



PEACE RIVER REGIONAL DISTRICT

Bylaw Notice Enforcement Bylaw No. 2042, 2012

Effective Date – December 14, 2018

CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of the bylaws listed below. The amending bylaw(s) has been combined with the original bylaw for convenience only. This consolidation is not a legal document. A certified copy of the original bylaw should be consulted for all interpretations and applications of the bylaw on this subject.

Original Bylaw

Bylaw No. 2042

Date of Adoption

November 22, 2012

Amending Bylaw

Bylaw No. 2480

March 31, 2012

diverse. vast. abundant.

PEACE RIVER REGIONAL DISTRICT
Bylaw No. 2042, 2012

A bylaw of the Peace River Regional District
respecting the enforcement of Bylaw Notices

WHEREAS the Peace River Regional District may designate bylaw contraventions that may be enforced pursuant to the Local Government Bylaw Notice Enforcement Act;

NOW THEREFORE the Regional Board of the Peace River Regional District, in open meeting assembled, enacts as follows:

1. CITATION

- 1.1 This bylaw may be cited for all purposes as “Peace River Regional District Bylaw Notice Enforcement Bylaw No. 2042, 2012.”

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.

3. DEFINITIONS

- 3.1 In this bylaw:

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

“**Bylaw Notice**” has the same meaning as in the Act;

“**Notice of Penalty**” means a notice issued pursuant to section 24 of the Act;

“**Regional District**” means the Peace River Regional District

“**Registry**” means the Peace River Regional District Bylaw Notice Dispute Adjudication Registry established pursuant to Part 8 of this Bylaw.

4. TERMS

- 4.1 The terms in this bylaw have the same meaning as the terms defined in the Act.

5. DESIGNATED BYLAW CONTRAVENTIONS

- 5.1 The contravention of a section of a Regional District bylaw listed in Column S in Schedule “A” of this Bylaw may be dealt with by Bylaw Notice.

6. OFFENCE AND PENALTY

6.1 The penalty for a contravention of a bylaw listed under section 5 of this bylaw is as follows:

6.1.1 Subject to subsections 6.1.2 and 6.1.3 of this Bylaw, the corresponding amount set out in column A1 of Schedule "A";

Early Payment Discount

6.1.2 If payment of the penalty is received by the Registry within 21 days of the person receiving or being presumed to have received the bylaw notice, is the corresponding amount set out in column A2 of Schedule "A", and

Late Payment Surcharge

6.1.3 If payment of the penalty is received by the Registry more than 32 days after the person has received or is presumed to have received the bylaw notice, is the corresponding amount set out in column A3 of Schedule "A".

7. PERIOD OF PAYING A DISPUTED NOTICE

7.1 A person who receives a Bylaw Notice must, within 21 days of the date on which the person received or is presumed to have received the Bylaw Notice:

7.1.1 Pay the penalty to the Registry in any manner prescribed on the reverse side of the Bylaw Notice, or

7.1.2 Request dispute adjudication of the Bylaw Notice by completing the form on the reverse side of the Bylaw Notice and delivering it to the Registry Office, Box 810, 1981 Alaska Avenue, Dawson Creek, BC V1G 4H8.

7.2 The Registry must not accept dispute adjudication requests received after the time specified in section 7.1 of this Bylaw.

7.3 If a person receives a Notice of Penalty, but was not personally served with a Bylaw Notice for the related bylaw contravention, that person may request cancellation and reissuance of the Bylaw Notice under section 25 of the Act and may deliver the request in writing to the Registry.

8. BYLAW NOTICE DISPUTE ADJUDICATION REGISTRY AND FEES

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 The civic address of the Registry is 1981 Alaska Avenue, Dawson Creek, BC V1G 4H8

- 8.3 In addition to any penalty imposed, every person who is unsuccessful in dispute adjudication in relation to a Bylaw Notice, or a compliance agreement under the dispute adjudication system agreement established must pay the Regional District a fee of \$25 for adjudication system cost recovery.

9. SCREENING OFFICERS

- 9.1 The position of Screening Officer is established.
- 9.2 Anyone within one of the following classes of persons may be appointed as a Screening Officer:
- 9.2.1 Managers of the Regional District and
 - 9.2.2 Persons designated as Bylaw Enforcement Officers under Part 11 of this Bylaw.
- 9.3 The Manager of Development Services is appointed as a Screening Officer.
- 9.4 The Regional Board may, by resolution, appoint as a Screening Officer any person who is eligible under section 9.2 of this Bylaw.

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 its regulations, and include the following powers:
- 10.1.1 Where requested by the person against whom a contravention is alleged, to 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 the 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 Regional District staff
 - 10.1.3 If permitted under section 10.3, to prepare and enter into compliance agreements under the Act with persons who dispute Bylaw Notices, including establishing terms and conditions for compliance the Screening Officer considers necessary or advisable, including timing of payment of penalties and achieving compliance with the bylaw;
 - 10.1.4 To agree to the payment of a reduced penalty in the amount permitted under section

10.5 if a compliance agreement is entered into,

10.1.5 If adjudication of a bylaw notice is requested by its recipient, to either refer bylaw notices to the adjudicator or to cancel the bylaw notice in accordance with Regional District enforcement guidelines; and

10.1.6 To cancel Bylaw Notices when required under the Act and its regulations.

10.2 A Screening Officer may enter into a compliance agreement as provided by the Act using the form attached as Schedule "B" to this Bylaw.

10.3 A Screening Officer may only enter into a compliance agreement for those bylaw contraventions specified in column A4 of Schedule "A" to this Bylaw.

10.4 The maximum duration of a compliance agreement is one year.

10.5 Despite section 6.1, if a compliance agreement is entered into in relation to a bylaw contravention, the penalty for that bylaw contravention is one half the corresponding amount in column A1 of Schedule "A".

11. BYLAW ENFORCEMENT OFFICERS

11.1 The following persons are designated as Bylaw Enforcement Officers for the purposes of this Bylaw and the Act:

11.1.1 Special constables, officers, members and constables of:

- a) The provincial police force as defined in section 1 of the Police Act, and
- b) A municipal police force

11.1.2 Members of the Royal Canadian Mounted Police; and

11.1.3 Persons appointed as a Bylaw Enforcement Officers, Building Inspectors, Weed Inspectors or other persons acting in another capacity on behalf of the Regional District for the purpose of enforcement of one or more of the Regional District's bylaws.

11.2 No person shall obstruct or interfere with a Bylaw Enforcement Officer in the exercise or performance of his or her powers, duties or functions under this Bylaw and the Act.

12. FORM OF BYLAW NOTICE

12.1 The Regional District may from time to time provide for the form or forms of the Bylaw Notice.

13. EFFECTIVE DATE

13.1 This bylaw shall take effect and force on the first day of February, 2013.

14. SCHEDULES

14.1 The following Schedules form part of this Bylaw:

Schedule "A" – Designated Bylaw Contraventions and Penalties

Schedule "B" – Compliance Agreement

READ a FIRST TIME this 22nd day of November, 2012.

READ a SECOND TIME this 22nd day of November, 2012.

READ a THIRD TIME this 22nd day of November, 2012.

ADOPTED this 22nd day of November, 2012.

Original signed by
Karen Goodings, Chair

Original signed by
Faye Salisbury, Corporate Officer

I hereby certify this to be a true and correct copy of
"Peace River Regional District Bylaw Notice
Enforcement Bylaw No. 2042, 2012."

Original signed by
Faye Salisbury, Corporate Officer

Schedule “A” – Designated Bylaw Contraventions and Penalties

S Bylaw Section	Description	A1 Penalty Amount	A2 Early Payment (within 21 days)	A3 Late Payment (after 32 days)	A4 Compliance Agreement Available?
PRLRD Zoning Bylaw No. 85, 1976					
1.7.0(1) and 1.7.0(2)	Violation	\$200.00	\$150.00	\$250.00	Yes
PRLRD Dawson Creek Rural Area Zoning Bylaw No. 479, 1986					
8.2	Violation	\$200.00	\$150.00	\$250.00	Yes
PRLRD Chetwynd Rural Area Zoning Bylaw No. 506, 1986					
8.2	Violation	\$200.00	\$150.00	\$250.00	Yes
PRRD Manufactured Home Parks Bylaw No. 816, 1992					
1.05(a)	Prohibited manufactured home use	\$100.00	\$75.00	\$125.00	Yes
1.05(b)	Prohibited Manufactured Home Park use	\$100.00	\$75.00	\$125.00	Yes
PRRD Special Events Bylaw No. 979, 1995					
7	Failure to obtain a permit	\$100.00	\$75.00	\$125.00	No
PRRD Zoning Bylaw No. 1000, 1996					
8	Violation	\$200.00	\$150.00	\$250.00	Yes
PRRD Noise Control Bylaw No. 1084, 1997					
3.1	Sound amplification equipment that disturbs	\$100.00	\$75.00	\$125.00	No
3.2	Operate motorboat that disturbs	\$100.00	\$75.00	\$125.00	No

Peace River Regional District
Consolidated - Bylaw No. 2042, 2012

S Bylaw Section	Description	A1 Penalty Amount	A2 Early Payment (within 21 days)	A3 Late Payment (after 32 days)	A4 Compliance Agreement Available?
PRRD Zoning Bylaw No. 1343, 2001					
8	Violation	\$200.00	\$150.00	\$250.00	Yes
PRRD Unsightly Premises Bylaw No. 1892, 2010					
3.1	Unsightly premises	\$200.00	\$150.00	\$250.00	Yes
PRRD Bylaw Notice Enforcement Bylaw No. 2042, 2012					
11.2	Obstruct Bylaw Enforcement Officer	\$200.00	\$150.00	\$250.00	No
PRRD Solid Waste Regulation and Fees Bylaw No. 2065, 2013					
2	Disposal of waste contrary to bylaw	\$200.00	\$150.00	\$250.00	No
7	Disposal of prohibited waste contrary to bylaw	\$200.00	\$150.00	\$250.00	No
PRRD Invasive Plant Control Bylaw No. 2121, 2014					
3	Allowing invasive plants to grow on property	\$200.00	\$150.00	\$250.00	Yes
PRRD Building Bylaw No. 2131, 2014					
2.5.1 (i)	Violate provision of this bylaw	\$200.00	\$150.00	\$250.00	No
PRRD North Peace Regional Airport Subdivision Sanitary Sewer System Regulation Bylaw No. 2384, 2019					
7, 8, 9, 10, 11, 15, 16, 18, 19	Prohibited use of public sewers	\$200.00	\$150.00	\$250.00	No
PRRD Regional Parks Regulation and Fees Bylaw No. 2450, 2021					
3	Violation	\$200.00	\$150.00	\$250.00	No

Schedule "B" – Compliance Agreement

I _____ (Name) of _____ (Address),
Acknowledge receipt of Bylaw Notice(s) # _____ (the "Bylaw Notice") issued by
the Peace River Regional District, and wish to enter into a Compliance Agreement whereby I
agree to fulfill the terms below, in exchange for:

- (a) the screening officer's acceptance of the terms as evidenced by the screening officer's
signature below; and
- (b) a reduction of the regular penalty by one half.

Specifically, I agree that:

1. I will pay the reduced penalty of \$_____ for the bylaw contravention specified in the Bylaw
Notice to the Peace River Regional District on or before _____

2. On or before _____ I will _____

3. On or before _____ I will _____

4. I have read the agreement and understand that it is binding on me;

5. I understand that the duration of the agreement is one year from the date the Screening
Officer signs it;

6. I understand that if I breach this Agreement, or fail to observe or perform the above terms and
conditions, the Screening Officer may rescind this Agreement;

7. 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
or am unsuccessful with my dispute, I will have to pay the full penalty stated in the Bylaw Notice
being \$_____ plus all other applicable penalties and fees.

8. I am confirming my agreement to the terms of this compliance agreement by signing below.

Signature of Bylaw Notice Recipient

Signature of Screening Officer

Name [printed]:

Date

Date: _____