



THE CORPORATION OF THE VILLAGE OF FRUITVALE

BYLAW 854, 2014

A Bylaw Respecting the Enforcement of Bylaw Notices

WHEREAS pursuant to the *Local Government Bylaw Notice Enforcement Act* and regulations thereto, the Village of Fruitvale may, by bylaw,

- a. designate bylaw contraventions that may be dealt with by Bylaw Notice,
- b. establish the amount of penalty for a contravention referred to in line a)
- c. establish the period for paying or disputing a Bylaw Notice, and
- d. establish and participate in a Bylaw Notice dispute adjudication system to resolve disputes in relation to Bylaw Notices;

NOW THEREFORE the Council of the Corporation of the Village of Fruitvale, in open meeting assembled, enacts as follows:

PART I – DEFINITIONS

In the context of this bylaw, the following definitions apply:

“**Act**” means the Local Government Bylaw Notice Enforcement Act;

“**Municipality**” means the Corporation of the Village of Fruitvale;

“**Registry**” means the Village of Fruitvale Bylaw Notice Adjudication Registry established pursuant to Part 8 of this Bylaw;

“**this Bylaw**” means Bylaw Notice Enforcement Bylaw No. 854

“**Bylaw Enforcement Officer**” means every person employed by the Village for the purpose of enforcement of the Village’s bylaws and includes the peace officers of the Royal Canadian Mounted Police.

PART II – CONTRAVENTIONS

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

PART III – OFFENCE AND PENALTY

The penalty for a contravention referred to in Part II above is as follows:

- i. Except if subsection Part III ii. and Part III iii. apply, the penalty amount is provided in Schedule A, Column A1.

- ii. If received by the Municipality within 14 days of the person receiving or being presumed to have received the notice, the Early Payment Penalty set out in column A2 of Schedule A applies.
- iii. If received 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 Part III i. and the late payment penalty set out in column A3 of Schedule A applies.

PART IV – PERIOD FOR PAYING A DISPUTED NOTICE

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, or
- b. Request dispute adjudication by filing 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 Fruitvale Office.

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 Part III iii., but no person may dispute the notice after 14 days of receiving the bylaw notice.

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 limits for responding to a bylaw notice under Part III and Part IV i. and ii. of this bylaw do not begin to run until a copy of the bylaw notice is redelivered to them in accordance with the Act.

PART V – BYLAW NOTICE DISPUTE ADJUDICATION REGISTRY

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

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 VI – SCREENING OFFICER

THAT the following are designated classes of persons that may be appointed as Screening Officers:

- a. Bylaw Enforcement Officer
- b. Village of Fruitvale Corporate Officer or delegate and Council may appoint Screening Officers from these classes of persons by name of office or otherwise.

PART VII – POWERS, DUTIES AND FUNCTIONS OF SCREENING OFFICERS

The powers, duties and functions of Screening Officers are as set out in the Act, and include the following powers:

1. When requested by the person against whom a contravention is alleged:
 - a. communicate 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,
 - 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.
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.
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.
4. To provide for payment of a reduced penalty if a compliance agreement is entered into, as provided in column A4 of Schedule A.
5. To cancel bylaw notices in accordance with the Act or Village policies and guidelines.

The bylaw contraventions in relation to which a Screening Officer may enter into a compliance agreement are indicated in column A4 of Schedule A.

The maximum duration of a compliance agreement is one year.

PART VIII – FORMS OF BYLAW NOTICE

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.

PART IX - SCHEDULES

Schedule A – Designated Bylaw Contraventions and Penalties

PART X - SEVERABILITY

If any Section, Subsection, Paragraph, Clause or Phrase of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

PART XI – CITATION

This Bylaw may be cited for all purposes as “Village of Fruitvale Bylaw Notice Enforcement Bylaw 854, 2014”.

READ a first time this 25th day of June, 2014.

READ a second this 25th day of June, 2014.

READ a third time this 25th day of June, 2014.

RECONSIDERED, FINALLY PASSED AND ADOPTED this 26th day of June, 2014.

Mayor

Chief Administrative Officer

CERTIFIED a true copy of Bylaw 854, 2014, entitled “Village of Fruitvale Bylaw Notice Enforcement Bylaw 854, 2014”.

DATED this 26th day of June, 2014.

Chief Administrative Officer

THE CORPORATION OF THE VILLAGE OF FRUITVALE

**Schedule "A"
Bylaw 854, 2014**

DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

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>
Dog Tax & Regulation Bylaw No. 728						
728	11 (c)	Dog at large	\$35	\$30	\$50	YES
728	12 (d)	Enclosed space	\$75	\$50	\$100	YES
Property Standards Bylaw No. 845						
845	1	Unightly	\$100	\$75	\$150	YES
845	3	Offensive Growth	\$100	\$75	\$150	YES
845	4	Insect Infestation	\$100	\$75	\$150	YES
845	6	Accumulation of Unwholesome Matter and	\$100	\$75	\$150	YES
	7	Dust Control				
845	8	Littering	\$100	\$75	\$150	YES
	9	Graffiti				
	10	Sidewalk Clearing				
	11	Boulevard Maintenance				
	12	Sidewalk & Path Snow & Ice				
Traffic Regulation Bylaw No. 778						
778	14	Downtown Parking	\$100	\$75	\$150	YES
Zoning Bylaw No. 846						
846	5.3	Non-compliant use	\$100	\$75	\$150	YES
846	8.5	Screening & fences	\$100	\$75	\$150	YES
846	10.2	Home occupations	\$100	\$75	\$150	YES
846	7.5	Accessory Buildings	\$100	\$75	\$150	YES
846	2.4.1	Boarders and lodgers	\$100	\$75	\$150	YES

Schedule "A"
Bylaw 854, 2014

DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES
Continued...

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>
Zoning Bylaw No. 846 continued...						
846	5.3.7	Commercial vehicles in residential zones	\$100	\$75	\$150	YES
846	7.5	Temporary buildings	\$100	\$75	\$150	YES
846	2.4.2	Setbacks	\$100	\$75	\$150	YES
846	15.1	Commercial 1 Zone	\$100	\$75	\$150	YES
846	15.2	Commercial 2 Zone	\$100	\$75	\$150	YES
846	12, 13, 14	Residential	\$100	\$75	\$150	YES
Business License Bylaw No. 692						
692	1	No business license	\$100	\$75	\$150	YES
Boulevard Bylaw No. 384						
384	4 (d)	Parking on boulevard	\$35	\$30	\$50	YES
Anti-Noise Bylaw No. 382						
382	2	Disturbing sounds	\$100	\$75	\$150	YES
Waste Control Bylaw No. 850						
850	II (5,6)	Improperly stored garbage	\$35	\$30	\$50	YES
850	II (3,4)	Improperly bagged garbage	\$35	\$30	\$50	YES
850	IV (10)	Prohibited waste	\$35	\$30	\$50	YES