

CITY OF
LANGLEY



EXPLANATORY MEMO

BYLAW NOTICE ENFORCEMENT BYLAW, 2021

No. 3139

PURPOSE:

The purpose of Bylaw No. 3139 is to create a bylaw respecting the enforcement of Bylaw Notices within the City of Langley in accordance with the Local Government Bylaw Notice Enforcement Act, S.B.C. 2003, c. 60 as amended.

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LANGLEY



BYLAW NOTICE ENFORCEMENT BYLAW, 2021

No. 3139

A Bylaw to govern enforcement of Bylaw Notices within the City of Langley

The Council of the City of Langley, in open meeting assembled, enacts as follows:

Title

1. This Bylaw may be cited for all purposes as "Bylaw Notice Enforcement Bylaw, 2021, No. 3139".

Definitions

2. In this Bylaw:

"Act" means the *Local Government Bylaw Notice Enforcement Act, SBC 2003, c. 60* as amended from time to time.

"Bylaw Notice" has the same meaning as in the *Local Government Bylaw Notice Enforcement Act, SBC 2003, c. 60* as amended from time to time.

"Municipality" means the City of Langley.

"Registry" means the City of Langley Bylaw Notice Adjudication Registry established under section 9 of this bylaw.

Bylaw Contraventions

3. Council hereby designates the bylaws specified in column 1 of Schedule "A" of this Bylaw as bylaws which may be dealt with by Bylaw Notice.
4. The bylaw contraventions specified in columns 1 and 2 of Schedule "B" may be dealt with by Bylaw Notice.

Penalty

5. Subject to Section 6 and Section 7, the penalty for a contravention referred to in Section 4 is as set out in column 3 of Schedule "B".
6. If received by the Municipality within 14 days of the person receiving or being presumed to have received the Bylaw Notice, the penalty for a contravention referred to in Section 4 is as set out in column 4 of Schedule "B".
7. If paid under a compliance agreement, the penalty for a contravention referred to in Section 4 may be reduced as provided under column 5 of Schedule "B".

Period for paying a Disputed Notice

8. A person who receives a Bylaw Notice must, within 14 days of receiving or being presumed to have received the Bylaw Notice,
 - (a) pay the penalty in accordance with the Bylaw Notice; or
 - (b) request dispute adjudication in respect of the allegation made in the Bylaw Notice in accordance with the instructions on the bylaw notice.
9. A person may pay the indicated penalty after 14 days of receiving the Bylaw Notice, but no person may dispute the Bylaw Notice more than 14 days after receiving the Bylaw Notice.
10. Where a person was not served personally with a Bylaw Notice and advises the Municipality that they did not receive a copy of the original notice, the time limits for responding to a Bylaw Notice under Sections 8 and 9 of this Bylaw do not begin to run until a copy of the Bylaw Notice is re-delivered to them in accordance with Section 25 of the Act.

Bylaw Notice Dispute Adjudication Registry

11. The Registry is established as a Bylaw Notice dispute adjudication system in accordance with the Act to resolve disputes in relation to Bylaw Notices.
12. The civic address of the Registry is 20399 Douglas Crescent, Langley, B.C., V3A 4B3.
13. Every person who is unsuccessful in a dispute adjudication in relation to a Bylaw Notice or a compliance agreement under the dispute adjudication system established under this section must pay the Municipality an additional fee of \$25 for the purpose of the Municipality recovering the costs of the adjudication system.

Screening Officers

14. The position of screening officer is established.
15. The following are the designated classes of persons that may be appointed as screening officers:

- (a) Manager of Community Safety
- (b) Chief Bylaw Enforcement Officer

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

Powers, Duties and Functions of Screening Officers

16. The powers, duties and functions of Screening Officers are as established in the Act, and include the following powers:
 - (a) where requested by the person against whom a contravention is alleged, 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,
 - iv. the Municipality'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 provide for payment of a reduced penalty if a compliance agreement is entered into, as provided in column 5 of Schedule "B"; and
- (e) to cancel Bylaw Notices in accordance with the Act or the Municipality's policies and guidelines.

17. The bylaw contraventions in relation to which a Screening Officer may enter into a compliance agreement are indicated in column 5 of Schedule "B".

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

Bylaw Enforcement Officers

19. The persons who act in the job positions or titles listed in Column 2 of Schedule "A" to this Bylaw are designated as bylaw enforcement officers for the purposes of this Bylaw and the Act in relation to the bylaws listed in Column 1 of Schedule "A" opposite the respective job position.

Form of Bylaw Notice

20. The Municipality 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.

Schedules

21. The following schedules are attached to and form part of this Bylaw:

- (a) Schedule “A” – Designated Bylaws and Enforcement Officers.
- (b) Schedule “B” – Designated Bylaw Contraventions and Fine Amounts.
- (c) Schedule “C” – Compliance Agreement.

Severability

22. If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

READ A FIRST, SECOND, AND THIRD TIME this fourth day of October, 2021.

ADOPTED this day of , .

MAYOR

CORPORATE OFFICER

Schedule A – Designated Bylaws and Enforcement Officers

Highway and Traffic Regulation Bylaw 2013, No. 2871

Schedule	Column 1 Bylaw	Column 2 Designated Bylaw Enforcement Officer
B	Highway and Traffic Regulation Bylaw, 2013, No. 2871	Building Official Bylaw Enforcement Officer Director of Engineering, Parks & Environment Manager of Engineering Services Manager of Engineering Operations Manager of Park Operations Engineering Works Inspector RCMP Officer

Schedule B – Designated Bylaw Contraventions and Fine Amounts

Highway and Traffic Regulation Bylaw 2013, No. 2871

Column 1 Offence	Column 2 Section	Column 3 Fine	Column 4 Fine If Paid Within 14 Days	Column 5 Compliance Agreement Available (%50 of Penalty)
Failure to obey traffic signs or traffic control signal	5(1)	\$100.00	\$100.00	No
Establishment of unauthorized traffic sign or traffic control signal	5(2)	\$50.00	\$50.00	No
Remove or damage traffic sign or traffic control signal	5(3)	\$150.00	\$150.00	No
Removal of barrier or entry to closed area	5(5)	\$50.00	\$50.00	No
Parading without permission	5(8)(a)	\$100.00	\$100.00	No
Failure to remove debris from wrecked or damaged vehicle	5(12)	\$50.00	\$50.00	No
Operate loudspeaker without permission	5(13)	\$50.00	\$50.00	No
Noise from vehicle that disturbs (vehicle noise)	5(14)(a)	\$100.00	\$100.00	No
Noise from vehicle that disturbs (alarm or amplified sound)	5(14)(b)	\$100.00	\$100.00	No
Noise from vehicle that disturbs (other)	5(14)(c)	\$100.00	\$100.00	No
Pedestrian fail to obey traffic control signal	5(15)(a)(i)	\$50.00	\$50.00	No
Walk on roadway	5(15)(a)(ii)	\$50.00	\$50.00	No
Impede or interfere with free passage of vehicles	5(15)(a)(iii)	\$50.00	\$50.00	No

Schedule B – Designated Bylaw Contraventions and Fine Amounts

Highway and Traffic Regulation Bylaw 2013, No. 2871 (Continued)

Column 1 Offence	Column 2 Section	Column 3 Fine	Column 4 Fine If Paid Within 14 Days	Column 5 Compliance Agreement Available (%50 of Penalty)
Impede or interfere with free passage of another person	5(15)(a)(iv)	\$50.00	\$50.00	No
Cling to vehicle in motion	5(15)(a)(v)	\$50.00	\$50.00	No
Ride cycle on sidewalk	5(16)(a)(i)	\$50.00	\$50.00	No
Ride cycle on pedestrian path	5(16)(a)(ii)	\$50.00	\$50.00	No
Ride cycle on marked crosswalk	5(16)(a)(iii)	\$50.00	\$50.00	No
Leave cycle so as to impede or obstruct pedestrian traffic	5(16)(a)(iv)	\$50.00	\$50.00	No
Fail to park cycle in stand	5(16)(a)(v)	\$50.00	\$50.00	No
Ride cycle on highway where prohibited	5(16)(a)(vi)	\$50.00	\$50.00	No
Ride cycle without helmet	5(16)(a)(vii)	\$75.00	\$75.00	No
Too many people on bicycle	5(16)(a)(viii)	\$50.00	\$50.00	No
Carry package which prevents cycling with two hands or obstructs vision	5(16)(a)(ix)	\$50.00	\$50.00	No
Ride cycle on the left of another cyclist	5(16)(b)	\$30.00	\$30.00	No
Parked within 6 metres of stop or yield sign or traffic sign	6(1)(a)	\$70.00	\$35.00	No
Parked within 6 metres of an intersecting highway	6(1)(b)	\$70.00	\$35.00	No
Parked within 5 metres of fire hydrant	6(1)(c)	\$70.00	\$35.00	No

Schedule B – Designated Bylaw Contraventions and Fine Amounts

Highway and Traffic Regulation Bylaw 2013, No. 2871 (Continued)

Column 1 Offence	Column 2 Section	Column 3 Fine	Column 4 Fine If Paid Within 14 Days	Column 5 Fine Where Compliance Agreement Entered
Parked within 2 metres of alley or driveway	6(1)(d)	\$70.00	\$35.00	No
Parked by excavation obstructing traffic	6(1)(e)	\$70.00	\$35.00	No
Parked on sidewalk	6(1)(f)	\$70.00	\$35.00	No
Parked within 6 metres of crosswalk	6(1)(g)	\$70.00	\$35.00	No
Double parked	6(1)(h)	\$70.00	\$35.00	No
Parked in alley	6(1)(i)	\$70.00	\$35.00	No
Parked in alley obstructing traffic	6(1)(j)	\$70.00	\$35.00	No
Parked on a bridge	6(1)(k)	\$70.00	\$35.00	No
Parked within 15 metres of railway crossing	6(1)(l)	\$70.00	\$35.00	No
Parked on highway	6(1)(m)(i)	\$70.00	\$35.00	No
Parked on highway advertising vehicle for sale	6(1)(m)(ii)	\$70.00	\$35.00	No
Parked on highway displaying signs	6(1)(m)(iii)	\$70.00	\$35.00	No
Parked on highway for purpose of vending	6(1)(m)(iv)	\$70.00	\$35.00	No
Parked on narrow highway	6(1)(n)	\$70.00	\$35.00	No
Parked contrary to traffic sign	6(1)(o)	\$70.00	\$35.00	No

Schedule B – Designated Bylaw Contraventions and Fine Amounts

Highway and Traffic Regulation Bylaw 2013, No. 2871 (Continued)

Column 1 Offence	Column 2 Section	Column 3 Fine	Column 4 Fine If Paid Within 14 Days	Column 5 Fine Where Compliance Agreement Entered
Parked other than on right side of highway with right hand wheels to that side	6(1)(p)(i)	\$70.00	\$35.00	No
Parked further than 0.3 metres from curb	6(1)(p)(ii)	\$70.00	\$35.00	No
Parked obstructing vehicular or pedestrian traffic	6(1)(q)	\$70.00	\$35.00	No
Parked incorrectly in angled parking spot	6(1)(r)	\$70.00	\$35.00	No
Vehicle over 6 metres parked in angled parking spot	6(1)(s)	\$70.00	\$35.00	No
Parked wholly or partially outside of parking space	6(1)(t)	\$70.00	\$35.00	No
Parked obstructing visibility of traffic sign or traffic control signal	6(1)(u)	\$70.00	\$35.00	No
Parked too close to bus stop	6(1)(v)	\$70.00	\$35.00	No
Vehicle parked unattended in passenger or loading zone	6(1)(w)	\$70.00	\$35.00	No
Non-commercial vehicle parked in commercial zone	6(1)(x)	\$70.00	\$35.00	No
Overtime parking	6(2)(a)	\$70.00	\$35.00	No
Overtime parking – 72 hours	6(2)(b)	\$70.00	\$35.00	No
Move to avoid time limitation	6(2)(c)	\$70.00	\$35.00	No
Vehicle Idling	6(3)	\$70.00	\$35.00	No

Schedule B – Designated Bylaw Contraventions and Fine Amounts

Highway and Traffic Regulation Bylaw 2013, No. 2871 (Continued)

Column 1 Offence	Column 2 Section	Column 3 Fine	Column 4 Fine If Paid Within 14 Days	Column 5 Fine Where Compliance Agreement Entered
Vehicle as living quarters	6(4)	\$70.00	\$35.00	No
Unlicensed Vehicle or invalid licence decal	6(5)	\$70.00	\$35.00	No
Recreational Vehicles parked over 48 hours	6(6)(a)	\$70.00	\$35.00	No
Recreational Vehicle as living quarters	6(6)(b)	\$70.00	\$35.00	No
Unhitched trailer on highway	6(6)(c)	\$100.00	\$100.00	No
Stopped or parked in a disabled zone	6(7)	\$100.00	\$100.00	No
Commercial vehicle overnight parking	6(8)	\$100.00	\$100.00	No
Off truck route	7(2)	\$100.00	\$100.00	No
Drive vehicle with specifications greater than <i>Commercial Transport Act</i>	7(3)(a)	\$100.00	\$100.00	No
Move farm equipment outside of specified times	7(3)(b)	\$100.00	\$100.00	No
Drive vehicle with licenced GVW greater than 63,500 Kilograms	7(4)	\$200.00	\$200.00	No
Vehicle with unpermitted wheels, tires or tracks	7(5)	\$200.00	\$200.00	No
Litter on highway	8(1)(a)	\$150.00	\$150.00	No
Cut, saw, deposit materials on highway	8(1)(b)	\$100.00	\$100.00	No
Deposit offensive substance on highway	8(1)(c)	\$500.00	\$500.00	No

Schedule B – Designated Bylaw Contraventions and Fine Amounts

Highway and Traffic Regulation Bylaw 2013, No. 2871 (Continued)

Column 1 Offence	Column 2 Section	Column 3 Fine	Column 4 Fine If Paid Within 14 Days	Column 5 Fine Where Compliance Agreement Entered
Leave excavation insufficiently barricaded and lit	8(1)(d)	\$500.00	\$500.00	No
Deface highway or structure	8(1)(e)	\$200.00	\$200.00	No
Undertake unauthorized works in, on or under a highway	8(2)(a)	\$500.00	\$500.00	No
Unauthorized planting, damage or removal of vegetation	8(2)(b)	\$500.00	\$500.00	No
Damage or remove City erected items on highway	8(2)(c)	\$500.00	\$500.00	No
Change level of highway or obstruct flow of water	8(2)(d)	\$500.00	\$500.00	No
Construct or maintain ditch within a highway	8(2)(e)	\$500.00	\$500.00	No
Place, construct or maintain structure or thing on a highway	8(2)(f)	\$500.00	\$500.00	No
Erect or tear down signage	8(2)(g)	\$500.00	\$500.00	No
Vehicle or animal in excess of 270 kg across boulevard	8(2)(h)	\$200.00	\$200.00	No
Construct boulevard	8(2)(i)	\$500.00	\$500.00	No
Obstruct flow of traffic	8(2)(j)	\$500.00	\$500.00	No
Construct or maintain unauthorized driveway	8(2)(k)	\$500.00	\$500.00	No

Schedule B – Designated Bylaw Contraventions and Fine Amounts

Highway and Traffic Regulation Bylaw 2013, No. 2871 (Continued)

Column 1 Offence	Column 2 Section	Column 3 Fine	Column 4 Fine If Paid Within 14 Days	Column 5 Fine Where Compliance Agreement Entered
Debris or vegetation from property on highway	8(3)(a)	\$100.00	\$100.00	No
Vegetation from property over highway	8(3)(b)	\$100.00	\$100.00	No
Deposit excavation materials on highway	8(3)(c)	\$500.00	\$500.00	No
Deposit snow onto highway	8(3)(d)	\$100.00	\$100.00	No
Fail to remove soil or rubbish from sidewalk or walkway	8(4)(a)	\$100.00	\$100.00	No
Fail to remove snow from sidewalk or walkway	8(4)(b)	\$100.00	\$100.00	No
Fail to remove snow, ice or rubbish from roof or structure	8(4)(c)	\$100.00	\$100.00	No
Fail to upkeep boulevard bordering property	8(4)(d)	\$100.00	\$100.00	No
Fail to produce highway use permit at authorized site	9(2)(d)	\$150.00	\$150.00	No

Schedule C

Compliance Agreement Pursuant to Bylaw Notice Enforcement Bylaw, 2021, No. 3139

I, _____ (name), of

_____ (address), acknowledge receipt of bylaw notice(s) # _____ (the "Bylaw Notice"), and I wish to enter into a Compliance Agreement whereby I agree to fulfill certain conditions, in exchange for a reduced penalty. Specifically, I agree to comply with the following terms and conditions of this Agreement:

1. On or before _____ I will

2. On or before _____ I will

I understand that this agreement is binding on me for one year from the date of this Agreement.

I also understand that if I breach a term of this Agreement or fail to observe or perform the above terms and conditions, the Municipality's Screening Officer may rescind this Agreement. I understand that if this Agreement is rescinded, I will have 14 days 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 stated in the Bylaw Notice of \$ _____ will be immediately due and payable and subject to all fees and penalties as if the Bylaw Notice was not disputed.

Signature of Bylaw Notice Recipient

Signature of Screening Officer

Date

Date