

DISTRICT OF LAKE COUNTRY

BYLAW 1173

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A BYLAW TO AMEND ZONING BYLAW 561

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The Council of the District of Lake Country, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as “Zoning Amendment (Short Term Vacation Rental) Bylaw 1173, 2021”.
2. District of Lake Country Zoning Bylaw 561, 2007 is hereby amended by:

2.1. Adding the following section 10.15 to Section 10 of the bylaw in numerical order:

**10.15 Short Term Vacation Rental Regulations**

- 10.15.1 Where Short-Term Vacation Rentals are a permitted use in accordance with this bylaw, the following regulations shall apply in addition to the general regulations contained in section 10.3.
- 10.15.2 Short Term Vacation Rentals shall:
  - (a) only occur in a principal residence, as demonstrated through the claiming of an annual homeowner property tax grant;
  - (b) not be rented for more than thirty (30) consecutive days;
  - (c) not have more than four (4) sleeping units rented concurrently;
  - (d) not be located within an Accessory Suite;
  - (e) contain all parking and waste removal associated with the rental onsite.

READ A FIRST TIME this 7<sup>th</sup> day of December 2021.

READ A SECOND TIME this 7<sup>th</sup> day of December 2021.

ADVERTISED on the 20<sup>th</sup> and 27<sup>th</sup> days of January 2022 and a Public Hearing held pursuant to the provisions of Section 464 of the *Local Government Act* on the 1<sup>st</sup> day of February 2021.

READ A THIRD TIME this xx day of xx 2022.

ADOPTED this xx day of xx, 2022.

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Mayor

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Corporate Officer

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**MEETING TYPE AND DATE:**

REGULAR COUNCIL MEETING, DECEMBER 7, 2021

**AUTHOR:**

REYNA SEABROOK, DIRECTOR OF CORPORATE SERVICES

**SUBJECT:**

**BYLAW ENFORCEMENT BYLAW AMENDMENTS**

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**ESSENTIAL QUESTION:**

Does Council believe increasing specific bylaw enforcement penalties will assist with compliance and enforcement of contraventions that align with Council's priorities and proactive bylaw enforcement topics; and does Council wish to amend various language within bylaws to provide clarity for staff and residents?

**OPTIONS:**

- A. THAT Bylaw Notice Enforcement and MTI Amendment Bylaw 1171, 2021 be read a first, second and third time; THAT Highways and Traffic Amendment Bylaw 1172, 2021 be read a first, second and third time; AND THAT Zoning Amendment (Short Term Vacation Rental) Bylaw 1173, 2021 be read a first and second time and forwarded to public hearing.
- B. THAT Highways and Traffic Amendment Bylaw 1172, 2021 be read a first, second and third time; THAT Zoning Amendment (Short Term Vacation Rental) Bylaw 1173, 2021 be read a first and second time and forwarded to public hearing; AND THAT Bylaw Notice Enforcement and MTI Amendment Bylaw 1171, 2021 be amended as per changes outlined by Council; AND FURTHER THAT Bylaw Notice Enforcement and MTI Amendment Bylaw 1171, 2021 be read a first, second and third time.
- C. THAT the proposed Bylaw Notice Enforcement and MTI Amendment Bylaw 1171, 2021, Highways and Traffic Amendment Bylaw 1172, 2021 and Zoning Amendment (Short Term Vacation Rental) Bylaw 1173, 2021 be referred back to staff to provide additional information as outlined by Council.

**EXECUTIVE SUMMARY:**

As per Council's Bylaw Enforcement and Building Regulation Policy 187, 2021, the primary objective of enforcing District bylaws is to obtain voluntary compliance through education, information and effective enforcement based on consistency, education and fairness. Policy 187 sets out that Bylaw contraventions are primarily initiated on a complaint basis except where a contravention is observed by staff, police or another agency, acting in their regular course of duty or where Council has established enforcement priorities. On July 20, 2021 Council set the following items as proactive bylaw enforcement topics: 1. illegal 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 or the environment.

In addition to proactive bylaw enforcement topics, at the March 3, 2020 Strategy Session Council discussed the Urban Forest Strategy and expressed the desire for interim focus on enforcement of damaging vegetation in public spaces while the strategy is developed. The current fine for damaging a tree in a park is \$100 and does little to convey the seriousness of such a contravention. The fine for cutting down or damaging a tree on District highway (or Right of Way) is also \$100.

Staff, through their regular course of duties, have identified various amendments and proposed penalty increases for Council's consideration.

Following is a summary of the proposed amendments:

- Amend the Zoning Bylaw 561, 2007 ("Zoning Bylaw") to include Short Term Rental regulations within the body of the bylaw rather than within the definition as the definition is not a ticketable offence. Separate each regulation as individual ticketable offence at various amounts up to and including \$500.
- Add 1<sup>st</sup> and 2<sup>nd</sup> offences for Use Contrary to Zone and Use Contrary to Bylaw as a commonly used contraventions.
- Include home occupation contraventions as ticketable offences such as prohibited use and nuisance.
- Increase the penalty for damage to a tree, plant or vegetation within the Parks Bylaw (on public space) and within the Highways and Traffic Bylaw (within District ROW or highway) to \$500.
- Clarify language and increase fines associated with obstructing a roadway and depositing material on a highway.
- Amend outdated language in the Highways and Traffic bylaw related to penalties in accordance with the *Community Charter*.
- Add authority for the staff to issue stop work orders under the Highways and Traffic Bylaw for works conducted without a permit.
- Clarify language around dig up or excavate highway and damage a tree.
- Add fines for work without a permit.

**Key Information:**

In order to assist staff with enforcing Council's priorities, updated and clear language, as well as increased penalty amounts are proposed to be included in various bylaws. Many, although not all, alleged offenders, consider the existing penalties the cost of doing business.

**Relevant Observations:**

**Strategic Questions:**

Do the proposed amendments align with Council's direction and identified priorities?

**Strategic Relevance & Community Sustainability:**

The proposed amendments assist staff with enforcing Council's directed priorities.

**Key Result:**

Increase compliance of contraventions.

**Desired Benefit of Key Result:**

Clarified language will assist staff in communicating contraventions and penalties to residents. The desired result being an improved understanding of the regulations and less impact on infrastructure and vegetation.

**Requisites:**

Amendments to the Zoning Bylaw require a public hearing prior to 3<sup>rd</sup> and adoption.

**Unintended Outcomes:**

No unintended outcomes can be foreseen.

**BACKGROUND/HISTORY  
FINES AND PENALTIES**

The maximum penalty for bylaw notice tickets is limited to \$500 as per the *Bylaw Notice Enforcement Act* section 6 (3). Penalties for specific District contraventions are set out in Bylaw Notice Enforcement Bylaw 760, 2010 (BNE Bylaw). Penalties are issued by the District and disputes, if upheld by the Screening Officer, are considered through an adjudication process in partnership with surrounding municipalities, the Southern Interior Bylaw Notice Dispute Adjudication Registry Agreement (SIDA).

The maximum penalty for Municipal Ticket Information (MTI) tickets is \$1,000 as per the *Bylaw Enforcement Ticket Regulation B.C. Reg. 425/2003*. Penalties for specific District contraventions are set out in Municipal Ticket Information Bylaw 753, 2010 (MTI Bylaw). If disputed, MTI tickets are considered at a provincial court and upon conviction, the courts may impose all or part of a penalty.

When issues are heard in the provincial court, the maximum penalty that may be imposed must be set out by bylaw. The maximum amount permitted is \$50,000 as per section 263 (1) (b) of the *Community Charter*. This amount was increased from \$10,000 to \$50,000 in 2020. If the maximum penalty is not set out by bylaw, the penalty defaults to the *Offence Act* which is \$2,000 and 6-months imprisonment. This maximum penalty amount does not increase ticket amounts; rather, it ensures that should a contravention be disputed in the courts the District has provided that the maximum penalty may be imposed.

As a result of the SIDA Agreement the District generally issues bylaw offence notices rather than MTI's. MTI's are considered an increased and escalated enforcement method that may be considered at provincial court if disputed. Currently the penalty amounts for BNE and MTI's in Bylaws 760 and 763 are the same amount even though MTI penalties may be set at a maximum of \$1,000 in comparison to \$500 for BNE penalties. Due to the intention of using an MTI as escalated enforcement mechanism, staff propose that the fines outlined for amendment within this report be increased in the MTI bylaw in comparison to the BNE penalty. For example, if a BNE penalty was proposed to be \$500 the corresponding MTI penalty would be \$1,000.

### **SHORT TERM VACATION RENTALS**

The District's zoning bylaw currently includes the following definition for Short-Term Vacation Rentals:

*SHORT TERM VACATION RENTAL means the rental of a principal residence, as demonstrated through claiming an annual homeowner property tax grant, for short-term vacation purposes, in accordance with the following: the rental use shall be for no more than thirty (30) consecutive days; no residence shall have more than four (4) sleeping units rented concurrently; the rental use must not be located within an Accessory Suite; and, all parking and waste removal associated with the rental use must be contained onsite.*

District staff are unable to enforce a definition or regulations contained within a definition. Contraventions of Short-Term Rental Vacation Rentals is therefore enforced using "Use Contrary to Zone" as per section 5.3.7 of Zoning Bylaw 561, 2007 (Zoning Bylaw) No owner, lessee, tenant, or person shall: (g) permit a use in a zone where the use is not listed as a principal or secondary use in the zone. The associated penalty for Use Contrary to Zone is \$100 and may be issued once each day. Due to the significant revenue raised through Short Term Vacation Rentals a fine of \$100, even daily, is not impactful in gaining compliance and is often considered the cost of doing business.

In order to provide additional enforcement mechanisms, staff propose the Zoning Bylaw be amended to include the regulations for Short Term Vacation Rentals within the body of the Zoning bylaw rather than within the definition. Setting out specific regulations would allow a penalty to be issued for each of the specific contraventions, including: the requirement to be contained within a principal residence, as demonstrated through a homeowner grant; a maximum of 30 consecutive days; no more than 4 sleeping units concurrently; not within an Accessory Suite; and contain all parking and waste onsite.

Staff are currently gathering information on existing rental locations and educating the community on rules and regulations. Letters have been mailed to all short-term vacation rentals in Lake Country asking for updated information and providing information on how to come into compliance if they are not. Following analysis of that

data, staff will be sending a second letter advising those that are in contravention and providing a timeline for each to come into compliance. The proposed amendments for the inclusion of Short-Term Vacations Rental prohibitions within the body of the Zoning Bylaw require an amendment to the Zoning Bylaw which also triggers a Public Hearing. This provides an opportunity for the public to make representation to Council respecting the proposed amendments.

Staff propose that the following language be added to the Zoning Bylaw, Section 10 – Specific Use Regulations:

**10.15 Short Term Vacation Rental Regulations**

**10.15.1** Where Short-Term Vacation Rentals are a permitted use in accordance with this bylaw, the following regulations shall apply in addition to the general regulations contained in section 10.3.

**10.15.2** Short Term Vacation Rentals shall:

- (a) only occur in a principal residence, as demonstrated through the claiming an annual homeowner property tax grant;
- (b) not be rented for more than thirty (30) consecutive days;
- (c) not have more than four (4) sleeping units rented concurrently;
- (d) not be located within an Accessory Suite;
- (e) contain all parking and waste removal associated with the rental onsite.

Correspondingly, the following penalty amounts are proposed to be added to the BNE bylaw (Schedule A.3 to Bylaw 1171).

Section No. in Bylaw	Description of Contravention	Penalty	Early Payment Penalty	Late Payment Penalty
10.15.2(a)	Short Term Rental – not principal residence	\$500.00	\$250.00	\$625.00
10.15.2(b)	Short Term Rental – rented for more than 30 days	\$500.00	\$250.00	\$625.00
10.15.2(c)	Short Term Rental – more than 4 sleeping units	\$500.00	\$250.00	\$625.00
10.15.2(d)	Short Term Rental – located within accessory suite	\$250.00	\$125.00	\$315.00
10.15.2(e)	Short Term Rental – parking and waste not contained on site	\$250.00	\$125.00	\$315.00

**USE CONTRARY TO ZONE/BYLAWS**

Section 5.3.7(g) of the Zoning Bylaw sets out *No owner, lessee, tenant, or person shall: permit a use in a zone where the use is not listed as a principal or secondary use in the zone.* The associated fine for “Use Contrary to Zone” is \$100. Section 2.4.1 of the Zoning Bylaw, Uses and Regulations, sets out *Except for legal non-conforming uses or development approved by a development variance permit or a Board of Variance order, or another agreement or permit as authorized by provincial statute, the use, buildings, structures, in each zone or area shall be in accordance with the uses listed in the zone and all the appropriate regulations and requirements of this Bylaw.* The associated fine “Use Contrary to Bylaw” is \$100. Both contraventions are frequently used as enforcement mechanisms and staff propose the following amendments to the penalties (Schedule A.3 to Bylaw 1171):

Section No. in Bylaw	Description of Contravention	Penalty	Early Payment Penalty	Late Payment Penalty
2.4.1	Use contrary to bylaw 1st offence	\$100.00	\$50.00	\$125.00
2.4.1	Use contrary to bylaw 2 <sup>nd</sup> and subsequent offence	\$250.00	\$125.00	\$315.00
5.3.7(g)	Use contrary to zone 1 <sup>st</sup> offence	\$100.00	\$50.00	\$125.00
5.3.7(g)	Use contrary to zone 2 <sup>nd</sup> and subsequent offence	\$250.00	\$125.00	\$315.00

## HOME OCCUPATION

Contraventions currently set out in the Zoning Bylaw related to Home Occupation regulations are not identified as a ticketable offence in the BNE and MTI Bylaws. Section 10.3.1 of the Zoning Bylaw, General Home Occupation Regulations, identifies that nuisances related to home occupation regulations are prohibited, including:

- (a) The home occupation must not produce noise, vibration, smoke, dust, odour, litter or heat outside the confines of the principal or accessory building.
- (b) The home occupation must not create off-site traffic congestion or parking congestion.
- (c) The home occupation must not create a fire hazard, glare or electrical interference

Section 10.3.2 (a) states every home occupation carried out within the boundaries of the District must comply with the provisions of this [Zoning] bylaw. Section 10.4.7 (a) sets out a list of prohibited uses and activities related to residential home occupation, including, but not limited to: exterior storage, parking of heavy industrial equipment and automotive or motorized vehicle repair. These contraventions are not set out as ticketable offences in the BNE and MTI bylaws. Staff propose the following penalties be added to the BNE and MTI bylaws as ticketable offences (Schedule A.3 to Bylaw 1171):

Section No. in Bylaw	Description of Contravention	Penalty	Early Payment Penalty	Late Payment Penalty
10.3.1.(a)	Home occupation nuisance	\$250.00	\$125.00	\$315.00
10.3.1.(b)	Home occupation off-site traffic congestion	\$250.00	\$125.00	\$315.00
10.3.1.(c)	Home occupation fire hazard	\$250.00	\$125.00	\$315.00
10.4.7(a)	Residential Home Occupation-prohibited use or activity	\$250.00	\$125.00	\$315.00
10.5.7(a)	Country Residential Home Occupation – prohibited use or activity	\$250.00	\$125.00	\$315.00

## DAMAGE TREE OR PLANT (PARKS)

At the Tuesday, March 3, 2020 Strategy Session, Council discussed the Urban Forest Strategy and expressed the desire for an interim focus on enforcing vegetation being damaged in public spaces. Section 2.34 of Parks Bylaw 829, 2012 sets out *No person shall break, injure or in any way damage or remove any tree, shrub, plant, turf, or any ornament of any kind that is located within a park or public recreation facility.* The contravention contained within the Parks Bylaw, only applies to vegetation in a park or public recreation facility and has an associated fine of \$100 (\$50 if paid within 14 days). Staff propose this fine be increased to \$500 with an early penalty payment of \$250 (Schedule A.1 to Bylaw 1171).

Section No. in Bylaw	Description of Contravention	Penalty	Early Payment Penalty	Late Payment Penalty
2.34	Damage tree or plant	\$500.00	\$250.00	\$625.00

## HIGHWAYS BYLAW

Highways and Traffic Regulation Bylaw 98-186 (Highways Bylaw) was adopted in 1998 and a complete re-write of the bylaw is currently being undertaken for Council's consideration. In the interim, staff are proposing several amendments to the bylaw which will assist with enforcement. If the proposed amendments are approved, they will be incorporated into the new bylaw.

## CLARIFYING AMENDMENTS

The following 2 sections of the Highways Bylaw were identified by staff as areas that require clarification:

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- 4(f) Obstruct traffic
  - Delete and replace “stand or loiter in such a manner as to obstruct, impede or interfere with traffic on a roadway” with “obstruct, impede or interfere with traffic on a roadway”.
  - No amendment to existing penalty of \$50.00
- 4(j) Place or store materials on highway
  - Delete and replace section “place or permit to be placed any fuel, lumber, merchandise, chattel or ware of any nature on a highway” with “place, permit to be placed or store any fuel, lumber, merchandise, chattel, material, dirt, rocks, or ware of any nature, on a highway”.
  - Amend the current penalty of \$75.00 to \$150.00.

The proposed penalty increase is due to increased contraventions and misuse of District Right of Way and in alignment with Council’s enforcement priority of encroachments into public right of way that affect public access or the environment (Schedule A.4 to Bylaw 1171). Staff are not proposing an increase to the penalty for 4. (f) which is set at \$50.00

### **PENALTY AMENDMENTS**

Section 30 of the Highways Bylaw reads: *Every person driving on or using a highway in contravention of a regulation, limitation or prohibition made under Section 28 commits an offence and is liable, on summary conviction, to a fine of not less than \$50.00 and not more than \$300.00.* This section is outdated and has been superseded by updated legislation. Permitting the section to remain in the bylaw may jeopardize BNE penalties and, where applicable, set maximum penalties imposed by the courts. Staff propose section 30 be deleted in its entirety (existing numbering to remain in place).

Similarly, staff propose sections 72 and 73 be deleted and replaced to reflect the updated legislation. Section 72 and 73 currently read:

- *72. Any driver, operator or owner of a vehicle or other person who violates any condition contained in a permit issued pursuant to Section 70 commits an offence and is liable on summary conviction to a fine of not less than Fifty Dollars (\$50.00) and not more than Two Thousand Dollars (\$2,000.00) or to imprisonment for not more than six (6) months, or to both, plus the costs of prosecution.*
- *73. Any person who, being the owner or operator of a motor vehicle, permits it to stand or be parked in contravention of a traffic control device or signal is liable on summary conviction to a fine of not less than Fifty Dollars (\$50.00) and not more than Two Thousand Dollars (\$2,000.00).*

Staff propose that the following section replace sections 72 and 73.

- *Any person who violates a provision of this bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, commits an offence and is liable on summary conviction to a penalty not exceeding Fifty Thousand Dollars (\$50,000.00) plus the cost of prosecution.*

### **DIG UP HIGHWAY/DAMAGE TREE OR VEGETATION**

Recent attempts at gaining compliance and enforcing penalties for works taking place within the District Right of Way (Highway) have identified the need for improvements to sections 32 (a) and (b) of the Highways Bylaw. Section 32 (a) and (b) read as follows:

*32. Except as authorized by a permit issued by the Engineer pursuant to Part 7 of this bylaw, no person shall:*  
*(a) dig up, break up or remove any part of a highway, or cut down or remove trees growing on a highway, or excavate in or under a highway.*

*(b) cause damage to, cut down or remove trees, grass, shrubs, plants, bushes and hedges, fences, signs or other things erected, planted or maintained by the District upon a highway;*

The definition of “Highway” in the Highways bylaw reads: *“highway” includes every highway or boulevard within the meaning of the Highway Act and every road, street, lane or right-of-way designed or intended for or used by the general public for the passage of vehicles, and every place or passage-way owned or operated by the District for the purpose of providing off-street parking or for the use of pedestrian or cycle traffic, and does not include an arterial highway as defined by the Highway Act.*

The current fines associated with sections 32 (a) and (b) are “dig up highway” and 32(b) “damage highway” and are \$100 each with an early payment reduction to \$50 if paid within 14 days.

As written, section 32 (a) and (b) include too many contradicting and unspecific prohibitions and prove difficult when attempting compliance and enforcement. The proposed amendments provide clarity to staff and residents and also address Council’s direction of increased enforcement for damage to vegetation.

Staff propose section 32 (a) and (b) be deleted and replaced with the following:

[32. Except as authorized by a permit issued by the Engineer pursuant to Part 7 of this bylaw, no person shall:]

- (a) using any manner of tool, dig up, break up, remove, excavate, move or alter any land, located in, on or under on any part of a highway;
- (b) cause damage to, cut down or remove:
  - (i) grass, shrubs, plants, bushes or hedges planted or maintained by the District on a highway;
  - (ii) trees growing, planted or maintained by the District, on a highway;
  - (iii) fences, signs or other things, erected or maintained by the District up on a highway;

The associated penalties proposed for the updated, clarified contraventions are as follows (Schedule A.4 to Bylaw 1171):

Section No. in Bylaw	Description of Contravention	Penalty	Early Payment Penalty	Late Payment Penalty
32(a)	Dig up or excavate highway 1 <sup>st</sup> offence	\$250.00	\$125.00	\$315.00
32(a)	Dig up or excavate highway 2 <sup>nd</sup> and subsequent offences	\$500.00	\$250.00	\$625.00
32(b)(i)	Damage plants	\$250.00	\$125.00	\$315.00
32(b)(ii)	Damage or cut down tree	\$500.00	\$250.00	\$625.00
32(b)(iii)	Damage fences, signs or other	\$250.00	\$125.00	\$315.00

## STOP WORK ORDER

Where a bylaw provides authority, a District official may issue a Stop Work Order for work proceeding in contravention of a bylaw. The Subdivision and Development Servicing Bylaw, Stormwater Management Bylaw and Building Regulation Bylaw contain authority to issue a Stop Work Order although the Highways Bylaw does not. Staff propose the authority to issue a Stop Work Order to the Highways bylaw to assist staff with stopping work from occurring without a permit.

Section 40 of the Highways bylaw reads: *The Engineer may issue a permit to do any of those things otherwise prohibited in Section 32 of the bylaw.* Staff propose deleting and replacing section 40 with the following, thereby authorizing the ability to issue a Stop Work Order of items occurring under section 32 of the Highways bylaw:

- 40. The Engineer may issue a permit to do any of those things otherwise prohibited in Section 32 of the bylaw.
  - (a) A person shall not do any of the things otherwise prohibited in Section 32 of this bylaw without a permit.
  - (b) Where any of the things otherwise prohibited under section 32 of this bylaw are done without a permit or if there is any unsafe condition, the District Engineer, or staff delegated by the District Engineer may:



- (i) require a person to immediately suspend work, correct all or a portion of the work, or bring the works into compliance, within a time ordered;
- (ii) direct the immediate suspension of all or a portion of work by attaching a Stop Work Order on the premises; and
- (iii) enter any property to affix or post a Stop Work Order.
- (c) A person must not continue any work other than remedial actions requirements set out by notice, if a Stop Work Order issued pursuant to this Bylaw is posted on the property.

### **WORK WITHOUT A PERMIT**

While the above amendment provides the authority to issue a stop work order for works occurring without a permit, there are no current penalties set out in the BNE or MTI bylaws for contravention of section 40, work occurring without a permit. Therefore, staff propose the following penalties be included in the BNE and MTI bylaws (Schedule A.4 to Bylaw 1171):

Section No. in Bylaw	Description of Contravention	Penalty	Early Payment Penalty	Late Payment Penalty
40(a)	Work without permit 1 <sup>st</sup> offence	\$250.00	\$125.00	\$315.00
40(a)	Work without permit 2 <sup>nd</sup> and subsequent offence	\$500.00	\$250.00	\$625.00

### **DISCUSSION/ANALYSIS**

#### **Legislation & Applicable Policies**

Bylaw Enforcement and Building Regulation Policy 187, 2021

*Bylaw Notice Enforcement Act* Section 6(3)

*Bylaw Enforcement Ticket Regulation* B.C. Reg. 425/2003.

*Community Charter* section 263 (1) (b))

*Offence Act* section 4

#### **Technical Considerations:**

- **Impact on Infrastructure and Other Municipal Services**

None.

- **Impact on Staff Capacity and Financial Resources (Cost/Benefit Analysis)**

Staff prioritize workload in accordance with Council's proactive enforcement priorities, Council directed initiatives and Bylaw Enforcement and Building Regulation Policy 187, 2021. Workload is adjusted to ensure Council initiatives, health or safety risks to people, environment or municipal property or infrastructure are priority. The proposed amendments do not impact financial resources.

#### **Comments from Other Government Agencies, Council Committees and Relevant Stakeholders:**

None.

#### **Consultation, Public Feedback, and Communication to and from the Public and the Applicant:**

Staff are currently undertaking an education campaign specifically targeted at illegal Short Term Vacation Rentals which is identified as Council's top proactive bylaw enforcement priority. Further education campaigns will be considered for each of the priority areas. As per Council's Bylaw Enforcement and Building Regulation Policy 187, 2021, the primary objective of enforcing District bylaws shall be to obtain voluntary compliance through education, information and effective enforcement based on consistency, education and fairness.

### **COMPARISON TO OTHER MUNICIPALITIES**

Following is a comparison of the proposed penalties to other municipalities (where available):

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Description of contravention	DLC	Kelowna	RDOS	West Kelowna
Damage tree or plant (in public space)	\$500	\$500	\$250	\$500
Use contrary to bylaw 1 <sup>st</sup> offence	\$100			
Use contrary to bylaw 2 <sup>nd</sup> and subsequent offence	\$250			
Use contrary to zone 1 <sup>st</sup> offence	\$100			
Use contrary to zone 2 <sup>nd</sup> and subsequent offence	\$250	\$500		\$500
Home occupation nuisance	\$250			
Home occupation off-site traffic congestion	\$250			
Home occupation fire hazard	\$250			
Residential Home Occupation-prohibited use or activity	\$250		\$200	
Country Residential Home Occupation – prohibited use or activity	\$250			\$500
Contravene short term accommodation 1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup>			\$400	\$250, \$350, \$500
Short Term Rental – not principal residence	\$500			
Short Term Rental – rented for more than 30 days	\$500			
Short Term Rental – more than 4 sleeping units	\$500	\$500		
Short Term Rental – located within accessory suite	\$250			
Short Term Rental – parking and waste not contained on site	\$250			
Place or store materials on highway (Debris from property on highway)	\$150	\$250/\$100		\$100 \$500
Dig up or excavate highway 1 <sup>st</sup> offence	\$250	\$100		
Dig up or excavate highway 2 <sup>nd</sup> and subsequent offence	\$500			\$500
Damage plants	\$250			\$500
Damage or cut down tree	\$500	\$200		\$500
Damage fences, signs or other (public property)	\$250	\$500		
Work without permit 1 <sup>st</sup> offence	\$250			
Work without permit 2 <sup>nd</sup> and subsequent offence	\$500	\$500		\$500

#### ANALYSIS OF OPTIONS FOR CONSIDERATION:

Option A provides three readings for the BNE and MTI bylaws and the Highways Traffic Amendment Bylaw and two readings for the Zoning Amendment which will then be forwarded to Public Hearing. Option B provides an opportunity for Council to amend any of the penalties set out in the BNE and MTI bylaws as they see fit and Option C refers the bylaws back to Council for additional information or clarification to be determined by Council.

Respectfully Submitted,

Reyna Seabrook  
Director of Corporate Services

This report has been prepared with the collaboration of the following individuals:

COLLABORATORS	
TITLE	NAME

This report has been prepared in consultation with the following departments:

CONCURRENCES	
DEPARTMENT	NAME
Chief Administrative Officer	Tanya Garost
Director of Engineering and Environmental Services	Matthew Salmon
Manager of Planning	Corine (Cory) Gain
Public Works Manager	Scott Unser

**ATTACHMENTS:**

Attachment A - Bylaw Notice Enforcement and MTI Amendment Bylaw 1171, 2021

Attachment B - Highways and Traffic Amendment Bylaw 1172, 2021

Attachment C - Zoning Amendment (Short Term Vacation Rental) Bylaw 1173, 2021

**DISTRICT OF LAKE COUNTRY**

**BYLAW 1171**

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**A BYLAW TO AMEND BYLAW NOTICE AND MTI BYLAWS**

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The Council of the District of Lake Country, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as "Bylaw Notice Enforcement and MTI Amendment Bylaw 1171, 2021".
2. Bylaw Notice Enforcement Bylaw 760, 2010 is hereby amended by:
  - 2.1 Deleting Schedule A.1 Parks, Public Spaces and Recreation Facilities Regulations and Fees Bylaw 829, 2012 and replacing it with Schedule A attached hereto.
  - 2.2 Deleting Schedule A.3 Zoning Bylaw 561, 2007 and replacing it with Schedule B attached hereto.
  - 2.3 Deleting schedule A.4 Highways and Traffic Regulation Bylaw 98-186 and replacing it with Schedule C attached hereto.
3. Municipal Ticket Information Bylaw 753, 2010 is hereby amended by:
  - 3.1. Deleting Schedule 2 Parks, Public Spaces and Recreation Facilities Regulations and Fees Bylaw 717, 2009 and replacing it with Schedule D attached hereto.
  - 3.2. Deleting Schedule 4 Zoning Bylaw 561, 2007 and replacing it with Schedule E attached hereto.
  - 3.3. Deleting schedule 5 Highways and Traffic Regulation Bylaw 98-186 and replacing it with Schedule F attached hereto.

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

ADOPTED this x day of x, 2021

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Mayor

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Corporate Officer

**SCHEDULE A TO BYLAW 1171, 2021****SCHEDULE A.1****Parks, Public Spaces and Recreation Facilities Regulations and Fees Bylaw 829, 2012**

<b>Section No. in Bylaw</b>	<b>Description of contravention</b>	<b>Column A1 Penalty</b>	<b>Column A2 Early Payment Penalty</b>	<b>Column A3 Late Payment Penalty</b>	<b>Column A4 Compliance Agreement Available</b>
2.1	Improper use of land	\$100.00	\$50.00	\$125.00	Yes
2.2	Deposit refuse in park or waterbody.	\$100.00	\$50.00	\$125.00	Yes
2.3	Sale without a permit	\$100.00	\$50.00	\$125.00	Yes
2.4	Carry or discharge weapon	\$100.00	\$50.00	\$125.00	Yes
2.5	Fires outside designated area	\$100.00	\$50.00	\$125.00	Yes
2.7	Unauthorized organized activity	\$100.00	\$50.00	\$125.00	Yes
2.8	Feed wildlife	\$100.00	\$50.00	\$125.00	Yes
2.9	Remain in park outside hours of operation	\$100.00	\$50.00	\$125.00	Yes
2.10	Park a vehicle in park outside hours of operation	\$100.00	\$50.00	\$125.00	Yes
2.11	Unauthorized erection of shelter	\$100.00	\$50.00	\$125.00	Yes
2.12	Obstruct lawful use	\$100.00	\$50.00	\$125.00	Yes
2.13	Unauthorized posting of advertisements	\$100.00	\$50.00	\$125.00	Yes
2.18	Obstruct Bylaw Enforcement Officer	\$100.00	\$50.00	\$125.00	Yes
2.22	Repair or store vehicle in park	\$100.00	\$50.00	\$125.00	Yes
2.23	Possession of liquor	\$100.00	\$50.00	\$125.00	Yes
2.25	Horse in undesignated park	\$25.00	\$15.00	\$35.00	Yes
2.25 (a)	Deposit horse feces	\$150.00	\$75.00	\$190.00	Yes
2.27	Set up abode	\$100.00	\$50.00	\$125.00	Yes
2.28	Set up campsite	\$100.00	\$50.00	\$125.00	Yes
2.30	Urinate or defecate in park, public space or highway	\$100.00	\$50.00	\$125.00	Yes
2.31	Possess drug paraphernalia	\$100.00	\$50.00	\$125.00	Yes
2.32	Damage public property	\$100.00	\$50.00	\$125.00	Yes
2.33	Destroy or deface sign	\$100.00	\$50.00	\$125.00	Yes
2.34	Damage tree or plant	\$500.00	\$250.00	\$625.00	Yes
2.36	Dog in prohibited area	\$100.00	\$50.00	\$125.00	Yes
2.37	Dog at large 1 <sup>st</sup> offence	\$150.00	\$75.00	\$190.00	Yes
2.37	Dog at large 2 <sup>nd</sup> offence	\$200.00	\$100.00	\$250.00	Yes
2.37	Dog at large 3 <sup>rd</sup> and subsequent offence	\$300.00	\$150.00	\$375.00	Yes
2.41 (a)	Deposit dog feces	\$150.00	\$75.00	\$190.00	Yes
2.42	Tie boat to buoy	\$100.00	\$50.00	\$125.00	Yes
2.43	Moor boat outside of designated area	\$100.00	\$50.00	\$125.00	Yes
2.44	Unauthorized placement or removal of apparatus	\$100.00	\$50.00	\$125.00	Yes
2.45	Improper parking of boat	\$100.00	\$50.00	\$125.00	Yes
2.49	Improper operation of watercraft public	\$100.00	\$50.00	\$125.00	Yes

**SCHEDULE B TO BYLAW 1171, 2021**

**SCHEDULE A.3**

**Zoning Bylaw 561, 2007**

Section No. in Bylaw	Designated contravention	Column A1 Penalty	Column A2 Early Payment Penalty	Column A3 Late Payment Penalty	Column A4 Compliance Agreement Available
2.4.1	Use contrary to bylaw 1 <sup>st</sup> offence	\$100.00	\$50.00	\$125.00	Yes
2.4.1	Use contrary to bylaw 2 <sup>nd</sup> and subsequent offence	\$250.00	\$125.00	\$315.00	Yes
2.4.2	Construction contrary to bylaw	\$100.00	\$50.00	\$125.00	Yes
5.2.2	Obstruct Bylaw Enforcement Officer	\$100.00	\$50.00	\$125.00	Yes
5.3.7(a)	Commercial vehicle over 5000 kg GVW	\$100.00	\$50.00	\$125.00	Yes
5.3.7(b)	Recreational vehicle over 5500 kg GVW	\$100.00	\$50.00	\$125.00	Yes
5.3.7(c)	Derelect motor vehicle	\$100.00	\$50.00	\$125.00	Yes
5.3.7(d)	More than 2 recreational vehicles	\$100.00	\$50.00	\$125.00	Yes
5.3.7(f)	Fail to deflect lighting	\$100.00	\$50.00	\$125.00	Yes
5.3.7(g)	Use contrary to zone 1 <sup>st</sup> offence	\$100.00	\$50.00	\$125.00	Yes
5.3.7(g)	Use contrary to zone 2 <sup>nd</sup> and subsequent offence	\$250.00	\$125.00	\$315.00	Yes
10.3.1.(a)	Home occupation nuisance	\$250.00	\$125.00	\$315.00	Yes
10.3.1.(b)	Home occupation off-site traffic congestion	\$250.00	\$125.00	\$315.00	Yes
10.3.1.(c)	Home occupation fire hazard	\$250.00	\$125.00	\$315.00	Yes
10.4.7(a)	Residential Home Occupation- prohibited use or activity	\$250.00	\$125.00	\$315.00	Yes
10.5.7(a)	Country Residential Home Occupation – prohibited use or activity	\$250.00	\$125.00	\$315.00	Yes
10.15.2(a)	Short Term Rental – not principal residence	\$500.00	\$250.00	\$625.00	Yes
10.15.2(b)	Short Term Rental – rented for more than 30 days	\$500.00	\$250.00	\$625.00	Yes
10.15.2(c)	Short Term Rental – more than 4 sleeping units	\$500.00	\$250.00	\$625.00	Yes
10.15.2(d)	Short Term Rental – located within accessory suite	\$250.00	\$125.00	\$315.00	Yes
10.15.2(e)	Short Term Rental – parking and waste not contained on site	\$250.00	\$125.00	\$315.00	Yes

**SCHEDULE C TO BYLAW 1171, 2021**

**SCHEDULE A.4**  
**Highways and Traffic Regulation Bylaw 98-186**

<b>Section No. in Bylaw</b>	<b>Designated contravention</b>	<b>Column A1 Penalty</b>	<b>Column A2 Early Payment Penalty</b>	<b>Column A3 Late Payment Penalty</b>	<b>Column A4 Compliance Agreement Available</b>
4(b)	Ride/herd animals along sidewalk	\$35.00	\$25.00	\$50.00	Yes
4(c)	Fail to remove debris	\$50.00	\$40.00	\$75.00	Yes
4(d)	Fail to barricade	\$100.00	\$50.00	\$125.00	Yes
4(e)	Interrupt procession	\$75.00	\$50.00	\$100.00	Yes
4(f)	Obstruct traffic	\$50.00	\$40.00	\$75.00	Yes
4(g)	Improper operation of tracked vehicle	\$100.00	\$50.00	\$125.00	Yes
4(j)	Place or store materials on highway	\$150.00	\$75.00	\$175.00	Yes
4(k)	Damage highway surface	\$100.00	\$50.00	\$125.00	Yes
4(l)	Permit materials on highway	\$75.00	\$50.00	\$100.00	Yes
4(m)	Overheight fence	\$100.00	\$50.00	\$125.00	Yes
4(o)	Garbage container on highway	\$75.00	\$50.00	\$100.00	Yes
4(p)	Drive vehicle in park	\$50.00	\$40.00	\$75.00	Yes
4(r)	Distribute leaflets on highway	\$35.00	\$25.00	\$50.00	Yes
4(s)	Drive truck off truck route	\$100.00	\$50.00	\$125.00	Yes
4(t)	Unsecured load	\$100.00	\$50.00	\$125.00	Yes
4(w)	Disobey traffic patrol person	\$75.00	\$50.00	\$100.00	Yes
5(a)	Park on sidewalk	\$50.00	\$40.00	\$75.00	Yes
5(b)	Park in front of driveway	\$50.00	\$40.00	\$75.00	Yes
5(c)	Park in lane	\$50.00	\$40.00	\$75.00	Yes
5(d)	Park within intersection	\$50.00	\$40.00	\$75.00	Yes
5(e)	Park within 5 m of fire hydrant	\$50.00	\$40.00	\$75.00	Yes
5(f)	Park on crosswalk	\$50.00	\$40.00	\$75.00	Yes
5(g)	Park within 6 m of stop sign	\$50.00	\$40.00	\$75.00	Yes
5(h)	Park within 6 m of entrance/exit	\$50.00	\$40.00	\$75.00	Yes
5(i)	Park within 15 m of railway crossing	\$50.00	\$40.00	\$75.00	Yes
5(aa)	Drive over fire hose	\$50.00	\$40.00	\$75.00	Yes
5(j)(i)	Park to display vehicle for sale	\$100.00	\$50.00	\$125.00	Yes
5(j)(ii)	Park to tend to vehicle	\$100.00	\$50.00	\$125.00	Yes
5(j)(iii)	Park to display signs	\$100.00	\$50.00	\$125.00	Yes
5(j)(iv)	Park to sell items	\$100.00	\$50.00	\$125.00	Yes
5(k)	Park alongside street excavation	\$50.00	\$40.00	\$75.00	Yes
5(l)	Park alongside parked vehicle	\$50.00	\$40.00	\$75.00	Yes
5(m)	Park on bridge	\$50.00	\$40.00	\$75.00	Yes
5(n)	Park contrary to traffic control device	\$50.00	\$40.00	\$75.00	Yes
5(o)	Park on highway contrary to traffic control device	\$50.00	\$40.00	\$75.00	Yes

5(p)	Park to obstruct visibility of traffic control device	\$50.00	\$40.00	\$75.00	Yes
5(q)	Park on wrong side of highway	\$50.00	\$40.00	\$75.00	Yes
5(r)	Park over 30 cm from curb	\$50.00	\$40.00	\$75.00	Yes
5(s)	Vehicle length exceeding 6m	\$50.00	\$40.00	\$75.00	Yes
5(t)	Park in designated space	\$50.00	\$40.00	\$75.00	Yes
5(u)	Park on highway more than 24 hours	\$50.00	\$40.00	\$75.00	Yes
5(v)	Commercial vehicle over 5,500 kg	\$50.00	\$40.00	\$75.00	Yes
5(w)	Park within 6 m of lane entrance/exit	\$50.00	\$40.00	\$75.00	Yes
5(x)	Park to obstruct traffic on roadway	\$50.00	\$40.00	\$75.00	Yes
5(y)	Park on highway in undesignated area	\$50.00	\$40.00	\$75.00	Yes
5(z)	Park on highway on cycle/pedestrian travel area	\$50.00	\$40.00	\$75.00	Yes
5(aa)	Park on highway over designated time length	\$50.00	\$40.00	\$75.00	Yes
5(ab)	Park in district parking lot over 24 hours	\$50.00	\$40.00	\$75.00	Yes
5(ac)	Park in loading zone	\$50.00	\$40.00	\$75.00	Yes
5(ad)	Park on highway abutting school	\$50.00	\$40.00	\$75.00	Yes
5(ae)	Park in bus stop	\$50.00	\$40.00	\$75.00	Yes
5(af)	Park in fire zone	\$50.00	\$40.00	\$75.00	Yes
5(ag)	Park in taxi zone	\$50.00	\$40.00	\$75.00	Yes
5(ah)	Park at marked curb	\$50.00	\$40.00	\$75.00	Yes
5(ai)	Park in disabled persons parking zone	\$100.00	\$50.00	\$125.00	Yes
25	Fail to remove snow from sidewalk	\$50.00	\$40.00	\$75.00	Yes
26	Fail to remove snow from structure	\$50.00	\$40.00	\$75.00	Yes
32(a)	Dig up or excavate highway 1 <sup>st</sup> offence	\$250.00	\$125.00	\$315.00	Yes
32(a)	Dig up or excavate highway 2 <sup>nd</sup> and subsequent offence	\$500.00	\$250.00	\$625.00	Yes
32(b)(i)	Damage plants	\$250.00	\$125.00	\$315.00	Yes
32(b)(ii)	Damage or cut down tree	\$500.00	\$250.00	\$625.00	Yes
32(b)(iii)	Damage fences, signs or other	\$250.00	\$125.00	\$315.00	Yes
32(c)	Stop flow of water	\$100.00	\$50.00	\$125.00	Yes
32(d)	Loading platform on highway	\$100.00	\$50.00	\$125.00	Yes
32(e)	Effluent on highway	\$100.00	\$50.00	\$125.00	Yes
32(f)	Deface highway	\$100.00	\$50.00	\$125.00	Yes
40(a)	Work without permit 1 <sup>st</sup> offence	\$250.00	\$125.00	\$315.00	Yes
40(a)	Work without permit 2 <sup>nd</sup> and subsequent offence	\$500.00	\$250.00	\$625.00	Yes
65(a)	Over-extended load	\$100.00	\$50.00	\$125.00	Yes
65(b)	Vehicle without pneumatic tires	\$100.00	\$50.00	\$125.00	Yes
65(c)	Vehicle without sufficient solid tires	\$100.00	\$50.00	\$125.00	Yes
65(e)	Vehicle with spikes	\$100.00	\$50.00	\$125.00	Yes
65(f)(i)	Insecure load	\$100.00	\$50.00	\$125.00	Yes



# Attachment A

Bylaw 1171, 2021

- 6 -

65(f)(ii)	Insecure load	\$100.00	\$50.00	\$125.00	Yes
65(g)	Escaping load	\$100.00	\$50.00	\$125.00	Yes
66(a)	Vehicle exceeds permitted load size	\$100.00	\$50.00	\$125.00	Yes
66(b)	Vehicle exceeds permitted height	\$100.00	\$50.00	\$125.00	Yes
66(c)	Vehicle exceeds permitted length	\$100.00	\$50.00	\$125.00	Yes
66(d)	Trailer exceeds permitted length	\$100.00	\$50.00	\$125.00	Yes
66(e)	Semi-trailer exceeds permitted length	\$100.00	\$50.00	\$125.00	Yes
66(f)	Bus exceeds permitted length	\$100.00	\$50.00	\$125.00	Yes
66(g)	Vehicle and trailer combination exceeds permitted length	\$100.00	\$50.00	\$125.00	Yes
66(h)	Vehicle and trailer combination exceeds permitted length	\$100.00	\$50.00	\$125.00	Yes
66(i)	Vehicle and trailer combination exceeds permitted length	\$100.00	\$50.00	\$125.00	Yes
69	Vehicle exceeds permitted gross vehicle weight	\$100.00	\$50.00	\$125.00	Yes

## SCHEDULE D TO BYLAW 1171, 2021

## SCHEDULE 2

## Parks, Public Spaces and Recreation Facilities Regulations and Fees Bylaw 829, 2012

Column 1 Section No. in Bylaw	Column 2 Authorized Expressions	Column 3 Set Fine in \$	Column 4 Set Fine in \$ if Paid within 30 days
2.1	Improper use of land	\$100.00	\$50.00
2.2	Deposit refuse in park or waterbody.	\$100.00	\$50.00
2.3	Sale without a permit	\$100.00	\$50.00
2.4	Carry or discharge weapon	\$100.00	\$50.00
2.5	Fires outside designated area	\$100.00	\$50.00
2.7	Unauthorized organized activity	\$100.00	\$50.00
2.8	Feed wildlife	\$100.00	\$50.00
2.9	Remain in park outside hours of operation	\$100.00	\$50.00
2.10	Park a vehicle in park outside hours of operation	\$100.00	\$50.00
2.11	Unauthorized erection of shelter	\$100.00	\$50.00
2.12	Obstruct lawful use	\$100.00	\$50.00
2.13	Unauthorized posting of advertisements	\$100.00	\$50.00
2.18	Obstruct Bylaw Enforcement Officer	\$100.00	\$50.00
2.22	Repair or store vehicle in park	\$100.00	\$50.00
2.23	Possession of liquor	\$100.00	\$50.00
2.25	Horse in undesignated park	\$25.00	\$15.00
2.25 (a)	Deposit horse feces	\$150.00	\$75.00
2.27	Set up abode	\$100.00	\$50.00
2.28	Set up campsite	\$100.00	\$50.00
2.30	Urinate or defecate in park, public space or highway	\$100.00	\$50.00
2.31	Possess drug paraphernalia	\$100.00	\$50.00
2.32	Damage public property	\$100.00	\$50.00
2.33	Destroy or deface sign	\$100.00	\$50.00
2.34	Damage tree or plant	\$1000.00	\$500.00
2.36	Dog in prohibited area	\$100.00	\$50.00
2.37	Dog at large 1 <sup>st</sup> offence	\$150.00	\$75.00
2.37	Dog at large 2 <sup>nd</sup> offence	\$200.00	\$100.00
2.37	Dog at large 3 <sup>rd</sup> and subsequent offence	\$300.00	\$150.00
2.41 (a)	Deposit dog feces	\$150.00	\$75.00
2.42	Tie boat to buoy	\$100.00	\$50.00
2.43	Moor boat outside of designated area	\$100.00	\$50.00
2.44	Unauthorized placement or removal of apparatus	\$100.00	\$50.00
2.45	Improper parking of boat	\$100.00	\$50.00
2.49	Improper operation of watercraft public	\$100.00	\$50.00

## SCHEDULE E TO BYLAW 1171, 2021

SCHEDULE 4  
Zoning Bylaw 561, 2007

Column 1 Section No. in Bylaw	Column 2 Authorized Expressions	Column 3 Set Fine in \$	Column 4 Set Fine in \$ if Paid within 30 days
2.4.1	Use contrary to bylaw 1 <sup>st</sup> offence	\$100.00	\$50.00
2.4.1	Use contrary to bylaw 2 <sup>nd</sup> and subsequent offence	\$250.00	\$125.00
2.4.2	Construction contrary to bylaw	\$100.00	\$50.00
5.2.2	Obstruct Bylaw Enforcement Officer	\$100.00	\$50.00
5.3.7(a)	Commercial vehicle over 5000 kg GVW	\$100.00	\$50.00
5.3.7(b)	Recreational vehicle over 5500 kg GVW	\$100.00	\$50.00
5.3.7(c)	Derelict motor vehicle	\$100.00	\$50.00
5.3.7(d)	More than 2 recreational vehicles	\$100.00	\$50.00
5.3.7(f)	Fail to deflect lighting	\$100.00	\$50.00
5.3.7(g)	Use contrary to zone 1 <sup>st</sup> offence	\$200.00	\$100.00
5.3.7(g)	Use contrary to zone 2 <sup>nd</sup> and subsequent offence	\$500.00	\$250.00
10.3.1.(a)	Home occupation nuisance	\$500.00	\$250.00
10.3.1.(b)	Home occupation off-site traffic congestion	\$500.00	\$250.00
10.3.1.(c)	Home occupation fire hazard	\$500.00	\$250.00
10.4.7(a)	Residential Home Occupation-prohibited use or activity	\$500.00	\$250.00
10.5.7(a)	Country Residential Home Occupation – prohibited use or activity	\$500.00	\$250.00
10.15.2(a)	Short Term Rental – not principal residence	\$1000.00	\$500.00
10.15.2(b)	Short Term Rental – rented for more than 30 days	\$1000.00	\$500.00
10.15.2(c)	Short Term Rental – more than 4 sleeping units	\$1000.00	\$500.00
10.15.2(d)	Short Term Rental – located within accessory suite	\$500.00	\$250.00
10.15.2(e)	Short Term Rental – parking and waste not contained on site	\$500.00	\$250.00

**SCHEDULE F TO BYLAW 1171, 2021****SCHEDULE 5****Highways and Traffic Regulation Bylaw 98-186**

<b>Column 1 Section No. in Bylaw</b>	<b>Column 2 Authorized Expressions</b>	<b>Column 3 Set Fine in \$</b>	<b>Column 4 Set Fine in \$ if Paid within 30 days</b>
4(b)	Ride/herd animals along sidewalk	\$35.00	\$25.00
4(c)	Fail to remove debris	\$50.00	\$40.00
4(d)	Fail to barricade	\$100.00	\$50.00
4(e)	Interrupt procession	\$75.00	\$50.00
4(f)	Obstruct traffic	\$50.00	\$40.00
4(g)	Improper operation of tracked vehicle	\$100.00	\$50.00
4(j)	Place or store materials on highway	\$300.00	\$150.00
4(k)	Damage highway surface	\$100.00	\$50.00
4(l)	Permit materials on highway	\$75.00	\$50.00
4(m)	Overheight fence	\$100.00	\$50.00
4(o)	Garbage container on highway	\$75.00	\$50.00
4(p)	Drive vehicle in park	\$50.00	\$40.00
4(r)	Distribute leaflets on highway	\$35.00	\$25.00
4(s)	Drive truck off truck route	\$100.00	\$50.00
4(t)	Unsecured load	\$100.00	\$50.00
4(w)	Disobey traffic patrol person	\$75.00	\$50.00
5(a)	Park on sidewalk	\$50.00	\$40.00
5(b)	Park in front of driveway	\$50.00	\$40.00
5(c)	Park in lane	\$50.00	\$40.00
5(d)	Park within intersection	\$50.00	\$40.00
5(e)	Park within 5 m of fire hydrant	\$50.00	\$40.00
5(f)	Park on crosswalk	\$50.00	\$40.00
5(g)	Park within 6 m of stop sign	\$50.00	\$40.00
5(h)	Park within 6 m of entrance/exit	\$50.00	\$40.00
5(i)	Park within 15 m of railway crossing	\$50.00	\$40.00
5(aa)	Drive over fire hose	\$50.00	\$40.00
5(j)(i)	Park to display vehicle for sale	\$100.00	\$50.00
5(j)(ii)	Park to tend to vehicle	\$100.00	\$50.00
5(j)(iii)	Park to display signs	\$100.00	\$50.00
5(j)(iv)	Park to sell items	\$100.00	\$50.00
5(k)	Park alongside street excavation	\$50.00	\$40.00
5(l)	Park alongside parked vehicle	\$50.00	\$40.00
5(m)	Park on bridge	\$50.00	\$40.00
5(n)	Park contrary to traffic control device	\$50.00	\$40.00
5(o)	Park on highway contrary to traffic control device	\$50.00	\$40.00
5(p)	Park to obstruct visibility of traffic control device	\$50.00	\$40.00
5(q)	Park on wrong side of highway	\$50.00	\$40.00
5(r)	Park over 30 cm from curb	\$50.00	\$40.00
5(s)	Vehicle length exceeding 6m	\$50.00	\$40.00
5(t)	Park in designated space	\$50.00	\$40.00

## Attachment A

Bylaw 1171, 2021

- 10 -

5(u)	Park on highway more than 24 hours	\$50.00	\$40.00
5(v)	Commercial vehicle over 5,500 kg	\$50.00	\$40.00
5(w)	Park within 6 m of lane entrance/exit	\$50.00	\$40.00
5(x)	Park to obstruct traffic on roadway	\$50.00	\$40.00
5(y)	Park on highway in undesignated area	\$50.00	\$40.00
5(z)	Park on highway on cycle/pedestrian travel area	\$50.00	\$40.00
5(aa)	Park on highway over designated time length	\$50.00	\$40.00
5(ab)	Park in district parking lot over 24 hours	\$50.00	\$40.00
5(ac)	Park in loading zone	\$50.00	\$40.00
5(ad)	Park on highway abutting school	\$50.00	\$40.00
5(ae)	Park in bus stop	\$50.00	\$40.00
5(af)	Park in fire zone	\$50.00	\$40.00
5(ag)	Park in taxi zone	\$50.00	\$40.00
5(ah)	Park at marked curb	\$50.00	\$40.00
5(ai)	Park in disabled persons parking zone	\$100.00	\$50.00
25	Fail to remove snow from sidewalk	\$50.00	\$40.00
26	Fail to remove snow from structure	\$50.00	\$40.00
32(a)	Dig up or excavate highway 1 <sup>st</sup> offence	\$500.00	\$250.00
32(a)	Dig up or excavate highway 2 <sup>nd</sup> and subsequent offence	\$1000.00	\$500.00
32(b)(i)	Damage plants	\$500.00	\$250.00
32(b)(ii)	Damage or cut down tree	\$1000.00	\$500.00
32(b)(iii)	Damage fences, signs or other	\$500.00	\$250.00
32(c)	Stop flow of water	\$100.00	\$50.00
32(d)	Loading platform on highway	\$100.00	\$50.00
32(e)	Effluent on highway	\$100.00	\$50.00
32(f)	Deface highway	\$100.00	\$50.00
40(a)	Work without permit 1 <sup>st</sup> offence	\$500.00	\$250.00
40(a)	Work without permit 2 <sup>nd</sup> and subsequent offence	\$1000.00	\$500.00
65(a)	Over-extended load	\$100.00	\$50.00
65(b)	Vehicle without pneumatic tires	\$100.00	\$50.00
65(c)	Vehicle without sufficient solid tires	\$100.00	\$50.00
65(e)	Vehicle with spikes	\$100.00	\$50.00
65(f)(i)	Insecure load	\$100.00	\$50.00
65(f)(ii)	Insecure load	\$100.00	\$50.00
65(g)	Escaping load	\$100.00	\$50.00
66(a)	Vehicle exceeds permitted load size	\$100.00	\$50.00
66(b)	Vehicle exceeds permitted height	\$100.00	\$50.00
66(c)	Vehicle exceeds permitted length	\$100.00	\$50.00
66(d)	Trailer exceeds permitted length	\$100.00	\$50.00
66(e)	Semi-trailer exceeds permitted length	\$100.00	\$50.00
66(f)	Bus exceeds permitted length	\$100.00	\$50.00
66(g)	Vehicle and trailer combination exceeds permitted length	\$100.00	\$50.00
66(h)	Vehicle and trailer combination exceeds permitted length	\$100.00	\$50.00
66(i)	Vehicle and trailer combination exceeds permitted length	\$100.00	\$50.00
69	Vehicle exceeds permitted gross vehicle weight	\$100.00	\$50.00

**DISTRICT OF LAKE COUNTRY**

**BYLAW 1172**

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**A BYLAW TO AMEND HIGHWAYS AND TRAFFIC REGULATION BYLAW 98-186**

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The Council of the District of Lake Country, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as “Highways and Traffic Amendment Bylaw 1172, 2021”.
2. District of Lake Country Highways and Traffic Regulation Bylaw 98- 186 is hereby amended by:
  - 2.1. Deleting and replacing section 4. (f) with the following:
    - (f) obstruct, impede or interfere with traffic on a roadway;
  - 2.2. Deleting and replacing section 4. (j) with the following:
    - (j) place, permit to be placed or store any fuel, lumber, merchandise, chattel, material, dirt, rocks, or ware of any nature, on a highway
  - 2.3. Deleting Section 30 in its entirety and leaving the existing numbering in place.
  - 2.4. Deleting and replacing section 32. (a) and 32. (b) with the following:
    - (a) using any manner of tool, dig up, break up, remove, excavate, move or alter any land, located in, on or under on any part of a highway;
    - (b) cause damage to, cut down or remove:
      - (i) grass, shrubs, plants, bushes or hedges planted or maintained by the District on a highway;
      - (ii) trees growing, planted or maintained by the District, on a highway;
      - (iii) fences, signs or other things, erected or maintained by the District up on a highway;
  - 2.5. Deleting and replacing section 40 with the following:
40. The Engineer may issue a permit to do any of those things otherwise prohibited in Section 32 of the bylaw.
  - (a) A person shall not do any of the things otherwise prohibited in Section 32 of this bylaw without a permit.
  - (b) Where any of the things otherwise prohibited under section 32 of this bylaw are done without a permit or if there is any unsafe condition, the District Engineer, or staff delegated by the District Engineer may:
    - (i) require a person to immediately suspend work, correct all or a portion of the work, or bring the works into compliance, within a time ordered;
    - (ii) direct the immediate suspension of all or a portion of work by attaching a Stop Work Order on the premises; and
    - (iii) enter any property to affix or post a Stop Work Order.
  - (c) A person must not continue any work other than remedial actions requirements set out by notice, if a Stop Work Order issued pursuant to this Bylaw is posted on the property.

## Attachment B

- 2.6. Deleting Section 72 and 73 in their entirety and replacing the two deleted sections with the following one section, and leaving the existing numbering in place:
72. Any person who violates a provision of this bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, commits an offence and is liable on summary conviction to a penalty not exceeding Fifty Thousand Dollars (\$50,000.00) plus the cost of prosecution.

READ A FIRST TIME this xx day of xx, 2021.

READ A SECOND TIME this xx day of xx, 2021.

READ A THIRD TIME this xx day of xx 2021.

ADOPTED this xx day of xx, 2021.

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Mayor

---

Corporate Officer

DISTRICT OF LAKE COUNTRY

BYLAW 1173

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A BYLAW TO AMEND ZONING BYLAW 561

---

The Council of the District of Lake Country, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as “Zoning Amendment (Short Term Vacation Rental) Bylaw 1173, 2021”.

2. District of Lake Country Zoning Bylaw 561, 2007 is hereby amended by:

2.1. Adding the following section 10.15 to Section 10 of the bylaw in numerical order:

**10.15 Short Term Vacation Rental Regulations**

10.15.1 Where Short-Term Vacation Rentals are a permitted use in accordance with this bylaw, the following regulations shall apply in addition to the general regulations contained in section 10.3.

10.15.2 Short Term Vacation Rentals shall:

- (a) only occur in a principal residence, as demonstrated through the claiming an annual homeowner property tax grant;
- (b) not be rented for more than thirty (30) consecutive days;
- (c) not have more than four (4) sleeping units rented concurrently;
- (d) not be located within an Accessory Suite;
- (e) contain all parking and waste removal associated with the rental onsite.

READ A FIRST TIME this xx day of xx, 2021.

READ A SECOND TIME this xx day of xx, 2021.

ADVERTISED on the xx and xx days of xx, 2021 and a Public Hearing held pursuant to the provisions of Section 464 of the *Local Government Act* on the xx day of xx, 2021.

READ A THIRD TIME this xx day of xx 2021.

ADOPTED this xx day of xx, 2021.

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Mayor

---

Corporate Officer



## PUBLIC HEARING

**WHEN:** Tuesday, February 1, 2022, at 7:00 pm (VIA Video Livestream, Phone or in Person)

**WHERE:** Council Chambers, Municipal Hall, 10150 Bottom Wood Lake Rd OR Live Streaming: Visit [www.lakecountry.bc.ca](http://www.lakecountry.bc.ca) for meeting link

**FILE #:** P2022-001 (Short Term Vacation Rentals)

**WHAT:** Council has been asked to consider a change to the Zoning Bylaw:

### **ZONING AMENDMENT (SHORT TERM VACATION RENTALS) BYLAW 1173,2021**

The District is proposing to add Section 10.15 Short Term Vacation Rental Regulations to the Zoning Bylaw. The regulations set out in the proposed section 10.15 are currently listed in the definition for Short Term Vacation Rentals but are not listed in the body of the Zoning Bylaw as regulations. The District cannot enforce for breach of a definition. Therefore, setting out specific regulations within the body of the Zoning Bylaw would allow a penalty to be issued for each specific contravention within Bylaw Notice Enforcement Bylaw 760, 2010 and Municipal Ticket Information Bylaw 753, 2010 (MTI Bylaw).

#### **10.15 Short Term Vacation Rental Regulations**

10.15.1 Where Short-Term Vacation Rentals are a permitted use in accordance with this bylaw, the following regulations shall apply in addition to the general regulations contained in section 10.3.

10.15.2 Short Term Vacation Rentals shall:

- (a) only occur in a principal residence, as demonstrated through the claiming an annual home owner property tax grant;
- (b) not be rented for more than thirty (30) consecutive days;
- (c) not have more than four (4) sleeping units rented concurrently;
- (d) not be located within an Accessory Suite;
- (e) contain all parking and waste removal associated with the rental onsite.

#### **INFORMATION:**

Documents related to this application will be available for review at the Municipal Hall Monday through Friday, January 20 to February 1, 2022, 8:30 a.m. to 4:30 p.m., excluding weekends and statutory holidays, or by email request: [development@lakecountry.bc.ca](mailto:development@lakecountry.bc.ca).

The Council Agenda package including the staff report will be published on the District of Lake Country Website by the Wednesday prior to the Regular Council Meeting and no later than Friday prior to the Council Meeting.

#### **ADDITIONAL QUESTIONS:**

Contact the Planning & Development Department for more information:  
Phone: 250-766-6674 | Email: [development@lakecountry.bc.ca](mailto:development@lakecountry.bc.ca);  
Members of the Public can call (236-583-2002) during the live meeting to speak to an item;  
Subscribe at [lakecountry.bc.ca/subscribe](http://lakecountry.bc.ca/subscribe) to stay up to date;  
View the Agenda Package at [www.lakecountry.bc.ca](http://www.lakecountry.bc.ca) OR view the Live Stream of the Public Hearing at: <https://calendar.lakecountry.bc.ca/meetings>

#### **HAVE YOUR SAY:**

**Written submissions** are included in the Public Hearing package and will be posted on the District's website. Council is not permitted to receive any submissions after the Public Hearing has been closed. All written submissions are due by February 1, 2022, at 4:30 p.m.

@ Email [development@lakecountry.bc.ca](mailto:development@lakecountry.bc.ca)

Mail to 10150 Bottom Wood Lake Road, Lake Country, BC V4V 2M1

Call during the live meeting 236-583-2002

Reyna Seabrook, Director of Corporate Services

January 20, 2022



## MUNICIPAL HALL NEWS

### JANUARY 20, 2022

**JOIN US February 8 at 7pm**

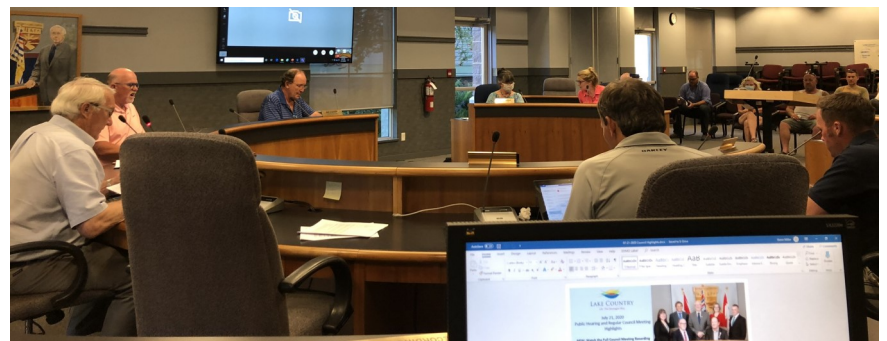
for a

### **Virtual Town Hall**

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### **NOTICE OF COUNCIL PROCEDURES BYLAW AMENDMENT**

Tues., Feb. 1, 2022 | 7:00 pm  
Council Chambers, Municipal Hall  
view/participate via Livestream link in  
web calendar at [lakecountry.bc.ca](http://lakecountry.bc.ca)

Council will be considering adoption of an amendment to Council Procedures Bylaw 1105, 2019 (the bylaw which establishes procedures for the conduct of Council and its committees) at the February 1, 2022 Regular Council Meeting at 7:00 p.m. in Council Chambers at the Municipal Hall.

The proposed changes update the bylaw in accordance with amendments to the Community Charter permitting the District to continue conducting Regular Council meetings, Special Council meetings, Public Hearings and Committee meetings electronically. The amendment also changes section 5.2, deadlines for submitting reports, allowing the CAO to set deadlines and makes minor amendments to agenda headings.

A copy of proposed Council Procedures Amendment (Electronic Meeting) Bylaw 1175, 2021 may be viewed at the Municipal Hall from 8:30 a.m. and 4:30 p.m., excluding weekends and statutory holidays. Any questions or comments regarding the proposed changes will be received up to February 1, 2022 at 4:30 pm to:

Corporate Services Department  
District of Lake Country  
10150 Bottom Wood Lake Road  
Lake Country BC V4V 2M1  
Tel: 778-738-2742  
Email: [admin@lakecountry.bc.ca](mailto:admin@lakecountry.bc.ca)

Reyna Seabrook, Director of Corporate Services

January 20, 2022

**10150 Bottom Wood Lake Road | Lake Country, BC V4V 2M1 | t 250-766-5650 f 250-766-0116 | [lakecountry.bc.ca](http://lakecountry.bc.ca)**

*THAT Development Variance Permit DVP2021-007 for property located at 12012 Willett Road, legally described as Lot A Section 23 Township 20 Osoyoos Division Yale District Plan 5457, Roll 2886000 for a new house and dock with the following variances to Zoning Bylaw 561, 2007:*

*1. Section 14.2.6.(c) to reduce the front yard setback from 6m to 5.19m;*

*be approved*

*AND THAT the following variances to Zoning Bylaw 561, 2007:*

*2. Section 14.2.6.(d) to reduce the side yard setback from 3m to 2.11m;*

*3. Section 10.12.4.(c) to allow an F-shaped dock; and*

*be denied.*

**Carried.**

*Opposed: Councillors Ireland and Scarrow*

## **10. Development-Related Applications (No Public Comment)**

### **10.1 Development Permit DP2019-041-C and Soil Removal Permit SRP2019-005**

Okanagan Centre Road West, legally described as Lot 144, Section 3, 4 and 9, Township 20, ODYD, Plan 521, Roll 2126000

**2021-12-254 It was moved and seconded**

*THAT the request for a three-month extension (until January 18, 2022) to Development Permit DP2019-041-C & SRP2019-005 for property located on Okanagan Centre Road West, legally described as Lot 144, Section 3, 4 and 9, Township 20, ODYD, Plan 521, Roll 2126000, be granted.*

**Carried.**

## **11. Non-Development Related Reports**

### **11.1 Bylaw Enforcement Amendments**

**2021-12-255 It was moved and seconded**

*THAT Highways and Traffic Amendment Bylaw 1172, 2021 be read a first, second and third time;*

*THAT Zoning Amendment (Short Term Vacation Rental) Bylaw 1173, 2021 be read a first and second time and forwarded to public hearing;*

*AND THAT Bylaw Notice Enforcement and MTI Amendment Bylaw 1171, 2021 be amended by increasing the fine in Schedule B and Schedule E to Bylaw 1171, 2021 for item 10.15.2(d) Short Term Rental-located within accessory suite from \$250 to \$500 and \$500 to \$1000 respectively;*

*AND FURTHER THAT Bylaw Notice Enforcement and MTI Amendment Bylaw 1171, 2021 be read a first, second and third time.*

**Carried.**

*Opposed: Councillor Scarrow*

### **11.2 Crown Land Tenure - Pelmewash Parkway**

License of Occupation for two areas of foreshore along Pelmewash Parkway for Community Recreation purposes

## PUBLIC HEARING

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Reyna Seabrook, Director of Corporate Services

January 20, 2022



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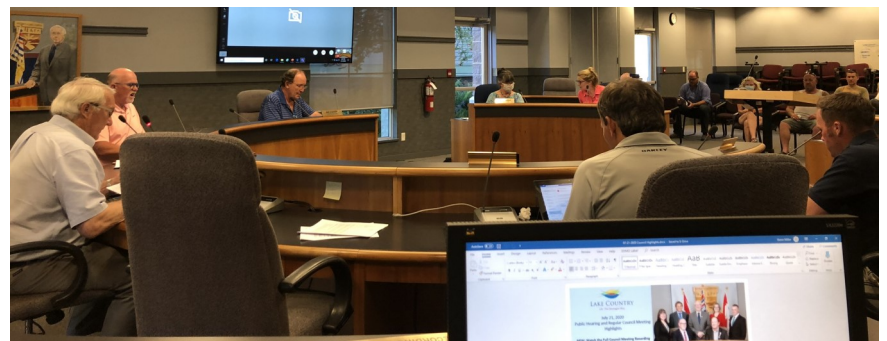
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Reyna Seabrook, Director of Corporate Services

January 20, 2022

10150 Bottom Wood Lake Road | Lake Country, BC V4V 2M1 | t 250-766-5650 f 250-766-0116 | [lakecountry.bc.ca](http://lakecountry.bc.ca)