

STAFF REPORT TO COUNCIL

From: Felicity Adams, Director of Development Services
Meeting Date: March 4, 2019
File No: 4020-00
RE: TICKET INFORMATION UTILIZATION BYLAW AMENDMENT

RECOMMENDATION:

That Council proceed with first, second and third readings of Bylaw 2003 cited as "Ticket Utilization Bylaw 2002, No. 1457, Amendment Bylaw 2019, No. 2003".

PURPOSE:

The purpose of this staff report is to introduce an amendment to the Ticket Information Utilization Bylaw (MTI Bylaw) in order to update the bylaw with respect to Zoning Bylaw infractions.

PREVIOUS COUNCIL DIRECTION

In 2018, Council adopted a Bylaw Compliance Policy. The policy supports an enforcement philosophy that seeks voluntary compliance and the use of enforcement tools, such as municipal tickets, when other compliance methods have not been effective. In addition, Council has previously provided direction on updating the MTI Bylaw including a review of fines.

INTRODUCTION/BACKGROUND:

The purpose of the proposed amendment Bylaw 2003 is to update the MTI Bylaw with respect to Zoning Bylaw offences and related fines.

The offences listed in column one of Schedule 11 provide a short form expression of the Zoning Bylaw regulations noted in column two for the purposes of writing a ticket. These specific sections have been recommended by the Bylaw Officer as appropriate to capture land use offences (e.g. use contrary to zoning, prohibited use, unauthorized suite, suite contrary to conditions), environmental offences (e.g. use within a required setback from a watercourse or the sea), and liability-related concerns (e.g. over height obstruction at a corner, such as a fence).

Issuing a MTI ticket is an enforcement action when other efforts have failed. Fines should have a value high enough to be a deterrent to a potential violator, but not so high as to be unreasonable relative to the offence. Tickets cannot impose a fine greater than \$1000.

Staff reviewed fines from other jurisdictions which ranged from \$350 to \$500 for similar offences. The Zoning Bylaw fines in the MTI Bylaw are currently \$100 and have not been reviewed since 2002. Under the Zoning Bylaw, a series of fines can be issued to the owners for each day the non-permitted use is continued.

ALTERNATIVES:

Council can choose to determine a different fine amount.

FINANCIAL IMPLICATIONS:

None.

LEGAL IMPLICATIONS:

None.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Having a range of effective bylaw compliance and enforcement tools is important to residents, property owners and businesses that may be impacted by an unresolved infraction.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

None.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|------------------------------------------------------|----------------------------------------------------|
| <input type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings | <input type="checkbox"/> Multi-Use Landscapes |
| <input type="checkbox"/> Innovative Infrastructure | <input type="checkbox"/> Local Food Systems |
| <input type="checkbox"/> Healthy Community | <input type="checkbox"/> Local, Diverse Economy |
| <input checked="" type="checkbox"/> Not Applicable | |

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|------------------------------------------------------------------|---------------------------------------------------------|
| <input type="checkbox"/> Employment & Tax Diversity | <input type="checkbox"/> Natural & Built Infrastructure |
| <input type="checkbox"/> Watershed Protection & Water Management | <input type="checkbox"/> Partnerships |
| <input type="checkbox"/> Communications & Engagement | <input checked="" type="checkbox"/> Not Applicable |

SUMMARY:

Staff recommend that Council proceed with the first three readings of Bylaw 2003.



Felicity Adams, Director of Development Services

February 25, 2019

I concur with the recommendation.

A handwritten signature in black ink, consisting of a stylized 'G' followed by a horizontal line and a small dot at the end.

Guillermo Ferrero, City Manager

ATTACHMENTS:

None