

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 116**

**A BYLAW WITH RESPECT TO THE ENFORCEMENT OF BYLAW NOTICES WITHIN
THE SOUTH PENDER ISLAND LOCAL TRUST AREA**

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

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

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

Citation

1. This Bylaw may be cited as “South Pender Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 116, 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 South Pender 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” 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 Schedule “A” 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 Schedule “A” 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 Schedule “A” as attached to this bylaw; or
- (4) if paid under a compliance agreement, may be reduced as provided under column A5 of Schedule “A” 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 Schedule "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 Schedule "A" 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 schedule is attached to and forms part of this bylaw:

- (a) Schedule A – South Pender Island Land Use Bylaw No. 114, 2016 Contraventions and Penalties

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

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

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

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
30TH DAY OF OCTOBER ,2019

ADOPTED THIS 1ST DAY OF NOVEMBER ,2019

SECRETARY

CHAIR

Schedule A
SOUTH PENDER ISLAND LAND USE BYLAW NO. 114, 2016
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty Amount (within 14 days)	A3 Late Payment Penalty Amount (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
3.2(1)	Prohibited Airport	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(2)	Prohibited Heliport	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(3)	Prohibited Seaplane Facility	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(4)	Prohibited Private Marina	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(5)	Prohibited Disposal of Waste	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(6)	Prohibited Junkyard/Auto Wrecking Yard/Storage of Derelict Vehicles	\$350.00	\$262.50	\$525.00	Yes	100%
3.2(7)	Prohibited Landfill/ Disposal or Storage of Hazardous/Toxic Waste	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(8)	Prohibited Dirt Bike or ATV Trail	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(9)	Prohibited Rental/Sale/Commercial Storage of Personal Watercraft	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(10)	Prohibited Residential Use of Vessel	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(11)	Prohibited Commercial Use of Buoy/Float/Dock/Wharf/Structure	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(12)	Buildings/Structures Prohibited While Used for Prohibited Use	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(13)	Prohibited Dwellings/Cottages on Common Strata Property	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(14)	Prohibited Boathouse	\$500.00	\$375.00	\$750.00	Yes	100%
3.2(15)	Prohibited Floatplane Hangar	\$500.00	\$375.00	\$750.00	Yes	100%
3.3(2)	Building/Structure in Setback from Freshwater Waterbody	\$500.00	\$375.00	\$750.00	Yes	100%
3.3(3)	Building/Structure in Setback from Sea	\$500.00	\$375.00	\$750.00	Yes	100%
3.3(4)	Sewage System Too Close to	\$500.00	\$375.00	\$750.00	Yes	100%

Schedule A
SOUTH PENDER ISLAND LAND USE BYLAW NO. 114, 2016
CONTRAVENTIONS AND PENALTIES

	Watercourse/Well/Domestic Water Supply					
3.4(1)	Dwelling/Cottage Too High	\$350.00	\$262.50	\$525.00	Yes	100%
3.4(2)	Accessory Building/Structure Too High	\$350.00	\$262.50	\$525.00	Yes	100%
3.5(1)	Accessory Building Used For Human Habitation	\$500.00	\$375.00	\$750.00	Yes	100%
3.5(3)	Outbuilding On Lot Before Dwelling	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(1)	Home Businesses Goods Less Than 70% Homemade/ Retail Sales Unrelated To Personal Service	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(2)(a)/(b)/(c)	Prohibited Home Occupation	\$500.00	\$375.00	\$750.00	Yes	100%
3.6(3)	Home Occupation Not Indoors/Screened	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(4)	Home Occupation Too Big	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(5)	Home Occupation No Resident Owner/Operator	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(6)	Home Occupation Too Many Employees	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(7)	Home Occupation Improper Parking	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(8)(a)	B & B In Wrong Zone	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(8)(c)	B & B Too Many Bedrooms	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(8)(d)	B & B Too Many Employees	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(8)(e)	B & B Providing Meals Other Than in Morning	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(8)(f)	B & B Improper Parking	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(8)(g)	B & B In Accessory Building	\$350.00	\$262.50	\$525.00	Yes	100%
3.6(9)(a)	STVR In Wrong Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.6(9)(b)	STVR Use in Cottage and Dwelling	\$500.00	\$375.00	\$750.00	Yes	100%
3.6(9)(c)	More Than One Cottage On Lot Used For STVR	\$500.00	\$375.00	\$750.00	Yes	100%
3.7(1)	Over Height Agricultural Building/Structure	\$350.00	\$262.50	\$525.00	Yes	100%
3.8(1)	Over Height Fence	\$200.00	\$150.00	\$300.00	Yes	100%
3.9(1)	Improper Vegetative Landscape Screen	\$200.00	\$150.00	\$300.00	Yes	100%
3.9(2)	Improper Non-vegetative Screen	\$200.00	\$150.00	\$300.00	Yes	100%
3.10(1)	Unpermitted Use of Recreational Vehicle	\$500.00	\$375.00	\$750.00	Yes	100%

Schedule A
SOUTH PENDER ISLAND LAND USE BYLAW NO. 114, 2016
CONTRAVENTIONS AND PENALTIES

3.11(1)	Storing More Than One Unlicensed Vehicle	\$350.00	\$262.50	\$525.00	Yes	100%
3.11(2)	Storing Unusable Vehicle/Vessel	\$350.00	\$262.50	\$525.00	Yes	100%
5.1(1)	Unpermitted Use In RR Zones	\$500.00	\$375.00	\$750.00	Yes	100%
5.1(2)/(3)/(4)	Unpermitted Dwelling/Cottage In RR Zones	\$500.00	\$375.00	\$750.00	Yes	100%
5.1(5)	Exceed Floor Area on Lot	\$350.00	\$262.50	\$525.00	Yes	100%
5.1(6)(a)	Building/Structure In Setback From Front/Rear Lot Line	\$350.00	\$262.50	\$525.00	Yes	100%
5.1(6)(b)	Building/Structure in Setback from Interior Lot Line	\$350.00	\$262.50	\$525.00	Yes	100%
5.1(6)(c)	Building/Structure in Setback From Exterior Lot Line	\$350.00	\$262.50	\$525.00	Yes	100%
5.1(7)	Accessory Building Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
5.1(8)	Using more than one Dwelling Or Cottage At Same Time in RR Zones	\$500.00	\$375.00	\$750.00	Yes	100%
5.2(1)	Unpermitted Use in C Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.2(2)	Combined Floor Area of Buildings and Structures Covers Too Much Area	\$350.00	\$262.50	\$525.00	Yes	100%
5.2(3)	A Building/Structure Covers Too Much Area	\$350.00	\$262.50	\$525.00	Yes	100%
5.2(4)(a)	Building/Structure in Front/Rear Setback	\$500.00	\$375.00	\$750.00	Yes	100%
5.2(4)(b)	Building/Structure in Interior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
5.2(4)(c)	Building/Structure in Exterior Setback	\$350.00	\$262.50	\$525.00	Yes	100%
5.2(6)	Resort Hotel Fail To Comply With Conditions Of Use.	\$500.00	\$375.00	\$750.00	Yes	100%
5.3(1)	Unpermitted Use In S Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.3(2)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
5.3(3)	Building/Structure in Setback	\$350.00	\$262.50	\$525.00	Yes	100%
5.3(4)	Building/Structure Too High	\$350.00	\$262.50	\$525.00	Yes	100%
5.4(1)	Unpermitted Use In S2 Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.4(2)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%

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5.4(3)	Building/Structure in Setback	\$350.00	\$262.50	\$525.00	Yes	100%
5.4(4)	Building/Structure Too High	\$350.00	\$262.50	\$525.00	Yes	100%
5.5(1)	Unpermitted Use in A Zone	\$500.00	\$375.00	\$525.00	Yes	100%
5.5(2)	More Than One Dwelling	\$500.00	\$375.00	\$750.00	Yes	100%
5.5(3)	Extra Cottage/Dwelling Without Ongoing Agriculture	\$500.00	\$375.00	\$750.00	Yes	100%
5.5(4)/(5)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
5.5(6)(a)	Building/Structure in Front/Rear Setback	\$350.00	\$262.50	\$525.00	Yes	100%
5.5(6)(b)	Building/Structure in Side Setback	\$350.00	\$262.50	\$525.00	Yes	100%
5.5(7)(a)/(b)/(c)/(d)	Agricultural Buildings/Structures in Setback	\$500.00	\$375.00	\$750.00	Yes	100%
5.5(9)	Exceed Dwelling Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
5.5(10)	Using More Than One Dwelling Or Cottage At Same Time In RR Zones	\$500.00	\$375.00	\$750.00	Yes	100%
5.6(1)	Unpermitted Use In F Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.6(2)	More than One Dwelling and One Cottage	\$500.00	\$375.00	\$750.00	Yes	100%
5.6(3)/(4)	Exceed Lot coverage	\$350.00	\$262.50	\$525.00	Yes	100%
5.6(5)	Building/Structure in Setback	\$350.00	\$262.50	\$525.00	Yes	100%
5.6(6)	Building/Structure Too High	\$350.00	\$262.50	\$525.00	Yes	100%
5.6(7)	Exceed Dwelling floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
5.6.8	Using More Than One Dwelling Or Cottage At Same Time in RR Zones	\$500.00	\$375.00	\$750.00	Yes	100%
5.6(9)	Portable Sawmill In Setback	\$350.00	\$262.50	\$750.00	Yes	100%
5.7(1)	Unpermitted Use in NR Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.7(2)	More than One Dwelling	\$500.00	\$375.00	\$750.00	Yes	100%
5.7(3)	More Than One Dwelling and One Cottage	\$500.00	\$375.00	\$750.00	Yes	100%
5.7(4)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
5.7(5)	Building/Structure in Setback	\$350.00	\$262.50	\$525.00	Yes	100%
5.7(6)	Exceed Dwelling Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
5.7(7)	Using More Than One Dwelling Or Cottage At Same Time in RR Zones	\$500.00	\$375.00	\$750.00	Yes	100%
5.8(1)	Unpermitted Use In	\$500.00	\$375.00	\$750.00	Yes	100%

Schedule A
SOUTH PENDER ISLAND LAND USE BYLAW NO. 114, 2016
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	Community Park Zone					
5.8(2)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
5.8(3)	Building/Structure in Setback	\$350.00	\$262.50	\$525.00	Yes	100%
5.8(4)	Building/Structure Too High	\$350.00	\$262.50	\$525.00	Yes	100%
5.9(1)	Unpermitted Use in NP Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.9(2)	Exceed Lot Coverage	\$350.00	\$262.50	\$525.00	Yes	100%
5.9(3)	Building/Structure in Setback	\$350.00	\$262.50	\$525.00	Yes	100%
5.9(4)	Building/Structure Too High	\$350.00	\$262.50	\$525.00	Yes	100%
5.10(1)	Unpermitted Use In RC Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.10(2)	Exceed Lot Coverage	\$350.00	\$262.00	\$525.00	Yes	100%
5.10(3)	Building/Structure Exceeds Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
5.10(4)	Building/Structure in Setback	\$350.00	\$262.50	\$525.00	Yes	100%
5.10(5)	Building/Structure Too High	\$350.00	\$262.50	\$525.00	Yes	100%
5.11(1)	Unpermitted Use in W1 Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.11(2)	Unpermitted Building on Float/Wharf	\$500.00	\$375.00	\$750.00	Yes	100%
5.11(3)	Float/Wharf Exceeds combined Floor Area	\$500.00	\$375.00	\$750.00	Yes	100%
5.11(4)	Ramp/Walkway Exceeds Width	\$350.00	\$262.50	\$525.00	Yes	100%
5.11(5)	Structure in Setback	\$350.00	\$262.50	\$525.00	Yes	100%
5.12(1)	Unpermitted Use in W2 Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.12(2)	Structure in Setback	\$350.00	\$262.50	\$525.00	Yes	100%
5.13(1)	Non Permitted Use in W3 Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.13(3)	W3 Uses Outside W3 Zone	\$350.00	\$262.50	\$525.00	Yes	100%
5.13(4)	Building Exceeds floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
5.13(5)	Structure Too High	\$350.00	\$262.50	\$525.00	Yes	100%
5.14(1)	Unpermitted Use in W4 Zone	\$500.00	\$375.00	\$750.00	Yes	100%
5.15(2)	Unpermitted Use in W5 Zone	\$500.00	\$375.00	\$750.00	Yes	100%
6.2(1)/(2)/(3)	Prohibited Sign	\$350.00	\$262.50	\$525.00	Yes	100%
6.4(1)	Sign Outside Front or Exterior Setback Area	\$350.00	\$262.50	\$525.00	Yes	100%
6.5	Fail to Remove Obsolete Sign	\$350.00	\$262.50	\$525.00	Yes	100%
6.6	Too Many/Too Large Sign	\$350.00	\$262.50	\$525.00	Yes	100%
7.2	Parking Fails To Meet Design Standard	\$350.00	\$262.50	\$525.00	Yes	100%

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7.2(2)	Parking Space Too Small	\$350.00	\$262.50	\$525.00	Yes	100%
7.3(4)	Fail to Provide/Maintain Required Off Street Parking	\$350.00	\$262.50	\$525.00	Yes	100%