

CITY OF PRINCE RUPERT

ADJUDICATION BYLAW NO. 3497, 2023

A BYLAW TO PROVIDE FOR ENFORCEMENT BY BYLAW NOTICES

WHEREAS the *Local Government Bylaw Notice Enforcement Act, S.B.C, 2003, c. 60* empowers the Council of the City of Prince Rupert, by Bylaw, to designate those bylaws for which bylaw notice enforcement may be used;

NOW THEREFORE the Council of City of Prince Rupert in open meeting assembled, enacts as follows:

PART 1 – INTRODUCTION

Title

1. This Bylaw may be cited as “**City of Prince Bylaw Notice Enforcement Bylaw No. 3497, 2022**”.

PART 2 – DEFINITIONS

2. In this Bylaw:

“Act” means *Local Government Bylaw Notice Enforcement Act*;

“Bylaw Enforcement Officer” means a person or person appointed by Council, or their designate, from time to time to enforce the regulatory bylaws of the municipality;

“City” means the City of Prince Rupert;

“Designated Bylaw” means a bylaw listed in Column 1 of Schedule “A” to this bylaw;

“Designated Schedule” means the schedule specified in Column 3 of Schedule “A” to this bylaw that corresponds with and is attached to the Designated Bylaw being enforced; and,

“Registry” means the Bylaw Notice Adjudication Registry established pursuant to this bylaw.

PART 3 – STATUTORY TERMS

3. Subject to subsection 2, the terms of this bylaw have the same meaning as the terms defined in the Act.

PART 4 – BYLAW CONTRAVENTIONS

4. The bylaws listed in Column 1 of Schedule "A" to this Bylaw may be dealt with by bylaw notice.

PART 5 – PENALTY OR DISPUTE

- 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:
 - a. Pay to the City the penalty in the amount specified in Column A5 (Early Payment) of the Designated Schedule for the contravention; or,
 - b. Request dispute adjudication by filling in the appropriate portion of the bylaw notice indicating either an intention to dispute and delivering it, either in person during regular office hours, or by mail, to the City.

PAYING FOR A DISPUTE NOTICE

- 5.2 If a person receives a bylaw notice but falls to pay the penalty or dispute the bylaw notice in the time required under section 5.1 of this bylaw, that person must:
 - a. Pay to the City the penalty in the amount specified in Column A4 of the Designated Schedule for the contravention if the payment is received by the City within 30 days of the date on which the person received the bylaw notice or is presumed to have received the bylaw notice; or
 - b. Pay to the City the penalty in the amount specified in Column A6 of the Designated Schedule for the contravention.
- 5.3 Where a person was not personally served with a bylaw notice and advises the City, in accordance with the requirements of Section 25 of the Act, that they did not receive a copy of the original notice, the time limits for responding to a bylaw notice under subsection 5.1 and making a payment under subsection 5.2 of this bylaw do not begin to run until a copy of the bylaw notice is redelivered to them in accordance with the Act.

PART 6 – BYLAW NOTICE DISPUTE ADJUDICATION REGISTRY

- 6.1 The Registry is established to provide a bylaw notice dispute adjudication system for the purpose of hearing disputes in accordance with the Act.

- 6.2 The civic address of the Registry is the City of Prince Rupert, 424 Third Avenue West, Prince Rupert, BC, V8J 1L7
- 6.3 Every person who is unsuccessful in a dispute adjudication hearing in relation to a bylaw notice or a compliance agreement under the dispute adjudication system established under this section must pay the City an additional fee of \$25.00 for the purpose of the City recovering the costs of the adjudication system

PART 7 – SCREENING OFFICERS

- 7.1 The following may be appointed as screening officers:
- a. Corporate Administrator
 - b. City Manager

PART 8 – POWERS, DUTIES AND FUNCTIONS OF SCREENING OFFICERS

- 8.1 The powers, duties, and functions of screening officers are as set out in the Act, and include the following powers:
- a. 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;
 - b. to communicate with 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 contravention is alleged or their representative;
 - (ii) the officer issuing the notice;
 - (iii) the complainant or their representative; and
 - (iv) the City's staff and records regarding the disputant's history of bylaw compliance;
 - c. 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;

- d. To enable the payment of a reduced penalty if a compliance agreement is entered into, as provided in each bylaw; and
 - e. To cancel bylaw notices in accordance with the Act and City policies and guidelines.
- 8.2 Screening Officer may only enter into a compliance agreement for a contravention that is indicated as being available for a compliance agreement under Column A7 of the Designated Schedule.
- 8.3 The maximum duration of a compliance agreement is one year.

PART 9 – ADMINISTRATIVE

- 9.1 Schedule “A” is attached to this bylaw and forms a part of this bylaw.
- 9.2 If any provision of this bylaw is declared or held to be illegal, invalid, or ultra vires, in whole or in part, then the provision shall not apply and the remainder of this bylaw shall be in full force and effect and be construed as if it had been enacted without the illegal, invalid or ultra vires provision.

Read a First time this 6th day of March, 2023.

Read a Second time this 6th day of March, 2023.

Read a Third time this 6th day of March, 2023.

Read a Fourth & Final time this 20th day of March, 2023.

This Bylaw was adopted by Council.

To view the signed original,
contact City Hall Administration at
(250) 627 0934 or email
cityhall@princerupert.ca

MAYOR

CORPORATE ADMINISTRATOR

SCHEDULE "A"

- Business Regulation and Licensing (Rental Units) Bylaw 3476, 2021
- Dog Control Bylaw – Consolidated Bylaw 3250
- Fireworks Regulation Bylaw (1996) Bylaw 2978
- Noise Control Bylaw – Consolidated Bylaw 2430
- Nuisance Prohibition Bylaw – Consolidated Bylaw 2709
- Property Maintenance Bylaw (2010) Bylaw 3297
- Solid Waste Management Bylaw (2021) Bylaw 3480
- Trade or Business License Bylaw – Consolidate (2018) Bylaw 2426
- Traffic Bylaw – Consolidated Bylaw 2470

and including any amendments thereto.