

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 232**

A BYLAW IN RESPECT TO THE ENFORCEMENT OF BYLAW NOTICES WITHIN THE DENMAN LOCAL TRUST AREA

WHEREAS the Denman Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Denman Island Local Trust Area, pursuant to the *Islands Trust Act*; and

WHEREAS the Denman Island Local Trust Committee wishes to regulate the Enforcement of Bylaw Notices in the Denman Local Trust Area;

NOW THEREFORE the Denman Island Local Trust Committee enacts, in open meeting assembled, as follows:

Citation

1. This Bylaw may be cited as “Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019”.

1.0 INTERPRETATION

In this Bylaw:

- 1.1 “Act” means the *Local Government Bylaw Notice Enforcement Act*, SBC 2003, c 60.
- 1.2 “Registry” means the Islands Trust established pursuant to section 6 of this bylaw.
- 1.3 “LTC” means the Denman Island Local Trust Committee.

2.0 DEFINITIONS

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

3.0 BYLAW CONTRAVENTIONS

The bylaws and bylaw contraventions designated in Schedules “A” and “B” attached to this bylaw may be dealt with by Bylaw Violation Notice.

4.0 PENALTY

The penalty for a contravention referred to in Section 3 is as follows:

- (1) subject to paragraphs (2) to (4), is the Penalty amount set out in column A1 of Schedules “A” and “B” as attached to this bylaw;
- (2) if received by the Islands Trust within 14 days of the person receiving or being presumed to have received the bylaw violation notice, is the Early Payment Penalty Amount set out in column A2 of Schedules “A” and “B” as attached to this bylaw applies;
- (3) if more than 28 days after the person has received or is presumed to have received the bylaw violation notice, is subject to a late payment surcharge in addition to the penalty under paragraph (1) , and is the Late Payment Penalty Amount set out in column A3 of Schedules “A” and “B” as attached to this bylaw or
- (4) if paid under a compliance agreement, may be reduced as provided under column A5 of Schedules “A” and “B” as attached to this bylaw.

5.0 PERIOD FOR PAYING OR DISPUTING NOTICE

5.1 A person who receives a bylaw violation notice must, within 14 days of the date on which the person received or is presumed to have received the bylaw violation notice,

- (1) pay the penalty, or
- (2) request dispute adjudication

by filling in the appropriate portion of the bylaw violation notice indicating either a payment or a dispute and delivering it, either in person during regular office hours, or by mail, to the Islands Trust as directed on the bylaw violation notice.

5.2 A person may pay the indicated penalty after 14 days of receiving the notice subject to the applicable surcharge for late payment in accordance with Section 4(3) of this bylaw, but no person may dispute the bylaw violation notice after 14 days of receiving it.

5.3 Where a person was not served personally with a bylaw violation notice and advises the Islands Trust that they did not receive a copy of the original notice, the time limits for responding to a bylaw violation notice under Sections 5, 6 and 7 of this bylaw do not begin to run until a copy of the bylaw violation notice is re-delivered to them in accordance with the *Act*.

6.0 BYLAW NOTICE DISPUTE ADJUDICATION SYSTEM

6.1 The Registry is established as a bylaw violation notice dispute adjudication system in accordance with the *Act* to resolve disputes in relation to bylaw violation notices.

6.2 The civic address of the Registry is Suite 200 – 1627 Fort Street, Victoria, BC V8R 1H8.

6.3 Every person who is unsuccessful in dispute adjudication in relation to a bylaw violation notice or a compliance agreement under the dispute adjudication system established under this Section, must pay the Islands Trust an additional fee of \$25.00 for the purpose of the Islands Trust recovering the costs of the adjudication system.

7.0 SCREENING OFFICERS

7.1 The position of screening officer is established.

7.2 The following are designated classes of person that may be appointed as screening officers:

- (1) Regional Planning Manager;
- (2) Bylaw Compliance and Enforcement Manager;
- (3) Bylaw Compliance and Enforcement Officer;
- (4) Bylaw Compliance and Enforcement Assistant;

and the LTC may appoint screening officers from these classes of persons by name of office or otherwise.

7.3 The powers, duties and functions of screening officers are as set out in the *Act*, and include the following powers:

- (1) Where requested by the person against whom a contravention is alleged, to communicate information respecting the nature of the contravention, the provision of the bylaw contravened, the facts on which the contravention allegation is based, the penalty for a contravention, the opportunity to enter into a compliance agreement, the opportunity to proceed to the bylaw violation notice dispute adjudication system and the fee or fees payable in relation to the bylaw violation notice enforcement process;
- (2) To communicate with any or all of the following for the purposes of performing their functions under this bylaw or the *Act*:
 - (a) the person against whom a contravention is alleged or their representative;
 - (b) the officer issuing the bylaw violation notice;
 - (c) the complainant or their representative;
 - (d) the Islands Trust staff and record regarding the disputant's history of bylaw compliance.
- (3) To prepare and enter into compliance agreements under the *Act* with persons who dispute bylaw violation notices, including to establish terms and conditions for compliance that the screening officer considers necessary or advisable, including time periods for payment of penalties and compliance with the bylaw;
- (4) To provide for payment of a reduced penalty if a compliance agreement is entered into as provided in column A5 of Schedules "A" and "B" as attached to this bylaw; and
- (5) To cancel bylaw violation notices in accordance with the *Act* or LTC policies and guidelines.

7.4 The bylaw contraventions in relation to which a screening officer may enter into a compliance agreement are indicated in column A4 of Schedules "A" and "B" as attached to this bylaw.

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

8.0 BYLAW ENFORCEMENT OFFICERS

Persons acting as any of the following are designated as bylaw enforcement officers for the purposes of this bylaw and the *Act*:

- (a) Bylaw Compliance and Enforcement Manager;
- (b) Bylaw Compliance and Enforcement Officer.

9.0 FORM OF BYLAW VIOLATION NOTICE

The LTC may, from time to time, stipulate the form or forms of the bylaw violation notice provided the bylaw violation notice complies with Section 4 of the *Act*.

10.0 SCHEDULES

The following schedules are attached to and form part of this bylaw:

- (a) Schedule A – Denman Island Local Trust Committee's Land Use Bylaw No. 186, 2008 Contraventions and Penalties.
- (b) Schedule B – Denman Island Local Trust Committee's Siting and Use Bylaw No. 52, 1990.

READ A FIRST TIME THIS 6TH DAY OF JUNE , 2019

READ A SECOND TIME THIS 6TH DAY OF JUNE , 2019

READ A THIRD TIME THIS 6TH DAY OF JUNE , 2019

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
18TH DAY OF JUNE , 2019

ADOPTED THIS 4TH DAY OF JULY , 2019

SECRETARY

CHAIR

Schedule A
DENMAN ISLAND LAND USE BYLAW NO. 186
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
2.1.2	Non Permitted Use Of Dwelling For Vacation Rental/Paying Guests	\$500.00	\$275.00	\$750.00	Yes	100%
2.1.5.a	Secondary Suite No Resident Owner or Manager	\$200.00	\$200.00	\$300.00	Yes	100%
2.1.5.b	More Than One Secondary Suite On A Lot	\$500.00	\$375.00	\$750.00	Yes	100%
2.1.5.c	Suite Not Within Walls of Dwelling Unit	\$500.00	\$375.00	\$750.00	Yes	100%
2.1.5.d	Suite Without Separate Entrance	\$200.00	\$200.00	\$300.00	Yes	100%
2.1.5.e	Oversized Suite	\$350.00	\$262.50	\$525.00	Yes	100%
2.1.5.f	Suite Without Off-street Parking	\$200.00	\$200.00	\$300.00	Yes	100%
2.1.10	Non Permitted Use Of Structure For Overnight Accommodation	\$350.00	\$262.50	\$525.00	Yes	100%
2.1.12	Non Permitted Use Of Travel Trailer/Bus As Dwelling	\$350.00	\$262.50	\$525.00	Yes	100%
2.1.13	Non Permitted Use Of Building/Structure For Overnight Accommodation In Water Zone	\$350.00	\$262.50	\$525.00	Yes	100%
2.1.14	Use Of Vessel As Permanent Residence In Any Water Zone	\$350.00	\$262.50	\$525.00	Yes	100%
2.3.1	Building Within Setback Of Cliff	\$350.00	\$262.50	\$525.00	Yes	100%
2.3.2	Encroachment Into Setback From Natural Boundary Of Stream/Lake/Wetland	\$500.00	\$375.00	\$750.00	Yes	100%
2.3.3	Encroachment Into Setback From Natural Boundary Of Sea	\$300.00	\$262.50	\$200.00	Yes	100%
2.3.4	Exceed Minimum Difference In Elevation Of Building/Structure And Natural Boundary Of Sea	\$350.00	\$262.50	\$525.00	Yes	100%
2.4.2	Non Permitted Home Occupation	\$350.00	\$262.50	\$525.00	Yes	100%
2.4.3	Home Occupation Not Accessory To Active Residential Use	\$350.00	\$262.50	\$525.00	Yes	100%
2.4.4	Fail To Retain Residential Appearance On Home Occupation Premises	\$350.00	\$262.50	\$525.00	Yes	100%
2.4.5	Home Occupation Exceeds Maximum Combined Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
2.4.6	Daycare With More Than Seven Children At A Time	\$350.00	\$262.50	\$525.00	Yes	100%
2.4.7	Home Occupation, With Non Permitted Hazardous Materials	\$500.00	\$350.00	\$750.00	Yes	100%
2.4.8	Non Permitted Goods, Sold From Home Occupation	\$350.00	\$262.50	\$525.00	Yes	100%
2.4.9	Use Of Sawmill As Part Of Home Occupation	\$350.00	\$262.50	\$525.00	Yes	100%

Schedule A
DENMAN ISLAND LAND USE BYLAW NO. 186
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
2.4.10	Home Occupation Not Entirely Conducted In Dwelling Unit	\$350.00	\$262.50	\$525.00	Yes	100%
2.4.11	Home Occupation Not in a Building	\$350.00	\$262.50	\$525.00	Yes	100%
2.4.14	Home Occupation Exceeds Non-Resident Employees	\$350.00	\$262.50	\$525.00	Yes	100%
2.4.15	Home-Based Guest Accommodation Outside Principal Dwelling	\$350.00	\$262.50	\$525.00	Yes	100%
2.4.16	Home-Based Guest Accommodation Exceeds Three Bedrooms/Two Beds In Bedrooms	\$350.00	\$262.50	\$525.00	Yes	100%
2.5.5	Fail To Provide Off-road Parking On Lot	\$350.00	\$262.50	\$525.00	Yes	100%
2.5.7	Parking Areas In Front Yard Exceed Maximum Area	\$350.00	\$262.50	\$525.00	Yes	100%
2.5.8	No/Improper Disabled Persons Parking	\$350.00	\$262.50	\$525.00	Yes	100%
2.5.9	Improper Parking Provided	\$350.00	\$262.50	\$525.00	Yes	100%
2.5.10	Parking Space Does Not Meet Size Requirements	\$350.00	\$262.50	\$525.00	Yes	100%
2.5.11	Parking Spaces For Disabled Persons Too Small	\$350.00	\$262.50	\$525.00	Yes	100%
2.5.12	Parking Areas Improperly Surfaced/Landscaped/Screened	\$350.00	\$262.50	\$525.00	Yes	100%
2.5.13	Exceed Maximum Slope of Parking Space	\$350.00	\$262.50	\$525.00	Yes	100%
2.5.14	Parking Area Lighting Fixtures Too Low/Too Dim/Not Directed Exclusively At Parking Area	\$350.00	\$262.50	\$525.00	Yes	100%
2.5.16	Fail To Provide Minimum Parking Spaces	\$350.00	\$262.50	\$525.00	Yes	100%
2.5.17	Fail To Provide Minimum Bicycle Parking	\$350.00	\$262.50	\$525.00	Yes	100%
2.5.18	Fail To Provide Minimum Parking Spaces For Disabled Persons	\$350.00	\$262.50	\$525.00	Yes	100%
2.6.1	Exceed Maximum Number/Area Of Signs In Residential, Rural Residential And Co-housing Zones	\$200.00	\$150.00	\$300.00	Yes	100%
2.6.2	Exceed Maximum Number/Area Of Signs In Agriculture, Forestry and Resource Zones	\$200.00	\$150.00	\$300.00	Yes	100%
2.6.3	Exceed Maximum Number/Area Of Signs In Commercial/Light Industrial Zones	\$200.00	\$150.00	\$300.00	Yes	100%
2.6.4	Exceed Maximum Number/Area Of Signs In Institutional Zone	\$200.00	\$150.00	\$300.00	Yes	100%
2.6.5	Exceed Maximum Number/Area Of Signs In Conservation/Parks Zones	\$200.00	\$150.00	\$300.00	Yes	100%

Schedule A
DENMAN ISLAND LAND USE BYLAW NO. 186
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
2.6.6	Exceed Maximum Number/Area Of Signs In Marine Aquaculture Zone	\$200.00	\$150.00	\$300.00	Yes	100%
2.6.7	Real Estate Signs Exceed Maximum Number/Area/Permitted Time Period To Be Displayed	\$200.00	\$150.00	\$300.00	Yes	100%
2.6.8	Non Permitted Additional Open Sign In Commercial/Light Industrial Zones	\$200.00	\$150.00	\$300.00	Yes	100%
2.6.11	Exceed Maximum Height Of Free Standing Signs	\$200.00	\$150.00	\$300.00	Yes	100%
2.6.12	Exceed Maximum Height Of Sign Attached To Structure	\$200.00	\$150.00	\$300.00	Yes	100%
2.6.14	Non Permitted Sign	\$200.00	\$150.00	\$300.00	Yes	100%
2.7.2	Landscape Screen Too Low	\$200.00	\$150.00	\$300.00	Yes	100%
2.7.3	Landscape Screen Too Narrow	\$200.00	\$150.00	\$300.00	Yes	100%
2.7.4	Incomplete Landscape Screen	\$200.00	\$150.00	\$300.00	Yes	100%
2.7.5	Inadequate Landscape Screen For Commercial/Industrial/Institutional Uses	\$200.00	\$150.00	\$300.00	Yes	100%
2.7.6	Inadequate Landscape Screen For Outdoor Storage For Home Occupation	\$200.00	\$150.00	\$300.00	Yes	100%
2.7.7	Inadequate Landscape Screen for Work Yards/Commercial Or Industrial Outdoor Storage/Derelict Vehicles	\$200.00	\$150.00	\$300.00	Yes	100%
2.7.8	Inadequate Landscape Screen In Setback Area In Co-housing Zones	\$200.00	\$150.00	\$300.00	Yes	100%
3.3 Table 1	Non Permitted Use In A Residential Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.3 Table 2	Non Permitted Building/Structure In Residential Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.3 Table 3	Non Permitted Density In Residential Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.3 Table 4	Exceed Maximum Height Restrictions In Residential Zone	\$350.00	\$262.50	\$525.00	Yes	100%
3.3 Table 5	Encroachment Into Setbacks In Residential Zone	\$350.00	\$262.50	\$525.00	Yes	100%
3.3 Table 6	Exceed Maximum Floor Area Restrictions In Residential Zone	\$350.00	\$262.50	\$525.00	Yes	100%
3.3 Table 8	Fail To Meet Site Specific Regulations In Residential Zone	\$350.00	\$262.50	\$525.00	Yes	100%
3.4 Table 1	Non Permitted Use In Resource Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.4 Table 2	Non Permitted Building/Structure In Resource Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.4 Table 3	Non Permitted Density In Resource Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.4 Table 4	Exceed Maximum Height Restrictions In Resource Zone	\$350.00	\$262.50	\$525.00	Yes	100%
3.4 Table 5	Encroachment Into Setbacks In Resource Zone	\$350.00	\$262.50	\$525.00	Yes	100%

Schedule A
DENMAN ISLAND LAND USE BYLAW NO. 186
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
3.4 Table 6	Exceed Maximum Gross Floor Area In Resource Zone	\$350.00	\$262.50	\$525.00	Yes	100%
3.4 Table 8	Fail To Meet Site Specific Regulations In Resource Zone	\$300.00	\$262.50	\$200.00	Yes	100%
3.5 Table 1	Non Permitted Use In Commercial/Light Industrial Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.5 Table 2	Non Permitted Building/Structure In Commercial/Light Industrial Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.5 Table 3	Non Permitted Density In Commercial/Light Industrial Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.5 Table 4	Exceed Maximum Height Restrictions In Commercial/Light Industrial Zone	\$350.00	\$262.50	\$525.00	Yes	100%
3.5 Table 5	Encroachment Into Setbacks In Commercial/Light Industrial Zone	\$350.00	\$262.50	\$525.00	Yes	100%
3.5 Table 6	Exceed Maximum Gross Floor Area In Commercial/Light Industrial Zone	\$350.00	\$262.50	\$525.00	Yes	100%
3.5 Table 8	Fail To Meet Site Specific Regulations In Commercial/Light Industrial Zone	\$350.00	\$262.50	\$525.00	Yes	100%
3.6 Table 1	Non Permitted Use In Community Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.6 Table 2	Non Permitted Building/Structure In Community Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.6 Table 3	Non Permitted Density In Community Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.6 Table 4	Exceed Maximum Height Restrictions In Community Zone	\$350.00	\$262.50	\$525.00	Yes	100%
3.6 Table 5	Encroachment Into Setbacks In Community Zone	\$350.00	\$262.50	\$525.00	Yes	100%
3.6 Table 6	Exceed Maximum Gross Floor Area In Community Zone	\$350.00	\$262.50	\$525.00	Yes	100%
3.6 Table 8	Fail To Meet Site Specific Regulations In Community Zone	\$350.00	\$262.50	\$525.00	Yes	100%
3.7 Table 1	Non Permitted Use In Water Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.7 Table 2	Non Permitted Building/Structure In Water Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.7 Table 3	Exceed Maximum Height Restrictions In Water Zone	\$300.00	\$262.50	\$200.00	Yes	100%
3.7 Table 4	Fail To Meet Site Specific Regulations In Water Zone	\$300.00	\$262.50	\$200.00	Yes	100%
3.7 Table 5	Using Prohibited Vehicle/Ground Based Machinery on Foreshore	\$500.00	\$375.00	\$750.00	Yes	100%

**SCHEDULE B
DENMAN ISLAND SITING AND USE BYLAW NO. 52
CONTRAVENTIONS AND PENALTIES**

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
2.	Fail To Obtain Siting and Use Permit	\$500.00	\$275.00	\$750.00	Yes	100%