



Request for Council Decision

District of Lake Country

MEETING TYPE: Regular Council Meeting
MEETING DATE: Tuesday, September 20, 2022
AUTHOR: Reyna Seabrook, Director of Corporate Services
DEPARTMENT: Corporate Services
ITEM TITLE: 2022 Bylaw Statistics (V02)
DESCRIPTION: To provide an update on Bylaw Enforcement activities and statistics

QUESTION

The following data on Bylaw Enforcement statistics is provided for information.

OPTIONS

For Information Only

EXECUTIVE SUMMARY

There have been significant changes to the Bylaw Department over the last several years, including adoption of Bylaw Enforcement and Building Compliance Policy 187, 2021 and Council direction to proactively enforce priorities. The statistics and information contained within this report are provided for Council's information on the activities of the Bylaw Department over the last several years.

DATA TRACKING SYSTEMS

Bylaw staff currently use excel spreadsheets and an online tracking system (iCompass) to compile data for complaints, tickets and warnings. Staff have spent a significant amount of time compiling historical spreadsheets and manual tracking in an attempt to consolidate Bylaw enforcement information. As part of the District's enterprise-wide systems upgrade, Bylaw complaints and tickets are being transferred to the new Tempest Calls for Service system. This system will assist in providing consistent data entry and location identification which will improve Bylaw Department statistics. Training for the new Bylaw Department Calls for Service system is scheduled to take place during the months of September and October 2022 with the new system going live late 2022. In order to transfer data from existing systems to the new system, the Bylaw Technical Clerk was tasked with reviewing and correcting data inconsistencies in files dating back 7 years. Please note data used to provide statistics in this report may include errors due to inconsistent data entry although staff have reviewed as much data as possible in order to provide accurate information.

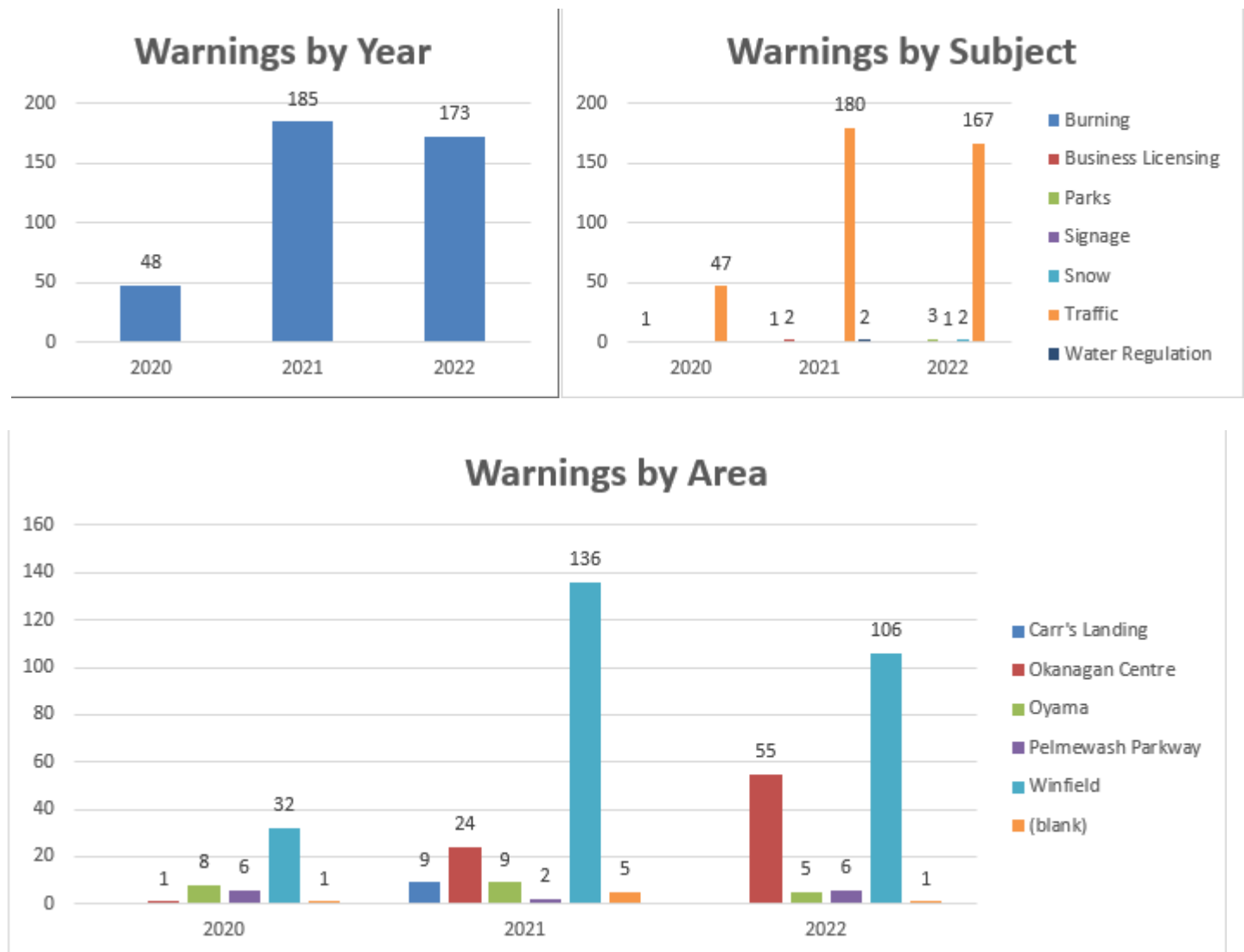
BYLAW TECHNICAL CLERK

The part time Bylaw Technical Clerk provides a key role in assisting the Bylaw Officers including organizing bylaw files and collecting data. The Clerk is responsible for preparing statistics, liaising with the collections agency, ensuring all equipment and supplies are ordered and kept up to date, liaising with the Southern Interior Dispute Adjudication group, preparing reports, assisting with researching and drafting policies, compiling data and preparing disputed tickets and adjudication, in addition to answering questions and providing information to members of the public. The Bylaw Clerk has volunteered to participate on the District's Joint Occupational Health and Safety Committee which provides a key link between the Bylaw Department and the Safety Department.

WARNINGS

Prior to 2020, Bylaw Enforcement did not officially track warnings and each Officer used their own tracking system for when warnings were issued. In 2021 a numbered ticket warning system and tracking spreadsheet was established to

track and standardize warnings. All available information related to warnings was consolidated into a spreadsheet in 2022.

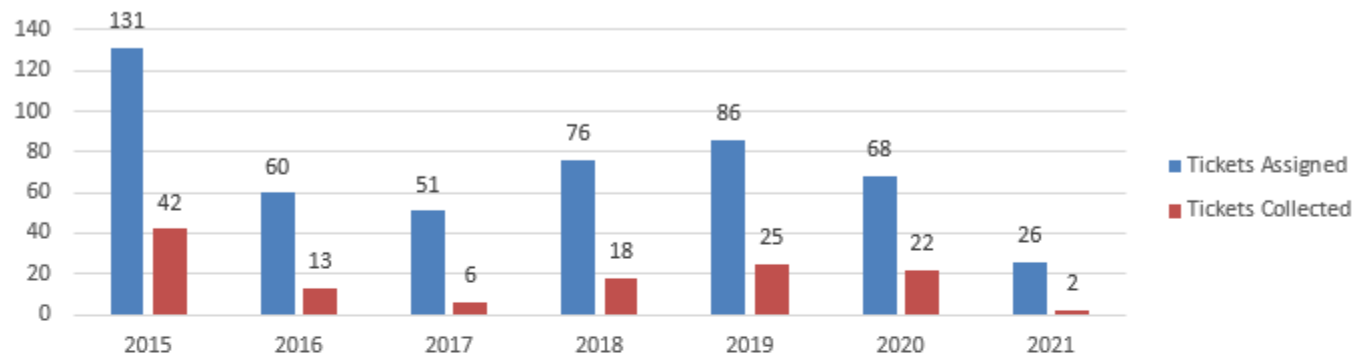


COLLECTIONS AGENCY

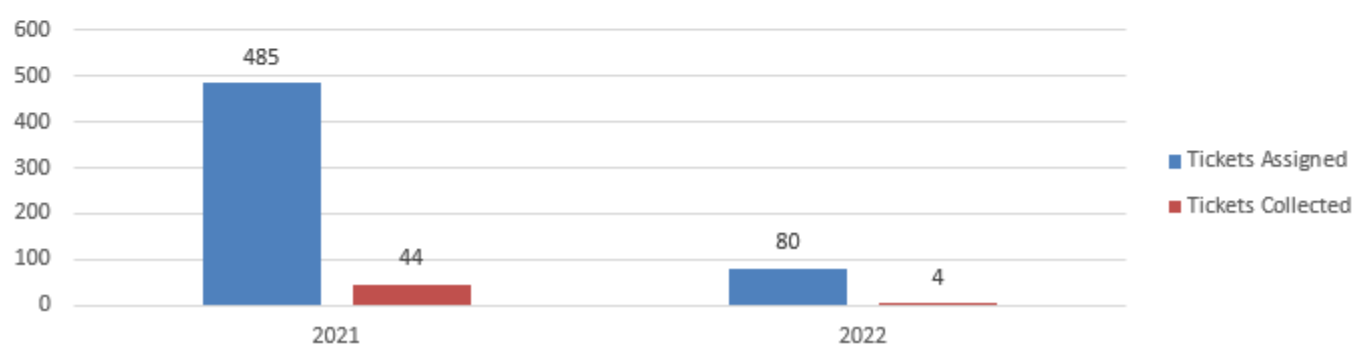
In 2021 the Bylaw Technical Services Clerk attended the Southern Interior Dispute Adjudication (SIDA) Annual General Meeting and as a result of networking with other participants, recommended the District change collections agencies to a company being used by other municipalities with positive results. The new collections agency, Action Collections and Receivables Management ("Action") charges 10% commission on all funds collected in comparison to the previous agreement where a commission of 50% on accounts under \$200, 35% on accounts up to 10,000 and 28% on accounts over \$10,000 was charged. Action accepted 7 years of outstanding tickets (2015) even if they had been provided under the previous agreement and is also able to pursue collections on out of province vehicles which was not offered under the prior agreement.

The District entered into an agreement with Action Collections and Receivables in November of 2021 and forwarded 485 historical tickets for collection with additional tickets forwarded on a monthly basis. At July 2022, there are 565 tickets on the collection list with 48 tickets having been successfully collected to date.

Collections - Previous Agreement



Collections - Current



DEPARTMENT COLLABORATION

In early 2022 the Bylaw Enforcement and Building Department collaborated on a workflow process to streamline responsibilities and investigation responsibilities. A workflow procedure was developed and implemented in both departments. This workflow will be used as a template for streamlining workflows with other departments.

In early 2022 Bylaw Enforcement and the Public Works Department initiated regular bi-monthly meetings to ensure collaboration and to stay informed on key issues. Further department collaborations and regular meetings are planned with the Fire Department and Planning and Development.

Bylaw Department staff are also implementing a process for receiving Planning and Development referrals for development permits. This will allow Bylaw Officer's to take a proactive approach on observing permits that may affect the environment, drainage, riparian areas, agriculture or foreshore and assist with dealing with possible contraventions before they are negatively impacted.

The Bylaw Department has done some preliminary work with Lake Country Community Policing although further collaboration is required to determine where complimentary assistance can be provided. The Bylaw Department works closely with the RCMP detachment and recent collaborations include the development of a roster and contact information for individuals on shift to ensure efficient communication. Despite the collaboration, it is important to note that while Bylaw Officers may inform members of Bylaw contraventions or request RCMP attend, RCMP takes priority.

HEALTH AND SAFETY

In 2020 the Joint Occupational Health and Safety Committee identified gaps in protective equipment and training required for staff. Many of the recommendations have been addressed including acquiring stab-proof protective vests, winter jackets, Oleoresin Capsicum (OC) Spray training and Traffic Control Training. In late 2021 Officer's attended a training opportunity with the City of West Kelowna that combined Pressure Point Contact Training (PPCT) and OC training. This provided the appropriate certification required for Officers to carry OC Spray to be used in the case of violent or threatening animal encounters.

POLICY

Bylaw Officers have many positive interactions with the public. Unfortunately, positive interactions are seldom noted and a single negative interaction can overshadow positive interactions. All District employees operate under the District's Workplace Respect Policy which ensures employees act respectfully and ensures employees are protected from risks due to violations of respect. Directors, managers and supervisors must ensure risks to individuals health and safety due to violations of respect are reported and eliminated. Staff are working with the Occupational Health and Safety Specialist to ensure all incidents of threatening or violent behaviour towards Bylaw Officers are documented. This information will assist in developing improved safety practices and procedures as well as inform options for tools that will assist in ensuring adherence to the Workplace Respect Policy and protection of staff.

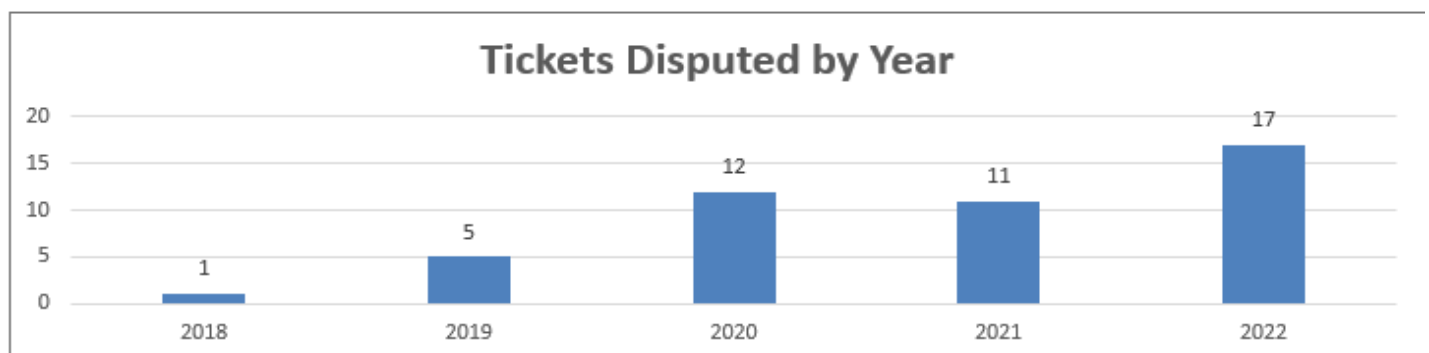
Bylaw staff are governed by Bylaw Enforcement and Building Compliance Policy 187, 2021 which was adopted in February 2021. This policy replaced the 2010 Bylaw Enforcement Procedures Policy 10.110 with the primary objective of updating the policy to ensure it captured the Office of the Ombudsperson bylaw enforcement best practices and Council's desired enforcement model.

Policy 187 sets out the primary objective of enforcing bylaws is to obtain voluntary compliance through education, information and effective enforcement based on consistency, education and fairness. In addition, Officers are required under Policy 187 to follow a general process when investigating and enforcing bylaw contraventions. In all circumstances, contact and communication with the complainant and offender is to occur where possible. All incidents are documented by the Officers to ensure such follow up and communication occurs. The Policy sets out that Officers shall exercise discretion on a case-by-case basis when evaluating contraventions and determine the best method to gain compliance or if enforcement action is appropriate. When assessing the priority of a contravention, staff use one or more of the criteria listed in Policy 187. Investigations are primarily initiated on a complaint basis, except where staff, police or other agencies initiate or observe an investigation, or where an enforcement program is authorized by Council or the Chief Administrative Officer.

Following completion of the Officer's training in the use of OC Spray, an administrative policy was developed by the Bylaw Technical Clerk in consultation with the Occupational Health and Safety Specialist. The policy is a requirement prior to Officer's being permitted to use OC Spray and outlines appropriate and authorized use. Further to the completion of this policy, it was identified that an overarching Use of Force policy should be implemented for the department in order to provide policy direction and governance on the District's position in relation to use of force. This policy will provide additional safety measures and risk management for the District and staff.

DISPUTES

Staff have seen an increase in the number of tickets disputed each year. As of August of 2022, 17 tickets have been disputed. The processing time for each dispute varies but generally requires 3 to 4 hours of the Bylaw Technical Clerk's time and 2 to 4 hours of the Screening Officers time depending on the complexity of the ticket. Where a ticket is upheld by the Screening Officer based on Bylaw Notice Screening Officer Policy 10-112, the alleged offender may request the ticket be forwarded to Adjudication where the dispute is heard at a regional hearing. Additional time is then required to prepare an information package for the adjudication hearing and coordinate scheduling. Bylaw Officers attend the Adjudication Hearing and present the evidence on behalf of the District.



PATROLS

From September to May there are two full time Officers. In 2021 the Monday to Friday schedule was amended to a 4 on 3 off schedule in order to provide coverage 7 days a week and hours later into the evening. From May until September, an additional 2 casual Officer's provide coverage until 9 p.m. and provides for two Officers to be on duty together and attend situations in pairs where required for safety purposes.

In 2022 Pedego Electric Bikes in Oyama provided Bylaw Officers free use of an ebike including a saddle bag and helmet for patrolling the Rail Trail so long as the ebike was specifically used only on the Rail Trail. Prior to having access to an ebike, Officers used an All-Terrain Vehicle (ATV) to patrol the Rail Trail which is stored at the Camp Road shop. Travelling from the Camp Road shop on District roads by way of ATV takes approximately 20-40 minutes each way. This method was used several times during the summer of 2020 but was generally not ideal for staff due to the travel times and safety of riding an ATV on major roads. Using the ATV for patrolling the Rail Trail was also found to be discourteous for members of the public using the Rail Trail due to the noise and dust created by the machine.

The weekend casual Bylaw Officer patrols the Rail Trail using the Pedego ebike each Saturday and Sunday, when available. The route along the Rail Trail generally includes travelling along the isthmus to the Rail Trail, southbound along the Rail Trail to the Woodsdale Tennis Courts and returning. He then continues north past Crystal Waters to the northern boundary of Lake Country. The 32 km route takes approximately 90 minutes. Staff consulted with Friends of the Rail Trail who advised the most common Rail Trail complaints were off-leash dogs and etiquette. Education is the primary directive for Rail Trail patrols and off-leash dog owners and users were advised of regulations. Bylaw Officers also offer District of Lake Country dog scarfs to those adhering to rules and etiquette. Rail Trail patrols have generally received positive feedback as a result of enforcement presence.

The highest areas of parking violations and public use include Pelmeash Parkway, Okanagan Centre, Corral Beach Boat Launch, Oyama Boat Launch and the Oyama Isthmus. The weekend Bylaw Officer scheduled 9 am to 9 pm Saturday and Sunday, patrols each of the above locations 3 times per shift where possible and 2 times on average. The evening casual Bylaw Officer, who is scheduled from 2 pm to 9 pm Monday to Friday, patrols the priority areas 1 to 2 times each shift, where possible. The noted patrols may vary due to medical leave, vacation coverage, coverage rotations and volume of complaints received during a shift. While the highest number of patrols may only be achieved with a full staffing compliment, staff always ensure patrols of the high priority areas are done to the fullest ability.

COMPLETED FILES

The additional staffing has allowed Bylaw Officers an opportunity to follow up on historical files that had not been completed. A total of 2410 files were completed or closed between 2019 and 2022. This included historical files back to 2013.

YEAR	FILES CLOSED
2019	412
2020	561
2021	904
2022	532

OTHER JURISDICTION RELATIONSHIP BUILDING

Bylaw Officers have spent a great deal of time in building relationships and sharing information with enforcement staff in other jurisdictions including members of the Agricultural Land Commission, Transport Canada and Conservation Officers. These relationships and information sharing assist all jurisdictions to provide quicker more accurate information and communication to residents.

COMMUNITY EVENTS

In addition to their regular duties, Bylaw Officers provide services for various community events including the Live! In Lake Country, Oyama Fun Days and ArtWalk.

OFFICER HOURS

During the summer months, staffing has been arranged to ensure a Bylaw Officer is available until 9 p.m. 7 days a week (depending on medical leave, vacation coverage and rotation schedules). Where a call is received immediately before 9 p.m. Officers generally attempt to attend and extend their hours depending on the nature of the complaint. Should Council wish to extend hours to later than 9 p.m. additional research on staffing capabilities would be required.

COUNCIL PRIORITIES

On July 20, 2021 Council directed staff to proactively enforce bylaw topics, including:

- 1. Illegal Air BnB’s (Short Term Vacation Rentals)
- 2. Nuisance lighting and nuisance odour
- 3. Illegal parking focused on areas that are of high public use
- 4. encroachments into public right of way that affect public access and the environment

In addition to the above noted priorities, during consideration of 2022 SILGA resolutions Council discussed the ability for the Ministry of Forest, Lands, Natural Resource Operations and Rural Development Contracts (FLNROE) to provide local governments the ability to directly and immediately enforce contraventions occurring in the foreshore, watershed and riparian areas. Staff are compiling information on the ability to enforce such contraventions including requirements within the Riparian Areas Protection Regulation (RAPR).

1. SHORT TERM VACATION RENTALS

In 2021, the Economic Development and Public Engagement Specialist and Bylaw Officers initiated a project to enforce illegal short term vacation rentals (STVRs) as per Council direction. In May 2021 a general information communication was included in the property tax mail out. In August 2021 the Economic Development and Public Engagement Specialist obtained data from online advertising platforms listing all STVRs. This significant amount of data was analyzed and cleaned through the months of September to November. Analysis resulted in over 300 listings of which 100 were identified for further investigation.

In November 2021 a letter was sent to approximately 100 properties advising the District was requesting adherence to the STVR regulations. The letter included a checklist, information on the business license process, STVR regulations and stated properties not in compliance must refrain from renting out the property. In November 2021, staff also presented an amendment to the Zoning Bylaw and Bylaw Enforcement Notice ticket bylaws that relocated the definition of STVRs to the body of the bylaw which assists Bylaw Officer’s with enforcement of STVR contraventions. Throughout the beginning of 2022, education was provided through website information, emails to new subscribers, newspaper ads and social media postings.

As of May of 2022, 57 of the properties included in the 100 mail outs were removed as no longer listed or active, sold or had come into compliance and 43 properties were identified for further investigation. Bylaw Officer’s investigated each of the 43 identified properties to determine if the homeowner was the primary residence, if the property had proper zoning, if the property had an active business license and the number of units being rented. A door-to-door education campaign was undertaken in an attempt to educate and work with property owners to achieve compliance. Door knockers were created to leave at each of the properties where staff were unable to contact the owner. Throughout the process, additional properties were added to the list when they were identified by staff or members of the community. Identifying properties to be added to the list can prove challenging as listings on the various websites do not provide a civic address until the time booking is confirmed. As of August 19, 2022, there were 49 properties on the list of STVRs; 20 of the properties have been removed from the list as in compliance, obtained a business license, sold, in-active and no longer listing or active; 6 have applied for a business license and been denied; and 14 do not have a business license and have been contacted or attempted contact by Bylaw Enforcement.

Original list for Bylaw Enforcement follow-up	43
Added to list for follow up	6
Removed from list	20
Denied business license	6
No Business License	14

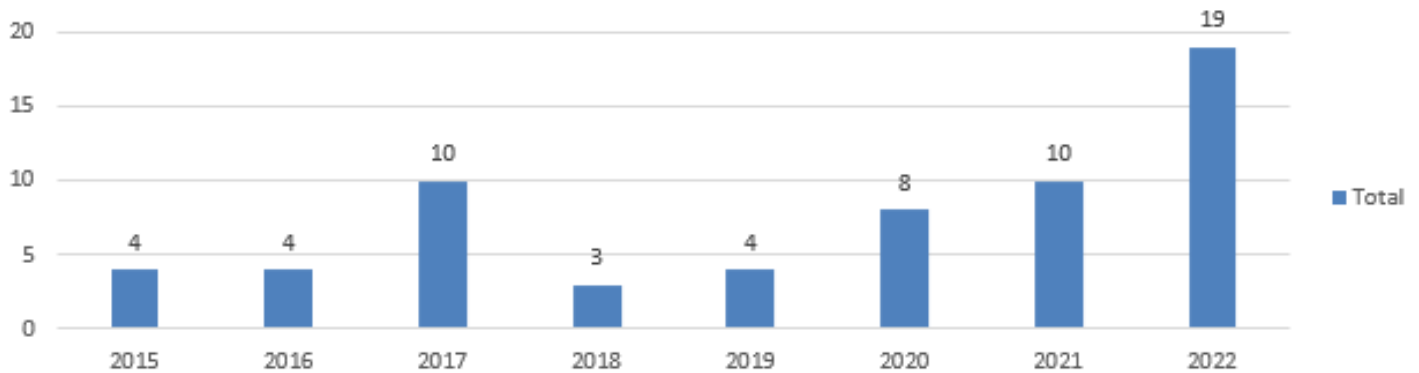
As of December 2021, the District had 67 active Bed and Breakfast and STVR Business Licenses. Fifty-two applications were received in 2022, most likely as a result of the education campaign. Of the 52 applications, 25 have been approved and issued between the months of January and July 2022 and 27 are waiting to be processed. Should the pending applications be approved, there will be a total of 119 Active Bed and Breakfast and STVR business licenses in Lake Country which represents a 77% increase from December 2021.

Active at December 2021	67
2022 Applications	52
Approved in 2022	25
Active at August 2022	92
Pending approval	27

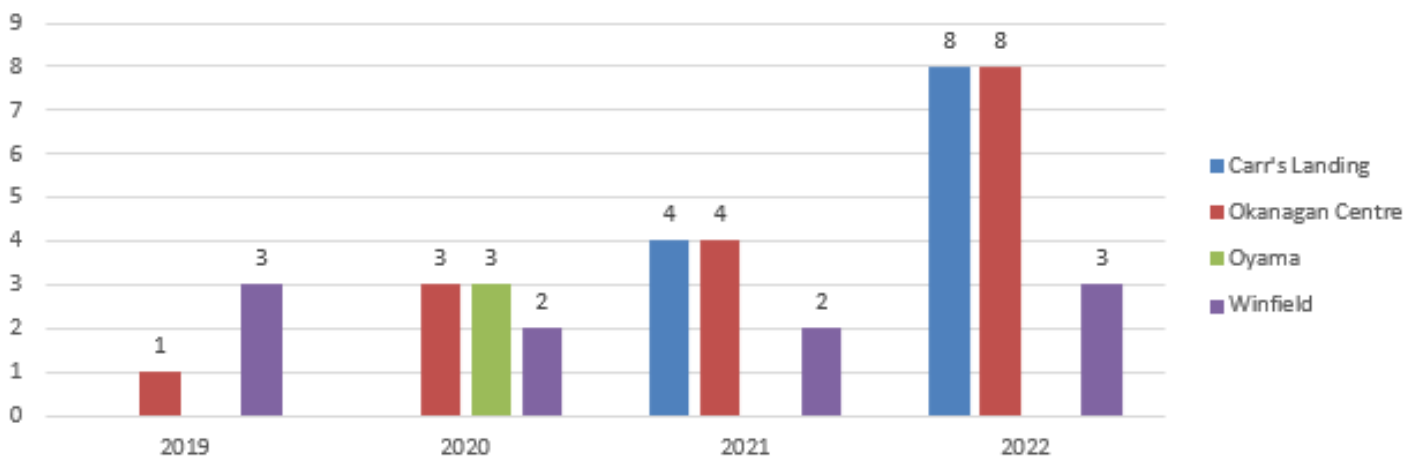
Short Term Vacation Rental Complaints

As shown in the statistics below, 19 complaints related to STVR's have been received in 2022. The complaints include noise, unsightly premises, wedding activity, zoning contraventions and traffic complaints related to STVR's. Some of the increase in complaints from 2021 to 2022 may be as a result of the education campaign that was undertaken notifying residents of STVR regulations. The 19 complaints received in 2022 were related to 8 unique properties and were received from 13 individuals. Six of the 19 complaints identified noise as the reason for the complaint. The 10 complaints received in 2021 were related to 4 properties and were received by 7 individuals. The subsequent chart, Rental Complaints by Ward shows the complaints broken down by area.

Rental Complaints by Year



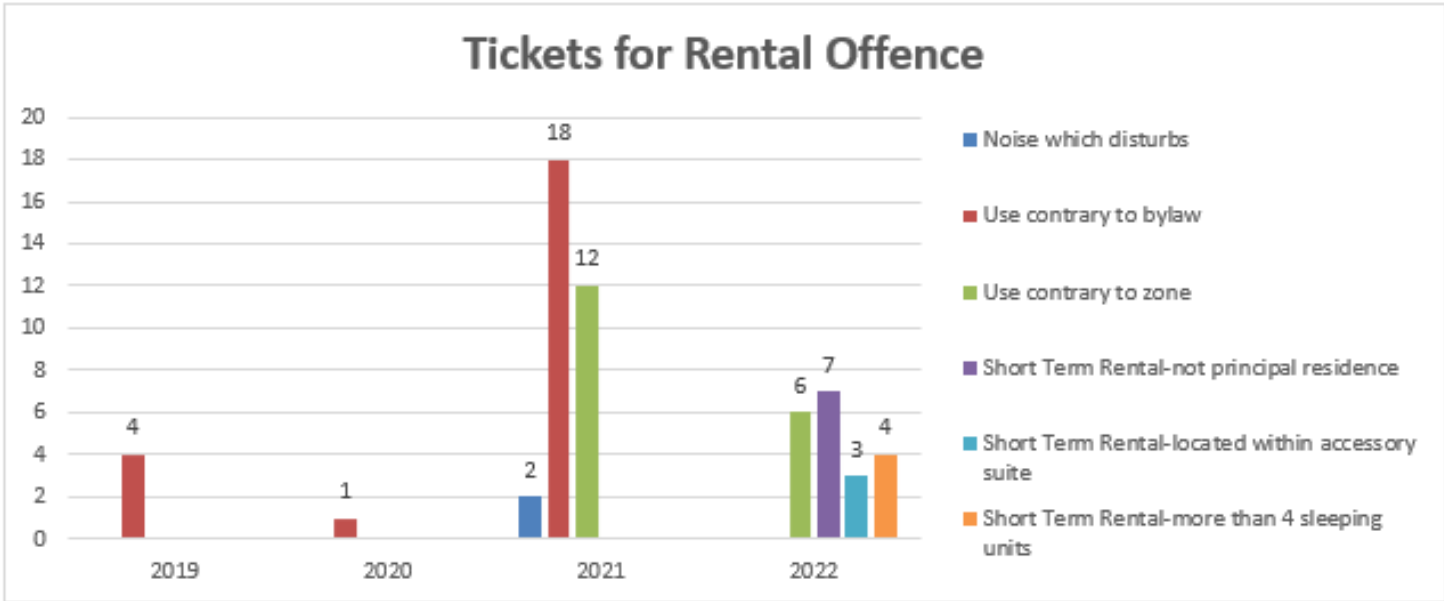
Rental Complaints by Ward



Short Term Vacation Rental Tickets

Prior to implementing the Zoning Bylaw Amendment, STVR contraventions were enforced using "Use Contrary to Zone" and "Use Contrary to Bylaw". The data used for providing the Tickets for Rental Offence includes "Use Contrary to Zone" and "Use Contrary to Bylaw" although not all such contraventions may be related to STVR.

Only one of the 18 tickets issued in 2021 for use contrary to zone was related to a STVR, the remaining 17 tickets were issued for a property operating a long-term tenancy of mobile homes on their property contrary to the Zoning Bylaw and the Agricultural Land Commission. All 12 of the tickets issued for use contrary to zone in 2021 were as a result of STVR contraventions. In 2022, 5 of the 6 tickets issued for use contrary to zone were related to STVR and the remaining tickets in 2022 are separated clarified by the updated STRV contraventions.

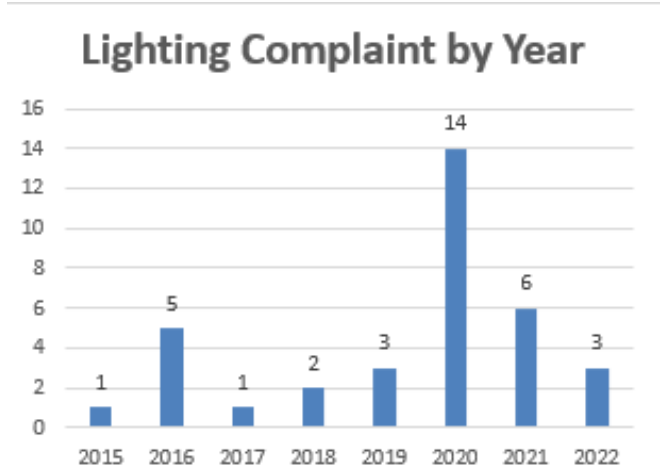


The existing regulations for STVRs were established in 2018. Should Council wish to contemplate changes to existing regulations, a separate process would be required at the direction of Council. The process for reconsideration is a significant undertaking of staff time, research, Council and community input and engagement. Should Council wish to pursue this option, it is proposed Council establish direction for staff and amend existing priorities.

2. NUISANCE LIGHTING AND NUISANCE ODOUR

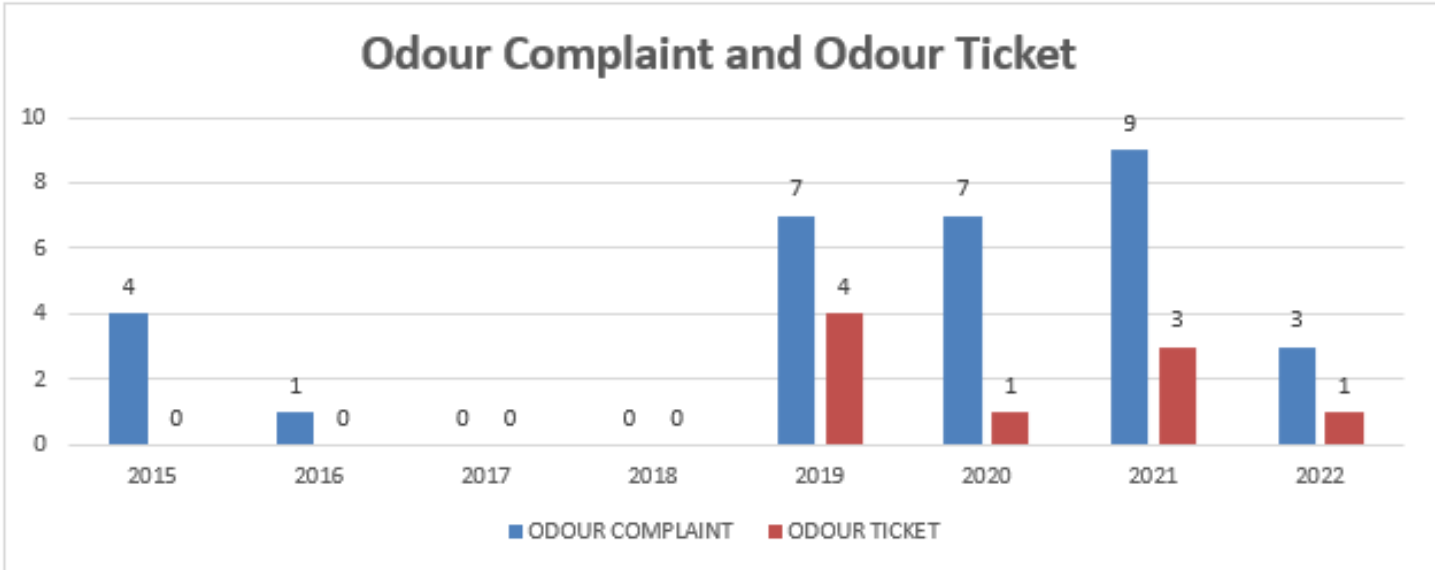
Complaints received regarding nuisance lighting and nuisance odour are prioritized for education and enforcement. Officers have also been directed to be aware of any nuisance lighting or odour contraventions they observe and to ensure such contraventions are addressed as a priority. During the summer months, lighting complaints are hard to observe due to it staying light out until late in the evening. The data indicates no nuisance lighting tickets have been issued.

The 14 lighting complaints in 2020 were related to 10 unique properties. The 6 complaints received in 2021 were related to 5 unique properties. Of the 3 complaints received in 2022, one is not applicable as the search returned “flight” when searching “light” and was related to a helicopter complaint. The 2 remaining complaints were related to general nuisance lighting for 2 separate properties. Further breakdown of lighting complaints shows the following:



SUBJECT	2020	2021	2022
General nuisance lighting	7		2
Dock lighting	3		
Industrial/security	3	4	
Neighbouring property	1	2	

A total of 31 odour complaints have been received from 2015 to 2022. Of the 31 complaints, 25 were related to cannabis odour. Of the 25 cannabis complaints, 8 unique properties were the subject of the complaints. All 9 complaints received in 2021 and 3 complaints received in 2022 were related to cannabis production. The District’s only ability to enforce cannabis production is through the contravention of the District’s Nuisance Bylaw. All other cannabis regulations are governed by the Federal Government.

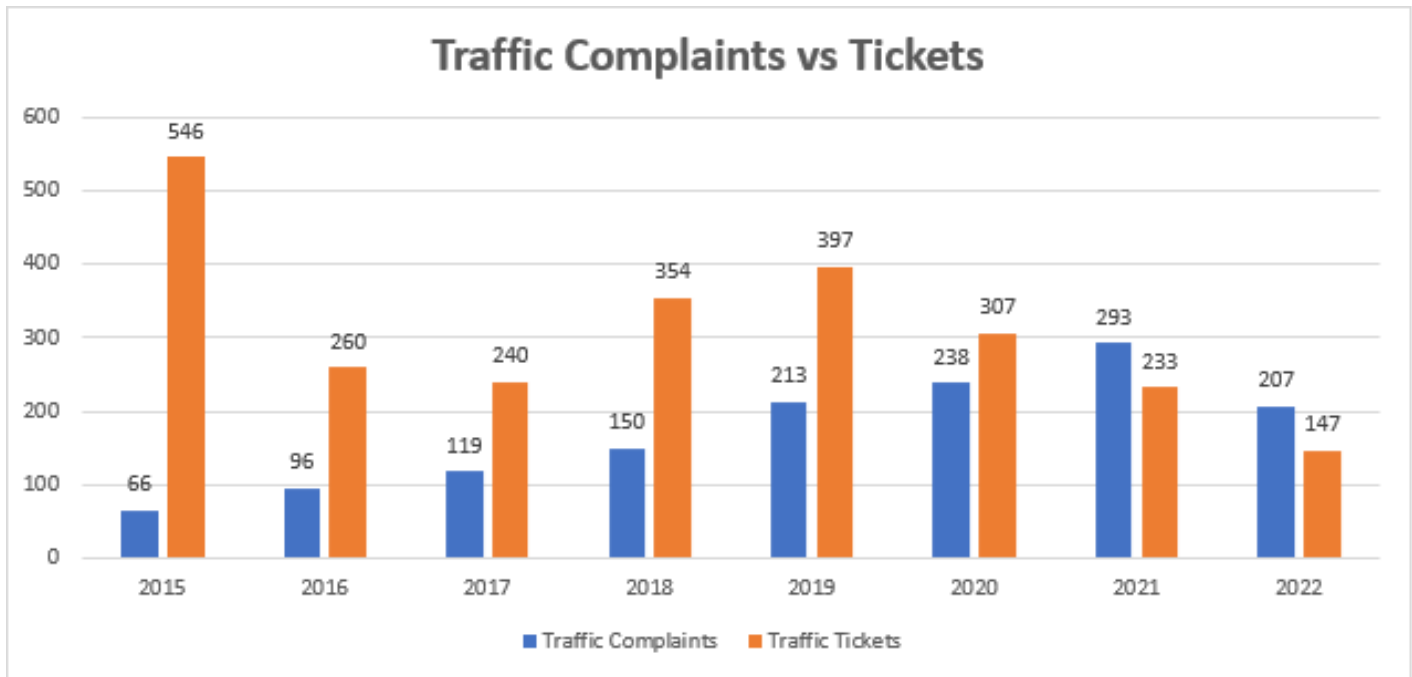


3. ILLEGAL PARKING FOCUSED ON AREAS OF HIGH PUBLIC USE

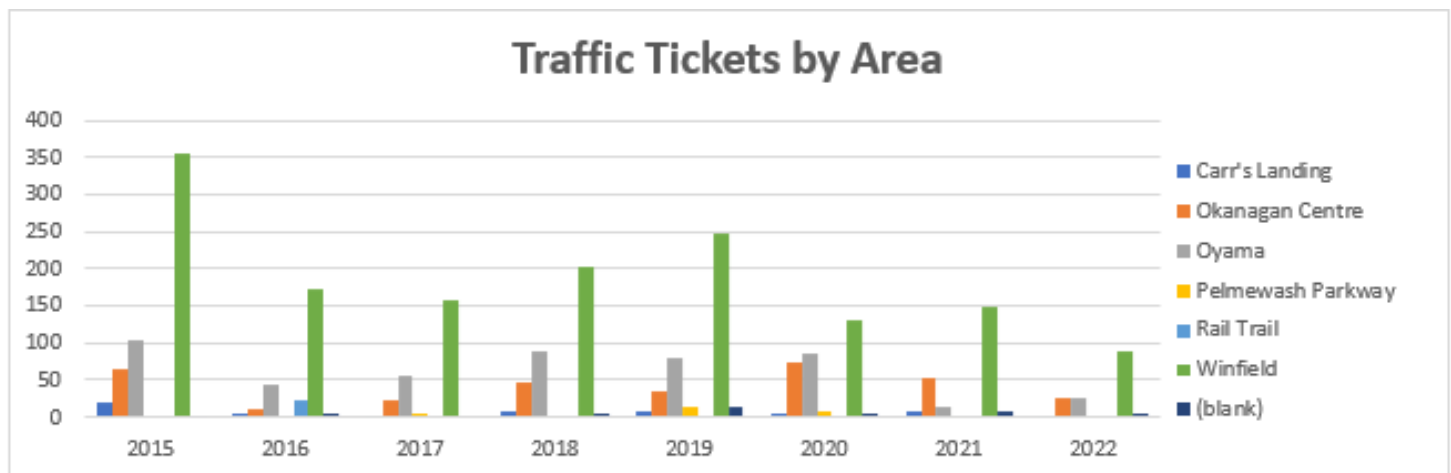
The highest areas of parking violations and public use include: Pelme wash Parkway, Okanagan Centre, Corral Beach Boat Launch, Oyama Boat Launch and Oyama Isthmus.

Contraventions along Pelme wash Parkway including driving over the pathway and parking on the opposite side of the pathway have been observed by Officers. Each time an offence is witnessed, the offenders are immediately directed to move or relocate their vehicles and educated on the contravention. Generally, offenders are one-time users and not repeat offenders and immediately comply when directed by Officers to relocate. Bylaw Officers have noticed higher offence locations along Pelme wash Parkway including the ‘s’ corner and towards Cornwell Road, where traffic control devices are not present and provide more opportunity for offences to occur. The Bylaw Department and Public Works are collaborating on potential options to assist with contraventions.

Pursuant to Bylaw Enforcement Policy 187 the primary objective of enforcing District bylaws is to obtain voluntary compliance through education, information and effective enforcement. Bylaw tickets are not generally issued in circumstances where immediate compliance is obtained. The data in the Traffic Complaints vs Tickets chart shows that historically, more tickets were issued than complaints received where in 2021 and 2022, this trend changed to less tickets issued than complaints received. During COVID staff were directed to provide leniency when issuing tickets due to the significant impacts of COVID on residents. The continued trend of less tickets than complaints indicates the continuation of attempting to gain compliance through education and proactive measures.



The table below, Traffic Tickets by Area, shows the total tickets by area. The data used to determine area may include errors due to inconsistencies in data entry. These errors will improve with the District's move to an integrated enterprise-wide system. The figures for 2022 are consistent with previous years showing Winfield with the highest number of tickets issued due to the geographic size of the ward. Figures in each ward may be reduced slightly to account for the new "area" of Rail Trail and Pelme wash Parkway.



Year	Carr's Landing	Okanagan Centre	Oyama	Pelme wash Parkway	Rail Trail	Winfield	(blank)	Total
2015	21	65	104			355	1	546
2016	5	10	44	1	22	174	4	260
2017	1	22	55	4	1	157		240
2018	7	47	90	1	1	203	5	354
2019	8	35	81	13		247	13	397
2020	4	74	85	8		130	6	307
2021	7	52	15	2		149	8	233
2022	1	26	25	3		88	4	147
Total	54	331	499	32	24	1503	41	2484

4. ENCROACHMENTS INTO PUBLIC RIGHT OF WAY THAT AFFECT PUBLIC ACCESS AND THE ENVIRONMENT

Complaints received regarding encroachments into public right of way are prioritized for education and enforcement. In many circumstances, encroachments are convoluted, detailed files that require in-depth research and significant correspondence with property owners. Where an encroachment is blatant or has recently occurred, staff work closely with the Public Works Department to ensure such encroachments are rectified immediately. In addition, the recently hired Land Agent will be working with Bylaw staff to develop priority lists of land encroachments to be considered for enforcement. Many land associated files require Council input for further direction and a report is therefore drafted for Council's consideration at an In Camera meeting.

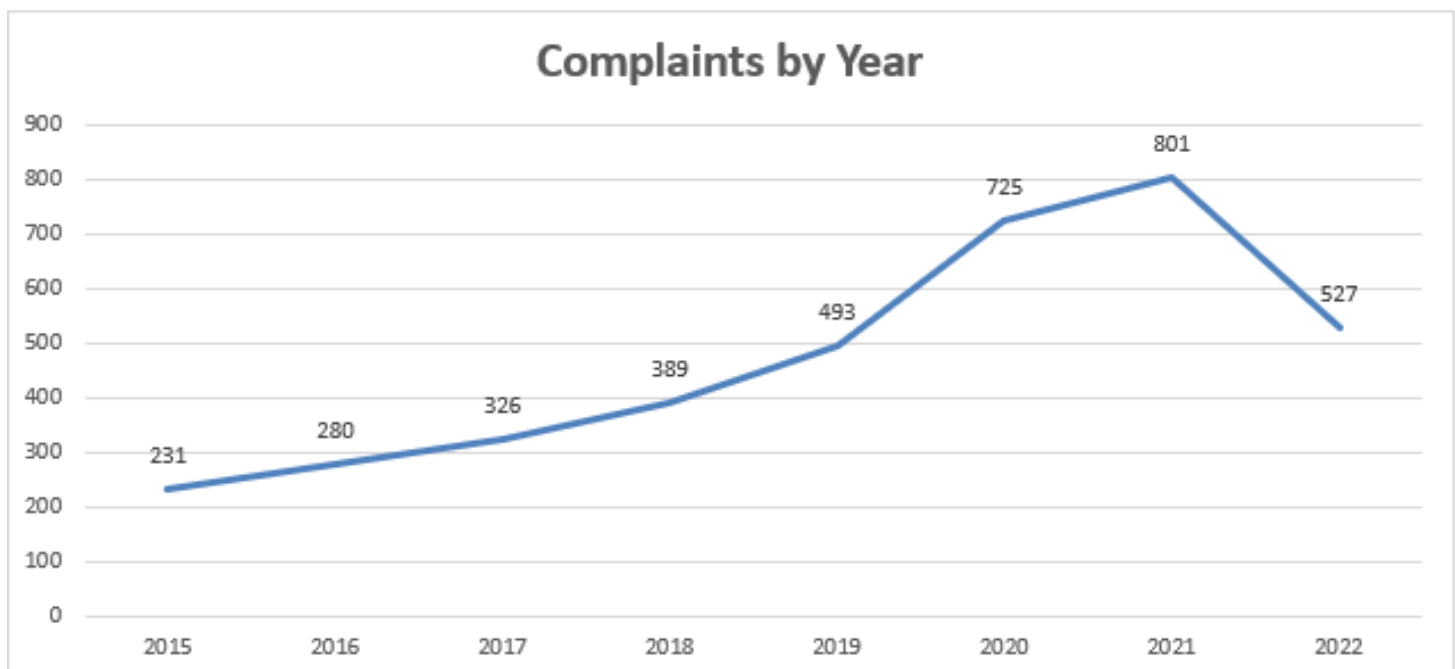
STATISTICS

Disclaimers

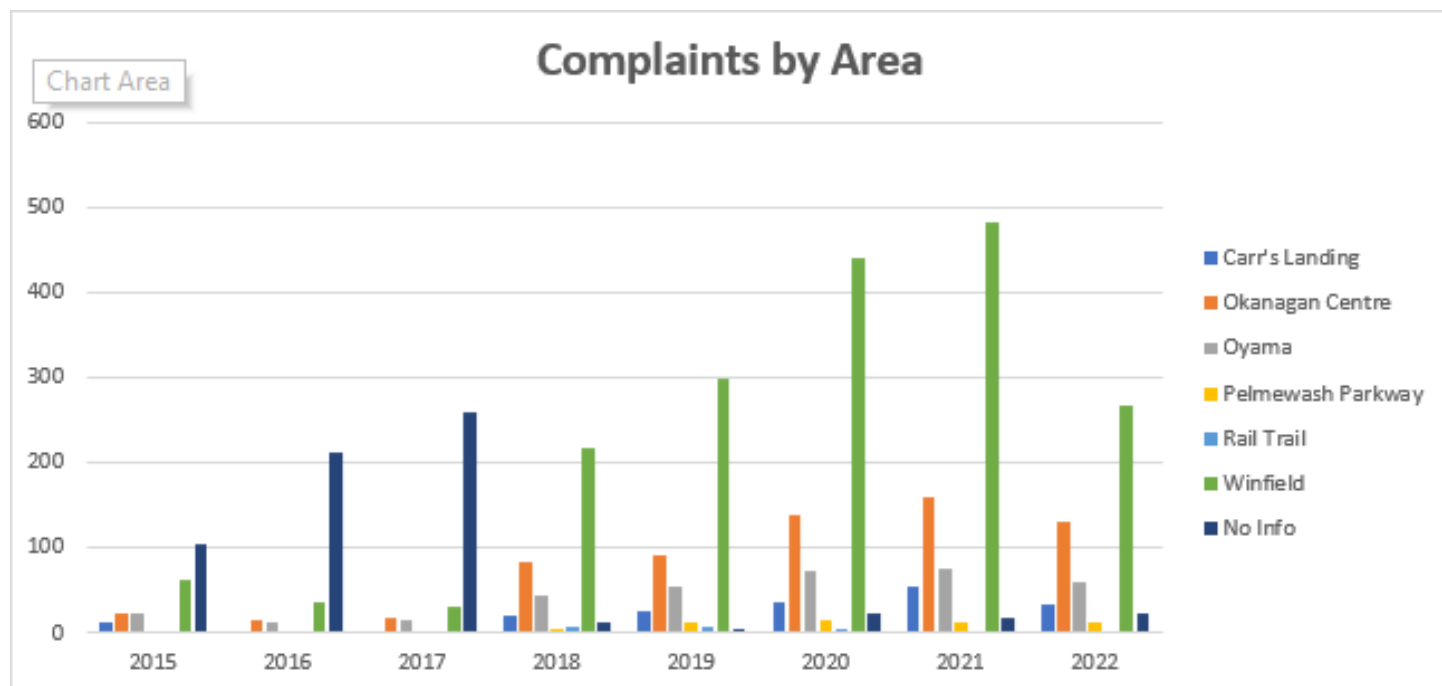
1. 2022 figures include data to approximately August 8, 2022. Staff are currently transitioning between data entry systems and data for the remainder of the third quarter is unavailable.
2. "Area" was determined by analyzing various information in the entry such as road name and description.
3. "No Info" includes entries with insufficient information to determine subject or area and includes general inquiries.
4. Where an entry identified the area as Pelmeash Parkway or the Rail Trail, the entry was categorized as that area. Other entries may have been located along Pelmeash Parkway but were classified as the ward. Further analysis of the data is required to provide a clear picture of complaints and issues related to Pelmeash Parkway and the Rail Trail.

As of August 31, 2021, a total of 555 complaints were received. As of August 8, 2022, a total of 527 complaints were received. The data for August 2022 does not include approximately 23 days. 74 complaints were received in August 2021 and 31 complaints have been received up to August 8, 2022. The third quarter is generally the highest quarter for complaints received.

In 2021, 33% of complaints were received in the 4th quarter. A 33% increase to the current 2022 complaints projects approximately 700 complaints although this does not include the remainder of August 2022. A potential leveling out of complaints between 2021 and 2022 may be a result of the increased presence and proactive patrolling of Bylaw Officers in the community and priority subjects identified by Council.

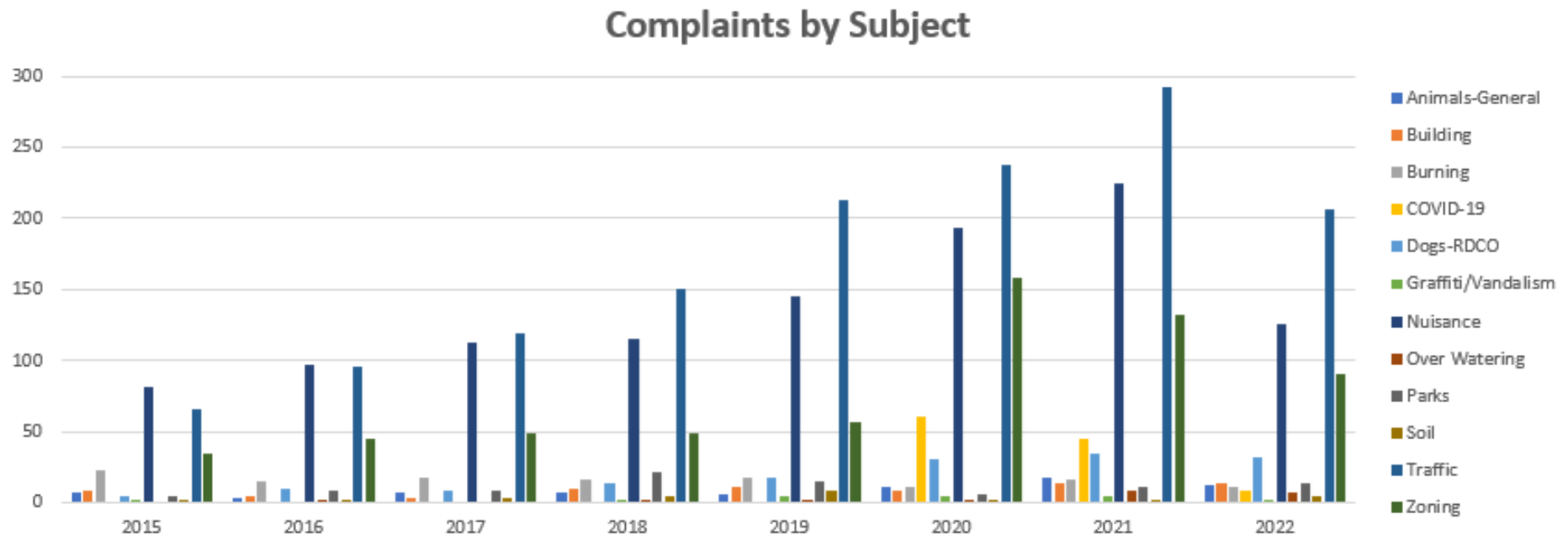


Complaints by Area shows complaints identified by ward and 2 other areas where data was provided. "Area" was determined by analyzing various information such as road name and description. Data consistency will improve with the implementation of an integrated enterprise-wide system. The figures for 2022 are consistent with previous years showing Winfield with the highest number of complaints due to the geographic size of the ward. Figures in each ward for 2022 may be slightly reduced to account for new areas identified as Rail Trail and Pelme wash Parkway. Prior to 2018 much of the data was insufficient to determine area resulting in "no info".



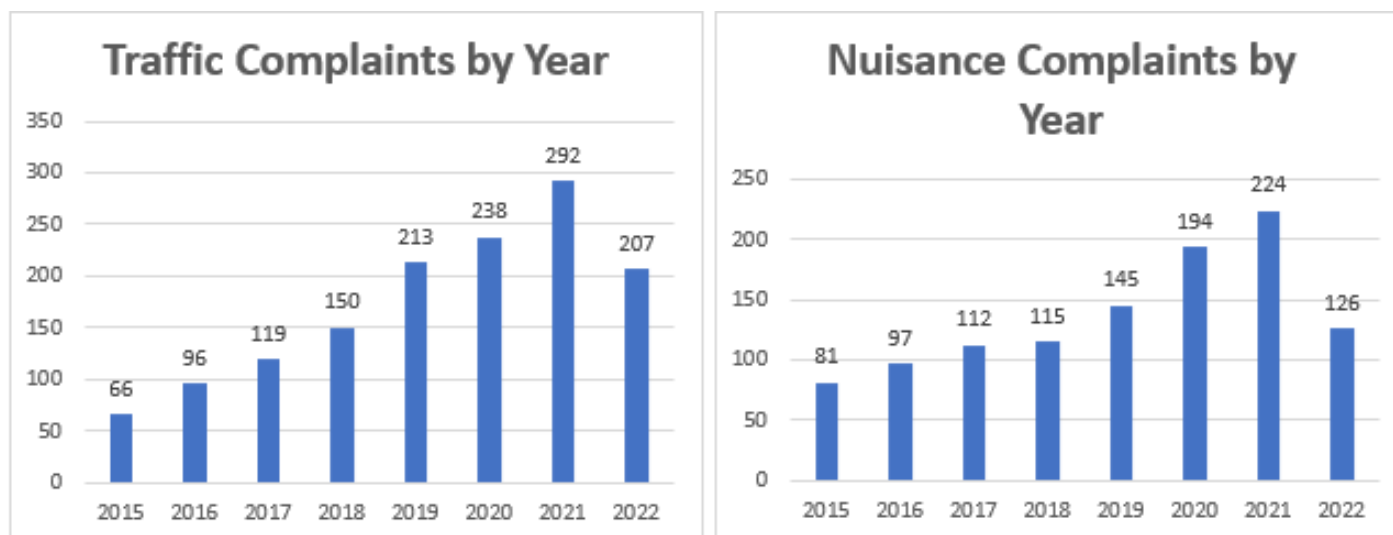
Years	Carr's Landing	Okanagan Centre	Oyama	Pelme wash Parkway	Rail Trail	Winfield	No Info	Total
2015	11	24	24	3	3	61	105	231
2016	3	14	13	1	2	36	211	280
2017	1	17	15	1	3	31	258	326
2018	19	84	44	5	8	218	11	389
2019	26	92	53	12	8	298	4	493
2020	35	138	73	14	4	439	22	725
2021	53	159	75	13		483	18	801
2022	32	131	60	12	2	267	23	527
Total	180	659	357	61	30	1833	652	3772

For Complaints by Subject, data entered into 'subject' has not been consistent over the years. While entries may provide some inaccuracies, the majority of the data has been categorized appropriately and the chart provides a high-level picture of complaints by subject. Issues with data consistency and appropriate categories will be addressed with the implementation of a new enterprise-wide system. The figures for 2022 are generally consistent with 2021 with a notable decrease in the COVID-19 complaints from 2020.



Years	Animals-General	Building	Burning	COVID-19	Dogs-RDCO	Graffiti/Vandalism	Nuisance	Over Watering	Parks	Soil	Traffic	Zoning	Total
2015	7	9	23		4	1	81		4	2	66	34	231
2016	3	4	15		10		97	1	8	1	96	45	280
2017	7	3	17		8		112		8	3	119	49	326
2018	7	10	16		14	1	115	1	22	4	150	49	389
2019	6	11	17		17	4	145	1	15	8	213	56	493
2020	11	9	11	60	31	4	194	1	6	1	238	158	724
2021	18	13	16	45	35	4	224	9	11	2	292	132	801
2022	12	14	11	8	32	2	126	7	14	4	207	90	527
Total	71	73	126	113	151	16	1094	20	88	25	1381	613	3771

The highest areas of complaints are related to traffic and nuisance (noise, odour, unsightly, etc.). Bylaw Enforcement staff proactively enforce traffic and nuisance issues where a contravention is observed or is brought to the attention of District staff in their regular course of duties. Further analysis of the 'Traffic' subject shows a wide variety of complaints including abandoned vehicles, illegal camping, obstructing roadway, recreational trailers and vehicles, unattached trailers and no plates or insurance. Nuisance is also a very broad subject and includes signs, odour, farming practice, noise, dumping, chickens, attractants, illegal camping, illegal dumping, noise, weeds, construction noise and unsightly premises.



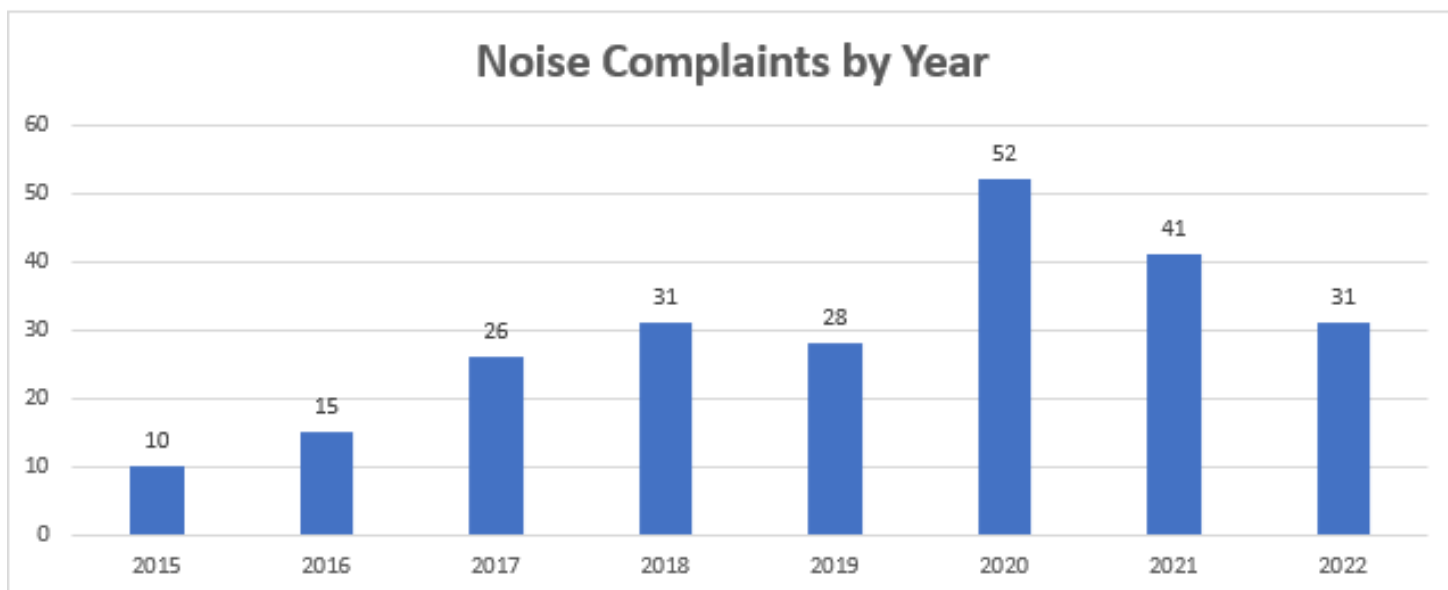
A comparison of complaints to the end of August for previous years is as follows:

SUBJECT	August 2020	August 2021	August 2022
Traffic	163	199	207
Nuisance	139	161	126

Noise complaints are classified as Nuisance. The data used to compile Noise Complaints in the data below has been gathered by conducting a keyword search for entries that include 'noise' and may therefore include other subject matter or overlapping entries. Noise has been identified by community members as an area of concern due to offences occurring after Officers are off shift. Officers do not generally observe noise complaints while patrolling and are therefore only made aware of the issue if it is reported. From May to September Bylaw Officers are scheduled to work until 9 p.m. and many noise complaints are received after 9 p.m. where the complainant is then directed to contact the RCMP. Where Bylaw Officers attend a noise complaint during their shift, compliance is generally achieved and therefore, in accordance with District policy, tickets are usually not issued. In some instances, a noise contravention is found not to be a nuisance in accordance with District Policy. Section 10.4 of Policy 187 sets out criteria used for determining a nuisance which was established based on caselaw.

Generally, an Officer must witness a contravention in order to issue a ticket for the offence. The investigation and documentation are included in the file for any potential challenges to the ticket. In addition to the information obtained by the Officer, the Ombudsperson Bylaw Enforcement, Best Practices for Local Governments includes an example of a contravention where noise logs were requested from residents noting this assistance may help demonstrate an offence is occurring and is not simply a neighbour dispute. While additional information provided by residents may assist with defending the issuance of a nuisance ticket, the criteria for determining noise must still be processed in accordance with Policy 187.

Should Council wish to address noise complaints received after 9 p.m., additional information on staffing capabilities, response times and safety would need to be considered in more depth.



The general description of noise complaints has been further analyzed to provide the following information.

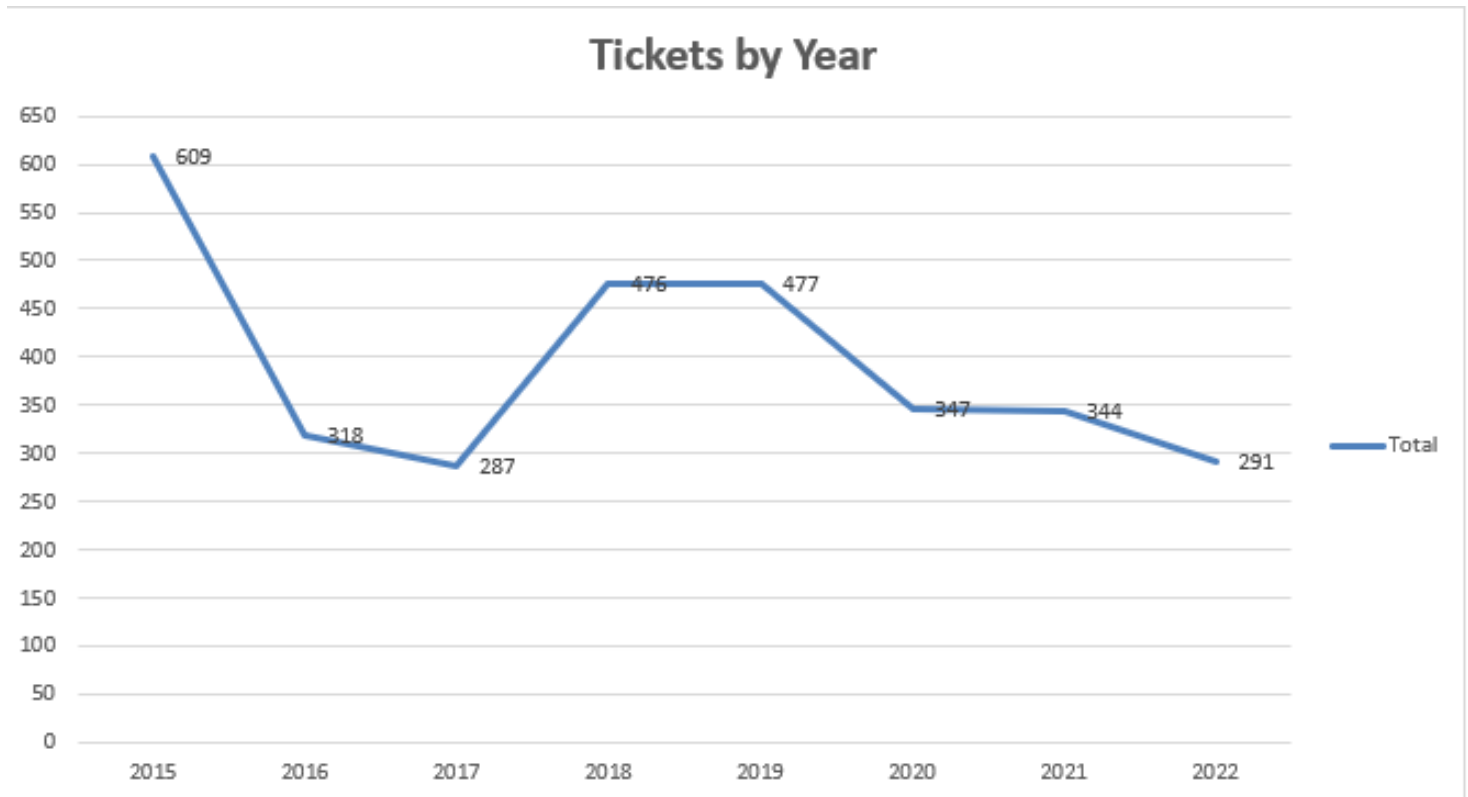
Noise Complaints - Secondary Subject				Noise Complaints by Area						
SUBJECT	2020	2021	2022	YEARS	Carr's Landing	Okanagan Centre	Oyama	Winfield	(blank)	Total
Animal/Dogs	1	2		2015		2		3	5	10
Boat Noise	1	1		2016				1	14	15
Business	2	1		2017		2	1		23	26
Construction	5	9	2	2018	1	2	1	26	1	31
Equipment	1	3	4	2019	1	6	2	19		28
Event	4		5	2020	2	9	8	32	1	52
Farming	3	3	3	2021	10	10	2	17	2	41
Helicopter	3	2	1	2022	5*	4**	2	20***		31
Industrial	3	1		Total	19	35	16	118	46	234
Loud children	8	3								
Neighbour	15	4	6							
STVR	1	5	6							
Vehicle	5	7	4							
Total	52	41	31							

*The 5 complaints received for Carr's Landing in 2022 were received from 3 individuals and related to 1 property.

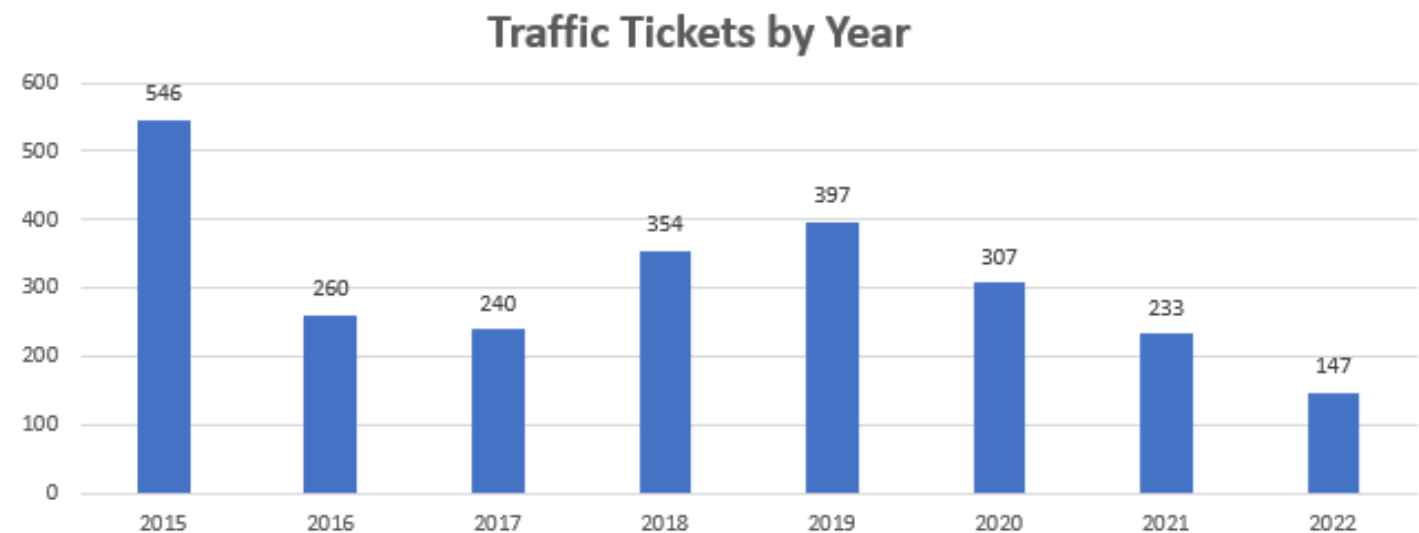
**The 4 complaints received for Okanagan Centre were related to construction noise, were related to 4 unique properties and received from 4 individuals.

***The 20 noise complaints received in Winfield in 2022 were related to 15 unique properties, were received from 20 separate individuals.

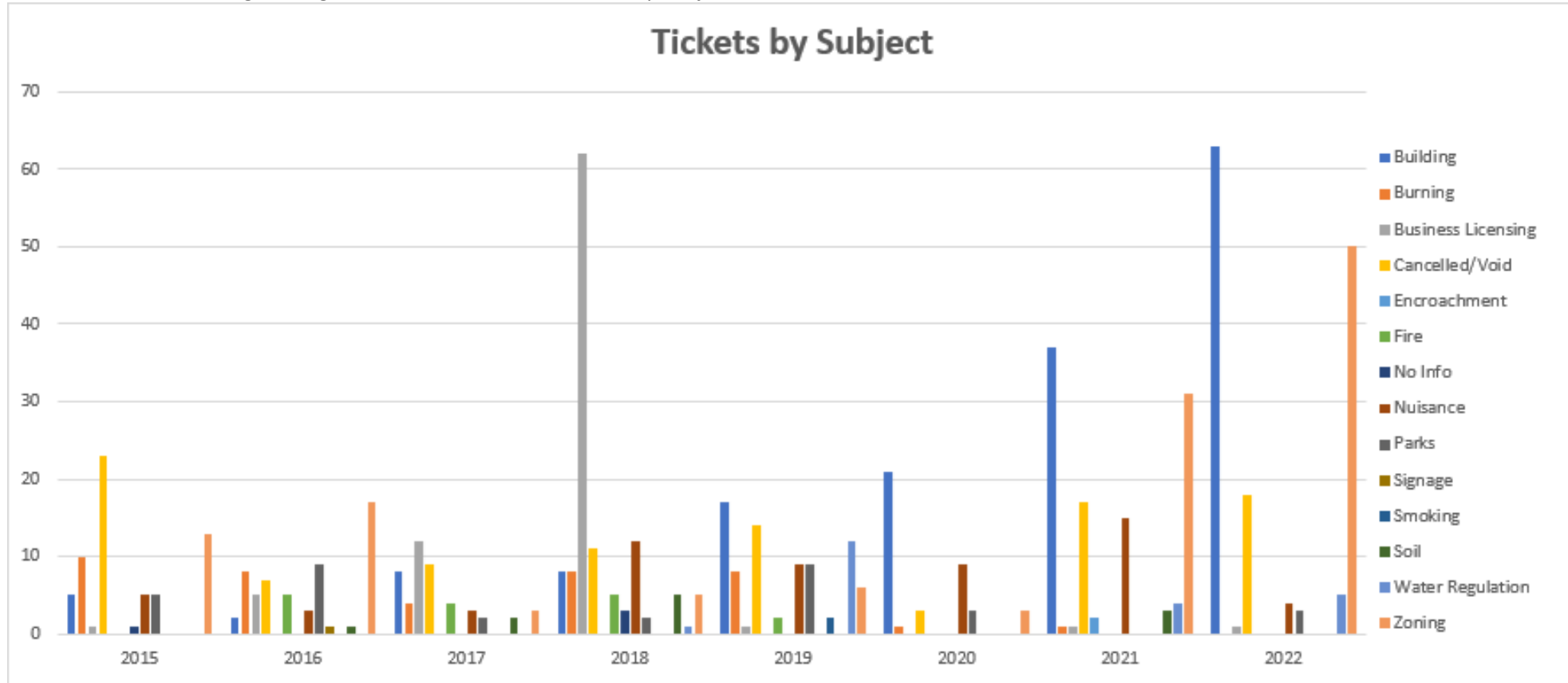
Tickets issued by year declined from 2019 to 2020 which is most likely related to COVID19 and direction for staff to exercise leniency. Tickets issued between 2020 and 2021 has remained relatively consistent. Tickets issued at August 2022 are 291 compared to the end of August 2021 which was 202. Using 2021 as a comparable year, 57% of tickets were issued in the 3rd quarter and 38% of tickets were issued in the 4th quarter. Therefore, the projected tickets for 2022 will be approximately 401.



Tickets related to traffic offences are the highest number of tickets issued each year and have been separated out from Tickets by Subject to provide a better view of the remaining subjects. Traffic tickets declined from 2019 to 2021, once again, most likely due to COVID-19 and leniency during the pandemic. Based on the projects for Tickets by Year it is projected tickets for 2022 will be consistent 2021.



In 2022 and 2021 Building, Zoning and Nuisance tickets were the top subjects for tickets issued.

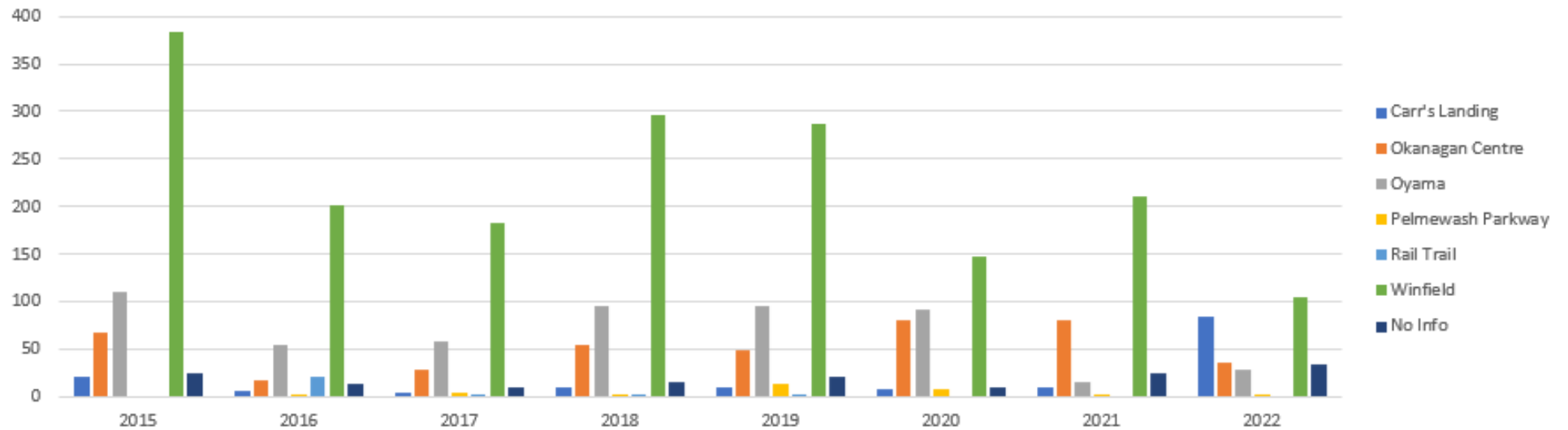


Year	Building	Burning	Business Licensing	Cancelled/Void	Encroachment	Fire	No Info	Nuisance	Parks	Signage	Smoking	Soil	Water Regulation	Zoning	Total
2015	5	10	1	23			1	5	5					13	63
2016	2	8	5	7		5		3	9	1		1		17	58
2017	8	4	12	9		4		3	2			2		3	47
2018	8	8	62	11		5	3	12	2			5	1	5	122
2019	17	8	1	14		2		9	9		2		12	6	80
2020	21	1		3				9	3					3	40
2021	37	1	1	17	2			15				3	4	31	111
2022	63		1	18				4	3				5	50	144
Total	161	40	83	102	2	16	4	60	33	1	2	11	22	128	665

The following tables provide further analysis of the 2021 and 2022 Building, Zoning and Nuisance tickets issued.

ZONING OFFENCE	2021	2022	BUILDING OFFENCE	2021	2022	NUISANCE OFFENCE	2021	2022
Unique properties	4	7	Unique properties	9	9	Unique properties	7	3
More than 2 recreational vehicles	1		Work without permit	2	5	Noise which disturbs	3	
Fail to adhere to DP		30	Contrary to stop work order		57	Nuisance odour	3	1
STVR-accessory suite		3	Fail to obtain DP	28	1	Unsightly	7	3
STVR-more than 4 sleeping units		4	Not in conformity with Building Bylaw	1		More than 1 unlicensed vehicle	2	
STVR-not principal residence		7	Cover work prior to inspection	4		TOTAL	15	4
Use contrary to bylaw	18		Occupy contrary to permit	2				
Use contrary to zone	12	6	TOTAL	37	63			
TOTAL	31	50						

Tickets by Area



Year	Carr's Landing	Okanagan Centre	Oyama	Pelmewash Parkway	Rail Trail	Winfield	No Info	Total
2015	22	67	111			384	25	609
2016	7	18	55	2	22	201	13	318
2017	4	28	58	4	1	182	10	287
2018	10	55	96	1	1	297	16	476
2019	10	50	95	13	1	286	22	477
2020	8	80	92	8		148	11	347
2021	11	80	16	2		210	25	344
2022	84	37	28	3		105	34	291
Total	156	415	551	33	25	1813	156	3149

APPLICABLE LEGISLATION AND POLICIES

Bylaw Enforcement and Building Compliance Policy 187, 2021 establishes the model of enforcement, sets criteria, procedures and priorities for investigation and enforcing bylaw complaints and contraventions to ensure fair and consistent procedures.

Local Government Bylaw Notice Enforcement Act enables local governments to establish a bylaw notice adjudication system. This administrative system is an alternative to the provincial court for resolving minor local government bylaw contraventions.

Ombudsperson Bylaw Enforcement: Best Practices Guide for Local Governments provides information and tools to promote fairness in the administration of local government bylaws.

Community Charter Part 8 – Bylaw Enforcement and Related Matters allows a municipality to make bylaws for the purposes of enforcing the bylaws of the municipality.

Bylaw Enforcement Officer Appointment 764, 2010 authorizes the CAO to appoint officers and employees to enforce municipal Bylaws.

Bylaw Notice Enforcement Bylaw 760, 2010 and **Municipal Ticket Information Bylaw 753, 2010** designate bylaw contraventions that may be dealt with by Bylaw Notice, establish the amount of the penalty for a contravention, establish the period for paying or disputing a Bylaw Notice, and establish the Bylaw Notice dispute adjudication system.

Bylaw Notice Screening Officer Policy 10.112 establishes prescribed circumstances for the Screening Officer to cancel Bylaw Notices.

IMPACT ON INFRASTRUCTURE OR MUNICIPAL SERVICES

There are no direct impacts on municipal infrastructure identified as a result of this report. Regarding Municipal Services, Bylaw staffing levels assist in proactively observing contraventions that impact municipal infrastructure, municipal property and areas identified as priorities.

The District has a large land area in comparison to municipalities of similar populations. Increase in population and density changes public expectations and increase of complaints. Where education campaigns are identified for enforcement, additional time and funding is required for each project which reduces time allocated to other priorities. Insufficient enforcement, geography, land of staff or resources may make enforcement difficult and defeat the purpose of enacting a bylaw.

IMPACT ON STAFF CAPACITY AND FINANCIAL RESOURCES

The Bylaw Enforcement function requires a significant amount of administrative responsibility which is being partially fulfilled by the Bylaw Technical Clerk position. The current staffing levels including two full time Officers, one part-time clerk and two summer casual positions requires a significant amount of oversight, scheduling and management responsibilities.

COMMENTS FROM EXTERNAL AGENCIES, COMMITTEES AND STAKEHOLDERS

No external comments were gathered in the preparation of this report.

CONSULTATION AND COMMUNICATION

No communication was undertaken for preparation of this report.

Respectfully Submitted,

Reyna Seabrook, Director of Corporate Services

Report Approval Details

Document Title:	Bylaw Statistics 2022.docx
Attachments:	
Final Approval Date:	Sep 12, 2022

This report and all of its attachments were approved and signed as outlined below:

No Signature - Task assigned to Trevor James, CFO, Director of Finance & Administration was completed by workflow administrator Reyna Seabrook, Director of Corporate Services

Trevor James, CFO, Director of Finance & Administration - Sep 12, 2022 - 10:25 AM

No Signature - Task assigned to Tanya Garost, Chief Administrative Officer was completed by assistant Kelly McIntosh, Executive Coordinator

Tanya Garost, Chief Administrative Officer - Sep 12, 2022 - 10:34 AM