

Bylaw of Fort St. John

Bylaw No. 2428

A bylaw of the Corporation of the City of Fort St. John to provide for enforcement by bylaw notices.

WHEREAS the *Local Government Bylaw Notice Enforcement Act*, S.B.C. 2003, c. 60 empowers the Municipal Council of the Corporation of the City of Fort St. John, by Bylaw, to designate those bylaws for which bylaw notice enforcement may be used;

NOW THEREFORE the Municipal Council of the Corporation of the City of Fort St. John in open meeting assembled enacts as follows:

SECTION 1 – INTRODUCTION

1.1 This bylaw may be cited as **“Bylaw Notice Enforcement Bylaw No. 2428, 2018”**.

SECTION 2 – DEFINITIONS

2.1 In this bylaw:

“Act” means the *Local Government Bylaw Notice Enforcement Act*;

“Bylaw Enforcement Officer” means a person or persons appointed by Council from time to time to enforce the regulatory bylaws of the municipality.

“City” means the Corporation of the City of Fort St. John;

“Designated Bylaw” means a bylaw listed in Column 1 of Schedule “A” to this Bylaw;

“Designated Schedule” means the schedule specified in Column 3 of Schedule “A” to this Bylaw that corresponds with and is attached to the Designated Bylaw being enforced; and

“Registry” means the Bylaw Notice Adjudication Registry established pursuant to this Bylaw.

SECTION 3 – STATUTORY TERMS

3.1 Subject to subsection 2.1, the terms in this bylaw have the same meaning as the terms defined in the Act.

SECTION 4 – BYLAW CONTRAVENTIONS

4.1 The bylaws listed in Column 1 of Schedule “A” to this Bylaw may be dealt with by bylaw notice.

SECTION 5 - PENALTY OR DISPUTE

5.1 A person who receives a bylaw notice must, within 14 days of the date on which the person received or is presumed to have received the bylaw notice:

- (a) Pay to the City the penalty in the amount specified in Column A5 (Early Payment) of the Designated Schedule for the contravention, or
- (b) Request dispute adjudication by filling in the appropriate portion of the bylaw notice indicating either an intention to dispute and delivering it, either in person during regular office hours, or by mail, to the City.

PERIOD FOR PAYING A DISPUTE NOTICE

5.2 If a person receives a bylaw notice but fails to pay the penalty or dispute the bylaw notice in the time required under subsection 5.1 of this Bylaw, that person must:

- (a) pay to the City the penalty in the amount specified in Column A4 of the Designated Schedule for the contravention if the payment is received by the City within 30 days of the date on which the person received the bylaw notice or is presumed to have received the bylaw notice; or
- (b) pay to the City the penalty in the amount specified in Column A6 of the Designated Schedule for the contravention.

5.3 Where a person was not personally served with a bylaw notice and advises the City, in accordance with the requirements of Section 25 of the Act, that they did not receive a copy of the original notice, the time limits for responding to a bylaw notice under subsection 5.1 and making a payment under subsection 5.2 of this Bylaw do not begin to run until a copy of the bylaw notice is redelivered to them in accordance with the Act.

SECTION 6 – BYLAW NOTICE DISPUTE ADJUDICATION REGISTRY

6.1 The Registry is established to provide a bylaw notice dispute adjudication system for the purpose of hearing disputes in accordance with the Act.

6.2 The civic address of the Registry is the City of Fort St. John 10631 – 100 Street, Fort St. John, BC V1J 3Z5.

6.3 Every person who is unsuccessful in a dispute adjudication hearing in relation to a bylaw notice or a compliance agreement under the dispute adjudication system established under this section must pay the City an additional fee of \$25.00 for the purpose of the City recovering the costs of the adjudication system.

SECTION 7 – SCREENING OFFICERS

7.1 The position of screening officer is established.

7.2 The following are classes of persons that may be appointed as screening officers:

- (a) Director of Protective Services;
- (b) Bylaw Enforcement Supervisor;
- (c) General Manager of Corporate Services; and
- (d) Any other officer, employee, or contractor of the City upon the recommendation of the General Manager of Corporate Services;

and the Municipal Council of the City may appoint Screening Officers from these classes of persons by name of office or otherwise.

SECTION 8 – POWERS, DUTIES AND FUNCTIONS OF SCREENING OFFICERS

8.1 The powers, duties, and functions of screening officers are as set out in the Act, and include the following powers:

- a. where requested by the person against whom a contravention is alleged, to communicate information respecting the nature of the contravention, the provision of the bylaw contravened, the facts on which the contravention allegation is based, the penalty for a contravention, the opportunity to enter into a compliance agreement, the opportunity to proceed to the bylaw notice dispute adjudication system and the fee or fees payable in relation to the bylaw notice enforcement process;
- b. to communicate with any or all of the following for the purposes of performing their functions under this Bylaw or the Act:
 - (i) the person against whom a contravention is alleged or their representative;
 - (ii) the officer issuing the notice;
 - (iii) the complainant or their representative; and
 - (iv) the City's staff and records regarding the disputant's history of bylaw compliance;
- c. to prepare and enter into compliance agreements under the Act with persons who dispute bylaw notices, including to establish terms and conditions for compliance that the Screening Officer considers necessary or advisable, including time periods for payment of penalties and compliance with the Bylaw;
- d. to enable the payment of a reduced penalty if a compliance agreement is entered into, as provided in each bylaw; and
- e. to cancel bylaw notices in accordance with the Act and City policies and guidelines.

SECTION 8 – POWERS, DUTIES AND FUNCTIONS OF SCREENING OFFICERS (continued)

8.2 A Screening Officer may only enter into a compliance agreement for a contravention that is indicated as being available for a compliance agreement under Column A7 of the Designated Schedule.

8.3 The maximum duration of a compliance agreement is one year.

SECTION 9 – BYLAW ENFORCEMENT OFFICERS

9.1 Those persons listed in Column 2 of Schedule “A” to this Bylaw are authorized to issue and complete bylaw notices for the purpose of enforcing the corresponding Designated Bylaw .

SECTION 10 – FORM OF BYLAW NOTICE

10.1 The Director of Protective Services may from time to time prescribe a form or forms of bylaw notice, provided the bylaw notice complies with Section 4 of the Act.

SECTION 11 – ADMINISTRATIVE

11.1 Schedule “A” is attached to this bylaw and forms a part of this bylaw.

11.2 If any provision of this bylaw is declared or held to be illegal, invalid, or ultra vires, in whole or in part, then the provision shall not apply and the remainder of this bylaw shall continue in full force and effect and be construed as if it had been enacted without the illegal, invalid, or ultra vires provision.

READ a first time this 14th day of May, 2018

READ a second time this 14th day of May, 2018

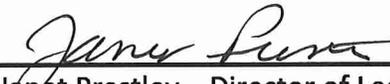
READ a third time this 14th day of May, 2018

ADOPTED THIS 9th day of July, 2018

The Corporate Seal of **THE CORPORATION OF THE CITY OF FORT ST. JOHN** was affixed in the presence of:



Lori Ackerman – Mayor



Janet Prestley – Director of Legislation & Administrative Services

SCHEDULE "A"		
Column 1 Designated Bylaw	Column 2 Designated Bylaw Enforcement Officers	Column 3 Designated Schedule
Property Standards Bylaw 2429, 2018	Building Inspector Bylaw Enforcement Officer	Schedule "A" of Bylaw 2429
Animal Control Bylaw 2377, 2017	Bylaw Enforcement Officer RCMP Officer	Schedule "D" of Bylaw 2377
Business License Bylaw 2372, 2017	Building Inspector Bylaw Enforcement Officer License Inspector	Schedule "G" of Bylaw 2372
Noise Bylaw 2261, 2015	Bylaw Enforcement Officer RCMP Officer Building Inspector	Schedule "B" of Bylaw 2261
Sign Bylaw 2110, 2012	Building Inspector Bylaw Enforcement Officer License Inspector	Schedule "C" of Bylaw 2110
Solid Waste 2304, 2015	Director of Public Works & Utilities General Manager of Integrated Services Bylaw Enforcement Officer	Schedule "F" of Bylaw 2304