under Section 825(1) of the Municipal Act.

with the following:

4. As provided in section 378 of the *Local Government Act* (RSBC, 2015, C. 1), the annual cost for this service shall be recovered by one or more of the following:
  - (a) property value taxes;
  - (b) fees and charges;
  - (c) revenues raised by other means authorized by the *Local Government Act* (RSBC, 2015, C. 1) or another Act; and
  - (d) revenues received by way of agreement, enterprise, gift, grant or otherwise.

d) Adding Schedule A as attached.

**Citation**

This Bylaw No. 645 may be cited as “Comox Valley Animal Control Extended Service Conversion Bylaw No. 2266, 2000, Amendment No. 1”.

<b>Read a first and second time this</b>	<b>30<sup>th</sup></b>	<b>day of</b>	<b>March</b>	<b>2021.</b>
<b>Read a third time this</b>		<b>day of</b>		<b>2021.</b>
<b>Consented to in writing by the Electoral Area A (Baynes Sound – Denman/Hornby Islands) Director this</b>		<b>day of</b>		<b>2021</b>
<b>Consented to in writing by the Electoral Area B (Lazo North) Director this</b>		<b>day of</b>		<b>2021.</b>
<b>Consented to in writing by the Electoral Area C (Puntledge – Black Creek) Director this</b>		<b>day of</b>		<b>2021.</b>
<b>Approved by the Inspector of Municipalities this</b>		<b>day of</b>		<b>2021.</b>
<b>Adopted this</b>		<b>day of</b>		<b>2021.</b>

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Chair

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Deputy Corporate Legislative Officer

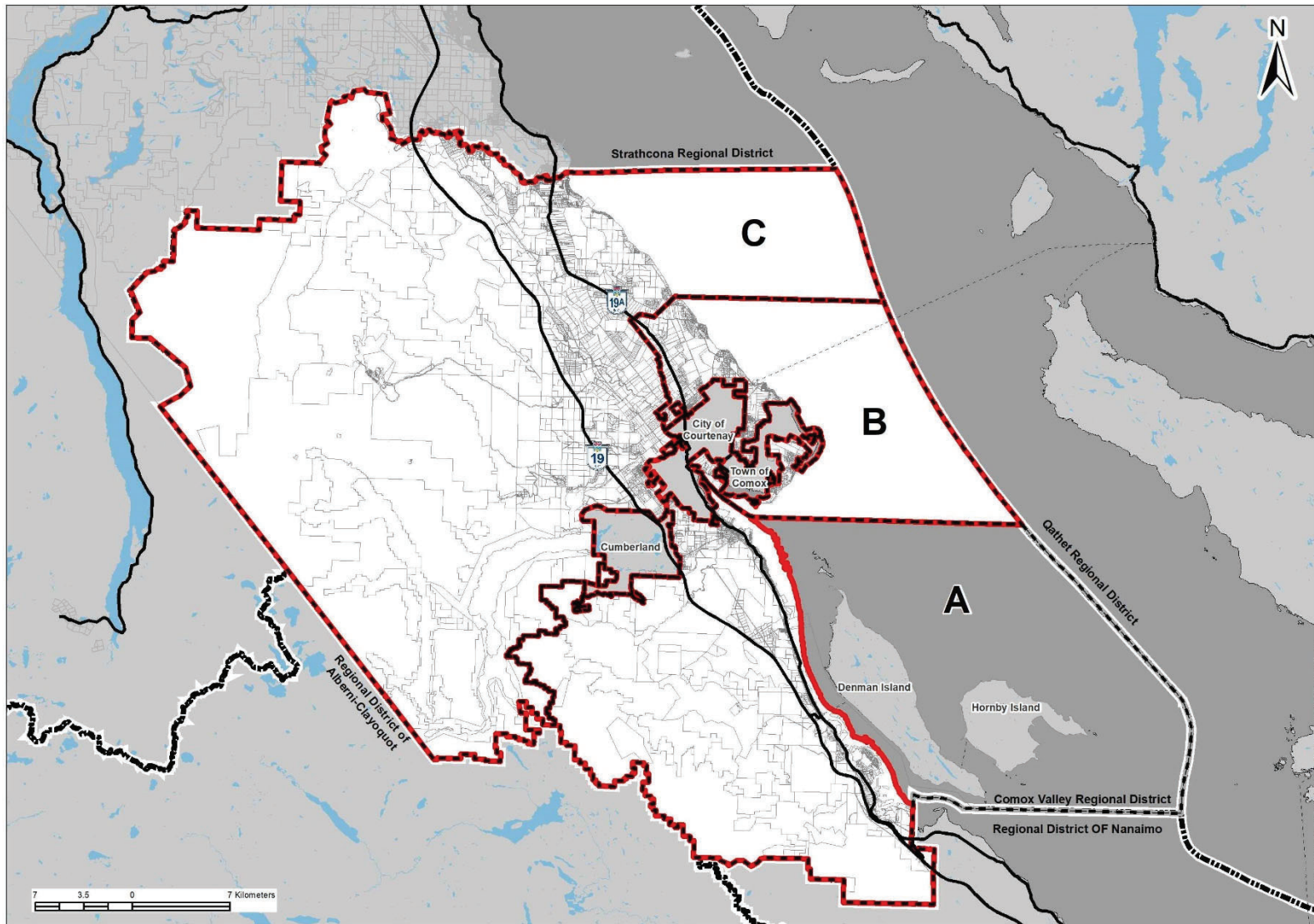
I hereby certify the foregoing to be a true and correct copy of Bylaw No. 645 being “Comox Valley Animal Control Extended Service Conversion Bylaw No. 2266, 2000, Amendment No. 1” as adopted by the board of the Comox Valley Regional District on the    day of   , 2021.

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Deputy Corporate Legislative Officer



## Appendix A

### Schedule A



### Schedule A

Comox Valley Animal Control Extended Service Conversion Bylaw No. 2266, 2000



## Appendix B

### **COMOX VALLEY REGIONAL DISTRICT**

#### **BYLAW NO. 646**

A bylaw to amend the service establishing bylaw for the Regional District Fireworks Regulation Extended Service by expanding the service purpose to include noise control, and control of unsightly premises, and to amend the service area boundary

**WHEREAS** the Regional District Fireworks Regulation Extended Service was created by the adoption of Bylaw No. 2002 being “Fireworks Regulation Extended Service Conversion Bylaw No. 2002, 1997”;

**AND WHEREAS** the board wishes to amend the bylaw by expanding the service purpose to include:

- noise control as established by the adoption of Bylaw No. 2275 being “Noise Control Extended Service Conversion Bylaw No. 2275, 2000”; and,
- control of nuisances, unsightly premises, unwholesome or noxious materials and odours as established by the adoption of Bylaw No. 2051 being “Unsightly Premises Extended Service Establishment Bylaw 2051, 1998”;

**AND WHEREAS** the following bylaws shall be repealed, by bylaw, upon the full expenditure of any and all reserve funds associated with the service:

- Bylaw No. 2275 being “Noise Control Extended Service Conversion Bylaw No. 2275, 2000”
- Bylaw No. 2051 being “Unsightly Premises Extended Service Establishment Bylaw 2051, 1998”;

**AND WHEREAS** the board wishes to amend the service area boundary to include only Denman and Hornby Islands;

**AND WHEREAS** participating area approval has been obtained in writing from the directors of Electoral Areas A (Baynes Sound – Denman / Hornby Islands), B (Lazo North) and C (Puntledge – Black Creek) under section 349 of the *Local Government Act* (RSBC, 2015, c.1);

**AND WHEREAS** the approval of the Inspector of Municipalities has been obtained under section 342 of the *Local Government Act* (RSBC, 2015, C. 1); and,

**NOW THEREFORE** the board of the Comox Valley Regional District in open meeting assembled enacts as follows:

#### **Amendment**

1. Bylaw No. 2002 being “Fireworks Regulation Extended Service Conversion Bylaw No. 2002, 1997” is hereby amended by
  - a) Replace Section 1 “Extended Service Establishment” which reads:

**Extended Service Established**

1. The service of fireworks regulation operated by the Regional District under Division XIX of its supplementary Letters Patent as amended is hereby established as an extended service.

with the following:

**Service**

2. (a) This service shall hereby be known as the Denman and Hornby Islands Bylaw Enforcement Service.
- (b) The service established by this bylaw is to provide regulation of fireworks, noise control, and control of unsightly premises to the Denman and Hornby Islands Bylaw Enforcement Service Area;

b) Replacing Section 2 “Boundaries of the Service area” which reads:

2. The boundaries of the extended service area shall be coterminous with the boundaries of Electoral Areas ‘A’, ‘B’, ‘C’, ‘H’ and ‘K’ of the Regional District of Comox-Strathcona

with the following:

2. The boundaries of the Denman and Hornby Islands Bylaw Enforcement Service shall be that portion of Electoral Areas A as outlined on the map shown in Schedule A.

c) Replacing Section 3 “Participating Area” which reads:

3. Electoral Areas ‘A’, ‘B’, ‘C’ ‘H’ and ‘K’ of the Regional District of Comox-Strathcona are participating areas in the extended service.

with the following:

3. Electoral Area A is the participating area in the extended service.

d) Replacing Section 4 “Cost Recovery” which reads:

4. The annual costs for the extended service, net of grants and other revenue, shall be recovered by one or more of the following:
  - a) the requisition of money under Section 823 to be collected by a property value tax to be levied and collected under Section 825(1) of the Municipal Act;
  - b) the imposition of fees and other charges fixed by separate bylaw.

with the following:

## Appendix B

Bylaw No. 646 being

“Regional District Fireworks Regulation Extended Service Conversion Bylaw No. 2002, 1997, Amendment No. 3” P.3

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4. As provided in section 378 of the *Local Government Act (RSBC, 2015, C. 1)*, the annual cost for this service shall be recovered by one or more of the following:
  - (a) property value taxes;
  - (b) fees and charges;
  - (c) revenues raised by other means authorized by the *Local Government Act (RSBC, 2015, C. 1)* or another Act; and
  - (d) revenues received by way of agreement, enterprise, gift, grant or otherwise.

e) Replacing Section 5 “Service Review” which reads:

5. All aspects of the fireworks regulation extended service shall be reviewed every five years, with the first review occurring in 2011.

with the following:

5. All aspects of the Denman and Hornby Islands Bylaw Enforcement Service shall be reviewed every five years, with the first review occurring in 2021.

f) Adding Schedule A as attached.

### Citation

This Bylaw No. 646 may be cited as “Regional District Fireworks Regulation Extended Service Conversion Bylaw No. 2002, 1997, Amendment No. 3”.

Read a first and second time this	30 <sup>th</sup>	day of	March	2021.
Read a third time this		day of		2021.
Consented to in writing by the Electoral Area A (Baynes Sound – Denman/Hornby Islands) Director this		day of		2021
Consented to in writing by the Electoral Area B (Lazo North) Director this		day of		2021.
Consented to in writing by the Electoral Area C (Puntledge – Black Creek) Director this		day of		2021.
Approved by the Inspector of Municipalities this		day of		2021.
Adopted this		day of		2021.

## Appendix B

Bylaw No. 646 being

“Regional District Fireworks Regulation Extended Service Conversion Bylaw No. 2002, 1997, Amendment No. 3” P.4

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Chair

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Deputy Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 646 being “Regional District Fireworks Regulation Extended Service Conversion Bylaw No. 2002, 1997, Amendment No. 3” as adopted by the board of the Comox Valley Regional District on the    day of   , 2021.

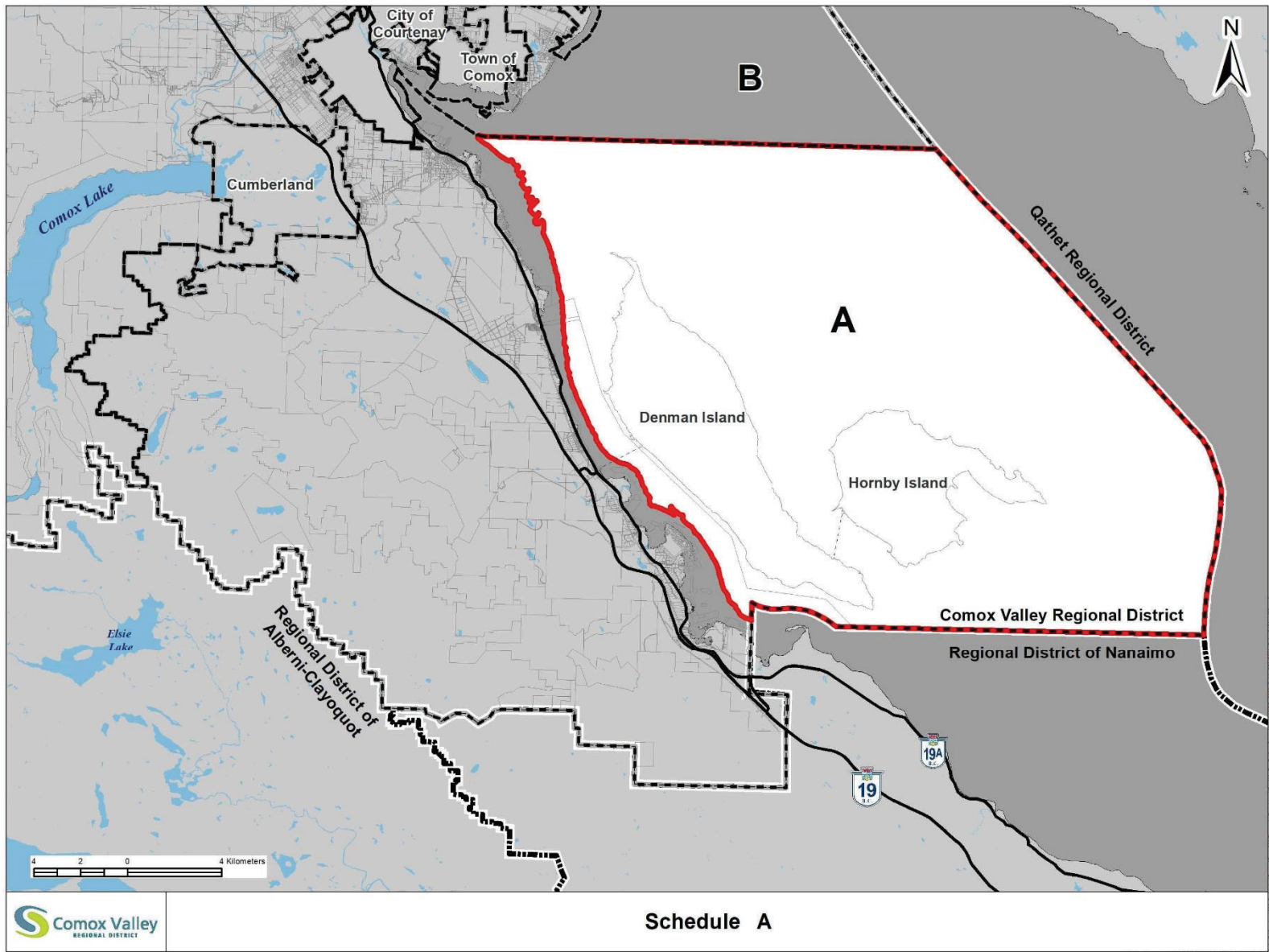
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Deputy Corporate Legislative Officer

## Appendix B

Bylaw No. 646 being

“Regional District Fireworks Regulation Extended Service Conversion Bylaw No. 2002, 1997, Amendment No. 3” P.5

### Schedule A



Regional District Fireworks Regulation Extended Service Conversion Bylaw No. 2002, 1997