



**REGIONAL DISTRICT
of Fraser-Fort George**

**BYLAW NOTICE
ENFORCEMENT
BYLAW NO. 3201**

**CONSOLIDATED
VERSION**
as authorized by Bylaw Consolidation
Authorization Bylaw No. 2579, 2009

This bylaw has been consolidated to include the text and appendices of:

Amending Bylaw	Effective Date
Bylaw No. 3249	February 17, 2022

For reference to original bylaws, please contact:

General Manager of Legislative and Corporate Services
Regional District of Fraser-Fort George
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**REGIONAL DISTRICT
of Fraser-Fort George**

BYLAW NO. 3201

A BYLAW TO ESTABLISH THE ENFORCEMENT OF BYLAW NOTICES

WHEREAS by Section 415 of the Local Government Act, regional districts may enforce a bylaw by bylaw notice and establish a system for so doing in accordance with the Local Government Bylaw Notice Enforcement Act;

AND WHEREAS Order in Council No. 167 issued under Section 29 of the Act authorizes the Regional District of Fraser-Fort George to issue a bylaw notice for a contravention to a bylaw;

AND WHEREAS under the Local Government Act, the Board of Directors may, by bylaw, enforce the Local Government Bylaw Notice Enforcement Act;

NOW THEREFORE the Board of Directors of the Regional District of Fraser-Fort George, in open meeting assembled, enacts as follows:

1.0 Definitions

In this Bylaw, unless the context otherwise requires:

- (1) **“Act”** means the Local Government Bylaw Notice Enforcement Act, as amended or replaced;
- (2) **“Bylaw Enforcement Officer”** has the same meaning as in the Officer Position Establishment Bylaw No. 3073, 2018, as amended or replaced;
- (3) **“Bylaw Notice”** has the same meaning as in the Act;
- (4) **“Regional District”** means the Regional District of Fraser-Fort George;
- (5) **“Registry”** means the Regional District of Fraser-Fort George Registry established pursuant to this bylaw; and
- (6) **“Screening Officer”** means anyone appointed or designated as a screening officer under this bylaw.

2.0 Definitions from the Act and Other Enactments

- (1) If any word or phrase is defined in the Act, or the Interpretation Act, as amended or replaced, then the word or phrase shall have the same meaning in this bylaw unless expressly declared otherwise.

3.0 Bylaw Notice Dispute Adjudication Registry

- (1) The Regional District of Fraser-Fort George Registry is established as a bylaw notice dispute adjudication system in accordance with the Act to resolve disputes in relation to bylaw notices.
- (2) The civic address of the Registry is 155 George Street, Prince George, British Columbia, V2L 1P8.

4.0 Designated Bylaw Contraventions

- (1) Any bylaw contravention designated in Schedule A of this bylaw may be dealt with by bylaw notice.

5.0 Penalties

- (1) The penalty for a bylaw contravention designated in Schedule A of this bylaw shall be:
 - a) if payment of the penalty is received within thirty (30) days of the person receiving, or being presumed to have received, the bylaw notice, the amount set out in Column 3 of Schedule A; or
 - b) if payment of the penalty is received by the Registry more than thirty (30) days after the person received, or is presumed to have received, the bylaw notice, the amount set out in Column 4 of Schedule A.

6.0 Period for Paying or Disputing Bylaw Notice

- (1) A person who receives a bylaw notice must, within thirty (30) days of the bylaw notice being received or being presumed to have been received under Section 7 of the Act:
 - a) pay the penalty to the Registry in any manner prescribed on the reverse side of the bylaw notice; or
 - b) request dispute adjudication of the bylaw notice by completing the form on the reverse side of the bylaw notice and delivering it, either in person during regular office hours or by mail, to the Registry.

7.0 No Disputes Accepted After Time Limit

- (1) Subject to Section 8 of this bylaw, no person may request dispute adjudication of a bylaw notice more than thirty (30) days after receiving, or being presumed to have received, the bylaw notice.

8.0 Time Limits Reset If Bylaw Notice Not Received

- (1) If a person is not personally served with a bylaw notice and advises the Regional District, in accordance with Section 25 of the Act, that the person did not receive the bylaw notice, the time limits for paying and disputing the bylaw notice shall not begin to run until the bylaw notice is reissued and redelivered to the person in accordance with the Act.

9.0 Screening Officers

- (1) The position of Screening Officer is established, and the following officers and employees of the Regional District are designated to that position:
 - a) the Corporate Officer;
 - b) the General Manager of Development Services; and
 - c) the Manager of Inspection Services & Sustainability Practices.

10.0 Powers, Duties and Functions of Screening Officers

- (1) The powers, duties and functions of Screening Officers are as set out in the Act and its regulations, and include, but are not limited to, the following:
 - a) if requested by the person against whom a bylaw contravention is alleged, to communicate information respecting:
 - i. the nature of the bylaw contravention;
 - ii. the provision of the bylaw contravened;
 - iii. the facts on which the bylaw contravention allegation is based;
 - iv. the penalty for the bylaw contravention;
 - v. the opportunity to enter into a compliance agreement;
 - vi. the opportunity to proceed to the bylaw notice dispute adjudication system; and
 - vii. the fees payable in relation to the bylaw notice enforcement process if the person disputing the notice is unsuccessful.
 - b) to communicate with and consult any or all of the following for the purposes of performing their functions under this bylaw or the Act:
 - i. the person against whom a bylaw contravention is alleged or their representative;
 - ii. the officer who issued the bylaw notice;
 - iii. the complainant or their representative; and

- iv. Regional District staff and records regarding the disputant's history of bylaw compliance.
 - c) if a person disputes a bylaw notice within the time frame required by section 6, to either
 - i. confirm the bylaw notice and refer it to an adjudicator;
 - ii. cancel the bylaw notice, in accordance with the Act and any Regional District policies and guidelines; or
 - iii. enter into a compliance agreement, if one is available, with the person authorizing the payment of a reduced penalty if the person complies with terms specified in the compliance agreement, in accordance with the Act, Section 11 of this bylaw and any Regional District policies and guidelines; and
 - d) if the Screening Officer determines a person has failed to comply with the terms specified in a compliance agreement, rescind the compliance agreement, in accordance with the Act and any Regional District policies and guidelines.
- (2) No person may act as a Screening Officer in respect of a bylaw notice if that person:
- a) has issued or signed the bylaw notice;
 - b) is a complainant in respect of the bylaw notice;
 - c) is or is reasonably likely to become a witness in respect of that bylaw notice; or
 - d) has provided evidence, including documentary evidence, in respect of that bylaw notice.

11.0 Limits on Compliance Agreements

- (1) A compliance agreement:
- a) may only be entered into for a bylaw contravention if it is indicated in Column 5 of Schedule "A" as being available for that bylaw contravention;
 - b) may have a maximum duration of one year; and
 - c) shall not reduce a penalty for a bylaw contravention to less than one-half (1/2) of the amount set out in Column 3 of Schedule A.

12.0 Fee for Unsuccessful Disputes

- (1) In addition to any penalty imposed, every person who is unsuccessful in dispute adjudication in relation to a bylaw notice or compliance agreement must pay the Registry an additional fee of twenty-five dollars (\$25.00) for the purpose of recovering the costs of the adjudication system.

13.0 Headings

- (1) Any headings found in this bylaw are included for convenience only and are not to be construed as defining, or in any way limiting, the scope or intent of the provisions of this bylaw.

14.0 Schedules

- (1) Any schedules attached to this bylaw form a part of this bylaw.

15.0 Severability

- (1) If any portion of this bylaw is held to be invalid by a court of competent jurisdiction then the portion shall be severed, and the severance shall not affect the validity of the remainder of this bylaw.

16.0 Forms

- (1) The Regional District may, from time to time, provide forms of bylaw notices and compliance agreements which must comply with the requirements of the Act.

17.0 Title

- (1) This Bylaw may be cited for all purposes as the “Bylaw Notice Enforcement Bylaw No. 3201, 2020”.

THIS BYLAW is a copy of Bylaw No. 3201, consolidated pursuant to Section 139 of the *Community Charter* and is printed on the authority of the General Manager of Legislative and Corporate Services of the Regional District of Fraser-Fort George.

Karla Jensen
General Manager of Legislative and Corporate Services
Date:

AMENDED BY
SEC 1 BL 3249

SCHEDULE A**Designated Bylaw Contraventions and Penalties**

Building Bylaw No. 3239, 2021

Unsanitary Premises Regulation Bylaw No. 3194, 2020

Zoning Bylaw No. 2892, 2014

Note: All references to bylaws include all amendments to those bylaws.

Building Bylaw No. 3239

Column 1: Bylaw Section	Column 2: Description of Contravention	Column 3: Penalty (First 30 Days)	Column 4: Penalty (After 30 Days)	Column 5: Compliance Agreement Available
4.1	Constructing/ Demolishing/Moving Building or Structure Without Permit	\$350.00	\$500.00	Yes
4.2	Occupying Building or Structure Without Permit	\$150.00	\$200.00	Yes
4.3	Submitting False or Misleading Information	\$350.00	\$500.00	Yes
4.4	Erasing or Modifying Plans or Documents	\$150.00	\$200.00	Yes
4.5	Tampering with Order/Notice/Certificate	\$350.00	\$500.00	No
4.6	Varying Work Without Authorization	\$150.00	\$200.00	Yes
4.7	Obstructing Entry of Building Official	\$350.00	\$500.00	No
4.9	Failing to Comply with Order/Official Document	\$350.00	\$500.00	No
7.1	Owner Failing to Obtain Necessary Permit	\$350.00	\$500.00	Yes
7.3	Owner Failing to Have Plans Available or Permit Posted	\$50.00	\$100.00	Yes
7.5 (a)	Owner Failing to Post Address	\$50.00	\$100.00	Yes
7.5 (b)	Owner Failing to Post Permit	\$50.00	\$100.00	Yes
7.9	Owner Failing to Ensure Demolition Site Clear and Safe	\$300.00	\$500.00	Yes
7.10	Owner Failing to Notify of Change in Registered Professional	\$100.00	\$150.00	Yes
7.11	Owner Failing to Stop Work After Change in Registered Professional	\$200.00	\$250.00	Yes
10.23	Owner Failing to Fill in Excavation	\$300.00	\$500.00	Yes
10.24	Owner Failing to Fence Partial Construction	\$300.00	\$500.00	Yes
10.33	Covering or Concealing Work Before Inspection	\$150.00	\$200.00	Yes
10.38	Owner Failing to Secure Site After Stop Work Order	\$350.00	\$500.00	No
10.39	Continuing Work After Stop Work Order	\$350.00	\$500.00	No
10.42	Occupying Building or Structure Contrary to Do Not Occupy Notice	\$350.00	\$500.00	No
11.1	Constructing or Repairing Retaining Wall Without Permit	\$200.00	\$250.00	Yes
11.2	Surface Slope of Fill Exceeding Allowable Gradient	\$200.00	\$250.00	Yes

Unsightly Premises Regulation Bylaw No. 3194, 2020

Column 1: Bylaw Section	Column 2: Description of Contravention	Column 3: Penalty (First 30 Days)	Column 4: Penalty (After 30 Days)	Column 5: Compliance Agreement Available
3.0(1)	Permitting Property to Be Unsightly	\$200.00	\$300.00	Yes
3.0(2)	Depositing Rubbish	\$100.00	\$200.00	Yes
3.0(3)	Permitting Rubbish to Collect or Accumulate	\$100.00	\$200.00	Yes
3.0(4)	Placing Graffiti	\$100.00	\$150.00	Yes
3.0(5)	Permitting Graffiti	\$100.00	\$150.00	Yes
5.0(7)	Obstructing a Bylaw Enforcement Officer	\$300.00	\$500.00	No

Zoning Bylaw No. 2892, 2014

Column 1: Bylaw Section	Column 2: Description of Contravention	Column 3: Penalty (First 30 Days)	Column 4: Penalty (After 30 Days)	Column 5: Compliance Agreement Available
1.0 (1) (a)	Prohibited Use of Land/Building/Structure	\$350.00	\$500.00	Yes
1.0 (1) (b)	Prohibited Construction/Movement/Alteration	\$150.00	\$250.00	Yes