

## COMOX VALLEY REGIONAL DISTRICT

### BYLAW NO. 687

#### **A bylaw to allow ticketing through the Bylaw Adjudication Ticketing System**

**WHEREAS** by section 415 of the *Local Government Act*, RSBC 2015, c. 1, regional districts may enforce a bylaw by bylaw notice and establish a system for so doing in accordance with the *Local Government Bylaw Notice Enforcement Act*, SBC 2003, c. 60;

**AND WHEREAS** by section 1 of the *Local Government Bylaw Notice Enforcement Act*, a regional district may designate as a “Bylaw Enforcement Officer” any person belonging to a class prescribed under section 273(c) of the *Community Charter*;

**NOW THEREFORE**, the Board of the Comox Valley Regional District in open meeting assembled enacts as follows:

#### **Title**

1. This Bylaw No. 687 may be cited as the “Comox Strathcona Waste Management Bylaw Adjudication Ticketing Bylaw No. 687, 2021”.

#### **Interpretation**

2. In this bylaw unless the context otherwise requires:

“Act” means *Local Government Bylaw Notice Enforcement Act*, SBC 2003, c. 60.

“Adjudicator” means a person designated under section 14 of the Act and under this Bylaw.

“Bylaw Enforcement Officer” or “Bylaw Officer” means a person designated as such under this bylaw.

“Board” means the Comox Strathcona Waste Management Board.

“Comox Strathcona waste management” means the Comox Strathcona waste management (CSWM) service as delivered and operated by the Comox Valley Regional District (CVRD) and includes the municipal and participating electoral areas as defined under the CSWM service establishment bylaw.

“Disputant” means a person against whom a bylaw notice has been issued, and who has filed a notice of dispute or otherwise requested an adjudication of that bylaw notice.

“Registry” means the Comox Valley Regional District Bylaw Notice Adjudication Registry established pursuant to this bylaw.

“Regional District” means the Comox Valley Regional District

“Screening Officer” means a person appointed to that position under this bylaw.

#### **Application**

3. The restrictions and regulations in this bylaw are applicable in each municipality and electoral area within the CSWM service.

### **Relevant Bylaws**

4. The relevant ticketing bylaws that may be enforced by means of a bylaw notice are provided in Schedules 2 and 3 of this bylaw.

### **Responsibility**

5. The designated bylaw compliance officers, for the purposes of the ticketing bylaw as outlined in Schedule 1 of this bylaw, are designated as “Bylaw Enforcement Officers” pursuant to section 1 of the Act for the purpose of enforcing the bylaws listed in Schedule 1 opposite the respective job positions.

### **Relevant Offences**

6. The relevant bylaw offences and bylaw sections are provided in Columns A and B of Schedules 2 and 3 of this bylaw.

### **Inspection and Entry**

7. A bylaw compliance officer is hereby authorized to enter, at all reasonable times, on any property subject to the regulations or direction of the Board, to ascertain whether the regulations or directions of this bylaw are being observed.

### **Enforcement**

8. The enforcement of the provisions within this bylaw occurs in accordance with the Comox Valley Regional District enforcement policy. The bylaws that may be enforced by means of a bylaw notice are listed in Schedule 1 Column A of this bylaw.

### **Penalty**

9. (a) The relevant bylaw fine amounts for the corresponding offences are provided in column C and D of Schedules 2 and 3 of this bylaw.  
  
(b) Any fines recovered under this bylaw are to be paid to the account of the service in respect of which the offence was committed.  
  
(c) Any penalty under Section 9(a) of this Bylaw:
    - i. will be discounted by 25% if that discounted amount is paid in full within 14 calendar days of the bylaw notice being served in accordance with the Act; and
    - ii. will be increased by 25%, or to \$500.00 if the 25% increase would otherwise cause the penalty to exceed \$500.00, if the full amount of the penalty is not paid within the time specified by this bylaw.
  - (d) A person who receives a bylaw notice must, within 14 calendar days:
    - i. pay the penalty associated with the bylaw notice in accordance with that bylaw notice; or
    - ii. request an adjudication of that bylaw notice in accordance with the instructions on that bylaw notice.
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(e) Where a person does not receive notice of a bylaw notice and notifies the Comox Valley Regional District in accordance with section 25 of the Act, the time periods imposed by sections 9(c) and (d) of this bylaw do not begin to run until a copy of the bylaw notice is re-delivered to the person in accordance with the Act.

### **Registry**

10. (a) In accordance with the Act, the Comox Valley Regional District establishes an adjudication system and registry for the purpose of resolving disputes concerning bylaw notices.
- (b) The address of the Registry is 770 Harmston Avenue, Courtenay, British Columbia, or any other address which may be designated by schedule to this bylaw.
- (c) The Registry may set its own rules of procedure in respect of the receipt and processing of bylaw notice disputes, provided those rules do not conflict with the Act.
- (d) A person who disputes a bylaw notice and does not succeed in that dispute must pay the Comox Valley Regional District \$25.00 to recover part of the costs of administering the Registry.
- (e) The Comox Valley Regional District is authorized to enter into, and the Corporate Officer is authorized to execute, the CVRD Bylaw Dispute Adjudication Registry Agreement in accordance with the authority of section 2(4) of the Act.
- (f) Once the CVRD Bylaw Dispute Adjudication Registry Agreement, or any other Bylaw Dispute Adjudication Registry Agreement, is adopted by the Comox Valley Regional District and entered into with the provider of that Dispute Adjudication Registry, that Dispute Adjudication Registry becomes the Registry for the purposes of this Bylaw.

### **Screening Officer**

11. (a) The position of Screening Officer is hereby established.
- (b) The following positions are designated as a Screening Officer:
- i. General Manager, Corporate Services
  - ii. General Manager, Planning and Development Services
  - iii. Manager, Bylaw Services
  - iv. Manager, Planning Services
  - v. Manager, Building Services

### **Powers, Duties, Functions of Screening Officers**

12. The powers, obligations, duties, and functions of Screening Officers include but are not limited to the powers, obligations, duties, and functions under the Act, and also include the following:
- (a) No person may act as a Screening Officer in respect of a bylaw notice if that person:
- i. has issued or signed the bylaw notice;
  - ii. is a complainant in respect of the bylaw notice;
  - iii. is or is reasonably likely to become a witness in respect of that bylaw notice;
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iv. has provided evidence, including documentary evidence, in respect of that bylaw notice.

(b) When requested by the person against whom a contravention is alleged, the Screening Officer must communicate to that person, or that person’s agent, sufficient information regarding:

- i. the nature of the contravention;
- ii. the section of the bylaw contravened;
- iii. the facts underlying the allegation of the contravention;
- iv. the penalty for a contravention, including the fees payable, any potential increased or discounted fees based on early or late payment;
- v. the opportunity to enter into a compliance agreement;
- vi. the opportunity and process to dispute the bylaw notice and proceed to the bylaw notice dispute adjudication system.

(c) To perform the Screening Officer’s powers, obligations, duties, and functions under this bylaw or the Act, a Screening Officer may communicate with:

- i. the Disputant, Disputant’s representative, or a director or officer of the Disputant if the Disputant is a corporation or organization;
- ii. the person who issued the bylaw notice;
- iii. the complainant or complainant’s representative;
- iv. any Comox Valley Regional District staff concerning the contravention alleged, or any other contravention associated with the Disputant.

(d) A Screening Officer may cancel a bylaw notice in accordance with the Act, or in accordance with the process established by the Comox Valley Regional District.

(e) A Screening Officer may prepare and enter into a compliance agreement under the Act with a Disputant, and the Screening Officer may, as part of that process, establish terms and conditions for compliance which the Screening Officer considers necessary or advisable, including time periods for payment of penalties, or to cease or remedy contraventions of any bylaw, including the contravention which gave rise to the Bylaw Notice.

(f) As part of any compliance agreement, a Screening Officer may authorize a reduction of the penalty amount by 50 per cent, which reduction takes effect by the Screening Officer requiring as a term of the compliance agreement a payment of 50 per cent of the penalty which would otherwise be payable had the compliance agreement not been made. If the compliance agreement is rescinded, any payment of this reduced amount will be allocated to the credit of the penalty otherwise owing.

(g) The maximum duration of any compliance agreement is one year.

## **Schedules**

13. For the purposes of this bylaw, Schedules 1 – 3 are attached to and form part of this bylaw.

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**Forms**

14. The Comox Valley Regional District may prescribe forms for the bylaw notice, forms to request an adjudication, or other forms in furtherance of this bylaw, provided the form complies with the Act.

**Severability**

15. If any provision of this bylaw is held to be invalid by a court of competent jurisdiction, the provision may be severed from the bylaw and such invalidity shall not affect the validity of the remaining portions of this bylaw.

**Read a first and second time this**                      2<sup>nd</sup>    day of                      **December**    2021.

**Read a third time this**                                      20<sup>th</sup>   day of                      **January**        2021.

**Adopted this**    17<sup>th</sup>   day of                      **March**         2021.

***J. Ketler***

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Chair

***J. Martens***

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Deputy Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 687 being the “Comox Strathcona Waste Management Bylaw Adjudication Ticketing Bylaw No. 687, 2021” as adopted by the Comox Strathcona Waste Management Board on the 17<sup>th</sup> day of March, 2021.

***J. Martens***

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Deputy Corporate Legislative Officer

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## Schedule 1

Schedule	Column A Bylaw No. / Name	Column B - Designated Bylaw Compliance Officers	Jurisdiction
2	“Comox Strathcona Waste Management Facilities Scavenging and Trespassing Bylaw No. 396, 2015”	Bylaw officer (Comox Valley Regional District, Strathcona Regional District, City of Campbell River , City of Courtenay, Town of Comox, Village of Cumberland, Village of Sayward, Village of Zeballos, Village of Gold River, Village of Tahsis), peace officer	Comox Valley Regional Districts’ Electoral Area ‘A’ (Baynes Sound – Denman / Hornby Islands), Electoral Area ‘B’ (Lazo North) and Electoral Area ‘C’ (Puntledge – Black Creek); Strathcona Regional Districts’ Electoral Area ‘A’ (Kyuquot / Nootka – Sayward), Electoral Area ‘B’ (Cortes Island), Electoral Area ‘C’ (Discovery Inlets – Mainland Inlets) and Electoral Area ‘D’ (Oyster Bay – Buttle Lake), City of Campbell River, City of Courtenay, Town of Comox, Village of Cumberland, Village of Sayward, Village of Zeballos, Village of Gold River, Village of Tahsis
3	Bylaw No. 470 being “Comox Strathcona Waste Management Illegal Dumping Regulation Bylaw No. 270, 2017”	Bylaw officer (Comox Valley Regional District, Strathcona Regional District, City of Campbell River , City of Courtenay, Town of Comox, Village of Cumberland, Village of Sayward, Village of Zeballos, Village of Gold River, Village of Tahsis), peace officer	Comox Valley Regional Districts’ Electoral Area ‘A’ (Baynes Sound – Denman / Hornby Islands), Electoral Area ‘B’ (Lazo North) and Electoral Area ‘C’ (Puntledge – Black Creek); Strathcona Regional Districts’ Electoral Area ‘A’ (Kyuquot / Nootka – Sayward), Electoral Area ‘B’ (Cortes Island), Electoral Area ‘C’ (Discovery Inlets – Mainland Inlets) and Electoral Area ‘D’ (Oyster Bay – Buttle Lake), City of Campbell River, City of Courtenay, Town of Comox, Village of Cumberland, Village of Sayward, Village of Zeballos, Village of Gold River, Village of Tahsis

**Schedule 2****Bylaw No. 396 – 'Comox Strathcona Waste Management Facilities Scavenging and Trespassing Bylaw No. 396, 2015'**

<b>Column A Offence</b>	<b>Column B Bylaw section no.</b>	<b>Column C Reduced Fine Amount if Paid Within 14 Days</b>	<b>Column D Amount of Fine</b>
Removing municipal solid waste from designated facility	4(1)	\$375.00	\$500.00
Trespass upon designated facility	4(2)	\$375.00	\$500.00
Depositing items contrary to CSWM regulations & posted signage	4(3)	\$375.00	\$500.00

**Schedule 3****Bylaw No. 470 – 'Comox Strathcona Waste Management Illegal Dumping Regulation Bylaw No. 470, 2017'**

<b>Column A Offence</b>	<b>Column B Bylaw Section No.</b>	<b>Column C Reduced Fine Amount if Paid Within 14 Days</b>	<b>Column D Amount of Fine</b>
Deposit, discard or abandon any garbage, waste, organics, recyclable material, large items, or prohibited material within the boundaries of the Comox Strathcona Waste Management Service area	3(1)	\$375.00	\$500.00
Fail to manage any garbage, waste, organics, recyclable material, large items or prohibited material that is generated from the owner's property	3(2)	\$375.00	\$500.00