



**VILLAGE OF BELCARRA
Bylaw Notice Enforcement
Bylaw No. 520, 2018
(Bylaw Notice Dispute Adjudication Registry)**



Consolidated

**A bylaw respecting the enforcement of bylaw notices in conjunction with
Village of Belcarra Bylaw Adjudication Registry**

This consolidation is a copy of a bylaw consolidated under the authority of Section 139 of the *Community Charter*. This consolidation is not a legal document. Individual copies of the bylaw may be obtained by contacting the Village Office. This bylaw is printed under and by authority of the Chief Administrative Officer of the Village of Belcarra.

- Amendment Bylaw No. 565, 2020 effective date June 22, 2020.

The Council of the Village of Belcarra enacts as follows:

Part 1 Citation

- 1.1 This Bylaw may be cited as Village of Belcarra Bylaw Notice Enforcement Bylaw No. 520, 2018 (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 or Village**" means the Village of Belcarra;

"**Registry**" means the Village of Belcarra 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, 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 form indicating either a payment or a dispute and delivering it, either in person during regular office hours, by mail, or pay on-line to the Belcarra Village Hall.
- 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 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 pursuant to the *Act*.
- 9.2 The following are designated classes of persons that may be appointed as Screening Officers:
- 9.2.1 Chief Administrative Officer
 - 9.2.2 Public Works Superintendent
 - 9.2.3 Bylaw Enforcement Officers
 - 9.2.4 Bylaw Ticket Screening Contractor
- 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 municipal 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 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.

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 A designated member of the Royal Canadian Mounted Police;
 - 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 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 A – Designated Bylaw Contraventions and Penalties (Bylaw Notice Enforcement Bylaw 520, 2018)

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available <small>(*Maximum 50% Reduction in Penalty Amount Where Compliance Agreement is shown as "Yes")</small>
Animal Control Bylaw No. 431, 2010						
431	3	Number of Dogs	\$75.00	\$50.00	\$100.00	YES
431	4 & 5	Nuisance Dogs	\$100.00	\$75.00	\$150.00	YES
431	6 & 7	Dog Defecation	\$100.00	\$75.00	\$150.00	NO
431	8 to 11	Aggressive Dogs	\$200.00	\$150.00	\$250.00	YES
Building and Plumbing Code Regulation No. 355, 2003, as Consolidated						
355	13 (1)	Traffic Management Plan	\$150.00	\$100.00	\$200.00	YES
355	29	Contravention of Order	\$150.00	\$100.00	\$200.00	YES
355	32	Contravention of Building Code	\$150.00	\$100.00	\$200.00	YES
355	33	Refuse Entry	\$150.00	\$100.00	\$200.00	NO
355	34	Failure to Obtain Permit	\$150.00	\$100.00	\$200.00	YES
355	35	False Information	\$150.00	\$100.00	\$200.00	NO
355	38	Fail to Post Permit	\$150.00	\$100.00	\$200.00	NO
355	39 & 40	Construct to Building Code	\$150.00	\$100.00	\$200.00	YES
355	41	Damage to Municipal Works	\$150.00	\$100.00	\$200.00	YES
355	42	Post Civic Address	\$150.00	\$100.00	\$200.00	NO
355	42 (1) & (2)	Transportation Management Plan	\$150.00	\$100.00	\$200.00	YES
355	43 to 48	Failure to give Proper Notice	\$150.00	\$100.00	\$200.00	YES
355	49	Uncovered Works	\$150.00	\$100.00	\$200.00	YES
355	50	Security Deposit	\$150.00	\$100.00	\$200.00	NO
355	51	Requirement of Permit	\$150.00	\$100.00	\$200.00	NO
355	52	Occupancy Permit	\$150.00	\$100.00	\$200.00	NO
355	53	Unsafe Condition	\$150.00	\$100.00	\$200.00	NO
355	54 to 56	Demolition Procedures	\$150.00	\$100.00	\$200.00	NO
355	57 to 59	Obligations of Contractor	\$150.00	\$100.00	\$200.00	YES
355	63 to 65	Requirements of Registered Professional	\$150.00	\$100.00	\$200.00	YES
355	66 to 68	Professional Plan Certification	\$150.00	\$100.00	\$200.00	NO
355	113 to 118	Stop Work Orders	\$150.00	\$100.00	\$200.00	NO

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available <small>(*Maximum 50% Reduction in Penalty Amount Where Compliance Agreement is shown as "Yes")</small>
355	119 & 120	Do Not Occupy	\$150.00	\$100.00	\$200.00	NO
355	131	Occupancy Permit	\$150.00	\$100.00	\$200.00	YES
355	141	Retaining Wall	\$150.00	\$100.00	\$200.00	NO
355	142	Swimming Pool	\$150.00	\$100.00	\$200.00	NO
355	146	Building Move	\$150.00	\$100.00	\$200.00	NO
355	147 to 151	Building Numbering	\$150.00	\$100.00	\$200.00	NO
355	156	Conformity to Building Code	\$150.00	\$100.00	\$200.00	YES
355	158	General Provisions	\$150.00	\$100.00	\$200.00	YES
Business License Bylaw No. 227, 1995, as Consolidated						
227	2 (a)	License Required	\$100.00	\$50.00	\$150.00	YES
227	7	Post License	\$75.00	\$50.00	\$100.00	NO
227	11	Direct Selling	\$150.00	\$100.00	\$200.00	NO
Recycling and Refuse Collection and Removal Regulation Bylaw No. 422, 2010						
422	3 to 15	Owners Responsibility	\$100.00	\$50.00	\$150.00	NO
422	42	Contravention of Bylaw	\$100.00	\$50.00	\$150.00	NO
Traffic and Parking Regulation Bylaw No. 518, 2018						
518	14	Parking Conformity	\$160.00	\$100.00	\$240.00	NO
518	15	Damage to Device	\$250.00	\$200.00	\$300.00	NO
518	16	Obey Commands	\$250.00	\$200.00	\$300.00	NO
518	17 to 19	Speed Limit	\$160.00	\$100.00	\$240.00	NO
518	21	Vehicle Wheels on Highways	\$200.00	\$150.00	\$250.00	NO
518	23	Load Limits	\$200.00	\$150.00	\$250.00	NO
518	24	Vehicle Size	\$200.00	\$150.00	\$250.00	NO
518	28 a - g	Recreation Apparatus	\$200.00	\$150.00	\$250.00	NO
518	31	Removal of Notice	\$200.00	\$150.00	\$250.00	NO
518	43 a - d	Unlawful Parking	\$160.00	\$100.00	\$240.00	NO
518	44 a - b	Time Limits	\$160.00	\$100.00	\$240.00	NO
518	45 a - c	Lane Parking	\$160.00	\$100.00	\$240.00	NO
518	46 i - xii	Prohibited Parking	\$160.00	\$100.00	\$240.00	NO
518	47	Double Parked	\$160.00	\$100.00	\$240.00	NO
518	48	Trailer Parking	\$160.00	\$100.00	\$240.00	NO
518	49 a - c	Disability Parking Zone	\$160.00	\$100.00	\$240.00	NO

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available <small>(*Maximum 50% Reduction in Penalty Amount Where Compliance Agreement is shown as "Yes")</small>
518	50	Residential Parking	\$160.00	\$100.00	\$240.00	NO
518	51 a	Length / Weight Restrictions	\$250.00	\$200.00	\$300.00	NO
518	52 a - b	Hazardous Material	\$250.00	\$200.00	\$300.00	NO
518	53 a - b	Snow Removal	\$160.00	\$100.00	\$240.00	NO
518	54	Drainage	\$160.00	\$100.00	\$240.00	NO
518	55 a - c	Littering	\$160.00	\$100.00	\$240.00	NO
518	56 a - b	Construction	\$200.00	\$150.00	\$250.00	NO
518	57 a - d	Impeding Traffic	\$160.00	\$100.00	\$240.00	NO
518	58	Noise / Advertising	\$200.00	\$150.00	\$250.00	NO
518	59	Trees Over Highway	\$160.00	\$100.00	\$240.00	NO
518	60 a - c	Structures Over Highway	\$250.00	\$200.00	\$300.00	NO
518	61 a - c	Property Access	\$250.00	\$200.00	\$300.00	NO
518	62	Highway Damage	\$300.00	\$225.00	\$400.00	YES
518	63 a - c	Public Utility	\$300.00	\$225.00	\$400.00	YES
518	64	Boulevards Maintenance	\$160.00	\$100.00	\$240.00	YES
(entire Traffic & Parking Regulation Bylaw Table amended by Bylaw No. 565, 2020)						
Water Well Regulation Bylaw No. 455, 2012, as Consolidated						
455	3 a - b	Well Disconnection	\$200.00	\$150.00	\$250.00	YES
455	4 a - d	Non-Domestic Purpose	\$200.00	\$150.00	\$250.00	YES
455	5 a	Introduce Water System	\$200.00	\$150.00	\$250.00	YES
Water Works Regulation Bylaw No. 456, 2012, as Consolidated						
456	5 a - g	Prohibitions	\$100.00	\$75.00	\$150.00	NO
456	18	Require Connection	\$200.00	\$150.00	\$250.00	YES
456	58	Approval of System	\$200.00	\$150.00	\$250.00	YES
456	62	Air Conditioners	\$100.00	\$75.00	\$150.00	NO
456	68	Water Meter	\$200.00	\$150.00	\$250.00	YES
456	75	Prohibition of Contamination	\$200.00	\$150.00	\$250.00	NO
456	83 a - e	Maintenance Responsibility	\$200.00	\$150.00	\$250.00	YES
456	84	Leaks	\$200.00	\$150.00	\$250.00	YES
456	86	Water Restrictions	\$100.00	\$50.00	\$150.00	NO
456	91 and 97	Use of Hydrant / Open	\$200.00	\$150.00	\$250.00	NO