

VILLAGE OF GOLD RIVER

BYLAW NO. 737, 2022

A BYLAW TO ESTABLISH THE BYLAW NOTICE AND DISPUTE ADJUDICATION SYSTEM

WHEREAS the Local Government Bylaw Notice Enforcement Act authorizes Council to designate bylaw contraventions that may be dealt with by bylaw notice;

AND WHEREAS the Community Charter including Sections 16, 17, 258, and 260 authorizes Council to allow for enforcement in relation to these matters;

NOW THEREFORE the Council of the Village of Gold River, in open meeting assembled, enacts as follows:

1. TITLE

This bylaw may be cited as the "Bylaw Notice Enforcement Bylaw No. 737, 2022".

2. INTERPRETATION

In this bylaw, unless the context requires otherwise:

"Act" refers to the *Local Government Bylaw Notice Enforcement Act*;

"Registry" refers to the Dispute Adjudication Registry System or DARS established with the City of Nanaimo and other municipalities;

"Village" refers to the Village of Gold River.

3. TERMS

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

4. BYLAW CONTRAVENTIONS

4.1. The bylaw contraventions designated in Schedule "A" may be dealt with by bylaw notice as set out in this bylaw or by municipal ticket information as per the Village of Gold River Municipal Ticket Information Bylaw No. 741, 2022.

4.2. Each day an offence continues constitutes a separate offence.

5. APPLICATION

5.1. This bylaw applies to those contraventions included in the following bylaws as enacted by the Village of Gold River:

- a. Animal Control and Pound Bylaw No. 736, 2022
- b. Business Licence Bylaw No. 735, 2021
- c. Fees and Charges Bylaw No. 734, 2021
- d. Noise Control Bylaw No. 665, 2008
- e. Open Fire Regulation Bylaw No. 718, 2019

- f. Park Use Bylaw No. 740, 2022
- g. Street and Traffic Bylaw No. 667, 2008
- h. Unightly Premise Bylaw No. 666, 2008

## 6. OFFENCE AND PENALTY

6.1. The penalty for a contravention referred to in Schedule "A" is as follows:

- 6.1.1. Subject to subsection 6.1.2. and 6.1.3., the penalty amount is set out in column A1 of Schedule "A", as attached to and forming part of this bylaw.
- 6.1.2. If payment is received by the Village within 14 days, or 30 days for offences in the Street and Traffic Bylaw No. 667, 2008, of the person receiving or being presumed to have received the notice, will be charged the Early Payment Fee set out in column A2 of Schedule "A", as attached to and forming part of this bylaw.
- 6.1.3. If more than 30 days have lapsed after the person has received or is presumed to have received the bylaw notice, they will be subject to a late payment surcharge in addition to the penalty under subsection 6.1.1., the sum of which is the Late Payment Fee set out in column A3 of Schedule "A", as attached to and forming part of this bylaw.

## 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 offence notice:

- 7.1.1. Pay the penalty in any manner prescribed on the reverse side of the bylaw offence notice, or
- 7.1.2. Request dispute adjudication by completing the form on the reverse side of the bylaw offence notice and delivering it to the Registry Office, PO Box 610, 499 Muchalat Drive, Gold River, BC V0P 1G0.

7.2. A person may pay the indicated penalty after 14 days of receiving the bylaw offence notice, subject to the applicable surcharge for late payment in accordance with subsection 6.1.3, but no person may dispute the bylaw offence notice after 14 days of receiving the bylaw offence notice.

7.3. Where a person was not served personally with a bylaw offence notice and advises the Village, in accordance with the requirements of Section 25 of the Act, that they did not receive a copy of the original bylaw offence notice, the time limits for responding to a bylaw offence notice under Section 6.1 and 7.1 of this bylaw does not begin until a copy of the bylaw offence notice is redelivered to them in accordance with the Act.

## 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 civic address of the Registry is the Service and Resource Centre, City of Nanaimo, 411 Dunsmuir Street, Nanaimo, BC V9R 5J6.

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

## 9. SCREENING OFFICERS

- 9.1. The position of Screening Officer is hereby established.
- 9.2. The positions designated as Screening Officers include the Village's Chief Administrative Officer, Corporate Officer, and Bylaw Enforcement Officers.

## 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, a screening officer will communicate the following:
- a. information respecting the nature of the contravention;
  - b. the provision of the bylaw contravened;
  - c. the facts on which the contravention allegation is based;
  - d. the penalty for a contravention;
  - e. the opportunity to enter into a compliance agreement if applicable;
  - f. the opportunity to proceed to the bylaw notice dispute adjudication system; And,
  - g. 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. Village 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 offence notices in accordance with the Act or Village 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.

10.4. Where a compliance agreement is entered into, the penalty payable for the offence shall be reduced to one half of the penalty as listed in column A1 of Schedule "A" of this bylaw.

#### 11. BYLAW ENFORCEMENT OFFICERS

11.1. Persons acting as any of the following are hereby 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. A municipal police force;
- 11.1.2. Members of the Royal Canadian Mounted Police;
- 11.1.3. The Village's Corporate Officer and their Deputy;
- 11.1.4. The Local Assistant to the Fire Commissioner; And,
- 11.1.5. Bylaw enforcement officers, building inspectors, animal control officers or other persons acting in another capacity on behalf of the Village for the purpose of enforcement of one or more of its bylaws.

#### 12. SEVERABILITY

12.1. If any section, subsection, sentence, clause or phrase of this bylaw is for any reason found invalid by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

#### 13. FORM OF BYLAW NOTICE


13.1. The Village may from time to time provide for the form or forms of the bylaw offence notice, provided the bylaw offence notice complies with Section 4 of this Act.


#### 14. SCHEDULES

Schedule "A" – Designated Bylaw Contraventions and Penalties

Schedule "B" – Compliance Agreement

READ A FIRST TIME THE	20 <sup>th</sup> day of	June, 2022.
READ A SECOND TIME THE	20 <sup>th</sup> day of	June, 2022.
READ A THIRD TIME THE	2 <sup>nd</sup> day of	August, 2022.
ADOPTED THE	6 <sup>th</sup> day of	September, 2022.

  
\_\_\_\_\_  
B. Unger  
Mayor

  
\_\_\_\_\_  
M. Roy  
Corporate Administrator

**Schedule “A” – Designated Bylaw Contraventions and Penalties**

*Animal Control and Pound Bylaw No. 736, 2022*

*Business Licence Bylaw No. 735, 2021*

*Fees and Charges Bylaw No. 734, 2021*

*Noise Control Bylaw No. 665, 2008*

*Open Fire Regulation Bylaw No. 718, 2019*

*Park Use Bylaw No. 740, 2022*

*Street and Traffic Bylaw No. 667, 2008*

*Unightly Premise Bylaw No. 666, 2008*

Bylaw	Section	Description	A1 Penalty	A2 Early Payment Fee	A3 Late Payment Fee	A4 Compliance Agreement Available
Animal Control and Pound Bylaw No. 736, 2022	3(2)	Failure to display a valid licence	\$25	\$15	\$30	No
	4(1)	Dog at Large – First Offence	\$50	\$40	\$60	No
	4(1)	Dog at Large – Second Offence	\$100	\$75	\$125	No
	4(1)	Dog at Large – Third and Subsequent Offence	\$150	\$100	\$200	No
	4(4)	Failure to muzzle/leash Dangerous or Aggressive Dog	\$200	\$150	\$250	No
	4(5)	Failure to enclose Dangerous or Aggressive Dog	\$200	\$150	\$250	No
	4(6)	Failure to keep female dog in season, effectively confined on private premises	\$50	\$40	\$60	No
	4(7), 12(2)	Resisting, interfering with or obstructing the Poundkeeper, Bylaw Officer, or designate in performance of duties	\$100	\$75	\$125	No
	4(8)	Noisy Dog	\$100	\$75	\$125	No
	4(9)	Dog creating a nuisance, disturbance or health hazard	\$50	\$40	\$60	No
	4(10)	Failure to remove animal faeces	\$50	\$40	\$60	No
	4(11)	Dog in prohibited places	\$40	\$30	\$50	No
	5(1), 5(2)	Failure to provide basic care to animal	\$50	\$40	\$60	Yes
	6(1)a - c	Failure to secure an Aggressive Dog	\$100	\$75	\$125	No
	6(1)d	Failure to notify bylaw officer of aggressive dog status	\$20	\$15	\$25	No
	7(3)-(4)	Failure to operate a Kennel within established rules	\$50	\$40	\$60	Yes

	11(4)b	Impoundment Fees per 24 hour period	\$48 (\$2 / hr)	\$35	\$60	No
	11(6)b	Veterinarian Fees	At Cost	At Cost	At Cost	No
	11(6)c	Destruction Fee	At Cost	At Cost	At Cost	No
Business Licence Bylaw No. 735, 2021	15(a)	Failure to obtain a business licence	\$150	\$110	\$190	No
Fees and Charges Bylaw No. 734, 2021	Schedule "C"	Construction without a valid permit. ( If over \$500, must use MTI system )	Double Fee	150% of fee amount	225% of fee amount	Yes
Noise Control Bylaw No. 665, 2008	3.1	Noise causing disturbance	\$150	\$110	\$190	No
	3.3	Objectionable noise causing disturbance	\$150	\$110	\$190	No
Open Fire Regulation Bylaw No. 718, 2019	2.1	Burning during closed season	\$100	\$75	\$125	No
	2.2	Burning without permit	\$100	\$75	\$125	No
	2.4	Unauthorized backyard burning / campfire	\$100	\$75	\$125	No
	2.5	Burning prohibited material	\$200	\$150	\$250	No
	8.1	An escaped fire	\$500	\$375	\$625	No
	9.2	Refuse order to bring fire into compliance	\$100	\$75	\$125	No
	9.3	Obstruct Fire Chief or authorized person from inspecting property	\$100	\$75	\$125	No
	9.4	Refuse order to extinguish fire	\$200	\$150	\$250	No
Park Use Bylaw No. 740, 2022	7.2	Camp or sleep overnight on Public Lands without permit	\$100	\$60	\$120	No
	7.3	Unauthorized building or placement of a temporary structure or facility on Public Use Lands	\$100	\$60	\$120	No
	8.1	Start or permit to be started any fire on Public Use Lands	\$200	\$150	\$250	No
Street and Traffic Bylaw No. 667, 2008	5.1(a)	Parking on street for more than 72 hours without movement	\$60	\$30*	\$60	No
	5.1(b)	Parking an unattached recreational vehicle or trailer on any street	\$60	\$30*	\$60	No

5.1(c)	Parking a recreational vehicle on any highway for more than four hours	\$60	\$30*	\$60	No
5.1(d)	Overnight parking in a municipal lot without permission	\$60	\$30*	\$60	No
5.1(e)	Abandoned vehicle on a street	\$60	\$30*	\$60	No
5.1(f)	Stop or park a vehicle on a boulevard	\$60	\$30*	\$60	No
5.1(g)	Stop or park a vehicle on a sidewalk	\$60	\$30*	\$60	No
5.1(h)	Stop or park a vehicle in a designated fire lane	\$60	\$30*	\$60	No
5.1(i)	Stop or park a vehicle in contravention of a traffic control device	\$60	\$30*	\$60	No
5.1(j)	Stop or park a vehicle in a fire zone, as indicated by a traffic control device	\$60	\$30*	\$60	No
5.1(k)	Stop or park a vehicle on a street that impedes the flow of traffic	\$60	\$30*	\$60	No
5.1(l)	Stop or park a vehicle within 1.5 meters of a public or private driveway or road	\$60	\$30*	\$60	No
5.1(m)	Stop or park a vehicle within 6 meters of the approach side of the crosswalk	\$60	\$30*	\$60	No
5.1(n)	Stop or park a vehicle within 5 meters of a fire hydrant	\$60	\$30*	\$60	No
5.1(o)	Stop or park a vehicle within 6 meters on the approach side of a stop sign	\$60	\$30*	\$60	No
5.1(p)	Stop or park a vehicle upon a two-way roadway, other than the right side of the roadway and the right-hand wheels parallel to that side, except where angle parking is permitted	\$60	\$30*	\$60	No
5.1(q)	Stop or park a vehicle or trailer on a street without valid license plates	\$60	\$30*	\$60	No
5.1(r)	Stop or park a vehicle with a gross weight over 4,600 kilograms, except a recreational vehicle, on any street for more than two hours	\$60	\$30*	\$60	No

	5.1(s)	Stop or park any vehicle on any street with a gross weight over 13,600 kilograms on any street for more than two hours	\$60	\$30*	\$60	No
	5.1(t)	Stop or park any vehicle on any street for the purpose of greasing or repairing such vehicle except repairs necessitated by an emergency	\$60	\$30*	\$60	No
	5.1(u)	Occupy a vehicle as living quarters while it is parked on any street or in any other public place, except designated camping or rest areas	\$60	\$30*	\$60	No
	5.1(v)	Stop or park a vehicle in a designated disabled parking spot unless the vehicle displays a valid disabled placard.	\$60	\$30*	\$60	No
	5.1(w)	Stop or park an unlicensed vehicle on a highway, public street, boulevard, easement, or right of way	\$60	\$30*	\$60	No
	5.1(x)	Stop or park a vehicle in a position that interferes with firefighting, the normal flow of traffic, construction, improvement, maintenance, snow removal, alteration, extension, widening, marking, or repair of highway	\$60	\$30*	\$60	No
Unightly Premise Bylaw No. 666, 2008	3.1	Accumulation of rubbish or litter	\$150	\$110	\$190	Yes
	4.1	Unightly premise	\$150	\$110	\$190	Yes

\* = Early payment period is valid for 30 days



**Schedule "B" – Compliance Agreement**

**COMPLIANCE AGREEMENT PERSUANT TO THE VILLAGE OF GOLD RIVER  
BYLAW NOTICE ENFORCEMENT BYLAW NO. 737, 2022**

I, \_\_\_\_\_ (Name), of \_\_\_\_\_ (Address),  
acknowledge receipt of Bylaw Offence Notice(s) # \_\_\_\_\_ (the bylaw notice), and wish  
to enter into this Compliance Agreement whereby I agree to fulfill the conditions below, in exchange for a  
reduced penalty which shall be one half of the penalty identified on the face of the Bylaw Offence Notice.

Specifically, I agree to pay the reduced penalty of \$ \_\_\_\_\_ on or before \_\_\_\_\_.

I further agree to comply with the following terms and conditions of this agreement:

1. On or before \_\_\_\_\_ I will \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. On or before \_\_\_\_\_ I will \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

I understand that this agreement is binding upon me for one year from the date of this agreement.

I also understand that if I breach a term of this agreement, or fail to observe or perform the above terms  
and conditions, the Village of Gold River's Screening Officer may rescind this agreement. I understand that  
if this agreement is rescinded, I will have 14 days to dispute the Screening Officers decision to rescind the  
agreement. If this agreement is rescinded, then the full penalty stated in the Bylaw Notice(s) of \$ \_\_\_\_\_  
will be immediately due and payable and subject to all the fees and penalties as if the Bylaw Notice was  
not disputed.

\_\_\_\_\_  
Signature of Bylaw Notice Recipient

\_\_\_\_\_  
Signature of Screening Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

