



City of PARKSVILLE

PO Box 1390, 100 E. Jensen Avenue, Parksville, BC V9P 2H3
Telephone: (250) 248-6144 Fax: (250) 248-6650
www.parksville.ca

COMMITTEE OF THE WHOLE AGENDA

MONDAY, MAY 12, 2008 – 6:00 P.M.

1. ADOPTION OF MINUTES

- a) of the April 28, 2008 minutes of the Committee of the Whole meeting – Pages 1 to 4

2. PUBLIC PRESENTATIONS

3. CORRESPONDENCE

- a) Colin Stewart – Staples McDannold Stewart – Legal Opinion – Storage of Fireworks and Explosives in Residential Zones – Pages 5 to 6

Recommendation: THAT the correspondence from Staples McDannold Stewart, dated May 6, 2008, regarding the storage of fireworks and explosives in residential zones, be received for information.

- b) Russell Stubbs & Kenneth Henderson – Park Island Properties Ltd – Development Permit Application, Engineering Review – Page 7

Recommendation: THAT the correspondence from Park Island Properties Ltd., dated May 5, 2008, regarding the development permit application for the Thrifty Foods Store expansion, be received for information.

4. DISCUSSION RELATED TO DELEGATIONS OR CORRESPONDENCE

5. STAFF PRESENTATIONS

- a) Director of Administrative Services – 2008 Special Events Application – Pages 8 to 13

Under the provisions of the City's Special Events Policy organizations proposing to hold an event on municipal property, streets or parks are required to apply for a special events permit. All events covered in the policy must be approved by Council and event organizers must fulfill the requirements outlined in the policy.

Recommendation: THAT Oceanside Outdoor Sport be granted use of the beach volley ball courts on the west side of the road, and the surrounding lawns in the Community Park, to hold volleyball league and tournament events on the dates and during the times indicated on Schedule 1 attached to the Park Use Application Form dated April 29, 2008;

AND THAT the approval be granted on condition that the organizers adhere to the signed Terms and Conditions form dated April 29, 2008 attached to the report from the Director of Administrative Services dated May 5, 2008 entitled "2008 Special Events Applications".

- b) Director of Administrative Services – Municipal Ticket Information Bylaw No. 1444 – Pages 14 to 36

The City's Municipal Ticket Information Bylaw (MTI) bylaw has become outdated because of additions or amendments to the City's regulatory bylaws. It needs to be updated in order to provide staff and the RCMP with the ability to issue tickets for bylaw offences related to our current regulatory bylaws.

Recommendation: THAT the report dated May 6, 2008 from the Director of Administrative Services entitled "Municipal Ticket Information Bylaw No. 1444" be received for information.

AND THAT "Municipal Ticket Information Bylaw, 2008, No. 1444" be advanced for reading consideration.

- c) Chief Administrative Officer – Employee Code of Conduct – Pages 37 to 66

This is to reintroduce to Council the Employee Code of Conduct. Significant consultation has occurred between management staff and the union.

Recommendation: THAT the revised Policy No. 7.16 "Employee Code of Conduct" as attached to the report from the Chief Administrative Officer, dated May 7, 2008 entitled "Employee Code of Conduct", be approved.

- d) Chief Administrative Officer – Lease Agreement with the Parksville Lawn Bowling Club – Pages 67 to 86

Renewal of the lease for the land occupied by the Parksville Lawn Bowling Club.

Recommendation: THAT the proposed draft 2008 – 2013 Parksville Lawn Bowling Club Lease for Lot 1, District Lot 13, Nanoose District, Plan VIP 71491 (149 E. Stanford Avenue) for the period September 1, 2008 and ending August 31, 2013 as attached to the April 29, 2008 memo to Council from the Chief Administrative Officer titled "Lease Agreement with the Parksville Lawn Bowling Club" be amended to exclude section 17.8 and that section 17.7 be amended to remove the proposed change to "may" from "will";

AND THAT the Mayor and Clerk be authorized to sign the 2008 – 2013 Parksville Lawn Bowling Club Lease for lot 1, District Lot 13, Nanoose District, Plan VIP 71491 (149 E. Stanford Avenue) for the period September 1, 2008 and ending August 31, 2013 as amended.

6. NEW BUSINESS

7. ADJOURNMENT

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TO BE ADOPTED

CITY OF PARKSVILLE

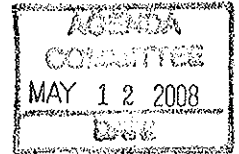
April 28, 2008

Minutes of the Committee of the Whole meeting held in the Civic and Technology Centre, 100 E. Jensen Avenue, Parksville, BC, on Monday, April 28, 2008 at 6:00 p.m.

PRESENT: Her Worship Mayor S. R. Herle

Councillors: C. R. Burger
M. Lefebvre
J. B. Johnston
T. C. Patterson
S. Powell

Staff: F. Manson, Chief Administrative Officer
L. Taylor, Director of Administrative Services
G. Jackson, Director of Community Planning
L. Butterworth, Director of Finance
P. Lovegrove, Manager of Budgets & Special Projects



1. MINUTES

Lefebvre - Patterson

THAT the minutes of the Committee of the Whole meeting held March 26, 2008 be adopted.

CARRIED.

2. PUBLIC PRESENTATIONS

3. CORRESPONDENCE

4. STAFF PRESENTATIONS

Mayor Herle noted that all recommendations adopted by the Committee at this meeting will be forwarded to Council for consideration at their May 5, 2008 meeting.

RECOMMENDATIONS:

a) **Manager of Budgets & Special Projects – 2008-2012 Final Financial Plan**

Mayor asked for comments on the final 2008 budget from the public in attendance.

There was no response.

Powell - Lefebvre

THAT the report from the Manager of Budgets & Special Projects dated April 25, 2008 entitled "2008-2012 Final Financial Plan", be received;

AND THAT Council direct staff to prepare, for Council's consideration, all relevant budget, property tax and other required bylaws for the 2008-2012 Financial Plan.

CARRIED.

b) **Director of Finance – New Requirements for Revenue Policy Disclosure**

Lefebvre - Powell

THAT the report from the Director of Finance dated April 22, 2008 entitled "New Requirements for Revenue Policy Disclosure", be received;

AND THAT the information in Appendix A attached to the report from the Director of Finance dated April 22, 2008 entitled "New Requirements for Revenue Policy Disclosure" be incorporated into the 2008-2012 Final Financial Plan document.

CARRIED.

c) **Director of Finance gave the 2008 Quarterly Budget Update (verbal report)**

For the three months ended March 31, 2008

d) **Fire Chief gave the Quarterly Report (verbal report)**

For April, May and June 2008

e) **Director of Administrative Services – Burning Bylaw-Shelly Enterprises**

Lefebvre - Burger

THAT the letter from Shelly Enterprises Ltd. received February 26, 2008 regarding the Burning Ban Bylaw be received;

AND THAT the report from the Director of Administrative Services dated April 23, 2008 entitled "Burning Bylaw – Shelly Enterprises", be received for information;

AND THAT staff be directed to prepare an amendment to the City of Parksville Outdoor Burning Bylaw, 2007, No. 1428 to set restrictions of the burning of agricultural waste on agricultural land, for Council's consideration.

CARRIED.

f) **Planner – Development Permit to Update Appearance of the Exterior of the McDonald's Restaurant in Parksville**

Patterson - Powell

THAT the report from the Planner dated April 21, 2008 for the issuance of at 310 Island Highway West, be received for information;

AND THAT a Development Permit be issued to McDonalds Restaurants of Canada Ltd, to permit an update to the appearance of the exterior of McDonald's restaurant on Lot A, District Lot 89, Nanoose District, Plan 47679 [310 Island Highway West] subject to:

- (a) A landscaping bond in the amount of \$15,700.00 be received prior to the issuance of the permit.

CARRIED.

g) **Director of Community Planning – Zoning Bylaw Amendments**

Main Motion:

Lefebvre - Powell

THAT the report from the Director of Community Planning dated April 21, 2008 entitled "Zoning Bylaw Amendments", be received for information;

AND THAT Staff be requested to prepare, for Council's consideration, the necessary zoning text amendment bylaws to implement the following minor amendments to the Zoning Bylaw:

- a. Permit residential care facilities in the C-3 (Downtown Commercial) Zone
- b. Amendments to the lot size in the A-1 (Agricultural) Zone

- c. Prohibit the storage of fireworks and explosives in residential Zones
- d. Permit single family residential in the C-3 (Downtown Commercial) Zone and CS-1 (Highway Commercial) Zone
- e. Amend setbacks for single family dwellings next to linear walkways.

Amendment:

Johnston -Powell

THAT staff be instructed to seek a legal opinion to see if the City can require the removal of the storage of fireworks in a residential area once the zoning bylaw is amended to prohibit this action and, if not, to inquire as to whether or not the City can register a notice on the title to property where the fireworks are stored as a warning to future owners.

CARRIED.

Main Motion as Amended:

Lefebvre -Powell

THAT the report from the Director of Community Planning dated April 21, 2008 entitled "Zoning Bylaw Amendments", be received for information;

AND THAT Staff be requested to prepare, for Council's consideration, the necessary zoning text amendment bylaws to implement the following minor amendments to the Zoning Bylaw:

- f. Permit residential care facilities in the C-3 (Downtown Commercial) Zone
- g. Amendments to the lot size in the A-1 (Agricultural) Zone
- h. Prohibit the storage of fireworks and explosives in residential Zones
- i. Permit single family residential in the C-3 (Downtown Commercial) Zone and CS-1 (Highway Commercial) Zone
- j. Amend setbacks for single family dwellings next to linear walkways.

AND THAT staff be instructed to seek a legal opinion on whether or not the City can require the removal of a fireworks storage facility in a residential area once the zoning bylaw is amended to prohibit this action and, if not, to inquire as to whether or not the City can register a notice against the title to property where the fireworks are stored as a warning to future owners.

CARRIED.

- h) **Chief Administrative Officer - Consideration of Development Process Review Proposed By the Oceanside Development and Construction Association (ODCA)**

Johnston -Burger

THAT the report from the Chief Administrative Officer dated April 8, 2008 entitled "Consideration of Development Process Review Proposed by the Oceanside Development and Construction Association (ODCA)", be received;

AND THAT Council direct staff to inform the ODCA that in view of their abandonment of their request for the development process review, the City will not be pursuing the issue any further.

NO VOTE.

Burger - Lefebvre

THAT consideration of the report from the Chief Administrative Officer dated April 8, 2008 entitled "Consideration of Development Process Review Proposed by the Oceanside Development and Construction Association (ODCA)" recommending that staff be directed to inform the ODCA that in view of their abandonment of

their request for the development process review, the City will not be pursuing the issue any further be postponed to a future date.

CARRIED.

i) **Director of Administrative Services – Optional Changes to Election Procedures Bylaw**

Burger - Patterson

THAT the report from the Director of Administrative Services dated April 21, 2008 entitled "Optional Changes to Election Procedures Bylaw", be received;

AND THAT the issue of Optional Changes to the Election Procedures including increasing the required number of nominator, website publishing of nomination documents and campaign financing disclosure, mail ballot voting and special voting opportunities be referred to the Citizen's Advisory Committee for input and recommendations;

AND FURTHER THAT the Committee's Assignment Terms of Reference for consideration of Optional Changes to the Election Procedures attached to the Director of Administrative Services report dated April 21, 2008 entitled "Optional Changes to Election Procedures Bylaw", be approved.

CARRIED.

5. NEW BUSINESS

6. ADJOURNMENT

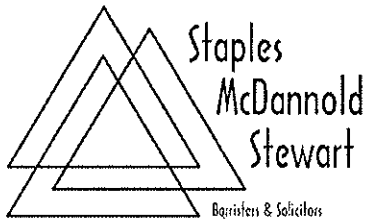
Lefebvre - Burger

Rise and Report to Council at their May 5, 2008 meeting.

The meeting ended at 7:47 p.m.



Mayor



Email Transmission

May 6, 2008

File No: 210 017

Ms. Laurie Taylor
Director of Administrative Services
City of Parksville
100 East Jensen Avenue
Parksville, BC V9P 2H3

Dear Ms. Taylor:

**Re: Legal Opinion – Storage of Fireworks and Explosives in Residential Zones
Your File 08-10**

You have asked the following questions:

1. *If the City's Zoning Bylaw is amended to prohibit the storage of fireworks and explosives in all residential zones, can the City require a home based business operator who already has a fireworks magazine, licenced and inspected by the Federal Government, on the residential property to remove it?*

No. If the use of the land or the home based business of fireworks and explosives storage would have been permitted before the bylaw amendment, then the use may be continued as a non-conforming use under section 911 of the *Local Government Act*.

2. *Can the City file a notice against the property title so that future purchasers will be aware that the magazine exists (or did at one time)?*

The City only has a right to file a notice against title to property in accordance with the *Community Charter* and nothing further than that. If there is no breach of a building regulation bylaw provision that would trigger the right to file a notice under section 57 of the *Community Charter* then the City has no authority or ability to take this step.

This may be a good opportunity to review the City's Zoning Bylaw, including the rules applicable in relation to home based businesses and the type of businesses that may be established in residential neighbourhoods to ensure that these types of uses cannot establish themselves in the heart of residential communities. It is one thing to permit

Ms. Laurie Taylor
May 6, 2008
Page 2

people to operate businesses from their homes; it is quite another to allow businesses that involve weapons, explosives, chemicals, contaminants or flammable materials at levels that would not otherwise be present in residential neighbourhoods.

Yours truly,

STAPLES MCDANNOLD STEWART

Original signed by "Colin Stewart"

Per:

Colin Stewart*

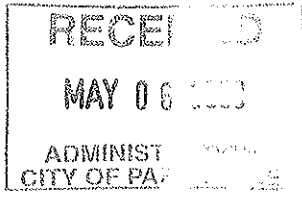
CS/am

* Denotes Personal Law Corporation



Park Island Properties Ltd.

C/o 202 - 2736 Quadra Street
Victoria, B C V8T 4E6
Ph: 250-385-9741
FAX: 250-385-9040



May 5, 2008

City Of Parksville
P O Box 1390, 100 Jensen Ave East
Parksville, B C
V9P 2H3

Attn: Gary O'Rourke, Director of Engineering and Operations

Re: Development Permit Application
Engineering Review

Dear Sir:

Pursuant to our telephone conversation of April 30, 2008 please be advised that we cannot proceed with our development plans based on the engineering requirements as spelled out in the April 11, 2008 - nine page directive from Fred Pakkola.

We have priced out your requirements and a conservative cost estimate is \$1,000,000. This amount, along with the building permit fees, administration fees and development cost charges make the project unfeasible.

As we are only accessing Corfield Street we are not sure why you require all the upgrades on Bagshaw and the East Island Highway. Presumably we can build a *stand alone* building on our Corfield lots without incurring most of these service upgrades.

The City's requirements for us to expand the Thrifty Foods store is working out to be about \$127.00 per sq.ft. (or approximately \$1,400,000) - before we include our land cost or start any construction.

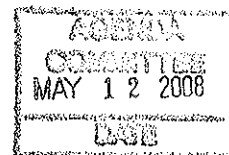
Therefore we are asking that Council waive the Bagshaw and East Island Highway requirements. We are prepared to undertake the Corfield improvements as outlined.

Yours truly,

Russell D. Stubbs

per Kenneth J. Henderson

Copy: Vaughan Roberts, Park City Engineering
Fred Manson, City of Parksville Chief Administrative Officer
Ray Bourbonnais, Thrifty Foods
Mayor Sandra Herle and Council, City of Parksville



Report to Committee of the Whole

DATE: MAY 5, 2008
MEMO TO: FRED MANSON, CHIEF ADMINISTRATIVE OFFICER
FROM: LAURIE TAYLOR, DIRECTOR OF ADMINISTRATIVE SERVICES
SUBJECT: 2008 SPECIAL EVENTS APPLICATIONS
OUR FILE: 8100-01

ISSUE:

Use of the beach volley ball courts and surrounding lawns in the Community Park for beach volleyball events, to be held between May 6 and August 30, 2008.

EXECUTIVE SUMMARY

Under the provisions of the City's Special Events Policy organizations proposing to hold an event on municipal property, streets or parks are required to apply for a special events permit. All events covered in the policy must be approved by Council and event organizers must fulfill the requirements outlined in the policy.

REFERENCE:

*Policy No. 8.22 – Applications for Special Events
Completed Parks Use Application Form (1) including the Terms and Conditions signed, April 29, 2008, from Oceanside Outdoor Sport.*

BACKGROUND:

A request has been received from Oceanside Outdoor Sport to hold tournaments, utilizing the beach volley ball courts on the west side of the road and the surrounding lawns in the Community Park, on the following dates listed on the attached schedule.

These volleyball tournament events have operated without any problems in the Park for the past few years, although they had not been formally scheduled with the City until 2006. At that point, growth of these events made it necessary for a formal application to be made, thereby ensuring the participant's and the City's interests with regard to court availability, a damage deposit and insurance were met.

In addition to tournaments, Oceanside Outdoor Sport organizes ongoing leagues for both adults and youths. It is anticipated that attendance on any of the given dates may be between 20 and 100 people. The organizers have duly signed the required Terms and Conditions, acknowledging their agreement to meet the event obligations. The \$500.00 security deposit along with the liability insurance has already been received.

From time to time the Municipality is requested to allow the use of City property and roads for organized events such as this. The main issues associated with such requests are:

1. The impacts of the event on pedestrians, traffic conditions and the public;
2. Access to properties and services by emergency vehicles, the public, utility companies, and the municipality;
3. Public liabilities and damages that may result from the event.

The Director of Engineering and Operations, Fire Department and RCMP were consulted on this application and they have no concerns with the proposed event.

OPTIONS:

Option 1: Deny the request.

Option 2: Approve the request with conditions.

Option 3: Approve the request without conditions.

ANALYSIS:

1. Denying the request outright would avoid the need to address the noted concerns. It would also deny consideration of what may be viewed as a positive community event;
2. The approval could be made conditional upon the applicant addressing legitimate issues and concerns to the satisfaction of the municipality and other appropriate authorities. Some minor interruption to vehicle, cycling and pedestrian traffic is possible during this event. These issues can probably be mitigated to ensure a successful, positive event;
3. Council could grant unconditional approval of the request. Given the City of Parksville is the authority and owner of the Community Park, with associated public responsibilities with respect to safety, access, utilities, and other matters, it is appropriate to consider applying reasonable conditions to address these issues;

It is recommended that Council support Option 2.

RECOMMENDATION:

THAT Oceanside Outdoor Sport be granted use of the beach volley ball courts on the west side of the road, and the surrounding lawns in the Community Park, to hold volleyball league and tournament events on the dates and during the times indicated on Schedule 1 attached to the Park Use Application Form dated April 29, 2008;

AND THAT the approval be granted on condition that the organizers adhere to the signed Terms and Conditions form dated April 29, 2008 attached to the report from the Director of Administrative Services dated May 5, 2008 entitled "2008 Special Events Applications".

Respectfully submitted



LAURIE TAYLOR
Director of Administrative Services

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:

FRED MANSON

Chief Administrative Officer

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CITY OF PARKSVILLE ADMINISTRATION
Telephone: (250) 954-3060 Fax: (250) 248-6650

PARK USE APPLICATION FORM (1)
(Application to Hold an Event in any City Park)



Organization OCEANSIDE OUTDOOR SPORT Name of Event: SUMMER BEACH SERIES 2008
Date of Application: APRIL 29/08 Phone: (250) 753-2826
Contact Name: SHANE HYDE Bus. Phone: (250) 753-2826
Mailing Address: 1139 BEECHWOOD DRIVE Fax: (250) 740-6487
NANAIMO Postal Code: V9R 7E2 E-Mail: HYDES@MALA.BC.CA
Alternate Contact: DANIELLE HYDE Phone: (250) 753-2826

Facility(ies) Required: BEACH VOLLEYBALL SAND COURTS

(Please indicate requested areas of use on attached map if Community Park.)

Date(s) Requested: SEE ATTACHED FORM Hours of Use: SEE ATTACHED FORM

Anticipated Number in Attendance 20-100
(Note, Please provide a list of any other groups coming under the umbrella of this event.)

Purpose of Use: BEACH VOLLEYBALL ^{LEAGUES} ~~TOURNAMENTS~~ And TOURNAMENTS

Road Closure Requested: Yes No Details: _____

Concession Requested: Yes No (Subject to Food Concession Policy 3.18)

Note: You will be responsible for any damages done to irrigation systems as a result of stakes and poles placed without prior Parks Department approval.

See Reverse side for Terms and Conditions - Signature required prior to submission for consideration by Council.

This portion to be completed by City of Parksville
Council Approval: Yes No Council Meeting Date: _____

CITY OF PARKSVILLE ADMINISTRATION
Telephone: (250) 954-3060 Fax: (250) 248-6650



**TERMS AND CONDITIONS FOR
 USE OF CITY OF PARKSVILLE FACILITIES**

1. Ensure appropriate public access is maintained to all roads, park and adjacent facilities to the satisfaction of the City of Parksville, the RCMP, the Fire Department and the Ambulance Service;
2. Provide all of the necessary traffic controls, parking and emergency access acceptable to the RCMP, the Fire Department and the Ambulance Service;
3. Ensure that any charitable organization members performing traffic control and event parking, clearly state that **any parking fee is strictly by voluntary donation**, and ensure that **this information is visibly posted at the site** and mentioned in any event advertisement;
4. Hold and save harmless the City from and against all claims and damages arising out of, or in any way connected with, the event;
5. Obtain and maintain during the term of this event, a comprehensive general liability insurance policy providing coverage of not less than \$2,000,000.00, naming the City of Parksville as an additional insured. A copy of the policy shall be delivered to the Corporation a minimum of five working days prior to the event;
6. **For events held on the Parksville Civic and Technology Centre site**, obtain and maintain during the term of this event, a comprehensive general liability insurance policy providing coverage of not less than \$2,000,000.00, naming the City of Parksville, School District No. 69 [Qualicum] and Malaspina University College as additional insureds. A copy of the policy shall be delivered to the Corporation a minimum of five working days prior to the event;
7. Provide the City with a refundable security deposit of \$500.00 (to cover any loss or damage resulting from the event), to be delivered to the Corporation a minimum of five working days prior to the event;
8. Maintain and, if required, refurbish all municipal property and infrastructure to an equal or better condition than that which existed prior to the event, all within 48 hours of the completed event, to the satisfaction of the City of Parksville;
9. Ensure collection of litter from the event site/s, arranging with a waste disposal company for removal/dumping of bins following the event;
10. Make arrangements for installation of portable toilets, in quantity suitable to the expected attendance, for the duration of the event;
11. Ensure that any and all concessions (approved by the City with regard to their standing contract with the operator/s of the Park concession), meet all applicable health and safety requirements;
12. Approval for use of private property is the sole responsibility of the organizer/s.

SHANE HYDE
 Printed Name of Authorized Representative

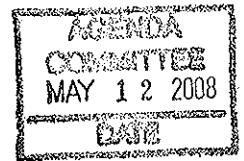
OCEAN SIDE OUTDOOR SPORT
 Name of Organization

[Signature]
 Signature
APR 29/08
 Date Signed

**2008 SUMMER BEACH VOLLEYBALL SERIES
PARKSVILLE BEACH COURTS**

<i>TOURNAMENTS</i> – 10:00am – 5:00pm			
Frostbite Open	May 24 & 25	Approximately 20 - 40 People	Sat. Co-Ed Triples Sun. M/W Doubles
High School Open	May 31		Youth
Parksville Open (SIVA)	June 7 & 8		Sat. M/W Doubles Sun. King/Queen of the Beach
King/Queen of the Beach	June 15		King/Queen of the Beach
Sand Series #1	June 21		Youth
Beachfest	July 5 & 6		Youth
OOS Open	July 12 & 13		Sat. Co-Ed Triples Sun. M/W Doubles
Keith Johnson Open	August 16		King/Queen of the Beach
Volleybash 19	August 30 & 31	Approximately 150 People	Sat. Co-Ed Triples Sun. M/W Doubles

<i>LEAGUES</i>			
Youth Beach Volleyball	<i>Tuesdays</i> May 13 – June 24 6:30pm – 8:30pm	Approximately 60 People	Doubles
Adult Beach Volleyball Session #1	<i>Wednesdays</i> May 14 – June 25 6:30pm – 9:30pm	Approximately 120 people	Co-Ed Triples
Adult Beach Volleyball Session #2	<i>Wednesdays</i> July 9 – August 27 6:30pm – 9:30pm	Approximately 120 People	Co-Ed Triples



May 6, 2008

MEMO TO: FRED MANSON, CHIEF ADMINISTRATIVE OFFICER
FROM: LAURIE TAYLOR, DIRECTOR OF ADMINISTRATIVE SERVICES
SUBJECT: Municipal Ticket Information Bylaw No. 1444

ISSUE:

Consider a new Municipal Ticket Information Bylaw.

EXECUTIVE SUMMARY

The City's Municipal Ticket Information Bylaw (MTI) bylaw has become outdated because of additions or amendments to the City's regulatory bylaws. It needs to be updated in order to provide staff and the RCMP with the ability to issue tickets for bylaw offences related to our current regulatory bylaws.

REFERENCES:

Fine comparison to other municipalities
Summary of changes by bylaw category

BACKGROUND:

Sections 264 and 265 of the *Community Charter* provide local government with the authority to adopt a bylaw that permits designated bylaw officers to issue tickets for bylaw offences. The *Community Charter Bylaw Enforcement Ticket Regulation* provides limitations on the authority of municipalities to issue tickets including the types of bylaws for which tickets cannot be issued; who may issue tickets, the formats for the tickets and sets the maximum penalty that may be imposed for a ticket at \$1000.

Under the Regulation municipalities may not enforce bylaws establishing motor vehicle speed limits or regulating the discharge of firearms through the MTI process. In the case of speed limits, the police issue provincial tickets and in the case of firearms prosecution is by the police under the *Offence Act*.

Upon being issued a MTI ticket a person has 14 days in which to pay the fine and accept liability for the offence, or to notify the City that they wish to dispute the ticket. Disputed tickets are referred to the Provincial Court. At the hearing the Justice will review the ticket and may cancel it, impose a lesser fine if there are mitigating circumstances, or convict the person and impose the penalty if the ticket appears to be in order.

The current MTI bylaw was adopted in 1996 and since that time there have been amendments to the Building Bylaw, Noise Control Bylaw, Outdoor Burning Bylaw, Property Management Bylaw, Sign Regulation Bylaw and Tree Management Bylaw that did not have the corresponding amendments to the MTI bylaw done. As a result of these amendments not being done staff have encountered problems when trying to enforce these bylaws. As well the Fireworks Bylaw should be included, so that bylaw can be enforced.

In the first attachment staff has done a comparison of common fines in an effort to bring the City's fines in line with other municipalities. The second attachment to this report shows the current and proposed fines for the bylaws that will be covered by the new MTI Bylaw.

OPTIONS:

1. Forward the proposed new Municipal Ticket Information Bylaw for reading consideration.
2. Maintain the status quo and not adopt a new MTI bylaw.

Staff recommends Option 1.

ANALYSIS

The adoption of the new Municipal Ticket Information Bylaw will provide staff and the RCMP with the ability to efficiently enforce the City's regulatory bylaws. Not adopting a new MTI bylaw would mean that a number of the City's regulatory bylaws are unenforceable.

While it is the City's goal to encourage citizens to act responsibly, this bylaw is a necessary tool to deal with individuals who do not comply with City regulations.

SUSTAINABILITY/ENVIROMENTAL IMPLICATIONS

None

FINANCIAL IMPACT

There may be a slight increase in fine revenue however this cannot be quantified as it is unknown how many tickets will be issued.

STAFF RECOMMENDATION:

THAT the report dated May 6, 2008 from the Director of Administrative Services entitled "Municipal Ticket Information Bylaw No. 1444" be received for information.

AND THAT "Municipal Ticket Information Bylaw, 2008, No. 1444" be advanced for reading consideration.

Respectfully submitted,



LAURIE TAYLOR
Director of Administrative Services

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:



FRED C. MANSON, CGA
Chief Administrative Officer

FINES

Bylaw	Offence	Parksville											
		Campbell River	Courtenay	Qualicum Beach	Nanaimo	Saanich	Victoria	Oak Bay	Esquimalt	Colwood	Average	Current	Proposed
Animal & Dog Control	No Tag	75	50	75	50	50	50	50	50	75	58	50	50
Animal & Dog Control	Dog At Large	100	50	75	100	100	50	50	75	75	75	50	75
Animal & Dog Control	Vicious Dog at large	200	300	500	500	500	200	200	200	150	306	200	300
Building	No Permit	150	300	200	100	100	100	100	100	100	139	100	150
Building	No Occupancy Permit	150	300	150	100	100	100	100	100	100	133	100	150
Building	Obstruct Building Inspector	300	300	200	200	100	150	200	200	100	194	200	200
Business License	No Licence	200	100	200	100	100	100	200	100	100	133	100	100
Fireworks	Discharge Fireworks	200	100	100	200	100	200	200	200	100	156	100	150
Fireworks	Sell Fireworks	200	100	100	200	100	200	500	200	500	233	100	150
Noise	Allow Noise which disturbs	250	500	150	100	100	200	100	100	100	178	100	150
Outdoor Burning	Prohibited Fire	200	100	200	100	50	200	50	200	200	138	100	200
Outdoor Burning	Obstruction of Officer	300	100	200	200	50	300	50	200	200	192	200	200
Parks	Damage Foliage	200	100	100	100	50	200	50	200	100	121	100	100
Parks	Liquor in Park	100	100	100	100	50	100	50	100	100	93	100	100
Property Maintenance	Unsanitary premises	200	100	200	100	100	100	100	100	100	122	100	100
Property Maintenance	Fail to clear rubbish	150	100	100	100	100	100	100	100	100	106	100	100
Sign	Prohibited sign	200	100	100	50	100	100	100	100	100	106	100	100
Sign	No permit	150	100	100	100	100	100	100	100	100	106	100	100
Zoning	Violation of zone	200	100	100	100	100	100	200	100	100	122	100	100
Tree Protection	Cut tree w/o permit		1000		500	500	250	500	500	500	550	100	500
Tree Protection	Damage tree		1000		500	100	250	100	100	100	420	100	200

1. Bylaws that only need the fine amounts amended:

(Italics indicate new fine amount)

Business Licence Bylaw No. 1079

<u>Offence</u>	<u>Current Fine</u>	<u>Proposed Fine</u>
Fail To Transfer Licence	\$ 50.00	<i>\$100.00</i>
More Than 1 Premise Per Licence	\$100.00	\$100.00
More Than 2 Amusement Machines	\$100.00	\$100.00
No Business Licence	\$100.00	\$100.00

Dog Licence and Pound Bylaw No. 1284

<u>Offence</u>	<u>Current Fine</u>	<u>Proposed Fine</u>
Dog At Large	\$ 50.00	<i>\$ 75.00</i>
Dog Noise Disturbing Peace	\$100.00	\$100.00
Fail to Clean Up Dog Feces	\$ 50.00	<i>\$ 50.00</i>
Licence Tag Not On Dog	\$ 30.00	<i>\$ 50.00</i>
More Than Two Dogs	\$100.00	\$100.00
Obstruction of Animal Control Officer	\$200.00	\$200.00
Unlicensed Dog	\$ 50.00	\$ 50.00
Unmuzzled Vicious Dog	\$200.00	<i>\$300.00</i>
Vicious Dog Not Confined	\$200.00	<i>\$300.00</i>
<i>Fail to Confine Bitch in Heat</i>		<i>\$100.00</i>

Zoning and Development Bylaw No. 2000 (no changes)

<u>Offence</u>	<u>Current Fine</u>	<u>Proposed Fine</u>
Fail To Comply With Secondary Suite Conditions	\$100.00	\$100.00
Height Obstruction at Corner	\$100.00	\$100.00
Obstruct Authorized Entry	\$200.00	\$200.00
Overheight Fence	\$ 50.00	\$ 50.00
Prohibited Use	\$100.00	\$100.00
Swimming Pool Not Fenced As Required	\$100.00	\$100.00
Unlawful Land Use	\$100.00	\$100.00

Park Regulation Bylaw No. 1327 (no changes)

<u>Offence</u>	<u>Current Fine</u>	<u>Proposed Fine</u>
Build any structure	\$100.00	\$100.00
Damage to park plants	\$100.00	\$100.00
Damage to park property	\$100.00	\$100.00
Discharge of explosives	\$100.00	\$100.00
Fire in park	\$100.00	\$100.00
Interfere/obstruct City employee	\$200.00	\$200.00
Obstruct free use & enjoyment of park	\$ 50.00	\$ 50.00
Operate boat, waterski in dangerous manner	\$100.00	\$100.00
Pollute water	\$100.00	\$100.00
Possess liquor in park	\$100.00	\$100.00
Take up overnight accommodation	\$ 50.00	\$ 50.00
Use/operate device that disturbs	\$100.00	\$100.00
Vehicle in park after hours	\$ 50.00	\$ 50.00
Vehicle parked in non-established area	\$ 50.00	\$ 50.00

2. *Bylaws that need to be updated to reflect bylaws that have been replaced with new bylaws*
(Italics indicate new fine amount)

The current MTI bylaw still reflects fines for the "old" bylaws even though "new" bylaws have been adopted. While the wording for the offences has not changed the bylaw sections have and these must be shown in the MTI bylaw. Until such time as the MTI bylaw is amended to reflect the provisions in "new" bylaws, any bylaw infractions are unenforceable under the MTI system.

Building Bylaw

Building Bylaw No. 1237 was repealed by Building Bylaw No. 1387 in December 2003.

<u>Offence</u>	<u>Current Fine</u>	<u>Proposed Fine</u>
No Building Permit	\$100.00	<i>\$150.00</i>
No Occupancy Permit	\$100.00	<i>\$150.00</i>
No Plumbing Permit	\$100.00	<i>\$150.00</i>
No Demolition Permit	\$100.00	<i>\$150.00</i>
Work Contrary To Plans	\$100.00	<i>\$150.00</i>
Obstruct Entry of Building Inspector	\$200.00	\$200.00
Fail To Comply With Stop Work Order	\$150.00	\$150.00
<i>Remove/Tamper with Notice</i>		<i>\$100.00</i>

Noise Control Bylaw

Noise Bylaw No. 753 was repealed by Noise Bylaw No. 1432 in July 2007.

<u>Offence</u>	<u>Current Fine</u>	<u>Proposed Fine</u>
Noise Which Disturbs	\$100.00	<i>\$150.00</i>
<i>Objectionable Noise</i>		<i>\$150.00</i>

Outdoor Burning Bylaw

Outdoor Burning Bylaw No. 1091 was repealed by Outdoor Burning Bylaw No. 1428 in July 2007.

<u>Offence</u>	<u>Current Fine</u>	<u>Proposed Fine</u>
Obstruction of Officer	\$200.00	\$200.00
Prohibited Fire	\$100.00	<i>\$150.00</i>

Property Maintenance Bylaw

Property Maintenance Bylaw No. 1043 was repealed by Property Maintenance Bylaw No. 1383 in October 2003.

<u>Offence</u>	<u>Current Fine</u>	<u>Proposed Fine</u>
Deposit Rubbish	\$100.00	\$100.00
Unightly Property	\$100.00	\$100.00
<i>Fail to Clear Accumulation of Water</i>		<i>\$100.00</i>
<i>Fail to Clear Unightly Growth</i>		<i>\$100.00</i>
<i>Fail to Clear Noxious Weeds</i>		<i>\$100.00</i>
<i>Fail to Clear Fire Hazard</i>		<i>\$100.00</i>
<i>Fail to Clear Destructive Insects</i>		<i>\$100.00</i>

Sign Regulation Bylaw

Sign Regulation Bylaw No. 1127 was repealed by Sign Regulation Bylaw No. 1276 in May 1997.

<u>Offence</u>	<u>Current Fine</u>	<u>Proposed Fine</u>
No Sign Permit	\$100.00	\$100.00
Prohibited Sign	\$100.00	\$100.00
<i>Fail to Maintain Sign & Adjacent Property</i>		\$100.00
<i>Dangerous Sign</i>		\$100.00
<i>Obstruct City Employee</i>		\$200.00
<i>Interfere with or obstruct Traffic</i>		\$100.00
<i>Sign on Public Property</i>		\$100.00

Tree Management Bylaw

Tree Protection Bylaw No. 1166 repealed by Tree Management Bylaw No. 1415 in August 2006.

<u>Offence</u>	<u>Current Fine</u>	<u>Proposed Fine</u>
Cut Tree Without Permit	\$150.00	\$500.00
Damage Tree	\$100.00	\$250.00
<i>Work within 5 metres of tree dripline</i>		\$250.00

3. *Bylaws that need to be added to the MTI bylaw*
(Italics indicate new fine amount)

Until such time as the MTI bylaw is amended to reflect the provisions in this bylaw, any infractions are unenforceable under the MTI system.

Fireworks

Fireworks Regulation Bylaw No. 1427 was adopted in July 2007.

<u>Offence</u>	<u>Current Fine</u>	<u>Proposed Fine</u>
<i>Sell Fireworks</i>		\$150.00
<i>Buy Fireworks</i>		\$150.00
<i>Hold Fireworks</i>		\$150.00
<i>Store Fireworks</i>		\$150.00
<i>Possess Fireworks</i>		\$150.00
<i>Discharge Fireworks</i>		\$150.00
<i>Hold Fireworks event w/o permit</i>		\$200.00
<i>Store fireworks w/o event permit</i>		\$200.00
<i>Possess Fireworks w/o event permit</i>		\$200.00
<i>Discharge Fireworks w/o event permit</i>		\$200.00
<i>Discharge Fireworks contrary to permit</i>		\$200.00

CITY OF PARKSVILLE

BYLAW NO. 1444

A bylaw to implement a Municipal Ticketing System

WHEREAS the *Community Charter* authorizes Council, by bylaw, to designate those City bylaws which may be enforced by means of a municipal ticketing system; which offences are subject to municipal ticketing; who can issue municipal tickets and what fines may be imposed for each offence.

NOW THEREFORE the Council of the City of Parksville in open meeting assembled enacts as follows:

1. The bylaws, as amended or replaced from time to time, listed in Column 1 of Schedule A of this bylaw may be enforced by means of a ticket in the form prescribed in Section 273 of the *Community Charter*.
2. In Schedule A of this bylaw, the persons appointed to the job positions or titles listed in Column 2 are designated as bylaw enforcement officers under Section 264 of the *Community Charter* for the purpose of enforcing the bylaws listed in Column 1.
3. In Appendices 1 through 12 of this bylaw, the words or expressions in Column 1 designate the offence committed under the bylaw section number appearing in Column 2.
4. In Appendices 1 through 12 of this bylaw, the amounts appearing in Column 3 are the fines set under Section 265 of the *Community Charter* for the corresponding offences designated in Column 1.
5. City of Parksville Ticket Information Utilization Bylaw, 1996, No. 1264 and all its amending bylaws are repealed.
6. This bylaw shall take effect upon the date of its adoption.
7. This bylaw may be cited for all purposes as "Municipal Ticket Information Bylaw, 2008, No. 1444".

READ A FIRST TIME this

READ A SECOND TIME this

READ A THIRD TIME this

ADOPTED this

Mayor

Director of Administrative Services

SCHEDULE A

Column 1

DESIGNATED BYLAWS

Column 2

**DESIGNATED BYLAW
ENFORCEMENT OFFICERS**

- | | |
|--|---|
| 1. Building Bylaw, 2003, No. 1387 | Building Inspector
Bylaw Compliance Officer |
| 2. Business Licence Bylaw, 1991, No. 1079 | Bylaw Compliance Officer
Building Inspector
RCMP |
| 3. Dog Licence and Pound Bylaw, 1997, No. 1284 | Pound Keeper & Animal Control Officer
Bylaw Compliance Officer
Building Inspector
RCMP |
| 4. Noise Control Bylaw, 2007, No. 1432 | Bylaw Compliance Officer
Building Inspector
RCMP |
| 5. Outdoor Burning Bylaw, 2007, No. 1428 | Fire Chief
Deputy Fire Chief
Assistant Fire Chief
Bylaw Compliance Officer
RCMP |
| 6. Property Maintenance Bylaw, 1990, No. 1383 | Bylaw Compliance Officer
Building Inspector
RCMP |
| 7. Sign Regulation Bylaw, 1997, No. 1276 | Bylaw Compliance Officer
Building Inspector
RCMP |
| 8. Traffic Bylaw No. 269 | Bylaw Compliance Officer
Building Inspector
RCMP
Canadian Corps of Commissionaires |
| 9. Tree Management Bylaw, 2006, No. 1415 | Bylaw Compliance Officer
RCMP |
| 10. Zoning and Development Bylaw, 1994, No. 2000 | Bylaw Compliance Officer
Building Inspector
RCMP |

SCHEDULE A

Column 1

DESIGNATED BYLAWS

11. Park Regulation Bylaw, 1999, No. 1327

12. Fireworks Bylaw, 2007, No. 1427

Column 2

**DESIGNATED BYLAW
ENFORCEMENT OFFICERS**

Bylaw Compliance Officer
Building Inspector
RCMP

Fire Chief
Deputy Fire Chief
Assistant Fire Chief
Bylaw Compliance Officer
RCMP

APPENDIX 1

Building Bylaw, 2003, No. 1387

<u>Column 1</u> <u>Offence</u>	<u>Column 2</u> <u>Section</u>	<u>Column 3</u> <u>Fine</u>
No Building Permit	5(a)	\$150.00
No Plumbing Permit	5(a)	\$150.00
No Demolition Permit	5(a)	\$150.00
Work Contrary To Plans	5(a)	\$150.00
Fail To Comply With Stop Work Order	5(b)	\$150.00
Obstruct Entry of Building Inspector	5(d)	\$200.00
Remove Notice	5(f)	\$100.00
No Occupancy Permit	5(g)	\$150.00

APPENDIX 2

Business Licence Bylaw, 1991, No. 1079

<u>Column 1</u> <u>Offence</u>	<u>Column 2</u> <u>Section</u>	<u>Column 3</u> <u>Fine</u>
No Business Licence	2(1)	\$100.00
More Than 1 Premise Per Licence	2(2)	\$100.00
Fail To Transfer Licence	2(3)	\$100.00
More Than 2 Amusement Machines	2(5)	\$100.00

APPENDIX 3

Dog Licence and Pound Bylaw, 1997, No. 1284

<u>Column 1</u> <u>Offence</u>	<u>Column 2</u> <u>Section</u>	<u>Column 3</u> <u>Fine</u>
Unlicensed Dog	10	\$50.00
Licence Tag Not On Dog	14	\$50.00
Obstruction of Animal Control Officer	18	\$200.00
More Than Two Dogs	19	\$100.00
Dog Noise Disturbing Peace	20	\$100.00
Dog At Large	21	\$75.00
Unmuzzled Vicious Dog	21(a)	\$300.00
Vicious Dog Not Confined	21(b)	\$300.00
Fail to Confine Bitch in Heat	24	\$100.00

APPENDIX 4

Noise Control Bylaw, 2007, No. 1432

<u>Column 1</u> <u>Offence</u>	<u>Column 2</u> <u>Section</u>	<u>Column 3</u> <u>Fine</u>
Noise causing disturbance	3(1)	\$150.00
Objectionable Noise	3(3)	\$150.00