



VILLAGE OF FRASER LAKE
BYLAW NO. 856, 2024

BEING A BYLAW OF THE VILLAGE OF FRASER LAKE TO REGULATE THE ENFORCEMENT OF BYLAW NOTICES.

WHEREAS pursuant to [Section 2 \(2\)](#) of *The Local Government Bylaw Notice Enforcement Act* and regulations thereto, the Council of the Corporation of the Village of Fraser Lake may, by bylaw,

1. designate bylaw contraventions that may be dealt with by Bylaw Notice,
2. establish the amount of the penalty for a contravention referred to in Schedule A,
3. establish the period for paying or disputing a Bylaw Notice, and
4. establish and participate in a Bylaw Notice dispute adjudication system to resolve disputes in relation to Bylaw Notices;

THEREFORE the Council of the Village of Fraser Lake in open meeting assembled enacts as follows:

Title:

1. This Bylaw may be cited as “Bylaw 856, Bylaw Enforcement Bylaw”

Purpose:

2. The purpose of this Bylaw is to create a simple, fair and cost-effective system to deal with minor Bylaw infractions.

Definitions:

3. In this Bylaw:

“Act” means the [Local Government Bylaw Notice Enforcement Act](#);
“Village” means the Corporation of the Village of Fraser Lake;
“Registry” means the Village of Fraser Lake Bylaw Notice Adjudication Registry established pursuant to this Bylaw.

Terms:

4. The terms in this Bylaw have the same meaning as the terms defined in the Act.

Bylaw Contraventions:

5. The Bylaw contraventions designated in Schedule “A”, attached hereto and forming part of this Bylaw, may be dealt with by Bylaw Notice.

Offence and Penalty:

6. The penalty for a contravention referred to in Section 5 is as follows:

- a) Subject to Subsections 6(b) and 6(c), is the Penalty amount set out in Column A1 of Schedule “A”.
- b) If payment is received by the Village within 14 days from the person receiving or presumed to have received the Bylaw Notice, the penalty amount is the Early Payment Penalty set out in Column A2 of Schedule “A”.
- c) If payment is received more than 28 days after the person received or is presumed to have received the Bylaw Notice, the penalty is subject to a late payment surcharge in addition to the penalty under Subsection 6(a) and is the Late Payment Penalty set out in Column A3 of Schedule “A”.
- d) If a Compliance Agreement is entered into, the Screening Officer may remove the penalty, reduce it by half, or remove late payment penalties where a payment plan is part of the Compliance Agreement.
- e) The Screening Officer may issue a written warning through a Bylaw Notice in place of any penalty described herein, at their discretion.

Period for Paying a Disputed Notice:

- 7. 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 the penalty in any manner prescribed on the reverse side of the bylaw offence notice, or
 - b) Request dispute adjudication, by filling in the appropriate portion of the Bylaw Notice indicating either a payment or a dispute and submitting it:
 - i. In-person during regular office hours at the Village Office
 - ii. By mail to:
 - Village of Fraser Lake
 - P.O. Box 430
 - Fraser Lake, B.C.
 - V0J 1S0
 - iii. Electronically to admin@fraserlake.ca
- 8. No person may submit a dispute adjudication request after 14 days of receiving the Bylaw Notice.
- 9. Where a person was not served personally with a Bylaw 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 notice, the time limits for responding to a Bylaw Notice under Section 6 and Section 8 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.

Repeat Offences:

- 10. Where a person has been served with a Bylaw Notice for violation of the same Bylaw:
 - a) Twice within two years, the penalty may be double that indicated in Columns A1, A2, and A3 of Schedule “A” or \$500, whichever is lesser;
 - b) More than twice within two years, the penalty may be \$500

Continuing Offences:

11. The penalties referred to in Section 6 may be imposed for each day that the offence continues, except where a Compliance Agreement has been signed.

Bylaw Notice Dispute Adjudication Registry:

12. The Registry is established as a Bylaw Notice dispute adjudication system in accordance with the Act to resolve disputes in relation to Bylaw Notices.
13. The civic address of the Registry is: Village of Fraser Lake, 210 Carrier Crescent, Fraser Lake, BC, V0J 1S0.
14. 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 Village an additional fee of \$25 for the purpose of the Village recovering the costs of the adjudication system.

Screening Officers:

15. The position of screening officer is established.
16. The following are designated classes of persons that may be appointed as screening officers:
 - a) Bylaw Officer;
 - b) Chief Administrative Officer; and
 - c) Any person appointed to the position of Screening Officer by the Chief Administrative Officer.

Powers, Duties and Functions of Screening Officers:

17. The powers, duties and functions of screening officers are set out in the Act, and include the following powers:
 - a) 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;
 - 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;
 - iv. the Village'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 provide for payment of a reduced or eliminated penalty if a Compliance Agreement is entered into, as provided in Column A4 of Schedule "A"; and
 - e) To cancel Bylaw Notices in accordance with the Act or Village policies and guidelines.

18. The bylaw contraventions in relation to which a Screening Officer may enter into a Compliance Agreement are indicated in Column A4 of Schedule "A".
19. The maximum duration of a Compliance Agreement is one year.

Bylaw Enforcement Officers:

20. Person acting as any of the following are designated as Bylaw Enforcement Officers for the purposes of this Bylaw and the Act:
 - a) Special Constables, officers, members, or constables of:
 - i. The provincial police force as defined in [Section 1](#) of the *Police Act*; or,
 - ii. A municipal police force;
 - b) Bylaw Enforcement Officers appointed pursuant to [Section 36](#) of the *Police Act* and [Section 264\(1\)\(b\)](#) of the *Community Charter*;
 - c) Local Assistants to the Fire Commissioner under [Section 6](#) of the *Fire Services Act*;
 - d) Bylaw Enforcement Officers, building inspectors, animal control officers or other person acting in another capacity on behalf of the Village for the purpose of enforcement of one or more of its Bylaws.

Form of Bylaw Notice:

21. The Village may from time to time provide the form or forms of the Bylaw Notice, provided the Bylaw Notice complies with Section 4 of the Act.

Severability:

22. 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.

Schedules:

23. The following schedules are attached to and form part of this bylaw and are enforceable in the same manner as this bylaw:

Schedule "A" – Bylaw Contraventions & Fines
Schedule "B" – Compliance Agreement.

Adoption:

24. That this Bylaw shall come into force and take effect on adoption.

Supremacy:

25. In the event of a conflict between this Bylaw and another Village Bylaw, this Bylaw prevails.

That *Bylaw 852, Tree Bylaw* be amended as follows:

1. By adding the following to Section 1.2 DEFINITIONS:

Bylaw Enforcement Officer	A person designated as a Bylaw Enforcement Officer as per Section 20 of <i>Bylaw 856, Bylaw Enforcement Bylaw</i>
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2. By adding the following after Section 4.3 (d)

PART 5 – PENALTIES AND ENFORCEMENT

5.1 PENALTIES AND ENFORCEMENT

- (a) In addition to any costs incurred as part of this Bylaw, any person contravening this Bylaw is subject to the penalties, as amended from time to time, in *Bylaw 856, Bylaw Enforcement Bylaw*.

That *The Village of Fraser Lake Good Neighbour Bylaw No. 788, 2018* be amended as follows:

1. Section 9.1.1 be replaced with:

Any person designated as a Bylaw Enforcement Office as per Section 20 of *Bylaw 856, Bylaw Enforcement Bylaw*, is authorized to enforce the provisions of this Bylaw by Bylaw Notice, or as otherwise provided by this Bylaw.

2. Section 9.2.1(ii) be replaced with:

(ii) to the penalties, as amended from time to time, in *Bylaw 856, Bylaw Enforcement Bylaw*

3. Sections 9.2.2 and 9.2.3 be repealed.

READ A FIRST TIME THIS	25 TH	DAY OF SEPTEMBER,	2024
READ A SECOND TIME THIS	25 TH	DAY OF SEPTEMBER,	2024
READ A THIRD TIME THIS	25 TH	DAY OF SEPTEMBER,	2024
RECONSIDERED AND ADOPTED THIS	9 TH	DAY OF OCTOBER,	2024

MAYOR

CORPORATE OFFICER

SCHEDULE “A” – BYLAW NO. 856, 2024
“BYLAW CONTRAVENTIONS & FINES”

Bylaw 852, Tree Bylaw

Bylaw	Section	Description	A1 Penalty	A2 Early Payment	A3 Late Penalty	A4 Compliance Agreement Available
852	3.2(b)(i)	Removing a tree that has been cut on an emergency basis without a permit	\$200	\$100	\$300	No
852	3.3(b)	Cutting or otherwise damaging a tree with a diameter greater than 10 centimetres without a permit	\$300	\$150	\$500	No
852	3.3(b)	Cutting or otherwise damaging a replacement tree	\$400	\$300	\$500	No
852	4.1(e)	Not cutting a hazard tree after 14 days of notification	\$200	\$100	\$300	Yes
852	4.2(h)	Cutting or otherwise damaging a tree on Village owned or managed property	\$500	\$450	\$500	No

Bylaw 788, Village of Fraser Lake Good Neighbour Bylaw

Bylaw	Section	Description	A1 Penalty	A2 Early Payment	A3 Late Penalty	A4 Compliance Agreement Available
788	3.1	Interference with a Bylaw Officer	\$250	\$200	\$300	No
788	5.3.1(a)	Excessive Construction Noise without a permit	\$400	\$300	\$500	Yes
788	5.3.2(a)	Fail to notify businesses and residents of construction noise	\$400	\$300	\$500	Yes
788	5.4	Excessive Noise	\$100	\$50	\$150	Yes
788	6.4.1(a)	Rubbish, garbage, and discarded material accumulated	\$200	\$150	\$250	Yes
788	6.4.1(b)	Accumulation of offensive or unwholesome matter	\$100	\$50	\$150	Yes
788	6.4.1(c)	Accumulation of water	\$100	\$50	\$150	Yes

788	6.4.1(d)	Unmaintained grass or vegetation	\$100	\$50	\$150	Yes
788	6.4.1(d)(iii)	Vegetation obstructing utility, highway, sidewalk, or visibility of intersection	\$200	\$150	\$250	Yes
788	6.4.1(e)	Accumulation of unstacked firewood	\$50	\$25	\$75	Yes
788	6.4.1(f)	Accumulation of motor vehicle parts or other mechanical parts	\$100	\$50	\$150	Yes
788	6.4.1(g)	Unregistered or uninsured motor vehicles in excess	\$200	\$150	\$250	Yes
788	6.4.1(h)	Recreational Vehicles in excess	\$200	\$150	\$250	Yes
788	6.4.1(i)	Vegetation interfering with infrastructure or utilities	\$300	\$200	\$400	Yes
788	6.4.1(j)	Graffiti	\$100	\$50	\$200	Yes
788	6.4.1(k)	Accumulation of building materials	\$200	\$150	\$300	Yes
788	6.5	Improperly placed, enclosed, or maintained compost piles	\$100	\$50	\$150	Yes
788	6.6.2	Water directed at adjacent premises or public spaces	\$200	\$150	\$300	Yes
788	6.6.3	Dust	\$200	\$150	\$250	Yes
788	6.6.4	Outdoor lighting	\$100	\$50	\$150	Yes
788	6.7	Pests	\$200	\$150	\$300	Yes
788	6.8	Fences in disrepair	\$100	\$50	\$150	Yes
788	6.9.1	Depositing yard waste on a boulevard or lane	\$300	\$200	\$400	No
788	6.9.1(a)	Grass or weeds exceeding 15cm in length along boulevard	\$200	\$150	\$250	Yes
788	6.9.1(b)	Parking a motor vehicle, trailer, or recreational vehicle on a boulevard without a valid permit	\$300	\$250	\$350	Yes
788	6.10.1	Accumulation of ice, icicles, snow, rubbish or dirt on roofs, gutters, projections or cornices that could slip, slide, fall or be blown upon a sidewalk or street	\$200	\$150	\$250	Yes
788	6.10.2	Depositing snow over 1 metre at the curb line	\$100	\$50	\$150	Yes
788	6.10.4	Depositing snow or ice on a sidewalk or other public pedestrian use	\$300	\$250	\$400	Yes

788	6.10.5	Leaving a vehicle parked that interferes with snow removal operations	\$100	\$50	\$150	No
788	6.11.2(a)	Lawn watering outside of designated hours and days	\$100	\$50	\$200	No
788	6.11.4	Watering when additional water conservation measures are in place	\$400	\$300	\$500	No
788	7.2.1(a)	Not maintaining a derelict building as required	\$400	\$300	\$500	Yes
788	7.2.1(b)	Not securing a derelict building as required	\$400	\$300	\$500	Yes

SCHEDULE "B" – BYLAW NO. 856, 2024
"COMPLIANCE AGREEMENT"

I, _____ of _____
(NAME) *(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 either none or 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 Fraser Lake's Screening Officer may rescind this Agreement. I understand that if this Agreement is rescinded, I will have 14 days to dispute the Screening Officer's decision to rescind the Agreement, and that if I do not dispute this decision in that time, the full penalty stated in the Bylaw Notice(s) of \$ _____ will be immediately due and payable and subject to all fees and penalties as if the Bylaw Notice was not disputed.

Signature of Bylaw Notice Recipient

Signature of Screening Officer

Date

Date