

STAFF REPORT

February 23, 2011

File No.: Bylaw Notice System

To: Salt Spring Island Local Trust Committee

Meeting of March 3, 2011

From: Miles Drew
Bylaw Enforcement Coordinator

Re: Adoption of Bylaw Notice System Bylaw

THE PROPOSAL:

This report will recommend to the Salt Spring Island Local Trust Committee (SSLTC) that it:

1. Give three readings to the attached Bylaw Notice Enforcement Bylaw;

STAFF COMMENTS:

The SSLTC previously requested that it be appointed by the Province as a local government for the purpose of adopting a Bylaw Notice Enforcement Bylaw. The Province has issued an Order In Council authorizing this step. Therefore, the Local Trust Committee can now adopt a bylaw and implement the system.

Purpose of Bylaw

The attached bylaw has several purposes. Primarily it establishes schedules listing penalties for various offences of Land Use Bylaw No. 335 and Soil Deposit and Removal Bylaw No. 418. It also establishes discounts for completion of compliance agreements negotiated with a screening officer and early payment discounts. These schedules have been designed to sanction persons who violate the Bylaws and also to encourage them to make good on the situation by reducing the penalty for correcting the violation. Additionally, it creates methods for payment, dispute, and service of the Bylaw Notices.

Methodology for setting fine and fine discount amounts.

At the direction of the Salt Spring Isl and Local Trust Committee the bylaw enforcement coordinator met with Trustee George Ehring to review the Bylaw. The recommended fine amounts and associated discounts for early payment or compliance were established by considering several factors which recognized the severity of the offence and the ease of compliance. The factors considered in setting fine amounts were:

1. environmental damage generally given the highest fines of \$500 to \$200;
2. cost of doing business or revenue associated activities generally given fine amounts of \$300 to \$150;
3. avoidance of permit application costs generally given fines of \$300 to \$150;
4. nuisance or easily resolved violations were generally given fines of \$250 to \$75.

Discounts for early payments were set at 25% and compliance agreements were discounted at either 75% or 50% depending on the costs and ease of complying. Lower discounts are not recommended as in most cases the violator will have had the opportunity to comply after receiving a warning from the bylaw enforcement officer.

Establishment of Registry and Screening Officer

The Bylaw establishes the location in North Vancouver of the Registry where disputed Bylaw Notices are adjudicated. The Isl ands Trust has an agreement with North Shore Municipalities to provide adjudication services.

The Bylaw also establishes the position of screening officer and its duties, and authorizes bylaw enforcement officers to issue Bylaw Notices. The Bylaw provides the ability for the LTC to appoint persons holding certain positions to the duty of screening officer. This means that it is not necessary to name a specific person to carry out the duty. Therefore, staff changes will not require new appointments. Although the Bylaw provides for several positions to be appointed as screening officers as the Bylaw Notice system is new, staff believe that only one person should operate as screening officer at this time. Therefore, the most appropriate position to carry out screening officer duties is the Bylaw Enforcement Assistant.

Attached is a copy of a proposed policy to authorize the screening officer to cancel Bylaw Notices in specific circumstances. The purpose of this policy is to give direction to staff on when it is appropriate to cancel a ticket and thus avoid the cost and inconvenience of taking all disputed issues to adjudication.

Next Steps

The last steps to be taken before Bylaw Notices can finally be issued are:

- get Executive Committee approval of the Bylaw and final adoption by the Salt Spring Island Local Trust Committee as soon as possible.

- conduct necessary staff training. Other than occasionally filling out a receipt for payment of a fine or referring persons to the screening officer there will be no impact on SSI office resources. A staff familiarization session is scheduled for April 12;
- print required bylaw notices and a Q & A brochure for recipients of Notices and other interested persons.

This Bylaw does not require Ministerial approval from the Province. Staff training will be done by the City of North Vancouver.

Attached is a sample of the Bylaw Notice.

RECOMMENDATION:

That the Salt Spring Island Local Trust Committee give the first three readings to the
The attached Bylaw Notice Enforcement Bylaw and refer it to the Executive Committee for approval.

Prepared and Submitted by:

Date

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DRAFT

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 446

A BYLAW TO RESPECT THE ENFORCEMENT OF BYLAW NOTICES WITHIN THE SALT SPRING ISLAND LOCAL TRUST AREA

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

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

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

Citation

1. This Bylaw may be cited as "Salt Spring Island Local Trust Area Bylaw Notice Enforcement Bylaw, No. 446, 2010".

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 North Shore Bylaw Notice Adjudication Registry established pursuant to section 6 of this bylaw.
- 1.3 "LTC" means the Salt Spring 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 Schedule "A" and Schedule "B" attached to this bylaw may be dealt with by Bylaw 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 Schedule "A" and Schedule "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 Notice, is the Early Payment Penalty set out in column A2 of Schedule "A" and Schedule "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 Notice, is subject to a late payment surcharge in addition to the penalty under paragraph (1), and is the Late Payment Surcharge set out in column A3 of Schedule "A" and Schedule "B" as attached to this bylaw or
- (4) if paid under a compliance agreement, may be reduced as provided under column A5 of Schedule "A" and Schedule "B" as attached to this bylaw.

5.0 PERIOD FOR PAYING OR DISPUTING NOTICE

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

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

by filling in the appropriate portion of the Bylaw 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 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 Notice after 14 days of receiving it.

5.3 Where a person was not served personally with a Bylaw 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 Notice under Sections 5, 6 and 7 of this bylaw do not begin to run until a copy of the Bylaw 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 Notice dispute adjudication system in accordance with the *Act* to resolve disputes in relation to Bylaw Notices.

6.2 The civic address of the Registry is 141 West 14th Street, North Vancouver, BC, V7M 1H9.

6.3 Every person who is unsuccessful in dispute adjudication in relation to a Bylaw 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 Enforcement Coordinator;
- (3) Bylaw Enforcement Officer;
- (4) Bylaw 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 Notice dispute adjudication system and the fee or fees payable in relation to the Bylaw 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 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 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 Schedule "A" and Schedule "B" as attached to this bylaw; and
- (5) To cancel Bylaw 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 Schedule "A" and Schedule "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 Enforcement Coordinator;
- (b) Bylaw Enforcement Officer.

9.0 FORM OF BYLAW NOTICE

The LTC may, from time to time, provide for the form or forms of the Bylaw Notice provided the Bylaw 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 - Designated Bylaw 355 Contraventions and Penalties.
- (b) Schedule B - Designated Bylaw 418 Contraventions and Penalties

READ A FIRST TIME THIS DAY OF ,20__

READ A SECOND TIME THIS DAY OF ,20__

READ A THIRD TIME THIS DAY OF ,20__

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS DAY OF ,20__

ADOPTED THIS DAY OF ,20__

SECRETARY

CHAIR

Schedule A
DESIGNATED BYLAW 355 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 Surcharge (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
3.2.1 (2)	Disposal Of Waste Mater On Land/Marine Areas	\$500.00	\$375.00	\$250.00	Yes	50%
3.2.1(3)	Storage Of Special Waste	\$300.00	\$225.00	\$150.00	Yes	50%
3.2.1(4)	Disposal Of Waste On An Island	\$200.00	\$150.00	\$100.00	Yes	50%
3.2.1(6)	Operation Of Drive In/Drive Through Commercial Land Uses	\$150.00	\$112.50	\$75.00	Yes	50%
3.2.1(7)	Rental/Sale/Moorage/Wharfage/Launching Of Personal Watercraft	\$150.00	\$112.50	\$75.00	Yes	50%
3.4.1	Fail To Maintain A Vegetation Screen	\$100.00	\$75.00	\$50.00	Yes	75%
3.4.2(1)	Fail To Provide Vegetation Screens Of Industrial/ Commercial Uses	\$100.00	\$75.00	\$50.00	Yes	75%
3.4.2(2)	Fail To Provide Vegetation Screens For Emergency Response Stations	\$100.00	\$75.00	\$50.00	Yes	75%
3.4.2(3)	Fail To provide Vegetation Screens For Kennels/ Boarding Facilities	\$100.00	\$75.00	\$50.00	Yes	75%
3.8.1	Exceed Height For Structures	\$300.00	\$225.00	\$150.00	Yes	75%
3.8.2	Exceed Height For Accessory Buildings	\$300.00	\$225.00	\$150.00	Yes	75%
3.8.3	Exceeding Maximum Height For Farm Buildings/Structures	\$300.00	\$225.00	\$150.00	Yes	75%
3.10.1(1)	Storage Of More Than Two (2) Unenclosed Vehicles	\$150.00	\$112.50	\$75.00	Yes	50%
3.10.1(2)	Storage Of Unenclosed Detached Vehicle Parts	\$150.00	\$112.50	\$75.00	Yes	50%
3.10.2	Unlawful Storage Of Industrial Vehicle	\$150.00	\$112.50	\$75.00	Yes	50%
3.11.1	More Than One (1) Dwelling Unit Per Lot	\$300.00	\$225.00	\$150.00	Yes	75%
3.11.3	Dwelling Unit With More Than One (1) Kitchen	\$300.00	\$225.00	\$150.00	Yes	75%
3.11.4	Dwelling Unit With Rooms Not Contiguous/Accessible From Within	\$300.00	\$225.00	\$150.00	Yes	75%
3.12.3	Accessory Building Used For Accommodation	\$300.00	\$225.00	\$150.00	Yes	75%
3.12.4	Accessory Building Containing Shower/Bathtub/Kitchen More Than Three (3) Separate Rooms	\$300.00	\$225.00	\$150.00	Yes	75%
3.12.5	Accessory Building Exceeding Maximum Floor Area	\$300.00	\$225.00	\$150.00	Yes	75%
3.13.1	Home Based Business Conducted Outdoors	\$250.00	\$187.50	\$125.00	Yes	50%
3.13.2	Home Based Business Exceeding Maximum Floor Area	\$250.00	\$187.50	\$125.00	Yes	50%
3.13.3	More Than One(1) Additional Person Employed In Home Based Business	\$250.00	\$187.50	\$125.00	Yes	50%
3.13.4	Exterior Indication Home Based Business	\$250.00	\$187.50	\$125.00	Yes	50%
3.13.4	Failure To Provide Parking Spaces	\$250.00	\$187.50	\$125.00	Yes	75%
3.13.4	Parking Spaces Within Setback	\$250.00	\$187.50	\$125.00	Yes	75%
3.13.4	Home Based Business Not Buffered	\$250.00	\$187.50	\$125.00	Yes	75%
3.13.5	Excessive Noise From Home Based Business	\$250.00	\$187.50	\$125.00	Yes	50%
3.13.6	Unlawful Home Based Business	\$250.00	\$187.50	\$125.00	Yes	50%
3.13.7	B&B Unlawful In Zone	\$250.00	\$187.50	\$125.00	Yes	50%
3.13.8(1)	B&B More Than One (1) Per Lot	\$250.00	\$187.50	\$125.00	Yes	50%
3.13.8(2)	B&B In Non Permitted Building	\$250.00	\$187.50	\$125.00	Yes	50%
3.13.8(3)	B&B More Rooms Used Than Permitted	\$250.00	\$187.50	\$125.00	Yes	50%

3.13.8(4)	B&B Exceeding Total Floor Area	\$250.00	\$187.50	\$125.00	Yes	50%
3.13.8(5)	B&B Serving Meals Other Than Breakfast	\$250.00	\$187.50	\$125.00	Yes	50%
3.13.8(6)	B&B Parking Spaces Not Screened	\$250.00	\$187.50	\$125.00	Yes	75%
3.13.8(7)	B&B Improper Lighting For Signage	\$150.00	\$112.50	\$75.00	Yes	75%
3.14.1	Seasonal Cottage On Undersized Lot	\$300.00	\$225.00	\$150.00	Yes	75%
3.14.2	Seasonal Cottage Exceeding Maximum Floor Area	\$300.00	\$225.00	\$150.00	Yes	75%
3.14.3	Seasonal Cottage Attached To Another Building	\$300.00	\$225.00	\$150.00	Yes	75%
3.14.4	Seasonal Cottage Within Six (6) Meters Of Other Buildings	\$300.00	\$225.00	\$150.00	Yes	75%
3.14.5	Seasonal Cottage With Garage/Basement/Carport	\$300.00	\$225.00	\$150.00	Yes	75%
3.14.6	Seasonal Cottage Used For Commercial Accommodation	\$300.00	\$225.00	\$150.00	Yes	50%
3.14.6	Seasonal Cottage Used As A Dwelling	\$300.00	\$225.00	\$150.00	Yes	50%
3.15.1	Exceeding Three (3) Dwelling Units On A Farm	\$300.00	\$225.00	\$150.00	Yes	50%
3.16.1	Travel Trailer/Recreational Vehicle Occupied Longer Than 90 Days	\$300.00	\$225.00	\$150.00	Yes	50%
3.16.2	Travel Trailer/Recreational Vehicle Occupied Exceeding Two (2) Years	\$300.00	\$225.00	\$150.00	Yes	50%
3.16.2(1)	Travel Trailer/Recreational Vehicle Occupied Without Building Permit	\$300.00	\$225.00	\$150.00	Yes	50%
3.16.2(2)	Travel Trailer/Recreational Vehicle Occupied Without Water And Sewage Facilities	\$300.00	\$225.00	\$150.00	Yes	50%
3.16.3	Non Permitted Occupancy Of Travel Trailer/Recreational Vehicle	\$300.00	\$225.00	\$150.00	Yes	50%
3.17.1	Building/Structure Over Water Surface Used As A Dwelling Unit	\$300.00	\$225.00	\$150.00	Yes	50%
3.17.1	Building/Structure Over Water Surface Used As Wharfage For Vessel Used As A Dwelling Unit	\$300.00	\$225.00	\$150.00	Yes	50%
4.1.1	Accessory Building Within Three (3) Meters Of Another Building	\$150.00	\$112.50	\$75.00	Yes	75%
4.2.1	Building Or Structure Impeding Visibility At Intersection	\$300.00	\$225.00	\$150.00	Yes	75%
4.3(1)	Encroach Setback To Front Lot Line	\$300.00	\$225.00	\$150.00	Yes	75%
4.3(2)	Encroach Setback To Rear Lot Line	\$300.00	\$225.00	\$150.00	Yes	75%
4.3(3)	Encroach Setback To Inside Lot Line	\$300.00	\$225.00	\$150.00	Yes	75%
4.3(4)	Encroach Setback To Exterior Lot Line	\$300.00	\$225.00	\$150.00	Yes	75%
4.3.4	Agriculture Too Close To Lot Line	\$150.00	\$112.50	\$75.00	Yes	50%
4.3.5	Farm Structure Too Close To Lot Line	\$300.00	\$225.00	\$150.00	Yes	75%
4.3.6	Confined Livestock Area Too Close To Lot Lines	\$150.00	\$112.50	\$75.00	Yes	50%
4.3.7	Mushroom/Fur Barn Too Close To Lot Lines	\$200.00	\$150.00	\$100.00	Yes	75%
4.3.8	Pet Boarding /Kennels/ Pounds Too Close To Lot Lines	\$200.00	\$150.00	\$100.00	Yes	75%
4.3.9	Campsites Too Close To Lot Lines	\$200.00	\$150.00	\$100.00	Yes	75%
4.2.1	Building/Structure Within 15 Meters Of A Water Body	\$300.00	\$225.00	\$150.00	Yes	75%
4.4.3	Fill For Structure/Building Deposited Within 15 Meters Of A Water Body	\$300.00	\$225.00	\$150.00	Yes	75%
4.4.4	Floor System Too Close To Water Body	\$300.00	\$225.00	\$150.00	Yes	75%
4.4.5	Floor System Less Than 42 Meters Above Mean Sea Level	\$300.00	\$225.00	\$150.00	Yes	75%
4.5.1(1)	Sewage Disposal Within 30 Meters Of Natural Boundary Of Sea	\$300.00	\$225.00	\$150.00	Yes	75%
4.5.1(2)	Sewage Disposal Within 60 Meters Of A Lake	\$300.00	\$225.00	\$150.00	Yes	75%

4.5.1(3)	Sewage Disposal Within 60 Meters Of Water Bodies Leading To A Lake	\$300.00	\$225.00	\$150.00	Yes	75%
4.5.1(4)	Sewage Disposal Within 30 Meters Of A Water Body	\$300.00	\$225.00	\$150.00	Yes	75%
4.5.2	Agricultural Uses Within 60 Meters Of A Lake	\$300.00	\$225.00	\$150.00	Yes	75%
4.5.2	Agricultural Uses Within 30 Meters Of Water Bodies Draining Into A Lake	\$300.00	\$225.00	\$150.00	Yes	75%
4.5.3	Production/Storage/Manufacturing Within 30 Meters Of A Water Body	\$300.00	\$225.00	\$150.00	Yes	75%
4.5.5	Concrete Finishing Within 30 Meters Of A Water Body	\$300.00	\$225.00	\$150.00	No	N/A
6.1.1	Exceeding Maximum Number Of Signs	\$150.00	\$112.50	\$75.00	Yes	75%
6.1.1	Exceeding Maximum Sign Area	\$150.00	\$112.50	\$75.00	Yes	75%
6.1.2	Non Permitted Siting Of Sign	\$150.00	\$112.50	\$75.00	Yes	75%
6.1.4	Fail To Remove Obsolete Sign	\$150.00	\$112.50	\$75.00	Yes	75%
6.1.5	Non Permitted Lighted /Moving/Parts/Animated/Flashing/Noise Making Sign	\$150.00	\$112.50	\$75.00	Yes	75%
6.1.6	Uncontrolled Sign Illumination	\$150.00	\$112.50	\$75.00	Yes	75%
6.1.7	Non Permitted Double Face Sign	\$150.00	\$112.50	\$75.00	Yes	75%
7.1.1	Inadequate Number Of Parking /Loading /Disabled Parking/Bicycle Spaces	\$300.00	\$225.00	\$150.00	Yes	75%
7.2.1	Fail To Meet Parking Space Standards	\$300.00	\$225.00	\$150.00	Yes	75%
7.4.1	Fail To Meet Disabled Parking Space Standards	\$300.00	\$225.00	\$150.00	Yes	75%
7.4.2	Fail To Mark Disabled Parking Spaces	\$300.00	\$225.00	\$150.00	Yes	75%
7.5	Fail To Meet Bicycle Parking Space Standards	\$300.00	\$225.00	\$150.00	Yes	75%
7.6	Fail To Meet Loading Space Standards	\$300.00	\$225.00	\$150.00	Yes	75%
9.1.1	Non Permitted Uses Of Land/Buildings/ Structures In Agricultural Zones	\$300.00	\$225.00	\$150.00	Yes	50%
9.1.2	Non Permitted Size/Siting/Density/Of Buildings/Structures In Agricultural Zones	\$300.00	\$225.00	\$150.00	Yes	75%
9.1.3	Exceeding Impervious Surface Area In Agricultural Zone	\$300.00	\$225.00	\$150.00	Yes	75%
9.2.1	Non Permitted Uses Of Land/Buildings/ Structures In Commercial Zones	\$300.00	\$225.00	\$150.00	Yes	50%
9.2.2	Non Permitted Size/Siting/Density/Of Buildings/Structures In Commercial Zones	\$300.00	\$225.00	\$150.00	Yes	75%
9.3.1	Non Permitted Uses Of Land/Buildings/ Structures In Commercial Accommodation Zones	\$300.00	\$225.00	\$150.00	Yes	50%
9.3.2	Non Permitted Size/Siting/Density/Of Buildings/Structures In Commercial Accommodation Zones	\$300.00	\$225.00	\$150.00	Yes	75%
9.4.1	Non Permitted Uses Of Land/Buildings/ Structures In Community Facility Zones	\$300.00	\$225.00	\$150.00	Yes	50%
9.4.2	Non Permitted Size/Siting/Density/Of Buildings/Structures In Community Facility Zones	\$300.00	\$225.00	\$150.00	Yes	75%
9.5.1	Non Permitted Uses Of Land/Buildings/ Structures In Comprehensive Development Zones	\$300.00	\$225.00	\$150.00	Yes	50%
9.5.2	Non Permitted Size/Siting/Density/Of Buildings/Structures In Comprehensive Development Zones	\$300.00	\$225.00	\$150.00	Yes	75%
9.6.1	Non Permitted Uses Of Land/Buildings/ Structures In Forestry Zones	\$300.00	\$225.00	\$150.00	Yes	50%
9.6.2	Non Permitted Size/Siting/Density/Of Buildings/Structures In Forestry Zones	\$300.00	\$225.00	\$150.00	Yes	75%
9.7.1	Non Permitted Uses Of Land/Buildings/ Structures In Industrial Zones	\$300.00	\$225.00	\$150.00	Yes	50%

9.7.2	Non Permitted Size/Siting/Density/Of Buildings/Structures In Industrial Zones	\$300.00	\$225.00	\$150.00	Yes	75%
9.7.3	Exceeding Impervious Surface Area In Industrial Zones	\$300.00	\$225.00	\$150.00	Yes	75%
9.8.1	Non Permitted Uses Of Land/Buildings/Structures In Park And Reserve Zones	\$300.00	\$225.00	\$150.00	Yes	50%
9.8.2	Non Permitted Size/Siting/Density/Of Buildings/Structures In Park And Reserve Zones	\$300.00	\$225.00	\$150.00	Yes	75%
9.9.1	Non Permitted Uses Of Land/Buildings/Structures In Residential Zones	\$300.00	\$225.00	\$150.00	Yes	50%
9.9.2	Non Permitted Size/Siting/Density/Of Buildings/Structures In Residential Zones	\$300.00	\$225.00	\$150.00	Yes	75%
9.10.1	Non Permitted Uses Of Land/Buildings/Structures In Rural/Upland/Watershed/Smaller Island Zones	\$300.00	\$225.00	\$150.00	Yes	50%
9.10.2	Non Permitted Size/Siting/Density Of Buildings/Structures In Rural/Upland/Watershed/Smaller Island Zones	\$300.00	\$225.00	\$150.00	Yes	75%
9.11.1	Non Permitted Uses Of Land/Buildings/Structures In Shoreline Zones	\$300.00	\$225.00	\$150.00	Yes	50%
9.11.2	Non Permitted Size/Siting/Density/Of Buildings/Structures In Shoreline Zones	\$300.00	\$225.00	\$150.00	Yes	75%

Schedule B
DESIGNATED BYLAW 418 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	Fail To Register Removal Or Deposit Activity	\$100.00	\$75.00	\$50.00	Yes	50%
3.2	Fail To obtain Permit For Removal Or Deposit Activity.	\$300.00	\$225.00	\$150.00	Yes	50%
5.2.1	Fail To Maintain Dust Control	\$200.00	\$150.00	\$100.00	Yes	50%
5.2.2	Fail To Maintain Water and Erosion Control	\$400.00	\$300.00	\$200.00	Yes	50%
5.2.3	Fail To Maintain Damage Prevention	\$400.00	\$300.00	\$200.00	Yes	50%
5.2.4	Fail To Maintain Slope Stability	\$400.00	\$300.00	\$200.00	Yes	50%
5.3.1	Fail To provide Notice Of Rock Breaking Or Blasting	\$200.00	\$150.00	\$100.00	No	N/A
5.3.3.1	Noise from Removing Or Depositing Soil, rock, Or Topsoil Outside Operation Hours	\$200.00	\$150.00	\$100.00	No	N/A
5.3.3.2	Drilling, Blasting, Or Breaking Rock Outside Operation Hours	\$300.00	\$225.00	\$150.00	No	N/A
5.3.1	Fail To Mark Permit Area	\$200.00	\$150.00	\$100.00	Yes	50%
5.3.2	Fail To Complete Re-Vegetation Of Disturbed Areas	\$400.00	\$300.00	\$200.00	Yes	75%
5.4.1	Fail To Maintain Buffers Of Neighbouring Land Uses	\$500.00	\$375.00	\$250.00	Yes	50%
5.4.3	Fail To Maintain Mine Security	\$200.00	\$150.00	\$100.00	Yes	50%
5.4.4	Operation Or Noise In A Mine Area Outside Hours Of Operation	\$200.00	\$150.00	\$100.00	No	N/A
5.4.5	Fail To provide Re-Vegetation Of Disturbed Areas Plan In Mine Area Prior To Operations Commencing	\$300.00	\$225.00	\$150.00	Yes	75%
5.4.6	Fail To Complete Re-Vegetation Of Disturbed Areas In Mine	\$400.00	\$300.00	\$200.00	Yes	75%

COMPLIANCE AGREEMENT

PURSUANT TO THE "SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NOTICE ENFORCEMENT BYLAW, 2010. NO. 446.

I, (name)
of (address)

acknowledge receipt of Bylaw Notice(s) # _____ and wish to enter into this Compliance Agreement whereby I agree to fulfill the conditions below, in exchange for a reduced penalty.

Specifically, I agree to pay the reduced penalty of \$ _____ on or before _____
I further agree to comply with the following terms and conditions of this Agreement

1. On or before _____ I will (list terms as negotiated with Compliance Officer)

2. On or before _____ I will (list terms as negotiated with Compliance Officer)

I understand that this Agreement is binding upon me for one year from the date of this Agreement. I also understand that if I breach a term of the Agreement or fail to observe or perform the above terms and conditions, the Salt Spring Island Local Trust Co mmittee's Screening Officer may rescind this Agreement. I understand that if this Agreement is rescinded, I will have 14 da ys to dispute the Screening Officer's decision to rescind the Agreement, and that if I do not dispute this decision in that time the full penalty stat ed in the Bylaw Notice (s) of \$ _____ will be immediately due and payable and subject to all fees and penalties as if the Bylaw Notice was not disputed.

Signature of Person Named Above

Signature of Screening Officer

Date

Date

**SALT SPRING ISLAND LOCAL TRUST COMMITTEE
BYLAW NOTICE CANCELATION POLICY**

1. The Screening Officer is authorized to cancel and may cancel a Bylaw Notice if satisfied that one or more of the following reasons exist:
 - (1) The Bylaw Notice was issued to the wrong person; or
 - (2) An exception specified in the Bylaw or related enactment is made;
 - (3) There is poor likelihood of success at adjudication for the Local Trust Committee. For example:
 - (a) The evidence is inadequate to show a contravention;
 - (b) The Officer relied on incorrect information in issuing the Bylaw Notice;
 - (c) The Bylaw Notice was not completed properly;
 - (4) The contravention was necessary for the preservation of health and safety;
 - (5) The Bylaw Notice may be cancelled if it is not in the public interest to proceed to adjudication for one of the following reasons:
 - (a) The person who received the Bylaw Notice was permitted or entitled to take the action, but the issuing officer was not aware of this entitlement or permit;
 - (b) The Bylaw has changed since the Bylaw Notice was issued, and now authorizes the contravention;
 - (c) The offence occurred as a result of a circumstance that made it impossible for the person to reasonably comply with the bylaw.