



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

SPECIAL MEETING OF THE COUNCIL OF THE VILLAGE OF LIONS BAY HELD ON MARCH 24, 2020 at 7 PM COUNCIL CHAMBERS, 400 CENTRE ROAD, LIONS BAY

AGENDA

- 1. Call to Order**
- 2. Adoption of Agenda**
- 3. Public Participation**
- 4. Bylaws**
 - A. Parks Regulations Bylaw No. 448, 2012, Amendment Bylaw No. 576, 2020**
THAT Parks Regulations Bylaw No. 448, 2012, Amendment Bylaw No. 576, 2020 be introduced and given three readings.
 - B. Bylaw Notice Enforcement Bylaw No. 385, 2006, Amendment Bylaw No. 577, 2020**
THAT Bylaw Notice Enforcement Bylaw No. 385, 2006, Amendment Bylaw No. 577, 2020 be introduced and given three readings.
- 5. New Business**
 - A. Discussion on the closures of parks, trails, open spaces and other municipal facilities.**
- 6. Public Questions & Comments**
- 7. Closed Council Meeting**

Proposed topics for discussion in the absence of the public:

 - A. Enforcement considerations for closures of lands and facilities**

THAT the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;

THAT the meeting be closed to the public on the basis of matters to be considered under the following sections of the *Community Charter*:

90 (1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- (f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and
- n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2).

Council does not anticipate reconvening the open meeting for any purpose other than to adjourn the meeting generally and report out if applicable.

[OR]

Council anticipates reconvening the open meeting to discuss the following item(s):

- 8. Reporting Out from Closed Portion of Meeting**
- 9. Adjournment**



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



Lions Bay Parks Regulations Bylaw No. 448, 2012, Amendment Bylaw No. 576, 2020

Adopted:

PO Box 141, 400 Centre Road, Lions Bay, BC V0N 2E0
Phone: 604-921-9333 Fax: 604-921-6643
Email: office@lionsbay.ca Web: www.lionsbay.ca

Lions Bay Parks Regulations Bylaw No. 448, 2012, Amendment Bylaw No. 576, 2020

A bylaw to make rules and regulations governing the management, maintenance,
improvement, operation, control and use of parks

The Council of the Village of Lions Bay enacts as follows:

Citation

1. This bylaw may be cited as Parks Regulations Bylaw No. 448, 2012, Amendment Bylaw No. 576, 2020.

Amendments

2. Parks Regulations Bylaw No. 448, 2012, as amended, is hereby amended as follows by:

- (a) Adding the year “, 2012” to the citation of the bylaw in Section 1.1.
- (b) Adding the words “, including any activity, conduct or condition which results in potential exposure to illness or injury to other persons in a park.” to the definition of “**Nuisance**” in Section 4.
- (c) Striking the definition of “**Organized activity**” in Section 4 and replacing it with the following:
means any activity which involves a group larger than 20 people and which constitutes a **nuisance** or limits general public access to a **park** or portion of the **park** or **community facility**, or any activity that involves instruction or training for a group larger than 20 people.
- (d) Adding the words “or Chief Administrative Officer” after the word “Administrator” to the three occurrences of that word in the definition of “**Village Manager**” in Section 4.
- (e) Adding the words “**and Closures or Restrictions**” to the heading for “**Part 10**”
- (f) Deleting the entirety of Section 10.2 and replacing it as follows:

“The **Village Manager** may, at any time, by written order posted at the **park** or **community facility**, close or restrict any **park** or **community facility**, or part thereof, to the use of the Public, or restrict the number of persons in the park at any given time, or the hours of opening and closing of any **park** or **community facility** if, in the **Village Manager**’s opinion, such closure or restriction is necessary to prevent or assist the prevention of a breach of the peace or threat thereto, or other violation of provincial or federal law or public health order, or to protect members of the public from illness or injury from any cause, or injury or damage when works of maintenance or repair are being carried on by Municipal employees or contractors, or in the event of a natural disaster or possibility thereof.

- (g) By deleting the entirety of Section 10.3 and replacing it as follows:

“No person shall enter or remain in any **park** or **community facility**, or portion thereof, which has been posted as closed to public access by the **Village Manager**, and no person

shall exceed any restriction to public use of or access to any **park** or **community facility** posted by the **Village Manager**.

- (h) By striking the words “his or her” and substituting with “their”; striking the word “behaviour” and substituting “activity, conduct or condition”; adding the words “or contribute to”; and adding the words “or **community facility**” to Section 11.1.

READ A FIRST TIME

March 26, 2020

READ A SECOND TIME

March 26, 2020

READ A THIRD TIME

March 26, 2020

ADOPTED BY COUNCIL

April 7, 2020

Mayor

Corporate Officer

Certified a true copy of
Parks Regulation Bylaw No. 448, 2012,
Amendment Bylaw No. 576, 2020 as adopted

Corporate Officer



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



Lions Bay Parks Regulations Bylaw No. 448, 2012

Office Consolidation

This document is an office consolidation of Lions Bay Parks Regulation Bylaw No. 448, 2012 with subsequent amendments adopted by the Village of Lions Bay.

All persons making use of this consolidation are reminded that it has no Council sanction, that amendments have been incorporated only for convenience of reference, and that for all purposes of interpretation and application, the original bylaws should be consulted. The Village of Lions Bay will, in no event, be liable or responsible for damages of any kind arising out of the use of this consolidation.

This is not the official version of Lions Bay Parks Regulation Bylaw No. 448, 2012, as amended, nor is it admissible in a court of law. For such purposes, official certified copies of the original bylaws can be obtained from the Village Office or by contacting us at: admin@lionsbay.ca

List of Amending Bylaws

| Bylaw No. | Section | Description | Adopted |
|-----------|------------------------------|--|------------------|
| 9 | All | Repeals bylaw | July 6, 1971 |
| 247 | All | Repeals bylaw | August 14, 1995 |
| 316 | All | Repeals bylaw | December 4, 2000 |
| 414 | All | Repeals bylaw | July 21, 2009 |
| 439 | All | Repeals bylaw | March 5, 2012 |
| 527 | 2(a) 2(b) 2(c) 2(d) | Amends title and citation name of Bylaw Amends the definition of Park Amends list of repealed bylaws Adds the ability for Council to authorize sale of goods in Parks | July 4, 2017 |

Village of Lions Bay

Parks Regulations Bylaw 448, 2012

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| | | | |
|------------|--|---|---------------|
| | 2(e) | Adds the ability for Council to authorize motor vehicles in Parks | |
| | 2(f) | Adds the ability for Council to authorize extended hours for Parks | |
| | 2(g) | Provides for boat storage facility, fees & seizure/sale enforcement | |
| | 2(h) | Provides for enforcement under Bylaw No. 385 | |
| 565 | 3.1 | Replaces s.12.3.2 to restrict the flying of gliders and motor driven aircrafts, including drones | June 18, 2019 |
| <u>576</u> | <u>2(a)</u> <u>2(b)</u> <u>2(c)</u> <u>2(d)</u> <u>2(e)</u> <u>2(f)</u> <u>2(g)</u> <u>2(h)</u> | <u>Amends the citation of the bylaw</u> <u>Amends the definition of Nuisance</u> <u>Amends the definition of Organized Activity</u> <u>Adds Chief Administrative Officer to the definition of Village Manager</u> <u>Amends the heading</u> <u>Provides for further enforcement in parks and community facilities</u> <u>Expands prohibition dealing with remaining in a park or facility that is closed or restricted</u> <u>Amends the prohibition dealing with behavior or conduct which creates or contributes to a nuisance</u> | |

Bylaw No. 448, 2012

LIONS BAY PARKS REGULATIONS BYLAW

A bylaw to make rules and regulations governing the management, maintenance, improvement, operation, control and use of parks

The Council of the **Village of Lions Bay** enacts as follows:

Part 1 Citation

- 1.1 This bylaw may be cited as Lions Bay Parks Regulations Bylaw No. 448, 2012.

[Amended by Bylaw No. 527]

[Amended by Bylaw No. 576]

Part 2 Severability

- 2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Part 3 Previous Bylaw Repeal

- 3.1 **Parks** Regulation Bylaw No. 9, and the amendment bylaws Nos. 247, 316, 414 and 439 are hereby repealed.

[Amended by Bylaw No. 527]

Part 4 Definitions

In this bylaw:

“Beach” means any area covered and uncovered by the ebb and flow of the tide, and any adjacent area which can reasonably be considered part of the **beach** environment including areas of rock, sand, pebbles, shell, shingle or coastal vegetation.

“Enforcement officer” means:

1. every person designated by Council by name of office or otherwise as an **enforcement officer** for the purposes of administering and enforcing this Bylaw; and
2. a peace officer, including every officer of the Royal Canadian Mounted Police.

“Community facility” means a building, recreation or other municipal facility intended for use by the public, including but not limited to, the Village Hall, tennis courts, play structures, washrooms, picnic shelters and other recreation facilities located in a **Park** or on any other land which the **Village** owns or controls by means of a lease, license or other legal instrument, that is

intended for athletic, social or recreational use by members of the community.

“Fire Chief” means the person appointed to such position from time to time or other persons authorized to carry out the duties ascribed to the said **Fire Chief**.

“Fire season” means the time of year declared as “fire season” by the Village Manager or designate.

“Foreshore” means any area within the Village along the shoreline between the high and low water marks.

“Lions Bay Fire Rescue” means the Fire Rescue Department of the Village of Lions Bay.

“Manager Public Works” means the person appointed to such position from time to time or other persons authorized by Council to carry out the duties ascribed to the said **Manager Public Works**.

“Nuisance” means any activity, conduct or condition occurring in a **park** which substantially and unreasonably interferes with a person’s use and enjoyment of the **park**, including any activity, conduct or condition which results in potential exposure to illness or injury to other persons in a park.

[Amended by Bylaw No. 576]

“Organized activity” means any activity which ~~is pre-planned~~, involves a group larger than 20 people and which constitutes a nuisance or limits general public access to a park or portion of the **park** or **community facility**, or any activity that involves instruction or training for a group larger than 20 people.

[Amended by Bylaw No. 576]

“Park” means a **park** or **parkland** or any real property or interest therein within the **Village** held or used for pleasure or recreation uses of the public and includes the land held under any lease, including the **foreshore** and land covered by water granted to the **Village** by her Majesty the Queen and designated W-2 under Zoning and Development Bylaw No. 520, 2017, and including the forest inside the Village boundary.

[Amended by Bylaw 527]

“Vehicles” means all conveyances for the carriage or transport of persons, passengers, goods or materials propelled by any mechanical device or other modes of power whatsoever and shall include bicycles and tricycles.

“Village Manager” means the **Village Manager** or Administrator or Chief Administrative Officer of the Village of Lions Bay, and also means the person appointed to the **Village Manager** or Administrator or Chief Administrative Officer position from time to time, or other persons authorized by Council to carry out the duties ascribed to the said **Village Manager** or Administrator or Chief Administrative Officer.

[Amended by Bylaw No. 576]

“Village” means the **Village of Lions Bay**.

Part 5 Preservation of Features

- 5.1 No person shall cut, break, prune, damage, deface, tamper with, destroy, remove, apply graffiti to or burn anything in any **park** including, without limiting the generality of the foregoing, any building, structure, vegetation, court, fence, swing, notice, seat, bench, ornament, lamp post, turf or thing in or on any **park** or **community facility**.
- 5.2 No person shall molest, disturb, frighten injure, trap, harm, kill or snare any bird or animal in any **park**, with the exception that authorized **Village** staff may deal with nuisance animals or birds.
- 5.3 No person shall foul, pollute, or deposit any matter or thing or otherwise introduce any contaminant onto the land or into any stream, reservoir, creek, pond, ditch, pool or water within a **park** or **community facility**.
- 5.4 No person shall tamper with or discharge or cause to be let out, any water from any reservoir, stream, pond, pool or hydrant in or on any **park**.
- 5.5 No person shall climb, walk or sit upon a fence, structure or piece of equipment in any **park** or **community facility**, unless the same is designed and intended for such purpose.
- 5.6 No person shall deposit or dump any garbage, glass, crockery, paper, rubbish, litter, wood, waste or other material whether liquid or solid in or on any **park** or **community facility**, except in receptacles provided there for such purpose and then only if there is space in the receptacle for such deposit.
- 5.7 No person shall dispose of waste generated outside a **park** or **community facility** by depositing the waste in a waste receptacle or anywhere else inside any **park** or **community facility**.

Part 6 Fires and Fireworks

- 6.1 No person except members of **Lions Bay Fire Rescue**, acting upon authorization of the Village for community events, shall discharge any fireworks, combustible or explosive matter in a **Park** or **community facility**.
- 6.2 No person except members of **Lions Bay Fire Rescue**, acting upon authorization of the Village for community events, shall cause, permit or allow a fire to burn in a **park** or **community facility**.
- 6.3 No person shall use a charcoal or propane fire barbeque or hibachi in any **Lions Bay park** except in Lions Bay **Beach Park** and Kelvin Grove **Beach Park**.
- 6.4 No person shall dispose of used embers, coals or by-products of privately-owned barbecues on municipal property.
- 6.5 No person shall place or throw any lighted match, cigar, cigarette or any burning substance or thing in or on any **park**. The **Fire Chief** may prohibit smoking in any **park** or **Community facility** at any time by posting a no-smoking order at the entrance to the **park** or **community facility**.
- 6.6 The **Fire Chief** may declare, in writing, any **park** or trail, or part of a **park** or trail to be a fire risk. If the **Fire Chief** makes such a declaration, then no person except Village employees in the performance of their duties shall enter that trail or **park**.

Part 7 Commercial Services and Activities

- 7.1 No person shall sell, exchange, barter or expose or display for sale any goods, offer any service or carry on any commercial undertaking whatsoever in a **park** or **community facility**, except as part of a community event, or as authorized under the **Village** Filming policy, or as specifically authorized by Council for specific locations, dates and times.

[Amended by Bylaw No. 527]

- 7.2 No person shall post, paint, or affix any advertisement, bill, poster, handout, picture, matter or thing in or on any **park** or engage in the distribution or delivery of advertising material in any **park** or in any building, structure or thing in any **park**, or operate or station any motor **vehicle** displaying advertising or equipped with a public address system in a **park** or **community facility** for the purpose of advertising, promoting, demonstration or attracting attention. This section shall not apply to persons supporting a community event and to **Village** employees acting in the performance of their duties, or in support of community events.

- 7.3 No person shall operate or use any amplifying system or loudspeaker in or on any **park**. This section shall not apply to persons supporting a community event and to **Village** employees acting in the performance of their duties, or in support of community events.

Part 8 Community Facilities Rental

- 8.1 No person or group shall use a **park**, or any portion of a **park**, or a **community facility**, for an organized sport, **organized activity**, special event, ceremony, or ancillary activity unless that person has notified the Village office to ascertain whether a valid **Community Facilities** Rental contract is required, and has obtained such a contract if it is required. Fees, requirements and guidelines used shall be those established in the Recreation Operations Manual approved by **Council**.

Part 9 Motor Vehicles, Devices and Machinery

- 9.1 No person shall use any motorized boat, water sled, water skis or other water borne contrivance or thing propelled by a motor, for recreational purposes, within two hundred metres (200 m) of any **park** or **beach**. Boats accessing an anchor buoy are exempted from this provision, but must proceed at the boat's dead slow speed.

- 9.2 With the exception of a **Lions Bay enforcement officer** and other Village staff, no person shall drive or park a motorized **vehicle**, in any **park**, or use any motorized devices or machinery in any **park**, except as specifically authorized by Council for specific locations, dates and times.

[Amended by Bylaw No. 527]

- 9.3 **The Village Manager** or an **enforcement officer** may remove, or cause to be removed any unauthorized motor **vehicles**, devices or machinery from any **park**.

Part 10 Hours and Closures or Restrictions of Public Use of Parks

[Amended by Bylaw No. 576]

- 10.1 No person, except authorized **Village** personnel, shall enter or remain within any **park** for any purpose whatsoever during the hours when the **park** is closed as indicated by posted notice, or where no hours are posted, between 10:00 pm and 8.00 a.m., except in the case of a community event or as specifically authorized by Council.

[Amended by Bylaw No. 527]

- 10.2 The **Village Manager** may, at any time, by written order posted at the **park** or **community facility**, close or restrict any **park** or **community facility**, or part thereof, to the use of the Public, or restrict the number of persons in the park at any given time, or the hours of opening and closing of any **park** or **community facility** if, in the **Village Manager's** opinion, such closure or restriction is necessary to prevent or assist the prevention of a breach of the peace or threat thereto, or other violation of the criminal provincial or federal law or public health order, or to protect members of the public from illness or injury from any cause, or injury or damage when works of maintenance or repair are being carried on by Municipal employees or contractors, or in the event of a natural disaster or possibility thereof.

[Amended by Bylaw No. 576]

- 10.3 No person shall enter or remain in any **park** or **community facility**, or portion thereof, which has been posted as closed to public access by the **Village Manager**, and no person shall exceed any restriction to public use of or access to any park or community facility posted by the Village Manager.

[Amended by Bylaw No. 576]

Part 11 Behaviour and Conduct

- 11.1 No person shall by his or her their behaviour activity, conduct or condition create or contribute to a **nuisance** in any **park** or community facility.

[Amended by Bylaw No. 576]

- 11.2 No person shall obstruct the lawful use and enjoyment of any **park** or **community facility** by any other person.

- 11.3 No person may refuse to comply with the direction of any **enforcement officer**.

- 11.4 No person shall obstruct or delay, or cause to be obstructed or delayed, any official, employee, agent, **enforcement officer**, or contractor of the **Village** in the exercise of any of lawful duties.

- 11.5 No person shall urinate or defecate in a **park**, except in a **park** washroom

- 11.6 No person shall smoke in any park or trailway.

- 11.7 No person shall play amplified music in any park, or public trail, or other way open to public use, except as permitted under **Part 8 – Community Facilities Rental**

Part 12 Permitted Uses

- 12.1 No person shall store boats, canoes, kayaks, trailers or other watercraft or things, on a **beach** or **foreshore** in any **park**.

- 12.2 No person shall erect any tent, building, shelter or other structure or works, sleep overnight, or occupy a **vehicle**, trailer or camper for overnight camping, temporary or permanent, in or on any **park**.
- 12.3 No person shall do any of the following in any **park**:
1. play golf or strike a golf ball;
 2. fly any motor driven glider or aircraft, including a drone;
 3. shoot an arrow or practice archery; or
 4. play or participate in paint-ball.
- [Amended by Bylaw No. 565]
- 12.4 Storage Facilities
1. The Village is authorized to establish storage facilities for canoes, kayaks, and other non-motorized water craft within a **Park or Community Facility**;
 2. The Village may charge a fee for this service in accordance with Fees Bylaw No. 497, as amended;
 3. The Village Manager is authorized to create procedures and policies to administer the storage facility and associated fees and may seize any water craft or thing unlawfully occupying the storage facility;
 4. The Village, through the Village Manager, may recover those fees from the owner of the water craft or thing, including by sale of the water craft or thing if the owner refuses to pay or cannot be identified after reasonable efforts and the Village relies on the powers granted under the *Community Charter* and the *Disposal of Property in Police Possession Regulation*."
- [Amended by Bylaw No. 527]

Part 13 Loss of Access Rights

- 13.1 Where the **Village Manager** or an **enforcement officer** is of the opinion that a person or group within a **park** or **community facility** is contravening any provisions of this or any other Bylaw, that person or group:
1. must cease contravening the provision of the Bylaw or other enactment;
 2. may be required by the **Village Manager** or designate or an **enforcement officer** to leave the **park** or **community facility**;
 3. may, on written notice from the **Village Manager** or designate, forfeit their right of access to the **park** and/or **community facility** for a period of time stipulated in writing by the **Village Manager**, but not to exceed 60 days.

Part 14 Penalty and Enactment

- 14.1 Every person who violates a provision of this bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this bylaw, or who neglects or refrains from doing

anything required by a provision of this bylaw, is guilty of an offence and is liable, upon summary conviction, to a fine not exceeding \$10,000 and not less than \$2,000, and is guilty of a separate offence each day that a violation continues or exists, unless the Village elects to proceed under the Bylaw Notice Enforcement Bylaw No. 385, 2006, as amended, in which case any violation of or failure to act under this bylaw shall constitute a bylaw contravention rather than an offence.”

[Amended by Bylaw No. 527]

READ A FIRST TIME on May 22nd, 2012

READ A SECOND TIME on May 22nd, 2012

READ A THIRD TIME on June 4th, 2012

ADOPTED by the **Council** on June 19th, 2012

Mayor

Acting Corporate Officer

Certified a true copy of
Bylaw 448, 2012 as adopted

Acting Corporate Officer



Bylaw Notice Enforcement Bylaw No. 385, 2006, Amendment Bylaw No. 577, 2020

Adopted:

PO Box 141, 400 Centre Road, Lions Bay, BC V0N 2E0
Phone: 604-921-9333 Fax: 604-921-6643
Email: office@lionsbay.ca Web: www.lionsbay.ca

Bylaw No. 577, 2020

Bylaw Notice Enforcement Bylaw Amendment

A bylaw to amend of Bylaw Notice Enforcement Bylaw No. 385, 2006

The Council of the Village of Lions Bay, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited for all purposes as "Bylaw Notice Enforcement Bylaw No. 385, 2006, Amendment Bylaw No. 577, 2020".
2. Bylaw Notice Enforcement Bylaw No. 385, 2006, as amended, is hereby amended as follows:

- (a) Schedule A, Parks Regulation Bylaw No. 448, 2012, is amended by striking the penalty amounts for sections 10.3, 11.1, 11.2, and 11.3 and replacing them as follows:

| | | | | | | |
|-----|------|--|-------|-------|-------|----|
| 448 | 10.3 | Enter or remain in closed or restricted park | \$250 | \$200 | \$300 | NO |
| 448 | 11.1 | Create a nuisance in park | \$250 | \$200 | \$300 | NO |
| 448 | 11.2 | Obstruct use and enjoyment of park | \$250 | \$200 | \$300 | NO |
| 448 | 11.3 | Fail to comply with direction of enforcement officer | \$250 | \$200 | \$300 | NO |

READ A FIRST TIME

March 26, 2020

READ A SECOND TIME

March 26, 2020

READ A THIRD TIME

March 26, 2020

ADOPTED

April 7, 2020

Mayor

Corporate Officer

**Certified a true copy of
Bylaw No. 577, 2020 as adopted.**

Corporate Officer



Bylaw Notice Enforcement Bylaw No. 385, 2006

Office Consolidation

This document is an office consolidation of Bylaw Notice Enforcement Bylaw No. 385, 2006 with subsequent amendments adopted by the Village of Lions Bay.

All persons making use of this consolidation are reminded that it has no Council sanction, that amendments have been incorporated only for convenience of reference, and that for all purposes of interpretation and application, the original bylaws should be consulted. The Village of Lions Bay will, in no event, be liable or responsible for damages of any kind arising out of the use of this consolidation.

This is not the official version of Bylaw Notice Enforcement By-law No. 385, 2006 as amended, nor is it admissible in a court of law. For such purposes, official certified copies of the original bylaws can be obtained from the Village Office or by contacting us at: admin@lionsbay.ca

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Email: office@lionsbay.ca Web: www.lionsbay.ca

VILLAGE OF LIONS BAY
Bylaw No. 385, 2006

List of Amending Bylaws

| Bylaw No. | Section | Description | Adopted |
|------------------|----------------------|--|------------------|
| 415 | 1 2 3 | Amends s.9.2 re. designated classes of persons that may be appointed as screening officers Amends s.11.1 re. RCMP as police force Replaces Schedule A | July 21, 2009 |
| 434 | Sched A | Replaces Schedule A | June 20, 2011 |
| 492 | Sched A | Replaces Schedule A | June 2, 2015 |
| 495 | Sched A | Replaces Schedule A | July 7, 2015 |
| 507 | 2(a) 2(b) | Amends penalties under Bylaw No. 428 (Fire), Sections 32, 33, 35 and 52. Adds penalties for Bylaw No. 393 (Trees) | July 19, 2016 |
| 533 | 2(a) 2(b) 2(c) | Adds penalties for Secondary Suite contraventions per s.10.1 of Bylaw No. 234 Amends penalties for provisions re. ss. 8(2), 10(a), 10(h), and 10(k) of Bylaw No. 413 Deletes penalties for Bylaw No. 362 and substitutes penalties for Bylaw No. 520 | November 7, 2017 |
| 555 | 2(a) | Deletes and replaces section 8.2 | January 22, 2019 |

VILLAGE OF LIONS BAY

BYLAW NO. 385, 2006

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Village of Lions Bay

Bylaw Notice Enforcement

Bylaw No. 385, 2006

A bylaw respecting the enforcement of bylaw notices in conjunction with the
North Shore Bylaw Adjudication Registry

The Council of the Municipality of Village of Lions Bay enacts as follows:

Part 1 Citation

- 1.1 This Bylaw may be cited as Bylaw Notice Enforcement Bylaw No. 385, 2006
(North Shore Bylaw Notice Dispute Adjudication Registry).

Part 2 Severability

- 2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then
the invalid portion must be severed and the remainder of this bylaw is deemed to
have been adopted without the severed section, subsection, paragraph,
subparagraph, clause or phrase.

Part 3 Definitions

- 3.1 In this bylaw:

"**Act**" means the *Local Government Bylaw Notice Enforcement Act*;

"**Municipality**" means the Municipality of the Village of Lions Bay;

"**Registry**" means the North Shore Bylaw Notice Adjudication Registry
established pursuant to Part 8 of this Bylaw.

Part 4 Terms

- 4.1 The terms in this bylaw have the same meaning as the terms defined in the Act.

Part 5 Bylaw Contraventions

- 5.1 The bylaw and bylaw contraventions designated in Schedule A may be dealt with by bylaw notice.

Part 6 Offence and Penalty

- 6.1 The penalty for a contravention referred to in Part 5 is as follows:
- 6.1.1 subject to subsection 6.1.2 and 6.1.3, is the Penalty amount set out in column A1 of Schedule A,
 - 6.1.2 if received by the Municipality within 14 days of the person receiving or being presumed to have received the notice, is the Early Payment Penalty set out in column A2 of Schedule A,
 - 6.1.3 if more than 28 days after the person received or is presumed to have received the bylaw notice, is subject to a late payment surcharge in addition to the penalty under subsection 6.1.1, and is the Late Payment Penalty set out in column A3 of Schedule A,

Part 7 Period for Paying a Disputed Notice

- 7.1. 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:
- 7.1.1 pay the penalty, or
 - 7.1.2 request dispute adjudication by filling in the appropriate portion of the bylaw notice indicating either a payment or a dispute and delivering it, either in person during regular office hours, or by mail, to the Village of Lions Bay Village Office.
- 7.2 A person may pay the indicated penalty after 14 days of receiving the notice, subject to the applicable surcharge for late payment accordance with subsection 6.1.3, but no person may dispute the notice after 14 days of receiving the bylaw notice.
- 7.3 Pursuant to the requirements of section 25 of the Act, where a person was not served personally with a bylaw notice and advises the Municipality that they did not receive a copy of the original notice, the time limits for responding to a bylaw notice under Part 6 and section 7.1 of this bylaw do not begin to run until a copy of the bylaw notice is re-delivered to them in accordance with the Act.

Part 8 Bylaw Notice Dispute Adjudication Registry

8.1 The Registry is established as a bylaw notice dispute adjudication system in accordance with the Act to resolve disputes in relation to bylaw notices.

8.2

The Municipality is authorized to enter into, and the Mayor and Administrator are authorized to execute, a dispute adjudication system agreement or amended agreement with the District of North Vancouver and such other neighbouring jurisdictions as may wish to be a part of the Registry, such agreement to be attached to this bylaw as the new Schedule B upon execution by the Municipality.

[Amended by Bylaw No. 555]

8.3 Every person who is unsuccessful in a dispute adjudication in relation to a bylaw notice or a compliance agreement under the dispute adjudication system established under this section must pay the Municipality an additional fee of \$25 for the purpose of the Municipality recovering the costs of the adjudication system.

Part 9 Screening Officers

9.1 The position of screening officer is established.

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

9.2.1 Village Manager

9.2.2 Corporate Secretary

9.2.3 Treasurer

9.2.4 Bylaw Enforcement Officer

[Amended by Bylaw No. 415, 2009]

and Council may appoint screening officers from these classes of persons by name of office or otherwise.

Part 10 Powers, Duties and Functions of Screening Officers

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

- 10.1.1 Where requested by the person against whom a contravention is alleged, 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;
- 10.1.2 To communicate with any or all of the following for the purposes of performing their functions under this bylaw or the Act:
 - (a) the person against whom a contravention is alleged or their representative;
 - (b) the officer issuing the notice;
 - (c) the complainant or their representative;
 - (d) the Municipality's staff and records regarding the disputant's history of bylaw compliance.
- 10.1.3 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;
- 10.1.4 To provide for payment of a reduced penalty if a compliance agreement is entered into, as provided in column A4 of Schedule A; and
- 10.1.5 To cancel bylaw notices in accordance with the Act or Municipal policies and guidelines.
- 10.2 The bylaw contraventions in relation to which a Screening Officer may enter into a compliance agreement are indicated in column A4 of Schedule A.
- 10.3 The maximum duration of a compliance agreement is one year.

Part 11 Bylaw Enforcement Officers

- 11.1 Persons acting as any of the following are designated as bylaw Enforcement Officers for the purposes of this bylaw and the Act:
 - 11.1.1 Special constables, officers, members or constables of:

(a) The provincial police force as defined in section 1 of the *Police Act*, or

(b) The Royal Canadian Mounted Police;

[Amended by Bylaw No. 415, 2009]

11.1.2 Bylaw enforcement officers appointed pursuant to the *Police Act* and *Community Charter*;

11.1.3 Local assistants to the fire commissioner under section 6 of the *Fire Services Act*;

11.1.4 Bylaw enforcement officers, licensing inspectors, building inspectors, animal control officers or other persons acting in another capacity on behalf of a municipality, regional district or local trust committee for the purpose of enforcement of one or more of its bylaws.

Part 12 Form of Bylaw Notice

12.1 The Municipality may from time to time provide for the form or forms of the bylaw notice, provided the bylaw notice complies with section 4 of the Act.

Schedules

Schedule A - Designated Bylaw Contraventions and Penalties

Schedule B – North Shore Bylaw Dispute Adjudication Registry Agreement

VILLAGE OF LIONS BAY
Bylaw No. 385, 2006

READ A FIRST TIME this 5th of September, 2006

READ A SECOND TIME this 5th of September, 2006

READ A THIRD TIME this 5th of September, 2006

ADOPTED this 19th of September, 2006

Mayor

Administrator

Certified a true copy of
By-law No. 385, 2006
as adopted.

Administrator

Schedule 'A' to Bylaw No. 385

| Bylaw No. | Section | Description | A1 Penalty | A2 Early Payment Penalty | A3 Late Payment Penalty | A4 Compliance Agreement Available (*Maximum 50% Reduction in Penalty if Compliance Agreement shows "Yes") |
|--|---------|---|------------|--------------------------|-------------------------|---|
| BUILDING REGULATION BYLAW, NO. 234, 1994 | | | | | | |
| 234 | 5 (a) | Construct without a building permit | \$300 | \$280 | \$320 | YES |
| 234 | 5 (c) | Tamper with posted notice | \$500 | \$475 | \$500 | NO |
| 234 | 5 (d) | Work contrary to approved plans | \$300 | \$280 | \$320 | YES |
| 234 | 5 (e) | Obstruct Village officer or employee | \$500 | \$475 | \$500 | NO |
| 234 | 5 (f) | Fail to stop work | \$500 | \$475 | \$500 | YES |
| 234 | 5 (h) | Submit false information | \$500 | \$475 | \$500 | YES |
| 234 | 6 (b) | Unauthorized use of Village property | \$100 | \$90 | \$110 | YES |
| 234 | 10.1 | Secondary Suite contrary to bylaw requirements | 475 | 450 | 500 | YES |
| 234 | 12 | Fail to post building permit | \$300 | \$280 | \$320 | NO |
| 234 | 16 (a) | Occupy without approval | \$300 | \$280 | \$320 | YES |
| NOISE CONTROL BYLAW NO. 283, 1998 | | | | | | |
| 283 | 2 | Sound which disturbs | \$110 | \$100 | \$120 | NO |
| 283 | 3 | Decibel level | \$110 | \$100 | \$120 | NO |
| 283 | 4 (a) | Continuous sound | \$110 | \$100 | \$120 | NO |
| 283 | 4 (b) | Construction sound | \$220 | \$200 | \$240 | YES |
| 283 | 5 (a) | Improper use of vehicle horn | \$110 | \$100 | \$120 | NO |
| 283 | 5 (b) | Car alarm noise | \$110 | \$100 | \$120 | NO |
| TREES, VIEWS AND LANDSCAPES BYLAW NO. 393, 2007, as amended | | | | | | |
| 393 | 3.2 | Obstruct Village Official | \$300 | \$250 | \$350 | NO |
| 393 | 3.3 | Cut tree without permit | \$475 | \$450 | \$500 | NO |
| 393 | 3.4.5 | Cut tree after expiry of permit | \$400 | \$350 | \$450 | NO |
| 393 | 3.4.6 | Tree cut by unqualified owner or contractor | \$475 | \$450 | \$500 | NO |
| 393 | 3.4.8 | Tree cut without exemption during bird nesting period | \$475 | \$450 | \$500 | NO |
| 393 | 3.4.9 | Failure to provide insurance | \$475 | \$450 | \$500 | YES |

VILLAGE OF LIONS BAY

Bylaw No. 385, 2006

| Bylaw No. | Section | Description | A1 Penalty | A2 Early Payment Penalty | A3 Late Payment Penalty | A4 Compliance Agreement Available (*Maximum 50% Reduction in Penalty if Compliance Agreement shows "Yes") |
|--|-------------------|--|------------|--------------------------|-------------------------|---|
| | | certificate prior to commencement of work | | | | |
| 393 | 3.5 | Tree damaging activities | \$475 | \$450 | \$500 | YES |
| 393 | Schedules A and B | Failure to replant in accordance with approved plan and permit | \$400 | \$350 | \$450 | YES |
| GOOD NEIGHBOR BYLAW NO. 412, 2009 | | | | | | |
| 412 | 5.1.1 | Create or cause a nuisance | \$200 | \$185 | \$215 | YES |
| 412 | 5.1.2 | Permit a nuisance | \$200 | \$185 | \$215 | YES |
| 412 | 5.1.3 | Allow unsightly parcel | \$200 | \$185 | \$215 | YES |
| 412 | 5.1.4 (a) | Allow an unsightly accumulation | \$200 | \$185 | \$215 | YES |
| 412 | 5.1.4 (b) | Permit or cause water to collect | \$200 | \$185 | \$215 | YES |
| 412 | 5.1.4 (c) | Store rubbish where visible | \$200 | \$185 | \$215 | YES |
| 412 | 5.1.4 (d) | Place graffiti | \$100 | \$90 | \$110 | YES |
| 412 | 5.1.4 (g) | Accumulate building materials | \$100 | \$90 | \$110 | YES |
| 412 | 5.1.4 (h) | Storage or accumulation of motor vehicle | \$100 | \$90 | \$110 | YES |
| 412 | 5.2.1 | Fail to abate nuisance | \$100 | \$90 | \$110 | YES |
| 412 | 5.2.2 (a) | Fail to remove unsightly accumulation | \$100 | \$90 | \$110 | YES |
| 412 | 5.2.2 (b) | Fail to prevent or clear insect infestation | \$100 | \$90 | \$110 | YES |
| 412 | 5.2.2 (d) | Fail to clear parcel of brush, noxious weeds and grass | \$100 | \$90 | \$110 | YES |
| 412 | 5.2.2 (e) | Fail to shield or deflect outdoor light | \$100 | \$90 | \$110 | YES |
| 412 | 5.2.2 (f) | Fail to repair or remove fence | \$200 | \$185 | \$215 | YES |
| 412 | 7.3.2 | Interfere with, resist or obstruct authorized person | \$500 | \$475 | \$500 | NO |
| TRAFFIC AND PARKING BYLAW NO. 413, 2009 | | | | | | |
| 413 | 8 (1) | Fail to obey traffic control device | \$100 | \$90 | \$110 | NO |

VILLAGE OF LIONS BAY

Bylaw No. 385, 2006

| Bylaw No. | Section | Description | A1 Penalty | A2 Early Payment Penalty | A3 Late Payment Penalty | A4 Compliance Agreement Available (*Maximum 50% Reduction in Penalty if Compliance Agreement shows "Yes") |
|-----------|---------|--|---------------|-----------------------------------|----------------------------------|--|
| 413 | 8 (2) | Interfere with traffic control device | \$300 | \$200 | \$400 | NO |
| 413 | 8 (3) | Plant interferes with traffic control device | \$45 | \$35 | \$55 | YES |
| 413 | 8 (4) | Illegal traffic control device | \$45 | \$35 | \$55 | YES |
| 413 | 10 (a) | Park in contravention of a traffic control device | \$65 | \$50 | \$80 | NO |
| 413 | 10 (b) | Fail to display insurance decal | \$45 | \$35 | \$55 | NO |
| 413 | 10 (c) | Park on or too near crosswalk | \$45 | \$35 | \$55 | NO |
| 413 | 10 (d) | Park near traffic control device | \$45 | \$35 | \$55 | NO |
| 413 | 10 (e) | Park on bridge | \$45 | \$35 | \$55 | NO |
| 413 | 10 (f) | Park near fire hydrant/equipment | \$80 | \$70 | \$90 | NO |
| 413 | 10 (g) | Park to obstruct or interfere with traffic/maintenance | \$80 | \$70 | \$90 | NO |
| 413 | 10 (h) | Park without permit for zone | \$65 | \$50 | \$80 | YES |
| 413 | 10 (i) | Park too near driveway | \$45 | \$35 | \$55 | NO |
| 413 | 10 (j) | Failure to park off roadway | \$45 | \$35 | \$55 | NO |
| 413 | 10 (k) | Park more than 72 hours | \$55 | \$40 | \$70 | NO |
| 413 | 10 (l) | Park more than 24 hours in snow | \$45 | \$35 | \$55 | NO |
| 413 | 10 (m) | Park in intersection | \$45 | \$35 | \$55 | NO |
| 413 | 11 (1) | Park extraordinary vehicle overnight | \$100 | \$90 | \$100 | YES |
| 413 | 11 (2) | Unattached trailer | \$100 | \$90 | \$110 | YES |
| 413 | 12 | Park near school | \$45 | \$35 | \$55 | NO |
| 413 | 16 | Fail to comply with direction of enforcement officer | \$100 | \$90 | \$110 | NO |
| 413 | 17 | Hinder, obstruct or delay enforcement officer | \$100 | \$90 | \$110 | NO |
| 413 | 19 | Operate sound broadcasting vehicle | \$45 | \$35 | \$55 | NO |
| 413 | 20 | Drive over fire hose | \$80 | \$70 | \$90 | NO |
| 413 | 21 (a) | Drop or spill on highway | \$45 | \$35 | \$55 | NO |

VILLAGE OF LIONS BAY

Bylaw No. 385, 2006

| Bylaw No. | Section | Description | A1 Penalty | A2 Early Payment Penalty | A3 Late Payment Penalty | A4 Compliance Agreement Available (*Maximum 50% Reduction in Penalty if Compliance Agreement shows "Yes") |
|--|---------|---|---------------|-----------------------------------|----------------------------------|--|
| 413 | 21 (b) | Noxious flow on highway | \$45 | \$35 | \$55 | NO |
| 413 | 21 (c) | Damage plants/grass on highway | \$100 | \$90 | \$100 | NO |
| 413 | 21 (d) | Damage or deface highway | \$100 | \$90 | \$110 | NO |
| 413 | 21 (e) | Dead animal on highway | \$45 | \$35 | \$55 | NO |
| 413 | 21 (f) | Camp on highway | \$45 | \$35 | \$55 | NO |
| 413 | 21 (g) | Make fire on highway | \$100 | \$90 | \$110 | NO |
| 413 | 21 (h) | Unsecure load | \$100 | \$90 | \$100 | NO |
| 413 | 21 (i) | Urinate/defecate on highway | \$100 | \$90 | \$100 | NO |
| 413 | 21 (j) | Overweight vehicle on highway | \$100 | \$90 | \$100 | NO |
| 413 | 21 (k) | Operate vehicle with lugged wheels | \$100 | \$90 | \$100 | NO |
| 413 | 24 | Sell/display goods/services on highway | \$100 | \$90 | \$100 | YES |
| 413 | 25 | Chattel/structure on highway | \$100 | \$90 | \$100 | YES |
| 413 | 26 | Dumpster on highway | \$100 | \$90 | \$100 | YES |
| 413 | 27 | Accumulations on highway | \$100 | \$90 | \$100 | YES |
| 413 | 28 | Unfenced excavation near highway | \$100 | \$90 | \$100 | YES |
| 413 | 29 | Construction obstructing highway | \$100 | \$90 | \$100 | YES |
| 413 | 31 | Fail to disperse on highway when directed | \$100 | \$90 | \$100 | NO |
| 413 | 32 | Skate/blade/scoot without helmet | \$45 | \$35 | \$55 | NO |
| ANTI-IDLING BYLAW NO. 416, 2010 | | | | | | |
| 416 | 3 | Unlawful idling | \$100 | \$90 | \$110 | YES |
| FIRE BYLAW NO. 428, 2011 | | | | | | |
| 428 | 27 | Unauthorized entry to area limited for Fire Rescue purposes | \$100 | \$80 | \$120 | NO |
| 428 | 28 | Hinder Fire Rescue operations | \$450 | \$425 | \$120 | NO |

VILLAGE OF LIONS BAY
Bylaw No. 385, 2006

| Bylaw No. | Section | Description | A1 Penalty | A2 Early Payment Penalty | A3 Late Payment Penalty | A4 Compliance Agreement Available (*Maximum 50% Reduction in Penalty if Compliance Agreement shows "Yes") |
|-----------|---------|---|------------|--------------------------|-------------------------|---|
| 428 | 29 | Damage or destroy Fire Rescue apparatus or equipment | \$450 | \$425 | \$120 | NO |
| 428 | 30 | Drive vehicle over Fire Rescue equipment without permission | \$100 | \$80 | \$120 | NO |
| 428 | 31 | Falsely represent to be Fire Rescue member | \$100 | \$80 | \$120 | NO |
| 428 | 32 | Obstruct/interfere with approach to Fire Rescue incident | \$200 | \$180 | \$220 | NO |
| 428 | 33 | Interfere with fire hydrant | \$450 | \$425 | \$475 | NO |
| 428 | 34 | Fail to maintain clearance around fire hydrant | \$50 | \$40 | \$60 | YES |
| 428 | 35 | Fail to address fire hazard when ordered | \$450 | \$425 | \$475 | YES |
| 428 | 36 | Construct fire pit or fire ring | \$100 | \$80 | \$120 | YES |
| 428 | 37 | Burn wood outside a building | \$100 | \$80 | \$120 | NO |
| 428 | 38 | Open burning | \$100 | \$80 | \$120 | NO |
| 428 | 39 | Drop burning substance into or near combustible material | \$100 | \$80 | \$120 | NO |
| 428 | 40 | Burn or use combustion device outside when banned | \$100 | \$80 | \$120 | YES |
| 428 | 41 | Burn unauthorized material inside or outside a building | \$100 | \$80 | \$120 | NO |
| 428 | 42 | Use water contrary to designated purpose, hours or methods | \$100 | \$80 | \$120 | NO |
| 428 | 44 | Fail to install sprinklers in new residence | \$450 | \$425 | \$475 | YES |
| 428 | 45 | Fail to install sprinklers during alteration to residence | \$450 | \$425 | \$475 | YES |
| 428 | 46 | Fail to install fire extinguisher | \$100 | \$80 | \$120 | YES |
| 428 | 47 | Fail to install smoke alarms | \$100 | \$80 | \$120 | YES |

VILLAGE OF LIONS BAY

Bylaw No. 385, 2006

| Bylaw No. | Section | Description | A1 Penalty | A2 Early Payment Penalty | A3 Late Payment Penalty | A4 Compliance Agreement Available (*Maximum 50% Reduction in Penalty if Compliance Agreement shows "Yes") |
|--|---------|--|---------------|-----------------------------------|----------------------------------|--|
| 428 | 48 | Use fireworks when under age 18 | \$50 | \$40 | \$60 | NO |
| 428 | 49 | Use unauthorized Consumer Fireworks | \$100 | \$80 | \$120 | NO |
| 428 | 50 | Use High Hazard Fireworks | \$200 | \$180 | \$220 | NO |
| 428 | 52 | Fail to comply with order to address violations, requiring re-inspection | \$450 | \$425 | \$475 | YES |
| PESTICIDES BYLAW NO. 430, 2011 | | | | | | |
| 430 | 3 | Use of pesticide for cosmetic purposes | \$250 | \$225 | \$275 | NO |
| 430 | 4 | Use of non-permitted pesticide | \$250 | \$225 | \$275 | NO |
| PARKS REGULATIONS BYLAW NO. 448, 2012 | | | | | | |
| 448 | 5.1 | Damage park | \$500 | \$475 | \$500 | YES |
| 448 | 5.2 | Molest animals or birds | \$100 | \$90 | \$100 | NO |
| 448 | 5.3 | Contaminate water in park | \$500 | \$465 | \$500 | NO |
| 448 | 5.4 | Release water in park | \$500 | \$465 | \$500 | NO |
| 448 | 5.5 | Improper climbing on structure | \$100 | \$90 | \$100 | NO |
| 448 | 5.6 | Litter in park | \$100 | \$90 | \$100 | NO |
| 448 | 5.7 | Unlawful waste in park receptacle | \$100 | \$90 | \$100 | NO |
| 448 | 6.1 | Fireworks in park | \$250 | \$230 | \$270 | NO |
| 448 | 6.2 | Make fire in park | \$100 | \$90 | \$100 | NO |
| 448 | 6.3 | Improper barbecue in park | \$100 | \$90 | \$100 | NO |
| 448 | 6.5 | Place burning substance in park | \$250 | \$230 | \$270 | NO |
| 448 | 6.6 | Enter park at fire risk | \$250 | \$230 | \$270 | NO |
| 448 | 7.1 | Sell/display goods/services in park | \$100 | \$90 | \$100 | YES |
| 448 | 7.2 | Advertise in park | \$100 | \$90 | \$100 | YES |
| 448 | 7.3 | Amplified noise in park | \$100 | \$90 | \$100 | NO |
| 448 | 8.1 | Organized activity in park with no contract | \$100 | \$90 | \$100 | NO |

VILLAGE OF LIONS BAY

Bylaw No. 385, 2006

| Bylaw No. | Section | Description | A1 Penalty | A2 Early Payment Penalty | A3 Late Payment Penalty | A4 Compliance Agreement Available (*Maximum 50% Reduction in Penalty if Compliance Agreement shows "Yes") |
|---|---------|---|-------------------------|--------------------------|-------------------------|---|
| 448 | 9.1 | Operate motorized watercraft near beach | \$250 | \$230 | \$270 | NO |
| 448 | 9.2 | Motorized vehicle or device in park | \$250 | \$230 | \$270 | NO |
| 448 | 9.3 | Unauthorized entry to closed park | \$100 | \$90 | \$100 | NO |
| 448 | 10.1 | In park outside open hours | \$100 | \$90 | \$100 | NO |
| 448 | 10.3 | Enter or remain in closed <u>or restricted</u> park | \$100 250 | \$90 200 | \$130 00 | NO |
| 448 | 11.1 | Create a nuisance in park | \$100 250 | \$90 200 | \$130 00 | NO |
| 448 | 11.2 | Obstruct use and enjoyment of park | \$100 250 | \$90 200 | \$130 00 | NO |
| 448 | 11.3 | Fail to comply with direction of enforcement officer | \$100 250 | \$90 200 | \$130 00 | NO |
| 448 | 11.4 | Obstruct or delay enforcement officer | \$100 | \$90 | \$100 | NO |
| 448 | 11.5 | Urinate/defecate in park | \$100 | \$90 | \$100 | NO |
| 448 | 12.1 | Store watercraft on beach | \$100 | \$90 | \$100 | YES |
| 448 | 12.2 | Camp in park | \$100 | \$90 | \$100 | NO |
| 448 | 12.3 | Prohibited sport in park | \$100 | \$90 | \$100 | NO |
| WASTE COLLECTION BYLAW NO. 455, 2013 | | | | | | |
| 455 | 5 | Excess garbage | \$60 | \$50 | \$70 | NO |
| 455 | 6 | Fail to securely house wildlife attractants | \$300 | \$280 | \$320 | YES |
| 455 | 6 | Garbage receptacle encroaching on street | \$60 | \$50 | \$70 | NO |
| 455 | 10 | Solid waste out before 5 AM | \$60 | \$50 | \$70 | NO |
| 455 | 11 | Placing for collection inappropriate substance | \$60 | \$50 | \$70 | NO |
| 455 | 18 | Storage not wildlife resistant, single family residential | \$60 | \$50 | \$70 | NO |
| 455 | 19 | Storage not wildlife resistant, multi-family and commercial | \$60 | \$50 | \$70 | NO |
| 455 | 21 | Fail to repair wildlife resistant | \$60 | \$50 | \$70 | NO |

VILLAGE OF LIONS BAY

Bylaw No. 385, 2006

| Bylaw No. | Section | Description | A1 Penalty | A2 Early Payment Penalty | A3 Late Payment Penalty | A4 Compliance Agreement Available (*Maximum 50% Reduction in Penalty if Compliance Agreement shows "Yes") |
|---|-----------|--|------------|--------------------------|-------------------------|---|
| | | containment | | | | |
| 455 | 22 (a) | Feeding dangerous wildlife | \$300 | \$280 | \$320 | NO |
| 455 | 22 (a)(b) | Storing edible wildlife attractants | \$300 | \$280 | \$320 | YES |
| 455 | 22 (c) | Bee hives accessible to wildlife | \$60 | \$50 | \$70 | NO |
| 455 | 22 (d) | Outdoor fridge or freezer accessible to wildlife | \$60 | \$50 | \$70 | NO |
| 455 | 22 (e) | Meat waste in compost | \$60 | \$50 | \$70 | NO |
| ANIMAL CONTROL & LICENSING BYLAW NO. 461, 2014 | | | | | | |
| 461 | 5.1 | No dog license | \$85 | \$75 | \$95 | YES |
| 461 | 5.5 | No dog tag | \$40 | \$30 | \$50 | YES |
| 461 | 6.3 | Fail to remove dog waste | \$60 | \$50 | \$60 | NO |
| 461 | 6.6.1 | Dog at large | \$85 | \$75 | \$95 | NO |
| 461 | 6.6.5 | Allow dog barking | \$85 | \$75 | \$95 | NO |
| 461 | 6.6.6 | Keep more than three dogs | \$110 | \$100 | \$120 | YES |
| 461 | 6.7.1 | Dog in prohibited area | \$60 | \$50 | \$60 | NO |
| 461 | 7.1(a) | Fail to provide food or water | \$60 | \$50 | \$60 | NO |
| 461 | 7.1(c) | Fail to exercise dog | \$60 | \$50 | \$60 | NO |
| 461 | 7.1(e) | Fail to provide medical care for dog | \$60 | \$50 | \$60 | NO |
| 461 | 7.2 | Fail to provide proper shelter for dog | \$60 | \$50 | \$60 | NO |
| 461 | 7.4 | Choke collar/neck cord used to tether | \$60 | \$50 | \$60 | NO |
| OUTDOOR WATER USE BYLAW NO. 484, 2015 | | | | | | |
| 484 | 6.1 | Fail to Follow Water Conservation Level 1 | \$100 | \$75 | \$125 | NO |
| 484 | 6.1 | Fail to Follow Water Conservation Level 2 | \$150 | \$125 | \$175 | NO |
| 484 | 6.1 | Fail to Follow Water Conservation Level 3 | \$200 | \$175 | \$225 | NO |
| ZONING AND DEVELOPMENT BYLAW NO. 520, 2017 | | | | | | |
| 520 | 3.2 | Non-compliance with bylaw | \$300 | \$250 | \$350 | NO |
| 520 | 4.3 | Use prohibited in all zones | \$475 | \$450 | \$500 | NO |

VILLAGE OF LIONS BAY
Bylaw No. 385, 2006

| Bylaw No. | Section | Description | A1 Penalty | A2 Early Payment Penalty | A3 Late Payment Penalty | A4 Compliance Agreement Available (*Maximum 50% Reduction in Penalty if Compliance Agreement shows "Yes") |
|-----------|-----------|---|------------|--------------------------|-------------------------|---|
| 520 | 4.3.7 | Short-term rental without a Temporary Use Permit | \$475 | \$450 | \$500 | NO |
| 520 | 4.5 | Accessory building, structure or use not permitted | \$400 | \$350 | \$450 | NO |
| 520 | 4.10 | Fence or retaining wall contrary to bylaw | \$300 | \$250 | \$350 | NO |
| 520 | 4.11 | Visibility obstruction contrary to bylaw | \$250 | \$200 | \$300 | NO |
| 520 | 4.12 | Home-based business contrary to conditions | \$300 | \$250 | \$350 | YES |
| 520 | 4.13-4.14 | Off-street parking requirements not met | \$350 | \$300 | \$400 | YES |
| 520 | 4.15 | Parking and storage of commercial or industrial vehicles, equipment, or materials contrary to bylaw | \$475 | \$450 | \$500 | NO |
| 520 | 4.16 | Temporary structure without valid permit | \$250 | \$200 | \$300 | NO |
| 520 | 4.17 | Metal shipping container contrary to permitted uses | \$250 | \$200 | \$300 | NO |
| 520 | 4.18 | Solar energy device not installed per requirements of bylaw | \$150 | \$100 | \$200 | NO |
| 520 | 4.19 | Building or structure contrary to flood protection provisions | \$450 | \$400 | \$500 | YES |
| 520 | 7.1-7.11 | Use, siting, setback, height, size or density not permitted in RS-1 Zone | \$450 | \$400 | \$500 | YES |
| 520 | 8.1-8.6 | Use, siting, setback, height, size or density not permitted in RM-1 Zone | \$450 | \$400 | \$500 | YES |
| 520 | 9.1-9.5 | Use, siting, setback, height, size or density not permitted in C-1 Zone | \$450 | \$400 | \$500 | YES |

VILLAGE OF LIONS BAY
Bylaw No. 385, 2006

| Bylaw No. | Section | Description | A1 Penalty | A2 Early Payment Penalty | A3 Late Payment Penalty | A4 Compliance Agreement Available (*Maximum 50% Reduction in Penalty if Compliance Agreement shows "Yes") |
|-----------|-----------|--|---------------|-----------------------------------|----------------------------------|--|
| 520 | 10.1-10.5 | Use, siting, setback, height, size or density not permitted in C-2 Zone | \$450 | \$400 | \$500 | YES |
| 520 | 11.1-11.2 | Use, siting, setback, height, size or density not permitted in C-3 Zone | \$450 | \$400 | \$500 | YES |
| 520 | 12.1-12.2 | Use, siting, setback, height, size or density not permitted in W-1 Zone | \$450 | \$400 | \$500 | YES |
| 520 | 13.1-13.2 | Use, siting, setback, height, size or density not permitted in W-2 Zone | \$450 | \$400 | \$500 | YES |
| 520 | 14.1-14.5 | Use, siting, setback, height, size or density not permitted in CU-1 Zone | \$450 | \$400 | \$500 | YES |
| 520 | 15.1-15.2 | Use, siting, setback, height, size or density not permitted in RU-1 Zone | \$450 | \$400 | \$500 | YES |
| 520 | 16.1-16.2 | Use, siting, setback, height, size or density not permitted in RS-1 Zone | \$450 | \$400 | \$500 | YES |

[Successively replaced by Bylaw Nos. 434, 492, 495]
[Amended by Bylaw No. 507, 2016]
[Amended by Bylaw No. 533, 2017]

Schedule B

North Shore Bylaw Notice Dispute Adjudication Registry Agreement

This Agreement, dated the _____ day of _____, 2006

AMONG:

THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER, 7501 7^m
Street, West Vancouver, British Columbia, V7V 3T3

("DWV")

AND:

THE CORPORATION OF THE DISTRICT OF NORTH VANCOUVER, 355 West
Queens Road, North Vancouver, British Columbia, V7N 2K5

("DNV")

AND:

THE CORPORATION OF THE CITY OF NORTH VANCOUVER, 141 West 14th
Street, North Vancouver, British Columbia, V7M 1H9

("CNV")

AND:

THE MUNICIPALITY OF BOWEN ISLAND, Box 279, 981 Artisan Lane,
Bowen Island, British Columbia, V0N 1G0

("MBI")

AND:

THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY, P.O. Box 141, 400
Centre Road, Lions Bay, British Columbia, V0N 2E0

("VLB")

Witnesses that Whereas:

- A. The Act permits local governments to create a bylaw designating certain bylaw contraventions that can be enforced by way of bylaw notice as an alternative to traditional bylaw enforcement mechanisms; and
- B. The Act permits two or more local governments to enter into an agreement, adopted by a bylaw of each local government that is party to it, to provide for the joint administration of a local government bylaw notice dispute adjudication system; and
- C. Pursuant to the Act, DWV, DNV, and CNV have established the North Shore Bylaw Notice Dispute Adjudication Registry which they jointly administer and share the costs of;
- D. MBI and VLB wish to become participants in the Registry and DWV, DNV and CNV have agreed to permit them to join; and
- E. The Parties have agreed to administer the Registry on the terms and conditions set out in this Agreement;

NOW THEREFORE in consideration of the mutual promises contained herein, the Parties agree as follows:

PART I - INTRODUCTORY PROVISIONS

Definitions

In this Agreement, the following definitions apply:

- (a) "Act" means *the local Government Bylaw Notice Enforcement Act*,
 - (b) "**Adjudication Fee**" means the sum of \$75.00 payable by each Party for each adjudication scheduled to be conducted by the Registry;
 - (c) "**Agreement**" means this Agreement;
 - (d) "**Authorizing Bylaws**" means the bylaws adopted by the Councils of each of the Parties authorizing this Agreement;
 - (e) "**Committee**" means the North Shore Bylaw Notice Dispute Adjudication Registry's Administrative Committee;
- "**Contribution Adjustment Amount**" means, for each Party, the amount calculated in accordance with Section 21 herein in any year of the Term;
- "**Contribution Amount**" means the amount determined by the Administrative Committee as required by each of the parties to meet the operational costs to fund the Registry in accordance with subsection 14(d);

- (h) **"Parties"** means all of DWV, DNV, CNV, MBI or VLB;
- (i) **"Party"** means any one of DWV, DNV, CNV, MBI or VLB;
- (j) **"Registry"** means the North Shore Bylaw Notice Dispute Adjudication Registry established by this Agreement;
- (k) **"Revenues"** means any revenue actually received or estimated to be received, as the case may be, by the Registry, excluding Contribution Amounts or Contribution Adjustment Amounts;
- (i) **"Term"** means the term of this Agreement as set out herein.

PART II - ADMINISTRATION

Administrative Committee

- 2. The Parties agree to establish the Committee to implement and administer the Registry.
- 3. The Parties agree that authority of the Committee will include but not be limited to:
 - (a) preparing operational budgets; and
 - (b) setting policy as authorized under this Agreement and the Act.

Representation

- 4. Each of the Parties will appoint one representative to serve on the Committee. The Parties agree that **representatives** will be paid employees of their respective local governments and will not be remunerated by the Registry.

PART III - ADJUDICATION

Screen inn Officers

- 5. The Parties agree that responsibility for the appointment, administration and funding of the position of screening officer will reside with each Party individually and will not in any way be a function of the Registry.

Bylaw Notice Dispute Adjudication Registry

- 6. The Parties agree that the Registry will administer the dispute adjudication system and that disputes will be heard by a bylaw notice dispute adjudicator in the circumstances prescribed in the Act and Authorizing Bylaws.
- 7. The Parties agree that the Committee will select a roster of adjudicators who may hear and determine disputes from the provincial roster of adjudicators to be established by the Attorney General.

8. Adjudicators will be assigned to individual disputes in the manner prescribed by any applicable regulation and policy established by the Committee.

PART IV - OPERATIONS

Location

9. The location of the Registry will be in the municipal offices of the City of North Vancouver, 141 West 14th Street, North Vancouver, B.C. V7M 11-19 or such other location as may be designated by the Parties.

Administrative Services

10. CNV will provide and supervise all administrative services required by the Registry, subject to the following:
 - (a) the collection of any fees, fines or penalties levied against an unsuccessful party in the dispute adjudication process will be the responsibility of the relevant municipality if not collected by the Registry immediately following the adjudication; and
 - (b) any penalty arising directly out of the bylaw notice itself may be paid to the relevant Party or to the Registry,

and any amounts collected by or paid to the Registry pursuant to (a) and (b) will be credited to the relevant Party's Contribution Adjustment Amount.

Financial Reporting

11. CNV will ensure that its Director of Finance will conduct and oversee the financial reporting and record keeping of the Registry based on normal procedures, subject to the requirements outlined herein.

PART V - FINANCIAL PLANNING

Start-Up Costs

12. Each new Party is responsible for its own start-up costs with respect to its participation in the Registry and the dispute adjudication system.

Budget Year

13. The budget year of the Registry is the calendar year.

Operating Budget

14. The Parties agree that, no later than August 31 of each year, the Committee will prepare a draft operating budget for the fallowing budget year, setting out in detail the operational funds required by the Registry for the carrying out of its mandate and responsibilities, including:

- (a) the estimated operational expenditures for:
 - (i) office and administration including financial reporting and administrative services;
 - (ii) bylaw dispute adjudicators; and
 - (iii) other functions of the Registry;
- (b) the anticipated revenues (if any) of the Registry;
- (c) the difference between estimated revenues and operational expenditures for the Registry; and
- (d) the Contribution Amount required from each of the Parties. **Budget**

Submissions

15. The Committee will prepare the operating budget in a manner satisfactory to, and in such detail as requested by, the Directors of Finance of each of the Parties, and submit the draft operating budget to the Directors of Finance of each of the Parties each year when required.

Budget Approval and Adjustments

16. The Parties will consider and approve, or recommend amendments to, the Registry's operating budget.
17. The Parties **agree** that all recommendations by them for adjustments to the Registry's draft operating budget will
 - (a) be reasonable and made in good faith; and
 - (b) ensure that a reasonable level of service quality can be maintained by the Registry.

Use of Funds

18. The Committee and CNV may make only those expenditures during the budget year for the purposes and up to the amounts authorized in the approved operating budget. The Registry (or the Committee or CNV on behalf of the Registry) will not incur any other indebtedness or liability, or make any further expenditure, except that:
 - (a) CNV may make a further reasonable expenditure or contract a further indebtedness or liability that it deems necessary or prudent, subject to a \$1,000 limit; and
 - (b) the Committee may:
 - (i) **make** a further reasonable expenditure or contract a further indebtedness or liability that it deems necessary or prudent, subject to a \$10,000 limit;
 - (ii) re-allocate funds within categories of the operating budget as reasonably required; and

- (iii) **make** a further expenditure or contract a further indebtedness or liability without limitation if approved in advance by all Parties.

PART VI - COST ALLOCATION

Funding Contributions and Adjustments

19. The Parties agree that costs relating to legal counsel, witnesses, screening officers and bylaw enforcement officers as they pertain to the dispute adjudication process, and to the activities of the Registry more generally, will be borne by the relevant Party which issued the bylaw notice in question and will not be borne by the Registry or by CNV on behalf of the Registry.
20. DWV, DNV, MBI and VLB will, upon approval of the Registry's operating budget by each of the Parties, pay to the CNV their respective Contribution Amounts for the upcoming budget year no later than June 30 of that budget year.
21. The CNV will, as soon following the end of a Budget Year as practicable, calculate the amount of each Party's Contribution Adjustment Amount by
 - (a) determining the amount by which Actual Expenditures exceed Budget Expenditures for the relevant year;
 - (b) determining the respective share of each Party; and
 - (c) deducting, if applicable, the aggregate of fines and administrative fees collected by the CNV on behalf of each Party for the relevant year.
22. Each of DWV, DNV, MBI and VLB will, within 30 days of receipt of notice of its respective Contribution Adjustment Amount, pay (if required) to CNV the Contribution Adjustment Amount.
23. CNV will pay (if required) any Contribution Adjustment Amount owing to DWV, DNV, MBI and VLB, as appropriate, within 30 days of preparation of a statement outlining the Contribution Adjustment Amounts of each Party or may, at the election of CNV in each year except the final year, credit the amount owing to the Contribution Amount required from each Party for the following year.
24. Each Party will pay to the CNV, within fifteen days following each of March 31, June 30, October 31 and December 31 of each year of the Term, the Adjudication Fee for each adjudication scheduled in respect of that Party in the previous quarter.

Maintenance of Records

25. The Director of Finance of CNV will:
- (a) exercise the duties and powers of the officer responsible for financial administration as provided in the *Community Charter*, in maintaining the financial records for the Registry on behalf of the Parties;
 - (b) ensure that accounting and payroll records of the Registry are properly prepared and maintained, such records to include payroll, accounts payable, cash receipts and disbursements, accounts receivable, general ledger, subsidiary cost ledger, financial statements and reports and supporting documents to the foregoing;
 - (c) provide, when possible, any additional financial systems that have been requested by the Committee; and
 - (d) direct employees and officers of the Registry to the extent necessary to ensure that the systems and procedures established for financial controls *are in effect and are in accordance with the Community Charter*.

Examination of Records

28. The Directors of Finance of DWV, DNV, MBI or VLB may, acting reasonably with regard to minimizing the administrative burden on the CNV, and no more frequently than once in each year of the Term, conduct audits or examinations to obtain information or determine that adequate financial controls are being maintained for the Registry. CNV will cooperate with any reasonable request by the DWV, DNV, MBI or VLB Directors of Finance for access to financial records, user statistics and other information of the Registry.

PART VII - GENERAL PROVISIONS

Insurance

27. CNV will ensure that the Registry and its activities are covered under CNV's general liability policy and will provide copies of all relevant insurance policies and changes thereto to the Directors of Finance of DWV, DNV, MBI or VLB upon request.

Amendments

28. The Parties will, in good faith, negotiate any proposed amendment to this Agreement upon request of any Party, all amendments to be in writing and executed by the Parties.

Dispute Resolution

29. The Parties will submit any dispute arising out of the interpretation or application of this Agreement:
- (a) first, to the Committee to resolve the dispute;
 - (b) second, if the Committee is unable to resolve the dispute within 60 days, to the Chief Administrative Officers of the Parties; and
 - (c) third, if the Chief Administrative Officers **are** unable to resolve the dispute within 60 days, to the Inspector of Municipalities, or at the election of the Parties, to a commercial arbitrator appointed by agreement or, failing agreement, appointed pursuant to the *Commercial Arbitration Act*, for final determination, and the determination of the Inspector or arbitrator as applicable will be final and binding upon the Parties.

Term

30. This Agreement comes into effect on _____ 2006 and continues in effect until December 31, 2008. Any Party may withdraw from this Agreement upon six months' written notice to the other Parties.

IN WITNESS WHEREOF DWV, DNV CNV, MSI and VLB have executed this Agreement on the date first above written.

THE CORPORATE SEAL of THE
CORPORATION OF THE DISTRICT OF
WEST VANCOUVER was hereunto affixed in
the presence of:

Mayor CIS

Municipal Clerk)

THE CORPORATE SEAL of THE
CORPORATION OF THE DISTRICT OF
NORTH VANCOUVER was hereunto
affixed in the presence of:

Mayor) CIS

City Clerk

VILLAGE OF LIONS BAY
Bylaw No. 385, 2006

THE CORPORATE SEAL of THE
CORPORATION OF THE CITY OF
NORTH VANCOUVER was hereunto
affixed in the presence of:

Mayor) CIS

Municipal Clerk

THE CORPORATE SEAL of THE
MUNICIPALITY OF BOWEN ISLAND
was hereunto affixed in the presence of:

Mayor) CIS

Municipal Clerk

THE CORPORATE SEAL of THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY was
hereunto affixed in the presence of:

Mayor

Administrator