



**VILLAGE OF SAYWARD
COUNCIL MEETING AGENDA
April 19, 2019 – 7:00 PM
KELSEY CENTRE GYMNASIUM**

1. Called to Order

2. Public Input (maximum 30 minutes)

Mayor: "Public Input is for the purpose of permitting people in the gallery to provide input and shall be no longer than 30 minutes unless approved by majority vote of Council; each speaker may provide respectful comment on any topic they deem appropriate and not necessarily on the topics on the Agenda of the meeting; the public input opportunity is meant for input and questions and answers. Each speaker may not speak longer than 2 minutes but may have a second opportunity if time permits. Each speaker must not be allowed to speak regarding a bylaw in respect of which a public hearing has been held. For the record please state your name and address."

3. Approval of Agenda.

Recommended Resolution:

THAT the agenda for the Regular Meeting of Council for April 19, 2019 be approved.

4. Minutes of Previous Meetings

Recommended Resolution,

THAT the minutes from the Regular Meeting of Council held on April 3, 2019 be adopted as amended.

Recommended Resolution,

THAT the minutes from the Regular Meeting of Council held on January 22, 2019 be adopted as amended.

These minutes were first presented to Council at the February 5, 2019 regular meeting for adoption however an omission was identified by the Mayor in relation to the motion following the presentation made by Alex Turner of the Tourism Committee. A correction has been made to that motion and is so noted on the amended minutes from the January 22, 2019 minutes.

5. Petitions and Delegations - None

6. Correspondence

Recommended Resolution:

THAT the following correspondence be received,

- a) City of Maple Ridge - The Erosion of Democratic Elected Government
- b) Medical Health Officer - Letter to Council regarding Wood Smoke

- c) Coastal Fire Centre - Staying Informed 2019
- d) Vancouver Island Library – Report on BC Construction Market

7. Council Reports – None

8. Committee Member Reports – None

9. Mayor’s Report – None

10. Staff Reports

- a) Cannabis Dispensaries in Sayward – Report by CAO
Recommended Resolution,
THAT the report titled “Cannabis Dispensaries in Sayward” be received for information and discussion.
- b) Policy Update Report – Report by CFO
Recommended Resolution,
*THAT Council receives the CFO’s report on the Policy Update Project; and
THAT Council approves Permissive Property Tax Exemption Policy 300-01.*

11. Old Business

- a) Spar Street Parking and Property Appearance Concerns – Letter from concerned resident
Recommended Resolution,
THAT the report titled “Spar Street Parking and Property Appearance Concerns” be received for information and discussion.

12. Bylaws

- a) Public Nuisance Bylaw No. 417, 2018
Recommended Resolution,
*THAT third reading of Public Nuisance Bylaw No. 417, 2019 be rescinded to permit an amendment to the Bylaw to allow the running of backup generators in the event of power interruptions to the Village; and
THAT Public Nuisance Bylaw No. 417, 2019 be given third reading; and
FURTHER THAT Public Nuisance No. 417, 2019 be given fourth and final reading.*
- b) Business Licence Bylaw No. 452, 2019
Recommended Resolution,
THAT Business Licence Bylaw No. 452, 2019 be given first, second and third reading.
Business Licence Bylaw No. 444, 2019 is being replaced to include in the new bylaw a definition for “Home Occupation-Artisan”.

- c) Fees and Charges Bylaw No. 451, 2019
 Recommended Resolution,
THAT Fees and Charges Bylaw No. 451, 2019 be given first, second and third reading.
 Fees and Charges Bylaw 445, 2019 is being replaced to include in the new bylaw a reduced business licence fee for home-based artisan businesses who have an identifiable Sayward mailing address.
- d) Off-Road Vehicle Regulation Bylaw No. 446, 2019
 Recommended Resolution,
THAT Off-Road Vehicle Regulation Bylaw No. 446, 2019 be given first, second and third reading.
- e) Water Rate Bylaw No. 448, 2019
 Recommended Resolution,
THAT Water Rate Bylaw No. 448, 2019 be given first, second and third reading.
- f) Sewer Rate Bylaw No. 449, 2019
 Recommended Resolution,
THAT Sewer Rate Bylaw No. 449, 2019 be given first, second and third reading.
- g) Solid Waste Collections Rates Bylaw No. 450, 2019
 Recommended Resolution,
THAT Solid Waste Collection Rates Bylaw No. 450, 2019 be given first, second and third reading.

13. Financial

- a) Statement of Revenue and Expenditures Report - Month ending March 31, 2019
 Recommended Resolution,
THAT the Statement of Revenue and Expenditures for the month ending March 31, 2019 be received for information.
- b) Accounts Payable Cheque Register Report - Month ending March 31, 2019
 Recommended Resolution,
THAT the Accounts Payable Cheque Register Reports for the month ending March 31, 2019 be received for information.

14. New Business

- a) Oscar Daze Event (August 2, 3, 4 & 5th) – Request for fees and charges to be waived
 Recommended Resolution,
THAT the request to have all fees and charges waived for the Oscar Daze Event scheduled for August 2, 3, 4 & 5th be received for discussion.
- b) Vancouver Island Regional Library – Media Release for new Sayward Library
 Recommended Resolution,
THAT the media release by Vancouver Island Regional Library relating to the contract award for the new Sayward Library be received.

c) Local Government Management Association – Commemorative Tree Planting

Recommended Resolution,

THAT Council receive the Commemorative Tree Planting Information Package for Local Governments; and

THAT Council provide staff with some options on where to plant the tree.

Staff has already received the \$50.00 cheque from the LGMA to be used towards the purchase of the tree.

d) Special Regular Meeting of Council – April 23, 2019 at 2:30 pm

Recommended Resolution,

THAT a special regular meeting of Council be scheduled for Tuesday, April 23, 2019 at 2:30 pm to give consideration to providing first, second and third reading on the 2019 Tax Rates Bylaw.

15. Public Question Period (maximum 15 minutes)

Mayor: “The purpose of the public question period is to permit people in the gallery to ask questions about the issues discussed by Council during the meeting. Speakers will be allowed to ask one question each. If time permits, after everyone has had an opportunity to ask questions, speakers will be allowed to ask a second question. For the record, please state your name and address.”

16. In-Camera

Prepare to go In-Camera

That in accordance with Section 92 of the *Community Charter*, this Council meeting will be closed to the public at this time in order that Council may give consideration to matters in accordance with Section 90 (2)(c) of the *Community Charter* to discuss a matter that is being investigated under the *Ombudsperson Act* of which the municipality has been notified under section 14 [*Ombudsperson to notify authority*] of that Act;

17. Rise

18. Adjournment

Recommended Resolution,

THAT the Regular Meeting of Council for April 19, 2019 be adjourned.



**VILLAGE OF SAYWARD
MINUTES
REGULAR COUNCIL MEETING
April 3, 2019 – 7:00 PM
KELSEY CENTRE GYMNASIUM**

Present: Mayor John MacDonald
Councillor Joyce Ellis
Councillor Norm Kirschner
Councillor Bill Ives
Councillor Wes Cragg

In Attendance: Paul Carver, Chief Administrative Officer
Lisa Clark, Chief Financial Officer

Left the Meeting: Councillor Norm Kirschner left the meeting at 7:47 PM

1. Call to Order

Meeting was called to order at 7:00 PM

2. Public Input (maximum 30 minutes)

Debra Coates	Do we have 2 gardeners now?	CAO – We do not.
Irene Callaghan	Is there a bylaw for fire crackers?	Mayor – That will be discussed at this meeting.
Karen McClinton	What is the update on the RCMP leaving town?	Mayor – We will follow up in a report.
Debra Coates	Plaque for the share shed?	CAO – We apologize for the delay. It is on our project list.
Irene Callaghan	Is the public works truck being sold?	Mayor – No truck is being kept as discussed at budget meetings.
Greg Sidoruk	What is the update to my letter to Council regarding parking?	CAO – More info will be available at the next meeting.
Lee Ettinger	Does the VOS have zoning bylaws?	Yes, we do.
Janett Hoare	Are we at the point where we can ticket people?	CAO/Mayor – Still a work in progress but will be brought to Council soon.
Jean Francois Morin	Noise Bylaw – Where are we at?	CAO – On hold and will be brought back to Council.

Karen McClinton	Why does the newsletter state the meeting is for Tuesday night?	The meeting date was changed at the last meeting.
Debra Coates	Bench in front of Fire Department. Where is it?	Mayor – Will follow up with the Fire Department.

3. Approval of Agenda

MOTION R19/71

MOVED AND SECONDED

THAT the agenda for the Regular Meeting of Council for April 3, 2019 be approved as amended.

CARRIED

4. Minutes of Previous Meetings

MOTION R19/72

MOVED AND SECONDED

THAT the minutes from the Regular Meeting of Council held on March 19, 2019 be adopted as amended.

CARRIED

5. Petitions and Delegations - None

6. Correspondence

MOTION R19/73

MOVED AND SECONDED

THAT the following correspondence be received,

- a) 2018 Sustainability Report – Western Forest Products
- b) Promoting Local Economic Development – UBCM
- c) Secret Santa Donation Request - Tessa Ballentine

MOTION R19/74

MOVED AND SECONDED

THAT a letter be written to Tessa Ballentine that there is no grant-in-aid program.

CARRIED

- d) City of Victoria (Resolution) – Protection of Old Growth Forests
- e) Federal Gas Tax Program (UBCM) – Increase in 2019 Gas Tax Payment
- f) District of Highlands Survivor Challenge

CARRIED

7. Council Reports

- a) Briefing Notes - Councillor Ives (original meeting date: March 19, 2019)

MOTION IC/34

MOVED AND SECONDED

THAT the Briefing Notes prepared by Councillor Ives for the March 19, 2019 Council meeting be brought forward to the April 3, 2019 regular Council meeting.

CARRIED

Councillor Ives provided a verbal report on his written report.

8. Committee Member Reports – None

9. Mayor's Report

- a) Mayor's Report – April 3, 2019

MOTION R19/75

MOVED AND SECONDED

THAT the Mayor's Report for April 3, 2019 be received.

CARRIED

- i) Island Timberlands Forest Service Road - Memo of Understanding (MOU) Road Access

MOTION R19/76

MOVED AND SECONDED

THAT staff liaise with Island Timberlands and create an MOU for VOS to use any and all Island Timberlands Forest service roads in a time of a called emergency for evacuation of the Sayward Community. This MOU was mentioned in the Projects Status Report prepared by our CAO and presented to Council at the March 5th regular meeting.

CARRIED

- ii) Emergency Fuel – Memo of Understanding (MOU) with surrounding industries for fuel

MOTION R19/77

MOVED AND SECONDED

THAT staff liaise with Mid Island Co-op, Island Timberlands, Western Forest Products and Mainroad Inc, to create individual MOUs' for provision of fuel to VOS (emergency vehicles and generators only) during a time of a called emergency.

CARRIED

- iii) Village Grocery Store – Councillor Ives Initiative

MOTION R19/78

MOVED AND SECONDED

THAT in accordance with the Community Charter and other applicable provincial legislation, the Village of Sayward donate land (site to be determined) for an entrepreneur to build and operate a grocery store in the Village; and

THAT Council consider waiving certain fees and charges in place at the time in support of the project; and

THAT should Council be successful finding an individual to build and operate a store in the Village, that a Contract with that entrepreneur be put in place providing the entrepreneur with a timeline to get the store up and running; and

FURTHER THAT the Contract provide in principle certain conditions to ensure the continual operation of the business over a certain number of years, to be determined by Council.

CARRIED

- iv) ATV Bylaw – Councillor Ives Initiative

MOTION R19/79

MOVED AND SECONDED

THAT staff prepare an ATV bylaw for the use of ATVs within municipal boundaries, and that the draft bylaw be presented to Council for discussion at the May 7, 2019 regular Council meeting.

CARRIED

- v) Committee of the Whole (COW) – Monday, April 15, 2019 at 9:00 am

MOTION R19/80

MOVED AND SECONDED

THAT an In-Camera “Committee of the Whole” meeting be scheduled for April 15, 2019 at 9:00 am and that following rise and report of the in-camera, Sayward Tourism Committee Chair and Sayward Futures Board chair be invited to attend for their input.

CARRIED

10. Staff Reports

- a) Strategic Plan and Projects update (April 2019)– Report by CAO

MOTION R19/81

MOVED AND SECONDED

THAT the Strategic Plan and Projects Update Report for April 2019 prepared by the CAO be received for information.

CARRIED

11. Old Business - None

12. Bylaws

- a) Five Year Financial Plan Bylaw No. 447, 2019

MOTION R19/82

MOVED AND SECONDED

THAT Five Year Financial Plan Bylaw No. 447, 2019 be given fourth and final reading.

CARRIED

13. Financial – None

14. New Business

- a) Parking on Spar Street - Letter from 230 Spar Street (environmental concerns)

MOTION R19/83

MOVED AND SECONDED

THAT the letter prepared by the owner of 230 Spar Street regarding the leakage of diesel fuel from a regularly parked pickup truck on the boulevard be received.

CARRIED

15. Public Question Period (maximum of 15 minutes)

Debra Coates	The extra 68K from gas tax this year, please put into a reserve for a rainy day and do not spend it.	CAO – The funds will be put into the CWF reserve.
Lee Ettinger	ATV concerns, noise, etc. Are ATV's going to have sound reducing equipment?	Councillor Ives – Machines today are much quieter than in years past. The VOS will be limiting where they go and which roads they can access.
Irene Callaghan	Fireworks – Its going to happen again tonight. What is the VOS going to do about it?	Mayor – I will be discussing it with the CAO in the morning.
Greg Sidoruk	Second part of my letter, excessive amount of garbage, grass not cut, etc. What has been done?	CAO – I recently had a look at the property in question. Based on what I saw there wasn't an issue.
Karen McClinton	Fireworks/RCMP – RCMP indicated if the bylaws were written correctly, they would enforce them.	
Janett Hoare	It does depend on the bylaws. If they are written correctly, they can be enforced.	
Jean Francois Morin	Appreciate that council asks questions as I cannot during meetings. Thank you so much.	

16. In-Camera - None

17. Rise

18. Adjournment

MOTION R19/84

MOVED AND SECONDED

That the Regular Council Meeting of April 3, 2019 be adjourned.

CARRIED

The meeting was adjourned at 9:10 PM.

Mayor John MacDonald

Chief Administrative Officer



**VILLAGE OF SAYWARD
MINUTES
REGULAR COUNCIL MEETING
January 22, 2019 – 7:00 PM
KELSEY CENTRE GYMNASIUM**

Present: Mayor John MacDonald
Councilor Joyce Ellis
Councilor Norm Kirschner
Councillor Bill Ives
Councilor Wes Cragg

In Attendance: Paul Carver, Chief Administrative Officer
Lisa Clark, Chief Financial Officer

1. Call to Order

Meeting was called to order at 7:00 PM

2. Public Input (maximum 30 minutes) - None

3. Approval of Agenda

MOTION R19/10

MOVED AND SECONDED

That the agenda for the Regular Meeting of Council for January 22, 2018 be adopted as amended.

CARRIED

4. Minutes of Previous Meetings

MOTION R19/11

MOVED AND SECONDED

That the minutes from the Regular Meeting of Council held on January 8, 2019 be adopted.

CARRIED

5. Petitions and Delegations

a) Cpl. Kim Graham, Detachment Commander – Policing Report

MOTION R19/12

MOVED AND SECONDED

THAT the presentation made by Cpl. Kim Graham, Detachment Commander be received.

CARRIED

- b) Alex Turner – Sayward Tourism Committee (trail project)

MOTION R19/13
MOVED AND SECONDED

THAT the presentation made by Alex Turner be received; and

THAT staff work with the Tourism Committee and Natures Trust to facilitate a parking lot off Sayward Road and trail improvements to improve access to Kelly Bridge.

CARRIED

6. Correspondence

MOTION R19/14
MOVED AND SECONDED

That the following correspondence be received,

- a) Sayward Policing Report – October to December 2018
- b) Sayward Tourism Committee – Trail Development within the Village of Sayward
- c) Ministry of Education – 2019 Premier’s Awards
- d) BC Hydro – Vancouver Island Community Relations 2018 Annual Report/Storm Report

CARRIED

7. Council Reports - None

8. Committee Member Reports – None

9. Mayor’s Report – None

10. Old Business – None

11. Staff Reports

- a) Emergency Operations Centre Grant – Report by CAO

MOTION R19/15
MOVED AND SECONDED

THAT the report from the Chief Administrative Officer be received; and

THAT the application for financial assistance under the Community Emergency Preparedness Fund Grant for Emergency Operations Centre’s be authorized for submission to the Union of BC Municipalities; and

FURTHER THAT the Village of Sayward agree to provide management of the grant funds if the application is successful.

CARRIED

12. Bylaws - None

13. Financial – None

14. New Business

- a) Water connection for three residences on Sayward Road - Damage to private water line from December 20, 2018 major wind event

MOTION R19/16
MOVED AND SECONDED

THAT the petition signed by the residents of 795, 827 and 837 Sayward Road be received for discussion; and

THAT the Chief Administrative Officer look into options of providing municipal water to those properties and report back to Council within a month.

CARRIED

15. Public Question Period (maximum of 15 minutes)

Bob Marrs	A legal survey was done on the Natures Trust property that was discussed in Alex Turner's report to mark the boundaries for a parking lot.	Mayor – We can contact Natures Trust to see if we can obtain a copy of the survey
Matt Shane	Parking lot would be right by my house, so I would not be in favour of a parking lot.	

16. In-Camera – 7:46 PM

MOTION R19/17
MOVED AND SECONDED

THAT in accordance with Section 92 of the *Community Charter*, this Council meeting will be closed to the public in order that Council may give consideration to matters in accordance with Section 90 (1)(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public.

CARRIED

17. Reconvene – 7:56 PM

18. Rise and Report

- a) 2018 Financial Audit Services Contract

MOTION IC 19/18
MOVED AND SECONDED

THAT Chan Nowosad Boates Chartered Professional Accountants be retained to conduct our municipal Financial Statement Audit for the year ending December 31, 2018, at a fixed fee of \$14,000; and

THAT Chan Nowosad Boates Chartered Professional Accountants be offered the Audit Services Contract for the years 2019 and 2020.

CARRIED

19. Adjournment

MOTION R19/19

MOVED AND SECONDED

That the Regular Council Meeting of January 22, 2019 be adjourned.

CARRIED

The meeting was adjourned at 8:00 PM

Mayor John MacDonald

Chief Administrative Officer



Office of the Mayor

April 5, 2019

Member Municipalities
c/o Union of BC Municipalities
Suite 60 - 10551 Shellbridge Way
Richmond, BC V6X 2W9

Dear UBCM Member Municipalities:

I am writing on behalf of Maple Ridge City Council to inform you of recent action taken by the Province of British Columbia that undermines the authority granted to municipal governments, and request that you pass a resolution to be forwarded to Premier Horgan and the Union of BC Municipalities (UBCM) expressing concern for the impact this action has on the roles defined for local government within the Community Charter (CC) and the Local Government Act (LGA).

By way of background, I share with you the recent experience of the City of Maple Ridge, where on two separate occasions, we have been subjected to the Province's unilateral action to bypass local government autonomy and public process, inconsistent with our local zoning.

In May 2018, the Province of BC made application to the City of Maple Ridge to rezone provincially-owned properties on 11749 & 11761 Burnett Street (as referenced in [Item 1108 of the May 22, 2019 Council Meeting Report](#)) to build purpose built supportive housing. Citizens attended a public meeting hosted by local MLAs and presented a 10,000 name petition against this application citing several considerations that made the site unsuitable including its proximity to a daycare, two schools, a seniors centre, and that the proposed model itself was inadequate to meet the complex mental health and addiction support services required, particularly persons coming from a camp environment. Following the public process, the City rejected the application. The Provincial Government responded to this decision by taking unilateral action to install housing through the Rapid Response to Homelessness (RRH) program on a nearby provincially-owned site on Royal Crescent, next to senior and low income housing, without any local consultation citing emergency measures were needed to ensure camp closure, which did not happen.

Since this Council took office in November 2018, we have taken swift and deliberate steps to address mental health and housing problems in our community, especially with regard to the ongoing presence of the St. Anne Camp that was first established in May 2017. We have endeavored to open positive channels of communication with the Province of BC to deliver a workable plan that addresses immediate and long term housing needs in our community, while respecting the views that have been clearly stated by local citizens. This began with post-election meetings in October 2018 with our local MP, MLAs, Fraser Health Authority, BC Housing and related non-profit service providers followed by Council's development of a Strategic Plan which includes direction to establish a Community Safety Plan as a major tenet of this work. These steps have been followed up most recently with a meeting in Victoria on February 25, 2019 with Ministers we felt needed to be present to assist us in our plan, that being Ministers of Health, Mental Health and Addictions, Poverty and Housing to discuss a broad range of problems including housing affordability, delivery of addiction and mental health services, community safety, and how we can move forward on these matters in Maple Ridge.

/2

City of Maple Ridge

11995 Haney Place, Maple Ridge, British Columbia V2X 6A9 CANADA

Telephone: 604-463-5221 • Fax: 604-467-7329 • Email: enquiries@mapleridge.ca • www.mapleridge.ca

On Monday, March 4, just one week after that meeting, I received a phone call from the Housing Minister demanding that the City deliver a "Social Housing Plan" within five days to address short and long term needs, including providing immediate housing to facilitate the closure of the St. Anne Camp. Council immediately passed a resolution and then delivered on this request in seven days, with all related resolutions from Council to demonstrate our willingness and commitment to collaborate for a mutually beneficial outcome. The Plan was immediately rejected by the Province. The Province cited the unsuitability of the City's chosen property, despite City staff's assessment that the site could accommodate immediate housing needs to achieve camp closure. One week later, Minister Robinson announced publicly that RRH housing would be installed on Burnett Street, at the same location local residents and the previous Council had already rejected through the usual local application process.

Maple Ridge Council is gravely concerned by this second instance of the Provincial Government overriding local autonomy. The initial 53 housing units installed on Royal Crescent did not end the St. Anne Camp as promised by the Province, with units populated by both camp residents and other homeless individuals identified by BC Housing as a regional housing provider. In five months' time, the facility has experienced two deaths, and seen few moving forward as evidenced by statistics provided by the operator. Increasing crime at this location, the St. Anne Camp, and all other low barrier facilities in Maple Ridge indicates that the chosen model is not suitable to help people in a very serious state of poor mental health often coupled with significant substance misuse problems. Moreover, we have seen that other communities working to address closure of camps experienced similar results (e.g. Nanaimo, Victoria, Surrey and now Maple Ridge).

The emphasis that has been placed on low barrier housing in Maple Ridge, which includes approximately 950 rental supplements for untreated persons mostly suffering from substance misuse and mental health problems, has eliminated most of our affordable housing stock that is critical for people on low income, veterans, seniors, single parents and persons with disabilities. Furthermore, ongoing criminal activity has overtaxed all front line resources. These are real and significant local concerns that have been swept aside by the Province's action.

What our community needs is a comprehensive health care facility focusing on mental and physical health, addictions recovery, and services to move people forward to a better place in their lives. We asked for this as part of our Social Housing Plan to the Province, a Plan which recognizes that local governments' role is to make decisions in the best interest of local residents. By acting unilaterally, the Province has imposed regional priorities at the expense of Maple Ridge citizens, and taken away our Council's ability to represent the best interests of our community.

We therefore ask you, our fellow local governments, to consider the ramifications of this unilateral action by the Province of BC to overrule municipal land use regulations and dispense with public consultation and collaboration with local government. In our view, it sets a dangerous precedent that jeopardizes the autonomy of all local governments in British Columbia, and could have repercussions for a wide range of sensitive matters that municipalities might consider, such as a waste incineration plant, a prison, a communication tower, etc. For projects such as these, it is particularly important that senior government initiatives go through proper process including site assessment and suitability evaluation, and for the Province of BC to respect the authority that has been granted to local governments to carry out due public process and represent the best interests of their communities in order to ensure approval.

UBCM Member Municipalities

April 5, 2019

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We appreciate that initiatives such as the RRH program may or may not be suitable in your community. Local government holds the authority and responsibility of making the right decisions based on a balance of all interests and weighing local and regional needs, while working with our senior government partners.

Enclosed you will find a proposed resolution that is strictly about the importance of local government autonomy. We ask that you consider passing this resolution and forward a copy to Premier Horgan and the UBCM to let them know that local governments require the Province of BC to respect local democracy and work collaboratively with us to move forward on projects and programs of mutual concern that balance the interests of all BC residents.

Thank you for your consideration of this important matter.

Yours sincerely,



Michael Morden
Mayor

Attach: Sample Resolution
Sample Letter to Premier Horgan

cc: Maple Ridge Council

Sample Resolution

WHEREAS the *Community Charter*¹ acknowledges that municipalities and their Councils are “democratically elected, autonomous, responsible and accountable”; require the authority to determine the public interest of their communities; and the *Local Government Act*² grants local governments the powers and flexibility required to fulfill their purpose and respond to the needs of their communities;

AND WHEREAS the Ministry of Municipal Affairs & Housing has taken unilateral action in Maple Ridge that undermines the jurisdiction of the Council of the City of Maple Ridge to determine and represent the public interest of this community, setting a dangerous precedent that jeopardizes the autonomy of all local governments in British Columbia in representing the interests of their communities through fair and accountable public process;

THEREFORE BE IT RESOLVED that [*Enter Municipality*] urges the Province of British Columbia to commit to work in collaboration with local governments within the bounds of their respective jurisdictions on all current and future projects of mutual concern to local governments and the Provincial Government.

¹*Community Charter*, SBC 2003, c.26, part 1

²*Local Government Act*, RSBC 2015, c.1, part 1

[Enter Date]

Premier Horgan
West Annex Parliament Buildings
Victoria, BC V8V 1X4

Dear Premier Horgan:

Due to our concern over recent action taken by the Ministry of Municipal Affairs & Housing to undermine jurisdiction granted to municipal governments, the Council of [Enter Municipality] endorsed the following resolution on [Enter Date]:

WHEREAS the *Community Charter* acknowledges that municipalities and their Councils are "democratically elected, autonomous, responsible and accountable"; require the authority to determine the public interest of their communities; and the *Local Government Act* grants local governments the powers and flexibility required to fulfill their purpose and respond to the needs of their communities;

AND WHEREAS the Ministry of Municipal Affairs & Housing has taken unilateral action in Maple Ridge that undermines the jurisdiction of the Council of the City of Maple Ridge to determine and represent the public interest of this community, setting a dangerous precedent that jeopardizes the autonomy of all local governments in British Columbia in representing the interests of their communities through fair and accountable public process;

THEREFORE BE IT RESOLVED that [Enter Municipality] urges the Province of British Columbia to commit to work in collaboration with local governments within the bounds of their respective jurisdictions on all current and future projects of mutual concern to local governments and the Provincial Government.

We therefore urge the Government of BC to respect local government autonomy and engage in collaborative consultation with municipalities and constituents on any land use or other matters of concern to the Provincial Government.

Yours sincerely,

[Signatory]

Excellent health and care, for everyone,
everywhere, every time.



Sent via Email

April 4, 2019

Mayor & Council
Village of Sayward
652 H'Kusam Way
Sayward BC V0P 2R0
village@saywardvalley.ca

Dear Mayor MacDonald & Council:

Re: Air Quality related health concerns due to domestic wood burning and backyard burning

On an ongoing basis, our office receives concerns expressed by residents about exposure to outdoor smoke produced by wood-burning appliances and backyard burning. While some residents are bothered by the nuisance created by smoke, most are concerned about the potential health effects this exposure may have on them and others within their families. We would therefore like to draw your attention to recent developments related to wood-burning appliances and wood-smoke, and outline actions council can take to reduce the impact.

While wood-burning appliances are used as a primary or secondary source of heat in many homes, the health effects from the resulting wood-smoke have become increasingly recognized. Wood smoke contains many of the same harmful substances that are found in tobacco smoke and is a significant source of fine particulate matter (PM_{2.5}), a major component of air pollution and a detriment to health. When inhaled, PM_{2.5} embeds deep inside the tissue of the lung. Exposure is associated with a shortened lifespan, and can lead to lung cancer, reduced lung functioning and worsening of heart disease and asthma among those who suffer from these conditions. Building upon existing research, a February 2017 Health Canada study (<https://www.mcgill.ca/newsroom/channels/news/woodstoves-are-good-soul-bad-heart-266643>), using air quality data from three BC cities (including Courtenay/Comox), found that an increase in PM_{2.5} specifically due to wood burning in the winter was associated with a 19 percent increase in hospitalization for heart attacks among those 65 years or older.

On September 19, 2016 the government of BC adopted the new Solid Fuel Burning Domestic Appliance Regulation (SFB DAR) ([BCReg218/2016](#)). Changes include the requirement for domestic wood burning appliances sold in BC to be USEPA certified to meet PM emissions standards, and provisions regarding the kind of fuel that can be burnt. In addition, there is now a requirement for the use of noncertified hydronic wood boilers (that were installed prior to May 1, 2017) to be discontinued by 2026 unless they meet an 80 metre setback requirement from a property line. However, the SFB DAR does not stipulate a similar requirement for existing noncertified wood stoves.

Office of the Medical Health Officer
355 11th Street
Courtenay, BC V9N 1S4 Canada

Tel: 250-331-8591 | Fax: 250-519-3441
viha.ca

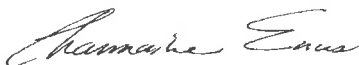
Given that SFB DAR does not require discontinuation of existing noncertified wood stoves, the potential for ongoing exposure to elevated PM_{2.5} will continue in many communities. And, while wood smoke air pollution receives most attention in valley communities, it also contributes to poor air quality in localized areas where wood source space heating is used by one or more households within a neighbourhood or where backyard burning is permitted.

Local governments are uniquely positioned to lower PM_{2.5} emissions, improve air quality and thus achieve better health outcomes by addressing gaps not covered in SFB DAR. There are a number of ways to effect change, such as:

1. Update and/or implement air quality bylaws that afford more stringent controls on the type and use of wood burning appliances, such as requiring the replacement of existing noncertified appliances. This is currently being done at the local level through bylaws in several communities on Vancouver Island.
2. Offer incentive programs that support wood alternative heating sources. A program that focuses on exchanging woodstoves for alternative heating methods, such as heat pumps, will achieve more substantial improvements than one that focuses on exchanging a noncertified woodstove for a certified one. The provincial [Wood Stove Exchange Program](#) can be utilized. It offers higher incentives for cleaner heating options and has made heat pumps eligible.
3. Social marketing and educational campaigns that provide awareness to local residents about the health effects smoke due to wood smoke, from residential home heating, open and backyard burning.
4. Implement bylaws that restrict backyard burning, including limitations on materials, setbacks and time periods. Most Vancouver Island local municipalities and regional districts currently have bylaws in place to address backyard burning, many of which include seasonal burning bans. Existing bylaws can be further strengthened to include burning restrictions year round in places where people live.

We encourage council to consider adopting one or more of these strategies. Island Health appreciates any opportunity to engage with municipalities with respect to initiatives that lead to health outcome improvements. For further discussion around air quality please contact us at HBE@viha.ca.

Yours in Health,



Charmaine Enns, MD, MHSc, FRCPC
Medical Health Officer

cc: Earle Plain, Air Quality Meteorologist, Nanaimo, Ministry of Environment



Coastal Fire Centre

BC Wildfire Service

Forests, Lands, Natural Resource
Operations and Rural Development

Staying Informed 2019



OUR AREA

The Coastal Fire Centre covers about 16.5 million hectares of land, and contains over 70% of the population of B.C. It has relationships with over 130 Fire Departments, 15 Regional Districts, 77 local governments and many First Nations communities, forest industry, and private land holders. Much of the terrain is very steep and rugged, with accessibility issues such as limited road access, requiring transportation by air/water.

Interest in Coastal wildfires is as varied as the people within it. Most wildfires escape any notice, while relatively small ones near communities can cause interest that has less to do with the danger from the wildfire than from viewer's concerns, curiosity or perceptions.

The Coastal Fire Centre responds to an average of 287 wildfires each year, and wildfire response is coordinated at the Coastal Fire Centre located in Parksville, BC. Fire response is undertaken by the zones and bases throughout the fire centre area.

How do concerned people find out about wildfires? How do they get their questions answered?

If the wildfire takes place on land that is within fire department jurisdiction, public communication about these wildfires is the responsibility of the regional district or municipality that is responding to the wildfire. However, just as the BC Wildfire Service may assist, if asked, with wildfire response, they may also assist local government with public communication if requested.

If the wildfire is on land within the Coastal Fire Centre's jurisdiction, the local zone and bases will respond to the wildfire, and the fire centre will coordinate resources and personnel as needed. Public communication about these wildfires falls to the fire centre, as the zones and bases will be busy responding to the wildfire itself. Fire centre communication staff work to ensure that information reaches interested parties.

Methods to find information are outlined on the reverse of this document.



Staying Informed 2019



WILDFIRES AFFECTING COMMUNITIES

Where a wildfire starts and where it might go are important factors.

It takes professional evaluation to determine the risk a wildfire poses to a community or home. Depending on terrain, current and forecasted weather and fire behaviour, some fires pose little risk, while others may pose more.

If a wildfire occurs and it is determined it could affect a community, operational communication will occur between local government and the fire centre as soon as possible. This communication is to assist local government prepare their emergency response plans and to coordinate response between the agencies.

WILDFIRES OF CONCERN TO COMMUNITES

The BC Wildfire Service maintains several communication portals for public information about wildfires in their jurisdictional area. Each (described below) provides different types of information and offers a variety of methods to help keep communities informed.



Home / Public Safety & Emergency Services /

Wildfire Service

BCWILDFIRE.CA

The BC Wildfire Service maintains a website that contains a wealth of information about wildfire.

The **Wildfire of Note** page contains information about wildfires that may impact communities or cause heightened public concern. These pages are updated by Fire Information Officers as new relevant information is obtained and confirmed. Find it by choosing "Wildfires of Note" from the main page.

The **All Current Wildfires** page contains information on all active wildfires, or all wildfires from that fire season. This information is automatically updated every 2 hours. If you have Google Earth installed on your computer, a file can be downloaded from this page location. Find it by choosing "Current Wildfire Situation".



BCFORESTFIREINFO

The BC Wildfire Service maintains a Facebook page that contains content about wildfires and reacts to public questions.

@BCGOVFIREINFO

The BC Wildfire Service also maintains a twitter feed for breaking information.



BY PHONE

If you'd like to speak to one of our Coastal Fire Centre communications staff, please contact one of the numbers below. These phone lines are available Monday to Friday, 0800-1600 daily. Extended hours of operation may occur should wildfire behaviour or other activity warrant a more immediate response.

Coastal Fire Centre
Donna MacPherson, Communications Specialist
Communications Assistant (seasonal)
Coastal Agency and Media line

250 951-4222
250 951-4229
250 951-4238
250 951-4209



Report on BC Construction Market

Recommendation

The Director of Finance, in consultation with the Executive Director, recommends:

That the *Report on BC Construction Market* be received by the Board of Trustees.

Background

Since the adoption of the Consolidated Facilities Master Plan (CFMP), VIRL has pursued refurbishments, renovations and new builds in 14 communities, with many more planned for the future.

The construction market in Canada, and in BC specifically, has seen significant growth over the last few years. This has led to price increases and pressure on the supply of construction and consultant services. Most recently VIRL tendered the construction package for the prototype branch in Sayward, with the resulting bids coming in at double the anticipated budget.

VIRL faces the challenge of finding consultant and construction services that are available and in-line with our budgets. As such, staff feel it is important that the Board be provided with some information related to the construction industry, as we continue to address our capital requirements.

While there are no defined measures of construction inflation reported by Statistics Canada or BC Stats, the information below provides some context and information as to the drivers of the increased prices VIRL continues to see.

Value of Building Permits Issued

One common value for measuring activity in the construction market is the value of building permits issued by municipalities and regional districts. For all of Vancouver Island, in the 10 years from 2009 – 2018, this value rose from \$1.3 billion to \$2.5 billion, an increase of 84%. However, the last 5 years (2014 – 2018) saw 82% of this increase, reinforcing the issue of extreme growth over a short period.

The total number of units approved across all of Vancouver Island under these permits has also increased drastically, from 3,429 in 2009 to 7,548 in 2018, an increase of 120%. Most of this growth occurred in the last 5 years, which saw an increase of 96%.

Value of Investment in Building Construction

The investment in residential and non-residential building construction represents the spending value of building construction by households, enterprises and governments for buildings, excluding the value of land.

Nationally, this figure rose by 11% from 2015 – 2018, while in BC, it rose by 32% over the same time period, further reinforcing the issue of extreme growth over a short time period.

Construction Industry Forecasts

The construction industry in BC shows no signs of a significant slow down. While projections indicate that pressures on the industry will moderate slightly as many of the current large projects approach completion, other projects, including LNG, mining and public transportation, will start in 2019 and 2020, putting additional pressure on the industry.

Conclusion

VIRL continues to move forward with planned capital projects, and to work closely with its consultants to deliver projects within the budgets approved by the Board.

While the industry might cool down slightly over the short term, potentially causing prices to stagnate, it is very unlikely that prices will decrease over the long term. If construction prices continue to increase at the rates seen in recent years, VIRL will need to make decisions around which projects to pursue and at what budgets. Staff will continue to report to the Board on progress and challenges, to inform the Board and seek guidance where necessary.

Respectfully submitted,

Joel Adams, CPA CA
Director of Finance

Rosemary Bonanno, BA MLS
Executive Director



STAFF REPORT

Regular Meeting

Prepared by: Paul Carver, CAO

Subject: Cannabis Retail Stores in Sayward

Meeting date: April 16, 2019

PURPOSE

The purpose of this report is to provide Council with the information required to make an informed decision regarding approval of cannabis retail stores in the Village of Sayward.

BACKGROUND

Federal and Provincial Legislation

The legalization of recreational cannabis in Canada came into effect on October 7, 2018 through the Bill C-45 (the "Cannabis Act"). The legislation places the federal government in charge of production, health and safety standards and criminal prohibitions, as well as establishing the minimum conditions that provincial legislation must meet to ensure consistency.

The Province of British Columbia has enacted its own legislation for the legalization and regulation of non-medical cannabis in the form of two new bills, the *Cannabis Distribution Act* and the *Cannabis Control and Licensing Act*. The *Cannabis Distribution Act* establishes the Province's exclusive jurisdiction over the wholesale distribution of non-medical cannabis and provides authority for public retail and online sales. The *Cannabis Control and Licensing Act* establishes provincial control over the sale, supply and possession of non-medical cannabis, and establishes licensing of private retailers. The *Cannabis Control and Licensing Act* also outlines restrictions over the possession, personal cultivation and public consumption of cannabis.

The Role of Local Government in Cannabis Licensing Process

Applicants for a non-medical cannabis retail store licence must submit a licence application to the Liquor and Cannabis Regulation Branch (LCRB). When an application is received, the LCRB will notify the local government of the area where the proposed store will be located.

Upon receipt of notice, local governments can:

- choose not to make any recommendation in respect of application for a cannabis retail store licence, which would end a licence application in progress because the LCRB cannot issue a

licence unless the local government gives the LCRB a positive recommendation that the licence be issued.

- choose to make comments and recommendations in respect of an application for a cannabis retail store licence. Note that:
 - if the local government chooses to make comments and recommendations on the licensee's application to the LCRB, it must gather the views of residents.
 - if it makes a recommendation to deny the application, then the LCRB may not issue the licence.
 - if it makes a recommendation in favour of the application, then the LCRB has discretion whether or not to issue the licence but must consider the local governments recommendation.

Local governments have some or all of the following regulatory powers in respect of cannabis retail store licences:

- impose restrictions in its zoning bylaws regarding the location of cannabis retail stores. Temporary zoning for cannabis retail stores will be accepted, provided local governments monitor and enforce temporary zoning requirements.
- by terms and conditions in its business licensing bylaw, a municipality may limit the hours that cannabis retail stores can operate or impose other conditions such as specifications regarding signage.
- charge the applicant a fee if choosing to assess an application.

Gathering Citizens Views

If the local government decides to consider the notice of application and to provide comments and recommendations as to the location of the proposed retail store, it must gather the views of residents of the area if the location of the proposed store may affect nearby residents. It may gather resident's views by using one or more of the following methods:

- receiving written comment in response to a public notice of the application.
- conducting a public hearing in respect of the application.
- holding a referendum, or
- using another method, the local government considers appropriate.

It is up to the local government to determine the area, relative to the licensee's application, where resident's views must be gathered.

The gathering the views of residents of the area/providing a recommendation to the LCRB must be unique to each provincial licence application. In other words, past recommendations cannot be used in a new licensing process. Each individual application must be considered separately by the local government.

Local Government's Recommendation

Recommendations and comments by a local government to the LCRB must:

- be in writing (may be in the form of a resolution).
- show that the local government has considered the location of the proposed store.
- include the views of the local government on the general impact on the community if the application is approved

- include the views of residents if the local government has gathered residents' views, and a description of how they were gathered
- include the local government's recommendation as to whether the application should be approved or rejected and provide the reasons upon which the recommendation is based

The local government should also provide any supporting documents referenced in their comments.

No Recommendation by Local Government

A local government should notify the LCRB if they do not want to accept the notice of application or provide a recommendation with respect to the proposed cannabis retail store location. The LCRB will not issue a licence without a positive recommendation from the local government. If no response is received, the LCRB will not consider the application any further.

Regulatory Requirements

If a local government's recommendation does not meet the regulatory requirements, the LCRB will ask the local government to provide new or amended comments that address outstanding issues.

Local Governments Response

A local government is not required to provide a recommendation on a cannabis retail store application within a specific time period. However, a delay in the application process can have a significant impact on the applicant. Local governments are requested to contact the LCRB if the delay is the result of the applicant.

Local Government Approval - Subject to Certain Conditions

Local governments in some circumstances can recommend that the LCRB approve an application if certain restrictions are placed on the licence, such as hours of operation. In these situations, the recommendation should clearly explain the rationale for placing restrictions.

If the local government intends to request that the LCRB impose terms and conditions on a licence, prior to sending such a recommendation the local government should consult with the LCRB so that the LCRB can determine whether it has the authority to impose the requested terms and conditions before finalizing their conditional recommendation.

The local government may also have the ability to impose other operating rules on the proposed store through the terms and conditions of the applicant's business licence, zoning or bylaw. The local government is responsible for enforcing these rules.

DISCUSSION

There are many different approaches being taken at the local government level regarding the implementation of retail sales of recreational cannabis. These include, for example, the complete restriction on sales (not common), or permissive zoning/policy subject to limitations on proximity to a range of uses such as other cannabis stores, schools, daycares and public places. There is no right or wrong way, it is dependant entirely on the community and its duly elected officials.

The decision where to go as a community regarding cannabis dispensaries lies with Council. With this in mind, Council has the following options to consider:

1. Do nothing and await an application from the LCRB to commence the review process; or

2. Decide not to permit cannabis retail businesses in the Village. This could be done through bylaw or amending the zoning bylaw to prevent the sale of cannabis. A public hearing should be held between second and third reading of the bylaw to solicit feedback from the community on this important matter; or
3. Amend zoning bylaw to permit cannabis retail businesses to one or both of the Commercial Zones (C-1/C-2).

Should Village Council decide to allow the sale of non-medical cannabis products in the community, it is suggested that a policy be created that would include the following considerations for rezoning applications:

1. Storefront cannabis retailers will only be considered in an established retail location where current zoning permits retail sales.
2. Designating a straight line distant from a public school or public open space, or other properties or locations that Council should so determine. The distances currently being used by other jurisdictions generally range between 150 metres and 500 metres from schools and 50 metres to 1,000 metres from other cannabis retailers.
3. Cannabis sales are not permitted at special events, public markets or farmers markets.
4. Only one storefront cannabis retailer will be permitted per lot.
5. Designating the maximum number of storefront cannabis stores that will be permitted in the community.

This policy should also establish the process by which an application from the LCRB would be considered by the Village.

RECOMMENDATION

THAT the report titled "Cannabis Retail Stores in Sayward" be received for information and discussion.

Respectfully prepared,



Paul R. Carver
Chief Administrative Officer



STAFF REPORT

MAYOR AND COUNCIL
VILLAGE OF SAYWARD

FROM: Lisa Clark, CFO

RE: Policy Update Project

ATTACHMENTS: DRAFT 300-01 Permissive Property Tax Exemption Policy

BACKGROUND

In the fall of 2016 Jedha Holmes was hired to review the Village's Policy Manual to provide the CAO and Council with suggestions regarding policies that need updating and any 'missing' policies that are typically found in a municipality's policy manual.

Although many of the policies could use minor changes or updates, in choosing policies to be updated and/or introduced, Ms. Holmes considered the following:

1. Best practices in municipal government (as collected from the LGMA Human Resources Toolkit, BC Auditor General for Local Government, reviewing other municipalities' policies, and conversations with other local government professionals);
2. Active areas of litigation/recent legal cases;
3. Relevant statutes and legislation; and
4. Significance of potential financial implications.

After Ms. Holmes' review and discussions, the following recommendations were made in a memo dated October 12, 2016:

1. Nine policies be updated, replaced or introduced for adoption;
2. The Policy Manual be split into sub-sections for administrative purposes and policies be re-numbered in accordance with those new sections, as staff time allows and/or as policies are updated and;
3. Policy template be used consistently for new policies, and previous policies be updated to the new format as staff time allows.

It was suggested the Policy Manual be separated into the following sub-sections, and the updated and new policies reflect this new numbering system:

- 100 Administration and General Government
- 200 Personnel
- 300 Finance
- 400 Public Works and Utilities
- 500 Fire Department and Emergency Services

- 600 Recreation and Culture
- 700 Development Services
- 800 Risk Management

DISCUSSION

The 2019 approved Strategic Plan includes the following strategic goal:

1. Village Operations	a.) Review and update Village internal policies and procedures. There are several policy and Bylaw updates that need to be completed. Policies include: Personnel Benefits, Conflict of Interest, Criminal Record Search, Hiring, Annual Tax Sale, Permissive Tax Exemption, Respectful Workplace, Procurement. Bylaws include: Building, Zoning (Cannabis), Reserves.	Staff, and Council approval	Policy & Bylaw approval
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Staff have now started working on this project and are reviewing policies. The following policies will be brought to Council in 2019:

1. Conflict of Interest (new)
2. Criminal Record Search
3. Personnel – Hiring
4. Respectful Workplace (new)
5. Permissive Tax Exemption (April 16, 2019 Council Meeting – attached)
6. Annual Property Tax Sale
7. Reserves

Other policies started by Ms. Holmes that need more work from Staff:

8. The Procurement Policy is a substantially new Policy and requires legal review before bringing to Council for adoption. As is noted in the draft Policy, procurement is an active area of the law and it is suggested that the Village NOT adopt or implement it prior to legal review. This policy was substantially changed to provide more direction to Staff regarding the Village's procurement practices after consideration of the BC Auditor General for Local Government's recent publications with respect to operational and capital asset procurement.
9. The Personnel – Benefits, Leaves and Employment Conditions Policy needs some more time to review as this Policy is quite comprehensive.
10. The Public Works Inspection Policy should be considered for amendment in concert with next steps in the Asset Management Program, namely discussion/consideration of changes to service levels as the Policy speaks to those service levels.

There are also several other small policies that staff are looking at consolidating and re-numbering.

Staff have attached the first Policy for Council's review and discussion. The DRAFT Permissive Property Tax Exemption Policy has been numbered using the suggested new numbering system and it has been updated with a new format. It also includes a reference section for listing relevant legislation used when updating the policy as well as a section outlining approval history. The policy contains the application form to be used for organizations requesting a permissive tax exemption.

STAFF RECOMMENDATIONS

THAT Council receives the CFO's report on the Policy Update Project; and

THAT Council approves Permissive Property Tax Exemption Policy 300-01.

Respectfully submitted,

Lisa Clark, CFO



Village of Sayward

Title: Permissive Property Tax Exemption Policy

Policy # 300-01

Category: Finance

1.0 PURPOSE

A permissive tax exemption is a means for Council to support organizations within the community which further Council's objectives of enhancing quality of life (economic, social, cultural) and delivering services economically. This policy guides identification of organizations meeting Council's objectives.

Division 7 of Part 7 of the *Community Charter* provides for permissive tax exemptions for Land and Improvements owned or held by a variety of not-for-profit organizations providing services which Council considers directly related to the purposes of the organization. It also provides for permissive exemptions for some properties which are additional to statutory exemptions under Section 220, such as church halls or land surrounding places for public worship.

2.0 POLICY

This policy is intended to provide guidance in the evaluation of applications for exemption from property taxes pursuant to the *Community Charter*. The total amount of revenue to be set aside to finance permissive tax exemptions will be discussed by Council annually during the development of the Financial Plan.

3.0 DEFINITIONS

- a. Statutory Property Tax Exemption: non-discretionary exemption from payment of property taxes pursuant to Section 220, Division 6, Part 7 of the *Community Charter*;
- b. Permissive Property Tax Exemption: discretionary exemption from payment of property taxes pursuant to Sections 224-226, Division 7, Part 7 of the *Community Charter* and granted by Council bylaw.

4.0 PROCEDURES

4.1 Process

Council will consider applications for permissive tax exemptions annually. The opportunity to apply will be advertised 2 times in Sayward News and letters will be mailed to tax exemption recipients designated in the preceding tax year.

Applications must be submitted to the Chief Administrative Officer using the prescribed application form (Appendix "A") before August 1st of each year, to be considered for the following taxation year. The CAO will review the applications for completeness and arrange contact with applicants for additional information as necessary.

Application submissions must include:

- Copy of Audited Financial Statements or Financial Statements prepared by an accountant for last 3 years,
- Copy of state of title certificate or lease agreement, as applicable,
- Description of programs/services/benefits delivered from the subject lands/improvements including participant numbers, volunteer hours, benefiting groups/individuals/special needs populations, fees charged for participation,
- Description of any 3rd party use of the subject land/improvements including user group names, fees charged, conditions of use.

The CAO will present a summary report of the applications, relative to the eligibility criteria, to Council and arrange for delegations to attend Council meeting if necessary.

Staff will draft a Permissive Tax Exemption Bylaw for the year incorporating Council's direction regarding the year's applicants. To apply to taxation in a particular year, the bylaw must be passed on or before October 31st of the preceding year.

Appendix "B" provides a template for advertising the Permissive Tax Exemption Bylaw as required by Section 227 of the *Community Charter*.

4.2 Eligibility Criteria

(a) Subject Property must be one of:

- Land and/or improvements eligible for tax exemption under Division 7 of Part 7 of the *Community Charter*;
- Land and/or improvements ancillary to a statutory exemption under Divisions 6 of Part 7 of the *Community Charter*.

(b) Nature of organization must be:

- Non-profit organization,
- Charitable/philanthropic organization,
- Athletic or Service Club/Associations,
- Care facility/licensed private hospital,
- Partner of the municipality by agreement under s. 225 of the *Community Charter*,
- Other local authority,
- Organization eligible for exemption under s. 220 or 224.

(c) The applicant organization's use of the land/improvements must benefit the community in one or more of the following ways:

- provides recreational facilities for public use,
- provides recreation programs to the public,
- provides programs to and/or facilities used by youth, seniors or other special needs groups,
- preserves heritage important to the community character,
- preserves an environmentally, ecologically significant area of the community,
- offers cultural or educational programs to the public which promote community spirit, cohesiveness and/or tolerance,
- offers services to the public in formal partnership with the municipality.

4.3 Duration of Exemption

Tax exemption bylaws must specify the period to which the exemption applies and any other conditions applicable to the exemption. Eligible organizations may be considered for tax exemptions exceeding one year (to a maximum of 10 years) where it is demonstrated that the services/benefits they offer to the community are of a duration exceeding one-year (i.e. for the period of the tax exemption).

4.4 Extent, Conditions, and Penalties

(a) Council may designate only a portion of the land/improvements as exempted where the following circumstances exist:

- A portion of the land/improvements is used by the private sector and/or organizations not meeting Council's exemption criteria.

- (b) Council may impose **conditions** on the exempted land/improvements with the applicant organization, including but not limited to:
- registration of a covenant restricting use of the property,
 - an agreement committing the organization to continue a specific service/program,
 - an agreement committing the organization to have field/facilities open for public use for certain times or a total amount of time,
 - an agreement committing the organization to offer use of the field/facility to certain groups free of charge or at reduced rates,
 - an agreement committing the organization to immediately disclose any substantial increase in the organization’s revenue or anticipated revenue (e.g. receives large operating grant from senior government).
- (c) Council may impose **penalties** on an exempted organization for knowing breach of conditions of exemption, including but not limited to:
- revoking exemption with notice,
 - disqualifying any future application for exemption for specific time period,
 - requiring repayment of monies equal to the foregone tax revenue.

5.0 REFERENCES / POLICY INTEGRATION

Community Charter:

Part 7 – Municipal Revenue:

- Division 6 — Statutory Exemptions:
 - Section 220 General statutory exemptions
- Division 7 – Permissive Exemptions:
 - Section 224 General authority for permissive exemptions
 - Section 225 Partnering, heritage, riparian and other special exemption authority
 - Section 226 Revitalization tax exemptions
 - Section 227 Notice of permissive tax exemptions

Government of BC Ministry of Community, Sport and Cultural Development website:

http://www.cscd.gov.bc.ca/lgd/gov_structure/community_charter/finance/permissive_exemptions.htm

6.0 APPROVAL HISTORY

ISSUED BY: CAO	APPROVED BY: Mayor & Council	RESOLUTION NO:	DATE: July 2004
REVISED BY: CFO	APPROVED BY: Mayor & Council	RESOLUTION NO:	DATE:

Signed by:

Mayor:	CAO:
Date:	Date:

Appendix "A" – Permissive Tax Exemption Application Form

APPLICATION FOR PERMISSIVE TAX EXEMPTION

1.) Full name or title of organization:

2.) Society number/non-profit number, or registered charity number:

3.) Mailing address of the organization (including Postal Code):

4.) Application contact (name, phone, e-mail address):

5.) Name and phone number of two other officials in organization (i.e. Pastor, President, Manager, Director, etc.)

1. Name: _____

2. Name: _____

Title: _____

Title: _____

Phone No.: _____

Phone No.: _____

E-mail: _____

Email: _____

6.) Property address:

7.) Folio number:

8.) The lands are registered in the name of:

(In the case of a Society, Corporation, Association, please include a copy of the Certificate of Title)

9.) The exemption claimed under Section 224 –226 is pursuant to Subsection 1, Clause
(_____) *(Please supply the relevant clause designation from Section 224-226, see attached)*

10.) The gross floor area of the building: _____

11.) **We require a current site plan of the property** indicating the grounds and buildings and their uses. This would include buildings, storage buildings, walkways, parking lot, playgrounds, bush areas, etc. Show dimensions.

12.) What is the principal use of the property?

13.) Is any part of the building or of the property used or rented by commercial or private operators or by any group other than your organization? If yes, please disclose below:

14.) Please provide details of other activities on your property; such as daycare centres, catering and hall rental, thrift/gift shop.

The following information is required for each activity:

- Hours per day and/or days per week of operation
- Fees or charges
- Approximate number of participants/patrons
- Is the activity operated by a church or by an outside organization?

15.) a.) How is your organization non-profit?

b.) How is your organization a complementary extension to Village services and programs?

c.) How is your organization accessible to the public?

d.) How is your organization used primarily by Sayward residents?

16.) Other activities which may be pertinent to your application:

17.) Has there been any change in the status or use of the buildings or property in the last 12 months?

18.) CHURCHES ONLY complete the following additional questions:

(i) What is the seating capacity of the church?

Permanent: _____

Portable: _____

(ii) What is the gross floor area of the

Church: _____

Hall: _____

Other Buildings: _____

Total Gross Floor Area: _____

- (iii) Every building on the lands is in use and continues to be set aside for public worship or for a Church Hall. Yes _____ No _____

On behalf of _____, I/we hereby declare that all the information presented and provided with this application is true and correct.

Should a permissive tax exemption be granted on the above listed property, I am agreeable to the following terms:

- 1.) If the property is sold prior to the exemption expiration, the organization will remit to the Village an amount equal to the taxes that would have otherwise been payable to the Village by a non-exempt owner.
- 2.) The property use will be in compliance with applicable municipal policies and bylaws.
- 3.) The organization will publicly acknowledge the permissive tax exemption granted by the Village.

DATED THIS ____ DAY OF _____ 20 ____.

Authorized Signature: _____

NOTE:

1. The personal information on this form is collected for the purpose of an operating program of the Corporation of the Village of Sayward as noted in Section 26 (c) of the Freedom of Information and Protection of Privacy Act (FOIPPA). If you have any questions about the collection and use of this information, please contact the CAO at 250-282-5512
2. The Application for Permissive Tax Exemption must be received by 1st of August in the year prior to the taxation year(s) for which exemption is requested in order to be included on the applicable annual Permissive Tax Exemption Bylaw. i.e. An application for a permissive tax exemption for the year 2020 or years 2020 to 20__ must be received by the 1st of August of 2019, the year prior to year one of the tax exemption period.
3. Permissive Tax Exemption Applications are to be submitted to: Village of Sayward, Box 29, 652 H'Kusam Way, Sayward, B.C. VOP IRO

EXCERPT FROM SECTION 4 OF THE *COMMUNITY CHARTER* (ATTACHMENT TO APPLICATION)

General Statutory Tax Exemptions

Section 220

(see full text in the *Community Charter*)

Unless otherwise provided in this Act or the Local Government Act, the following property is exempt from taxation to the extent listed:

- a) land, improvements or both vested in or held by Provincial Government,
- b) land, improvements or both vested in or held by municipality (i) the municipality, or the municipality jointly with another municipality or regional district,
- c) land, improvements or both exempt from municipal taxation by another Act,
- d) land, improvements or both (i) of a public library under the *Library Act*, or vested in or held by a municipality and occupied by a public library under the *Library Act*,
- e) land, improvements or both of an Indian ... except for municipal taxes,
- f) land, improvements or both held in trust (i) by Crown for Indian band and (ii) are not leased or occupied by non-band member,
- g) land actually used or occupied for the internment of the dead and improvements used by cemetery, mausoleum and columbarium (municipal portion only),
- h) a building set apart for public worship owned and used by church (municipal portion only),
- i) a building that was constructed with the assistance of aid granted by the Provincial government after Jan 1, 1947 but before April 1, 1974 owned and used by non-profit society for elderly citizens home (municipal portion only),
- j) a building set apart and used solely as a hospital,
- k) land and improvements for future hospital requirements,
- l) land and improvements owned by private schools,
- m) fruit trees,
- n) farm improvements to a maximum of assessed value of \$50,000,
- o) dwellings, fixtures and machinery used to operate a farm,
- p) improvements used for emergency protection,
- q) sewage treatment plants, manure storage facilities, effluent reservoirs, effluent lagoons, deodorizing equipment, dust and particulate matter eliminating equipment,
- r) floating dry dock if the dry dock has lift capacity of greater than 20000 tonnes.

Section 221

(see full text in the *Community Charter*)

Grandparented pollution abatement exemptions

Section 221.1

(see full text in the *Community Charter*)

Grandparented dust and particulate matter eliminator exemptions

Section 222

(see full text in the *Community Charter*)

Phased farm property tax exemption – for property that has been newly incorporate into a municipality that was prior to incorporation exempt from taxes under the Taxation Rural Area Act. Exempt from taxes for five years on sliding scale that is reduced by 20% per year.

Section 223

(see full text in the *Community Charter*)

Exemptions under regulations (see full text in the *Community Charter*)

Land and Improvements assessment classification 4, 5, or 6

Division 7 Permissive Exemptions

(see full text in the *Community Charter*)

Section 224

(see full text in the *Community Charter*)

A council may by bylaw exempt land and improvements from the municipal portion of taxes, subject to conditions and for a specific period, the following:

- (a) land or improvements that are owned or held by a charitable, philanthropic or other not for profit corporation and that Council considers are used for a purpose that is directly related to the purposes of the corporation
- (b) land or improvements that are owned or held by a municipality, regional district or other local authority and that council considers are use for a purpose of the local authority
- (c) land or improvements that council considers would be exempt under section 220 were it not for a secondary use
- (d) the interest of a public authority, local authority or any other corporation or organization in land or improvements that are used or occupied by a corporation or organization if the land and improvements are owned by a public or local authority and the land and improvements are used by the corporation or organization for a purpose for which a tax exemption could be provided if the land and improvements were owned by that organization or corporation
- (e) the interest of a public authority, local authority or any other corporation or organization in land or improvements that are used or occupied by a corporation or organization if the land and improvements are owned by a person providing a municipal service under a partnering agreement, an exemption under section 225 would be available, the partnering agreement contemplates a tax exemption and the land and improvements are used by the corporation or organization for a purpose for which a tax exemption could be provided if the land and improvements were owned by that organization or corporation
- (f) land surrounding a building that is used for a church; a church hall and the land surrounding the hall
- (g) land or improvements used or occupied by a religious organization for public worship or hall
- (h) land surrounding seniors homes, hospitals and private schools
- (i) land or improvements owned or held by athletic or service club, and used as a public park, recreation ground or for public athletic or recreational purposes
- (j) land or improvements owned, held and operated as a private hospital, licensed community care facility, or registered assisted living residence.

Section 225

(see full text in the *Community Charter*)

Authority to exempt eligible partnering, heritage, riparian, cemetery or golf course property for any period. Must have the ability to make agreements with property owners regarding the extent of the exemption and the conditions under which it may be offered. – maybe required to register a restrictive covenant against the property or repay the exemption under specific conditions

Section 226

(see full text in the *Community Charter*)

Revitalization tax exemptions. Must be a designated revitalization area under the OCP with set objectives. The exemptions are limited to an increase in assessed value that are due to new or altered improvement and are for a maximum 5 years.

Appendix "B" - Example Ad for posting and advertising



NOTICE OF TAX EXEMPTION BYLAW NO. XXX, 20XX

Take notice that the Council of the Village of Sayward intends to adopt Tax Exemption Bylaw No. XXX, 20XX.

The purpose of the Tax Exemption bylaw is to exempt the following properties from taxation:

Lot x, Plan xxxxx, Sayward District, Roll No. xxx.xxx, owned by _____

Estimate of the amount of taxes that would be imposed on the properties if they were not exempt:

Legal description	Civic Address	Name of Organization	Value of Permissive Tax Exemption		
			20XX	20XX	20XX

Any person who wishes to review a copy of the proposed Tax Exemption Bylaw may do so by coming to the Village Office at 652 H'Kusam Way, Monday to Friday 9:00 am to 4:00 pm, excluding holidays.

Name, CAO
Village of Sayward
652 H'Kusam Way
Sayward, B. C. VOP IRO

This notice is given in accordance with Section 227 of the *Community Charter*.

Dated this _____ day of _____, 20XX



STAFF REPORT Regular Meeting

Prepared by: Paul Carver, CAO
Subject: Spar Street Parking and Property Appearance Concerns
Meeting date: April 16, 2019

PURPOSE

The purpose of this report is to provide Council the information necessary to make an informed decision regarding the parking and property appearance concerns that were identified by the owner of 230 Spar Street in a letter dated February 27, 2019, which was addressed to Councillor Ives.

BACKGROUND

A letter dated February 27, 2019 addressed to Councillor Ives was presented to Council at the March 5, 2019 regular meeting. This letter was prepared by the owner of 230 Spar Street and was added to the agenda as a late item. Mr. Sidoruk was also provided an opportunity to speak to his letter and concerns. The letter references two concerns, "*Parking and the Appearance of Lands and Properties*".

Council at this meeting approved the following motion,

MOTION R19/53

MOVED AND SECONDED

THAT the letter from Greg Sidoruk regarding the parking of vehicles in the Village of Sayward be received; and

THAT staff prepare a report on this matter and report back to Council at a future date.

CARRIED

At the March 19, 2019 regular Council meeting I made a commitment to bring a report back to Council at the April 16, 2019 meeting.

DISCUSSION

The Village currently has in place *Property Maintenance Bylaw No. 384, 2010*. This bylaw has been successful in the past providing staff the means to act upon and enforce issues related to the appearance of properties within the community. This bylaw however will soon be replaced by *Public Nuisance Bylaw No. 417, 2018*.

It should be noted that in 2018 a number of correction notices were issued to land owners in our community in relation to the appearance of private lands. The majority of those written notices resulted in corrective measures being taken by those land owners.

Unightly Properties

Section 7 of proposed *Public Nuisance Bylaw No. 417, 2018* which deals with the general appearance of properties, reads in part,

- 7.13 No Owner of Real Property shall permit the Real Property to become or remain unsightly or permit water, rubbish, discarded materials or noxious, offensive, or unwholesome matter to collect or accumulate around that real property.
- 7.14 Every owner of Real Property shall:
 - a. keep the Real Property clear of Noxious weeds and unsightly and unkempt brush, trees, or other growths;
 - b. keep ground cover vegetation from exceeding 30 cm in height; and
 - c. prevent infestation by caterpillars and other noxious or destructive insects and clear the Real Property of such insects.
- 7.15 Every Owner of Real Property shall remove or cause to be removed from the property any unsightly accumulations of filth, discarded materials, brush, trees, vines, Noxious Weeds or other growths, of any kind on a regular basis, or when ordered to do so by the Village.
- 7.16 Every Owner of Real Property shall maintain the general appearance and repair of the Real Property to the standards of other similar properties in the neighbourhood.

Default and Remedial Action Notices

Public Nuisance Bylaw No. 417, 2018 also deals with the enforcement of unsightly properties, where section 7 reads in part,

- 7.19 Where an Owner of Real Property or other responsible person fails to comply with the requirements of this Part, Council may make a declaration requiring that the Owner or other responsible person bring the Real Property into compliance with the provisions of this Part within a specified time frame. A Bylaw Enforcement Officer may issue a notice in relation to Council's declaration.
- 7.20 If the Owner or other responsible person fails to comply with the notice requirement within the time limit specified in the notice, the Village by its workers, or others authorized by the Chief Administrative Officer, may, at all reasonable times and in a reasonable manner, enter the Real Property and affect such compliance at the cost of the defaulting Owner or other responsible person. Such cost shall consist of all costs and expenses incurred by the Village in affecting compliance with this Part including, without limitation, administrative costs, costs of attendance at the property by Village employees or its contractors and the costs of removal, clean up and disposal.
- 7.21 If an Owner or other responsible person defaults in paying the cost referred to in Section 7.20 to the Village within 30 days of a demand for payment from the Village, the Village may recover from the Owner or other responsible person, in any court of competent

jurisdiction, the cost as a debt due to the Village. If an Owner has not paid the debt by December 31 in the year in which the debt was incurred, the Village may direct that the amount of the cost be added to the Real Property tax roll as a charge imposed in respect of work or service provided to the Real Property of the Owner.

Parking on Municipal Road Allowance

Generally, matters relating to the parking of vehicles, trailers and other chattels on municipal roadways are dealt with through traffic regulation type bylaws. And while the Village does have a traffic bylaw in place, it is dated 1970 and does not have the enforcement toolkit necessary today to deal adequately address parking and other related transportation issues.

The Village currently has in the works a new Traffic Regulation Bylaw. This bylaw will be presented to Council in the coming weeks for comment, following which it will be forwarded to the Ministry of Transportation and Infrastructure for review and approval. When presented for review, Council will have some tough decisions to make regarding the parking of unlicensed vehicles, trailers and chattels, and trailers that are not connected to a licensed vehicle on municipal roadways. As can be seen around town there are many such circumstances where those types of vehicles and trailers are parked along the said of Village streets.

SUMMARY

Staff have and will continue to monitor the situation on Spar Street, and elsewhere around the community. Where conditions warrant further action, as was done in 2018, staff will take the appropriate steps to rectify those matters. It should be recognized however that we do not have the manpower to actively enforce bylaw infractions on a continuous basis. As in the past and where time permits, staff will be out and around town to monitor the condition of the community.

With respect to the parking of vehicles, trailers and other chattels on municipal roadways, as mentioned earlier in this report a new traffic regulation bylaw is in the works. It is the intent of staff to have the appropriate enforcement tools included in this bylaw to address the issues effectively.

RECOMMENDATION

THAT the report titled "Spar Street Parking and Property Appearance Concerns" be received for information and discussion.

Respectfully prepared,



Paul R. Carver
Chief Administrative Officer

Public Nuisance Bylaw 417, 2018

PURPOSE

This bylaw is for the protection and enhancement of the well-being of the community in relation to nuisances, disturbances and other objectionable situations and to the care, maintenance and regulation of property within the Village of Sayward.

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The Council of the Village of Sayward enacts as follows:

PART 1: Title

1.0 This Bylaw may be cited for all purposes as **Public Nuisance Bylaw No. 417, 2018.**

PART 2: Definitions

2.0 In this bylaw unless the context otherwise requires:

Arterial Road	means an Arterial Highway as classified under the British Columbia <i>Highway Act</i> ;
Boulevard	means the area of a Highway between the edge of the pavement or curb of the Roadway and the adjacent property line of the Highway;
Bylaw Enforcement Officer	means a Peace Officer, as defined in the British Columbia Interpretation Act and those Persons designated by Council as a Bylaw Enforcement Officer to enforce the provisions of this Bylaw;
Chief Administrative Officer	Means the Chief Administrative Officer duly appointed by Council.
Continuous Noise	means any Noise or sound continuing for a period of five minutes or more in any 15-minute period;
Council	means the Council of the Village of Sayward;
Discarded Materials	includes but is not limited to all materials not in use for the construction or maintenance of a building situated on that property, appliances, furniture, cans, containers, bottles, glass, circulars, pamphlets, handbills, paper or other litter or rubbish, unlicensed or inoperable motor vehicles or motor vehicle parts, boats or boat parts, machinery, animal carcasses, vegetation cuttings or debris, solid or liquid waste, firewood, unless it is neatly piled or stacked against a wall or fence, and all other chattels in a dismantled state or not in use for the purpose for which the manufacturer intended;
Drainage Facility	includes Boulevard drainage inlet, catch basin grate, culvert headwall or lawn basin inlet;
Graffiti	includes one or more letters, symbols, writing, pictures or marks, however made, posted, scratched, acid etched, painted or drawn on any structure or thing but does not include any of the following; a. a sign, public notice or traffic control mark authorized by a Village Bylaw or Provincial or Federal legislation; or b. in the case of private property, a letter, symbol or mark for which the Owner of the property on which the letter, symbol or mark appears has given prior, written authorization

Herbicide	means any kind of material that is used to control Noxious Weeds;
Highway or Other Public Place	includes every Street, road, Boulevard, sidewalk, Lane, square, parking lot, courtyard, bridge, viaduct and any other way open to public use and any land, park, green space, building, conveyance, private place or passageway to which the public has, or is permitted to have access or is invited;
Independent Sound Consultant	means a professional engineer, licensed to practice in the Province of British Columbia, with acoustical expertise;
Intersection	means the area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of the 2 highways which join one another at or approximately at right angles, or the area within which vehicles traveling on different highways joining at any other angle may come in conflict; and, for the purpose of this definition "Highway" does not include a lane or way less than 5 meters in width separating the rear property lines of parcels of land fronting on highways running more or less parallel to and on each side of the lane or way;
Lane	means a Street with a right of way not exceeding 8 metres in width;
Noise	includes any loud outcry, clamour, shouting, disturbance or movement or any sound that is loud or harsh or undesirable;
Noxious Weed	means any weed designated as noxious pursuant to the <i>Weed Control Act</i> ;
Occupier	means a Person who occupies Real Property but does not include the Occupier of a unit in an apartment, hotel or institution;
Owner	Means the Owner of Real Property;
Panhandle	means to beg for, or, without consideration ask for, money, donations, goods or other things of value whether by spoken, written or printed word or bodily gesture for one's self or for any other Person but does not include soliciting by the holder of a permit issued by the Village of Sayward;
Peace Officer	has the same meaning as in the British Columbia <i>Interpretation Act</i> and includes a Bylaw Enforcement Officer;
Pedestrian Facility	means a structure for pedestrian use including a walkway, sidewalk, stairs, ramp, and curb letdown;
Person	includes a natural Person, a company, corporation, partnership, firm, association, society, or party and the personal or other legal representatives of a Person to whom the context can apply according to law;

Pesticide	means any kind of material that is used to control pests, fungi, and insects;
Real Property	means land, with or without improvements so affixed to the land as to make them in fact and in law a part of the Real Property;
Residential Premises, Residential Property and Tenancy Agreement	shall have the same meanings as in the <i>Residential Tenancy Act</i> of British Columbia;
Road Surface	means gravel, asphalt, cement, concrete or material of any kind whatsoever placed upon any street, road, Highway, bridge, viaduct, Lane, or any other way designed or intended for use by the general public for the passage of vehicles, and every private place or passageway to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited;
Roadway	means a portion of a Highway approved for use for vehicular travel;
Sight-Distance	means a clear line of vision between conflicting motorists, cyclists and pedestrians that allows sufficient time for safe maneuvers to be made without significantly affecting the conflicting traffic;
Special Event Permit	means a permit issued by the Village authorizing the use of a Highway or Other Public Place for the purposes of a special event;
Street	means any Highway, Roadway, sidewalk, boulevard, place or way which the public is ordinarily entitled or permitted to use for the passage of vehicles or pedestrians and includes all structure located in any of those areas;
Traffic Control Signal	means a Traffic Control Signal as defined in the <i>British Columbia Motor Vehicle Act</i> ; and
Utility Company	means any utility company that has structures, including but not limited to, postal boxes, lamp posts, telecommunication and power boxes and poles, situated on any Highway or Other Public Place within the Village.
Village	Means the Village of Sayward

PART 3: Interpretation

- 3.0** Words or phrases defined in the *British Columbia Interpretation Act*, *Motor Vehicle Act* or *Community Charter* (or any successor legislation), shall have the same meaning when used in this Bylaw unless otherwise defined in this Bylaw or the context otherwise requires.
- 3.1** In this Bylaw, unless the context otherwise requires, the singular shall include the plural and the masculine includes the feminine gender.
- 3.2** The headings contained in the Bylaw are for convenience only and are not to be construed as defining, or in any way limiting, the scope or the intent of the provisions of this Bylaw.

3.3 If any part of this Bylaw is for any reason held invalid by any court of competent jurisdiction, the invalid portion shall be severed, and the severance shall not affect the validity of the remainder.

PART 4: Street Nuisances

Restrictions on Panhandling

- 4.1** No Person shall Panhandle after sunset on any given day.
- 4.2** No Person shall sit or lie on a street for the purpose of Panhandling.
- 4.3** No Person shall continue to Panhandle from a person, or follow a person, after that person has made a negative response.

Use of Highways

- 4.4** No Person shall:
 - a. urinate or defecate on a Highway or other public place;
 - a. impede or obstruct any other person on a Highway or other public place, excluding lawful picketing as provided in the BC Labour Code;
 - b. stand or congregate on a Highway or other public place in such a manner as to impede or obstruct the free movement of other persons or vehicular traffic;
 - c. camp or erect a tent or other camping facilities on a Highway or other public place;
 - d. sleep in any vehicle located on a Highway or other public place;
 - e. swear or use indecent, obscene, blasphemous or grossly insulting language on or about a Highway or other public place; or
 - f. carry on any obscene, lewd or indecent activity on a Highway or other public place.

PART 5: Littering

- 5.0** No Person shall deliver circulars, pamphlets, handbills or papers to or within any Real Property or building located on the Real Property, unless such deliveries are deposited within a receptacle provided by the owners or occupiers of the Real Property or building.
- 5.1** No Person shall deposit or throw any discarded materials, in or on any Highway or other public place.

PART 6: Noise Regulation

Exemptions

- 6.0** This Part shall not apply to:
 - a. the operation of emergency vehicles;
 - b. the emergency repair of a public Highway;
 - c. operations of a public utility;
 - d. Peace Officers acting in the course of their duties;

- e. events held under authority of a Special Event Permit issued by the Chief Administrative Officer or their designate;
 - f. the operation of farm vehicles during planting or harvesting;
 - g. any person functioning within the limits imposed by a permit issued by the Chief Administrative Officer or their designate; and
 - h. snow clearing.
 - i. The sound of emergency backup power generators during power outage events.
- 6.1** An application for a permit referred to in Sections 6.o(e) and 6.o(g) of this Bylaw may have a decision under this Bylaw reconsidered by Council by applying in writing for such reconsideration, specifying the decision which the applicant wishes reconsidered and the reason supporting the request for reconsideration.
- 6.2** The permit referred to in Sections 6.o(e) and 6.o(g) will be in a form prescribed by the Chief Administrative Officer or their designate.

Regulations

- 6.3** No Person shall make or cause, or permit to be made or caused, any noise, in or on any Highway or other public place or private place which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.
- 6.4** No Person, who is the Owner or Occupier of real property, shall allow or permit such real property to be used in such a manner that noise emanating from the real property disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of a person or persons in the neighbourhood or vicinity.
- 6.5** No Person shall operate any radio, stereophonic equipment or other instrument, or any apparatus for the production or amplification of sound either in or on private premises or in any highway or other public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of persons in the vicinity.
- 6.6** No Person shall own, keep, or harbor any animal or bird which, by its cries, unduly disturbs the peace, quiet, rest, enjoyment, comfort, convenience or tranquility of the surrounding neighbourhood, Persons in the vicinity or the public at large.

Construction and Garbage Collection Noise

- 6.7** No Person shall, before 7:00 am on any day from Monday to Saturday when such day is not a Statutory Holiday, or before 8:00 am on any Sunday or Statutory Holiday, and after 10:00 pm on any day, construct, erect, reconstruct, alter, repair or demolish any building, structure or thing or excavate or fill in land in any manner which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of persons in the vicinity.
- 6.8** No Person shall, before 7:00 am on any day from Monday to Saturday, or before 8:00 am on any Sunday or Statutory Holiday and after 10:00pm on any day, operate a garbage truck which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of Persons in the vicinity.

Power Tools and Model Airplanes

- 6.9** No Person shall, before 8:00 am and after 10:00 pm on any day, use or operate any power gardening tool or other power tool or machine or any model airplane, boat or car powered by an internal combustion, turbine or rocket engine.

Public Address Systems

- 6.10** Except for sports announcements at the grounds where such sports are being played, no person shall operate any outdoor public address system at any time from any vehicle, real property, place or premises without the permission of the Chief Administrative Officer or their designate.

Commercial or Industrial Operations – Noise

- 6.11** Every Owner or operator of an industrial or commercial business which generates a Continuous Noise of a level that disturbs the occupants of the neighbourhood or Persons in the vicinity shall, at the request of the Village, supply the Village with:
- a. a report prepared by an independent sound consultant recommending methods to abate the Noise; and
 - b. a letter of certification sealed by the independent sound consultant that the methods approved by the Chief Administrative Officer for the abatement of noise have been fully implemented.

Motor Vehicle Noise

- 6.12** The following noises are, in the opinion of Council unnecessary, objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public:
- a. the squeal of a tire on a Road Surface made by a motor vehicle which is accelerating, stopping or changing direction;
 - b. a loud, roaring or explosive sound emitted by a motor vehicle;
 - c. the amplified sound of a radio or other sound playback device or amplification equipment, or the sound of a musical instrument, that emanates from a motor vehicle and can easily be heard by someone outside the motor vehicle;
 - d. the sound of the diesel engine of a bus, truck or other vehicle which has been idling or otherwise running continuously for more than five minutes at the same location, except that this clause shall not apply where the bus or truck is located within a garage or depot approved by Village Bylaws and Permits for its long-term parking;
 - e. the sound of an automobile security system which is made, either continuously or intermittently, for a period exceeding five (5) minutes or the sound of an automobile security system, but not including its activation status signal, which is made more than three (3) times in a 24-hour period;
 - f. the sound of a horn or other warning device on a motor vehicle used for any purpose other than as an audible warning incidental to the safe operation of the motor vehicle;
 - g. the sound of a brake or other type of engine brake on a motor vehicle used or operated for any purpose other than as an emergency braking device incidental to the safe operation of the motor vehicle.
 - h. the sound of a vehicle for which the muffler has been cut out, disconnected, modified by the removal of baffle or other part or which has been opened or widened creating a greater noise than is standard.
- 6.13** No person shall make or cause or permit to be made or caused, any objectionable, unnecessary or disturbing Noise set forth in Section 6.12 or operate a motor vehicle so as to cause any objectionable, unnecessary or disturbing Noise set forth in Section 6.12 contrary to Division 7A of the *Motor Vehicle Act Regulations*, B.C. Reg. 26/58.

PART 7: Property Maintenance

Graffiti

- 7.0** No Person shall place graffiti, or cause graffiti to be placed, on any wall, fence or other structure or thing in any Highway or other public place.
- 7.1** No person shall place graffiti, or cause graffiti to be placed, on any wall, fence, building or structure that is located on Real Property and adjacent to a Highway or other public place.
- 7.2** Every owner of Real Property shall remove graffiti that is located on the Real Property adjacent to a Highway or other public place within five (5) working days of the placement of the graffiti.
- a. Every Utility Company shall remove graffiti that is located on any Utility Company structure that is situated on any Highway or other public place within five (5) working days after receiving notification of the graffiti from the Village.
 - b. A Utility Company is exempt from the requirement in Section 7.2(a) if the Utility Company has entered into an agreement with the Village regarding the removal of graffiti from the Utility Company structures.

Boulevard Maintenance

- 7.3** Every Owner or Occupier of Real Property shall maintain in a clean, tidy and well-kept condition every Boulevard fronting on the Real Property and, without limiting the generality of the foregoing, shall:
- a. remove accumulations of filth, rubbish, discarded materials, hazardous objects and other materials which obstruct a drainage facility;
 - b. keep grassed areas trimmed and free of noxious weeds;
 - c. keep landscaping trimmed so that driveway and intersection vision clearances are unobstructed;
 - d. keep landscaping from encroaching over paved roadways or gravel shoulders.

Sidewalks and Pedestrian Facilities

- 7.4** Every Owner or Occupier of Real Property shall:
- a. remove rubbish from every pedestrian facility bordering the Real Property;
 - b. keep landscaping from encroaching over a sidewalk, or walkway, from ground level to a height of 2.4 metres.
- 7.5** No person shall:
- a. willfully injure or damage any Boulevard or any tree, shrub, plant, bush or hedge on any boulevard;
 - b. erect any sign, fence, wall or other structure on any Boulevard, except with written permission of the Village;
 - c. apply a Pesticide or Herbicide to any Boulevard; or
 - d. dispose of any vegetation cuttings, rubbish, discarded materials or any liquid or solid waste on any Boulevard or in any Drainage Facility.
 - e. section 7.5(c) does not apply to the Village or any other public utility.

Fences

- 7.6** a. In any zone, where an Owner or Occupier of property adjacent to a Highway has erected a fence adjacent to that Highway, the Owner or Occupier shall not allow that fence to fall into a state of disrepair.
- b. An Owner or Occupier of Real Property whose fence erected adjacent to a Highway has fallen into a state of disrepair shall repair it forthwith upon receipt of notice given pursuant to this Bylaw.
- c. In every zone where the keeping of livestock is permitted, every Owner or Occupier of Real Property abutting upon any Highway shall forthwith, upon receipt of notice given pursuant to this Bylaw, erect fences along the boundary of that property abutting on the Highway for the purpose of preventing livestock from straying upon said Highway.

Intersection Vision Clearance

- 7.7** No Person who owns or occupies Real Property located at any Intersection, shall place or permit to be placed or grow a tree, shrub, plant, fence or other structure with horizontal dimension exceeding 0.46 metres (1.5 feet) within the triangular area formed by two intersecting lot lines and the line joining the points on such lot lines 2.4 metres (7.87 feet) from the point of intersection, between an elevation such that an eye 1.0 to 2.4 metres (3.28 feet to 7.87 feet) above the surface elevation of one road, cannot see an object 1.0 to 2.4 metres (3.28 feet to 7.87 feet) above the surface of the other road.

Street Signs

- 7.8** No Person shall remove, deface or damage any street name sign or any other sign or marker erected upon any Highway by or at the direction of the Village.

Hazardous Trees and Shrubs

- 7.9** a. If in the opinion of the Village, any trees, hedges, bushes, or shrubs growing or standing on any Real Property are:
- (i) a hazard to the safety of persons on any Highway or other public place;
 - (ii) likely to damage public property, or
 - (iii) seriously inconveniencing persons on any Highway or other public place
- the Village may order the Owners or Occupiers of the Real Property on which they grow or stand to trim, remove or cut down such trees, hedges, bushes or shrubs.
- b. If the Person so ordered does not take the required action referred to in Section 7.9(a), the Village may proceed pursuant to Sections 7.19 to 7.21 of this Part.

House Numbering

- 7.10** All Owners and Occupiers of buildings shall display in a conspicuous place on the Real Property on which the building is located, the street number assigned by the Village to such building so that the same is of contrasting colour to its background and readable from the Highway.

Birds

- 7.11** No person shall keep or feed within the Village, birds so that they congregate in such numbers so as to constitute a nuisance or disturb, or tend to disturb, the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of persons in the vicinity.

Demolition Sites

- 7.12** On any property where the demolition of any building or structure has taken place;
- a. all debris and material whether to be discarded or retained shall be removed forthwith;
 - b. any basement or other excavation shall be filled in or covered over to lot grade level forthwith, upon receipt of notice served pursuant to the Bylaw.

Unightly Premises

- 7.13** No Owner of Real Property shall permit the Real Property to become or remain unsightly or permit water, rubbish, discarded materials or noxious, offensive, or unwholesome matter to collect or accumulate around that real property.
- 7.14** Every owner of Real Property shall:
- a. keep the Real Property clear of Noxious weeds and unsightly and unkempt brush, trees, or other growths;
 - b. keep ground cover vegetation from exceeding 30 cm in height; and
 - c. prevent infestation by caterpillars and other noxious or destructive insects and clear the Real Property of such insects.
- 7.15** Every Owner of Real Property shall remove or cause to be removed from the property any unsightly accumulations of filth, discarded materials, brush, trees, vines, Noxious Weeds or other growths, of any kind on a regular basis, or when ordered to do so by the Village.
- 7.16** Every Owner of Real Property shall maintain the general appearance and repair of the Real Property to the standards of other similar properties in the neighbourhood.

Rental Premises

- 7.17** Every Owner of residential premises or residential property subject to a tenancy agreement shall:
- a. maintain the physical condition and structural repair of the residential premises or residential property to the health, life safety and fire protection standards of the British Columbia *Building Code* and the Village of Sayward Fire Prevention Bylaw; and
 - b. maintain the general appearance and repair of the Real Property to the standards of other similar properties in the neighbourhood.

Vacant Premises

- 7.18** No Owner of Real Property shall cause or create a nuisance or permit a nuisance to be caused or created by allowing a vacant building on the Real Property to fall into such a state of disrepair that it becomes unsightly or creates a hazard, danger, nuisance or inconvenience to the general public.

Default and Remedial Action Notices

- 7.19** Where an Owner of Real Property or other responsible person fails to comply with the requirements of this Part, Council may make a declaration requiring that the Owner or other responsible person bring the Real Property into compliance with the provisions of this Part within specified time frame. A Bylaw Enforcement Officer may issue a notice in relation to Council's declaration.
- 7.20** If the Owner or other responsible person fails to comply with the notice requirement within the time limit specified in the notice, the Village by its workers, or others authorized by the Chief Administrative Officer, may, at all reasonable times and in a reasonable manner, enter the Real Property and affect such compliance at the cost of the defaulting Owner or other responsible

person. Such cost shall consist of all costs and expenses incurred by the Village in affecting compliance with this Part including, without limitation, administrative costs, costs of attendance at the property by Village employees or its contractors and the costs of removal, clean up and disposal.

- 7.21** If an Owner or other responsible person defaults in paying the cost referred to in Section 7.20 to the Village within 30 days of a demand for payment from the Village, the Village may recover from the Owner or other responsible person, in any court of competent jurisdiction, the cost as a debt due to the Village. If an Owner has not paid the debt by December 31 in the year in which the debt was incurred, the Village may direct that the amount of the cost be added to the Real Property tax roll as a charge imposed in respect of work or service provided to the Real Property of the Owner.

Reconsideration

- 7.22** An Owner or other responsible Person who has been issued a notice pursuant to Sections 7.19, 7.20 and 7.21 of this Part may make representations to Council to have the decision reconsidered by applying in writing for such reconsideration within 14 days of receipt of the notice, or lesser time if specified in the notice.

PART 8: Enforcement and Penalty

Right of Entry

- 8.0** A Bylaw Enforcement Officer may, at all reasonable times, enter upon any Real Property in the Village in order to ascertain whether the regulations contained within this Bylaw are being complied with.

Enforcement

- 8.1** The provisions of this Bylaw may be enforced by any Bylaw Enforcement Officer.

Offences and Penalties

- 8.2** Any person who contravenes, violates or fails to comply with any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who fails to do anything required by this Bylaw, commits an offence and shall be liable, upon conviction, to a fine of not more than \$10,000 (and not less than the fines prescribed in the Village of Sayward Ticketing Offence Bylaw), the cost of prosecution and any other penalty or order imposed pursuant to the Community Charter (British Columbia) or the Offence Act (British Columbia). Each violation against this Bylaw shall be deemed to be a separate and distinct offence, and, where the offence is a continuing one, each day that the offence is continued constitutes a separate offence.

PART 9: Severability

- 9.0** If any section, subsection, paragraph, clause, phrase or word within this Bylaw is for any reason held to be invalid by the decision of a court or competent jurisdiction, such decision does not affect the validity of the remaining portions of this Bylaw.

PART 10: Repeal

10.0 Property Maintenance Bylaw No. 384, 2010; Noise Control Bylaw No. 342, 2005; No-Idling Bylaw No. 389, 2011 and Liquor Consumption Bylaw No. 77, 1977 are hereby repealed.

Read a first time on the 9th day of October 2018

Read a second time on the 9th day of October 2018

Read a third time on the 9th day of October 2018

Rescind at third reading on the ___ day of _____ 2019

Amend at second reading on the ___ day of _____ 2019

Read a third time on the ___ day of _____ 2018

Adopted on the ___ day of _____, 2019

Mayor

Chief Administrative Officer



VILLAGE OF SAYWARD

BYLAW NO. 452

A BYLAW TO PROVIDE FOR THE LICENSING AND REGULATING OF BUSINESSES WITHIN THE VILLAGE OF SAYWARD

WHEREAS the Council for the Village of Sayward deems it necessary and expedient to provide for the regulating and licensing of businesses.

NOW THEREFORE the Council of the Village of Sayward, in open meeting assembled, enacts as follows:

1. REPEAL

That “**Business Licence Bylaw No. 444, 2019**” is hereby repealed in its entirety.

2. CITATION

This bylaw may be cited as “**Business Licence Bylaw No. 452, 2019**”.

3. DEFINITIONS

APPLICANT means any person who makes application for a Business Licence under the provisions of this bylaw.

BUILDING INSPECTOR means the building inspector for the Village.

BUSINESS means the carrying on of a commercial or industrial undertaking of any kind or nature or providing a professional, personal or other service for the purpose of gain or profit.

BYLAW means this bylaw.

COMMERCIAL BUSINESS means a Business that is permitted in the zones designated in the Zoning Bylaw.

COUNCIL means the Council of the Village of Sayward.

EMPLOYEE means a full-time employee, permanent part-time or full time equivalent.

HOME OCCUPATION means any Business permitted in residential areas designated in the Zoning Bylaw which is clearly incidental to the use of the dwelling unit for residential purposes.

HOME OCCUPATION - ARTISAN means any Business permitted in residential areas designated in the Zoning Bylaw which is clearly incidental to the use of the dwelling unit for residential purposes and includes arts, crafts and home baking, where that property clearly has an identifiable Sayward mailing address.

INDUSTRIAL BUSINESS means a Business that is permitted in the zones designated in the Zoning Bylaw.

LICENCE INSPECTOR means the the Person appointed from time to time as the Village Inspector.

MOBILE VENDER means a business utilizing a motor vehicle or manually powered cart for the purpose of vending food and non-alcoholic beverages.

MISCELLANEOUS BUSINESS means any Business not based in the Village of Sayward and includes a Non-Resident Business.

NON-RESIDENT BUSINESS means a Business, other than a Resident Business, carried on in the Village or with respect to which any work or service is performed in the Village;

PERSON means an individual and shall include a firm or partnership, association, company, society, body corporate, and the singular shall mean and include the plural, masculine, feminine and converse.

RENTAL UNITS/SPACES means any building containing dwelling units or other types of rental units that is permitted in the zones designated in the zoning bylaw.

RESIDENT BUSINESS means a Business carried on, in or from premises within the Village.

RESIDENTIAL BUSINESS means the carrying on of a Business within the primary dwelling unit in a residential zone.

VILLAGE means the Village of Sayward.

4. LICENSING

(a) Council shall:

- (i) require an owner or operator of a Business to hold a valid and subsisting licence for carrying on a Business;
- (ii) fix and impose licence fees for licences; and
- (iii) provide for the collection of licence fees and the granting and issuing of licences.

(b) Council may establish areas within the Village of Sayward in which licensed Mobile Venders may operate and may make such regulations for mobile vending as it deems appropriate and necessary.

5. COMPLIANCE WITH BYLAWS AND ENACTMENTS

Where any Federal or Provincial Act or Regulation or any other Village bylaw applies to any matter covered by this Bylaw, the issuance of a Business Licence under the provisions of this Bylaw shall not relieve the licensee from complying with the provisions of such enactments. The Licence Inspector may refuse to grant a licence for a Business where the premises upon which the Applicant wishes to conduct the Business does not comply with the requirements of the Village's bylaws regulating building, zoning, health, sanitation and this Bylaw.

6. APPLICATION

Every Person applying for a Business Licence shall complete a Business Licence Application, which is attached to this bylaw as Schedule "A". The completion and submission of an application is not a Business Licence and does not grant any right to carry on the intended Business. The application will be reviewed by the Licence Inspector for completeness and conformity of the proposed Business with Village bylaws.

When the use of the Business location changes, prior to issuing a Business Licence, the Building Inspector must be notified of the change. Once the Building Inspector provides the Licence Inspector with written assurances that all aspects of the BC Building Code and the Village's Building Bylaw are complied with, a Business Licence may be issued if compliance with any and all other Bylaws, rules and regulations is achieved, and payment of the required fee is received.

7. BUSINESS LICENCE FEES

Fees under this Bylaw shall be payable as set out in Village of Sayward Fees and Charges Bylaw.

8. SEPARATE LICENCE PREMISES

For the purposes of this Bylaw, where a Business is carried on, in or from more than one premises, the Business carried, in or from each premises shall be deemed a separate and distinct Business, except for a Building Rental Business, which may rent or lease suites from more than one premises under a single Business Licence.

9. TRANSFER

No Business Licence shall be transferred from one Person in respect of certain premises to that same Person in respect to another premise, without prior approval of the Licence Inspector. Such transfer shall be refused by the Licence Inspector where the premises to which the Applicant wishes to transfer the licence do not comply with the requirements of the Village's bylaws regulating building, zoning, health, sanitation and business, or any other rules and regulations.

10. DISPLAY LICENCE

The Business Licence holder or Person in charge or control of the premises where the Business is carried on or practiced, shall at all times keep the Business Licence prominently displayed in the sales or reception area of the premises to which the public has access, or an area designated by the Licence Inspector.

11. NOTIFY OF CHANGES

Every holder of a Business Licence shall notify the Licence Inspector of any changes in the mailing and/or Business location, the classification of the Business, or any alteration to the premises in which the Business is carried out, and upon the termination of the carrying on of the Business by the Business Licence holder. The Business Licence holder shall notify the Licence Inspector that the Business Licence is no longer required and shall surrender the Business Licence to the Licence Inspector.

12. QUALIFICATION CERTIFICATE

Any Person applying for a Business Licence for any Business governed by any Federal or Provincial Statute shall supply proof to the Licence Inspector that the Applicant has the qualifications to satisfy those Federal or Provincial statutes.

13. LICENCE PERIOD

- (a) Except as provided for in Schedule "A", Business Licenses shall be granted for a period of one-year, commencing on the first day of January and terminating on the last day of December each calendar year.

- (b) Business Licence holders are required to renew their Business Licence by submitting the required fee prior to April 1st each year.

14. ASSIGNMENT OF BUSINESS LICENCE

In the event of sale of a Business for which a Business Licence is issued, the Licence Inspector may permit an assignment of the Business Licence to the purchaser of a Business on an application for assignment upon receipt of the fee outlined in the Village of Sayward Fees and Charges Bylaw. Such transfer shall not, however, be approved if the proposed assignee is not a Person qualified under the terms of this, or any other bylaw to carry on the Business for which the Business Licence was issued, or if the premises do not comply with the requirements of the bylaws of the Village regulating building, zoning, health, sanitation and businesses or any other rules and regulations.

15. GRANTING AND SUSPENSION

- (a) The Licence Inspector may grant a Business Licence where the Licence Inspector is satisfied that the Applicant has complied with all the requirements of the bylaws of the Village, and may suspend, for such a period as the Licence Inspector may determine, any Business Licence if the holder of the Business Licence:
 - (i) is convicted of an indictable offence in Canada where that offence is related to the nature of the Business for which the Business Licence has been issued;
 - (ii) is convicted of an offence under any Village bylaw or statute of the Province in respect of the Business for when the Business Licence holder is licensed or with respect to the premises named in the Business Licence;
 - (iii) has, in the opinion of the Licence Inspector, been guilty of gross misconduct in respect to the premises named on the Business Licence as to warrant the suspension of the Business Licence;
 - (iv) has ceased to meet the lawful requirements to carry on the Business for which the Business Licence holder is licensed or with respect to the premises named in the Business Licence;
 - (v) has failed to comply with the terms and conditions of this Bylaw or the Business Licence.
- (b) Any Person whose Business Licence has been suspended under this section may appeal to Council, and upon appeal, the Council may confirm or set aside the suspension on such terms Council may determine.
- (c) Council may revoke a Business Licence for reasonable cause after giving notice to the Business Licence holder and after giving the Business Licence holder an opportunity to be heard.
- (d) The Licence Inspector may, upon receiving an application for a Business Licence, refer the decision of granting or refusing to grant a Business Licence to Council, who, for that purposes, may decide to conduct a hearing.
- (e) The suspension of a Business Licence by the Licence Inspector shall be made by notice in writing signed by the Licence Inspector and served on that Person holding such Licence or delivered to the holder of such Business Licence by registered mail to the address given by

the licensee on the Business Licence Application. A notice of such suspension of a Business Licence may be posted by the Licence Inspector upon the premises for which the Business Licence is issued and such notice shall not be removed until the Business Licence is reinstated, the former licensee ceases to occupy the premises, or a new Business other than the one carried on by the former licensee is started in the premises, whichever first occurs.

16. FAMILY, GROUP DAYCARE AND COMMUNITY CARE FACILITIES

Applicants under this category must provide verification that they are licensed pursuant to all relevant Provincial and Federal statutes.

17. USE OF HIGHWAYS, PARKS AND PUBLIC SPACES

No Person shall offer for sale any goods or merchandise on Highways, Parks or Public Open Spaces within the boundaries of the Village unless they have first complied with all applicable Village bylaws and/or permission by resolution of Council is granted.

18. SPECIAL EVENTS

Council may, by resolution, allow multiple vendors to do business in a Park or Public Open Space for special events such as Canada Day without a Business Licence. Individual vendors at a farmer's market or similar event may operate without a Business Licence at the discretion of the Inspector.

19. REFUND OF FEES

If a Business Licence application is refused by the village or if a Business Licence application is cancelled by the Applicant prior to the issuance of a Business Licence, the Village will reimburse the cost of the Business Licence. Where a Business Licence has been applied for and a Business Licence issued, the Licence Inspector may refund fifty percent (50%) of the Business Licence fee if the Business has clearly not been in operation. Where a Business has been in operation, there will be no refund of the Business Licence fee.

20. ENFORCEMENT

A Peace Officer, Bylaw Enforcement Officer or designate and any other person duly authorized by the Village may enter onto any property at any reasonable time to ascertain whether provisions of this Bylaw are being observed and is authorized and may apply a penalty in accordance with section 19 of this Bylaw, if deemed necessary.

21. OFFENCES AND PENALTIES

- (a) If any Person contravenes any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, commits an offence against this Bylaw and is subject to:
 - (i) a fine in accordance with the Village of Sayward "Ticketing Offence Bylaw", if the information respecting the infraction is laid by means of a ticket; or
 - (ii) upon summary conviction, a fine not exceeding \$2,000.00 and the costs of prosecution.

22. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this bylaw.

Read a first time on the ____ day of _____ 2019.

Read a second time on the ____ day of _____ 2019.

Read a third time on the ____ day of _____ 2019.

Adopted on the ____ day of _____ 2019.

Mayor

Chief Administrative Officer

For Office Use Only

Property Zoned: _____ Is Proposed Use Permitted: __ Yes __ No

Other Agency Approval required: __ Yes __ No (specify) _____

Other Agency Permits or Licence required: __ Yes __ No (specify) _____

Building Inspector Approval Required: __ Yes No __ (specify) _____

Council Approval Required: __ Yes No __ _____

Copy of approval provided: __ Yes No __ _____
(when change in use occurs)

Fee: _____

Approved: _____ Denied: _____

Licence Inspector

Date

Special comments:



**VILLAGE OF SAYWARD
BYLAW NO. 451**

A BYLAW TO ESTABLISH SPECIFIED FEES AND CHARGES FOR MUNICIPAL SERVICES

WHEREAS the Council for the Village of Sayward is authorized pursuant to section 194 of the Community Charter to impose fees and charges with respect to services provided by the Village of Sayward.

WHEREAS the Council for the Village of Sayward deems it necessary to provide for such fees and services.

NOW THEREFORE the Council of the Village of Sayward, in open meeting assembled, enacts as follows:

1. REPEAL

That "**Fees and Charges Bylaw No. 445, 2019**" is repealed in its entirety.

2. CITATION

This bylaw may be cited as "**Fees and Charges Bylaw No. 451, 2019**".

3. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this bylaw.

4. CONSEQUENTIAL AMENDMENTS

The following Bylaws are hereby amended:

- (a) Solid Waste Collection Regulations and Rates Bylaw No. 440, 2018 is hereby amended by deleting Schedule A in its entirety and adding the following as Section 5: "Fees and charges that may be or are provided under this Bylaw shall be payable as set out in the Village of Sayward Fees and Charges Bylaw".
- (b) Water Rate Bylaw No. 438, 2018 is hereby amended by deleting Schedule A in its entirety and adding the following as Section 10: "Fees and charges that may be or are provided under this Bylaw shall be payable as set out in the Village of Sayward Fees and Charges Bylaw".
- (c) Sewer Rate Bylaw No. 439, 2018 is hereby amended by deleting Schedule A in its entirety and adding the following as Section 10: "Fees and charges that may be or are provided under this Bylaw shall be payable as set out in the Village of Sayward Fees and Charges Bylaw".
- (d) Building Bylaw No. 334, 2005 is hereby amended by deleting Appendix A, Appendix B, Appendix C and Appendix D in their entirety and adding the following as Section 14.6: "Fees and charges that may be or are provided under this Bylaw shall be payable as set out in the Village of Sayward Fees and Charges Bylaw".

- (e) Animal Control Bylaw No. 418, 2015 is hereby amended by deleting Schedule A and adding the following as Section 4.10 and Section 6.13: "Fees and charges that may be or are provided under this Bylaw shall be payable as set out in the Village of Sayward Fees and Charges Bylaw".
- (f) Business License Bylaw No. 242, 1992 is hereby amended by deleting Schedule A and adding the following as Section 3(9): "Fees and charges that may be or are provided under this Bylaw shall be payable as set out in the Village of Sayward Fees and Charges Bylaw".
- (g) Fire Protective Services Bylaw No. 383, 2010 is hereby amended by deleting Schedule A Schedule B and Schedule D in their entirety and adding the following as Section 82: "Fees and charges that may be or are provided under this Bylaw shall be payable as set out in the Village of Sayward Fees and Charges Bylaw".

5. SCHEDULES

- Schedule A – General Administration
- Schedule B – Sayward News
- Schedule C – Kelsey Centre
- Schedule D – Solid Waste Collection
- Schedule E – Water Rates (2019)
- Schedule F – Sewer Rates (2019)
- Schedule G – Building Fees and Charges
- Schedule H – Animal Control
- Schedule I – Business Licenses
- Schedule J – Fire Protective Services
- Schedule K – Municipal Campground

Read a first time on the ____ day of _____ 2019.

Read a second time on the ____ day of _____ 2019.

Read a third time on the ____ day of _____ 2019.

Adopted on the ____ day of _____ 2019.

Mayor

Chief Administrative Officer

SCHEDULE A
GENERAL ADMINISTRATION

DESCRIPTION	FEE
Cheque returned as Not-Sufficient Funds	\$40.00
Property tax certificate	\$25.00
Photocopies – Colour	\$1.00/page
Photocopies – Black and White	\$0.50/page
Faxes	\$1.25 first page \$0.50 each additional page
Scan and email	\$0.25/page

SCHEDULE B
SAYWARD NEWS

DESCRIPTION	FEE
Copy Ready Ads and Articles per Issue	
Full page	\$45.00
½ page	\$30.00
¼ page	\$20.00
1/8 page	\$10.00
Business card (3.75" x 2.5")	\$8.00
Ads and Articles placed in multiple issues	
2x – 15% discount on total	
3x to 5x – 25% discount on total	
More than 5x – 35% discount	
Set-up Charges (if applicable)	
Full page	\$45.00
½ page and ¼ page	\$30.00
1/8 page and business card	\$20.00
Business Directory	
Business listing which includes name, logo, contact information and a brief description of business. Published 12 times a year plus feature business ad once a year (1/4 page)	\$60.00/year
Classified Ads	
25 words or less	\$5.00
Additional words	\$0.05/each
Community/Family announcements, Memorials, Thank You's or non-Profit Groups	
1. Individual – 1/8 page free	
2. Non-profit – ¼ page free	
For larger pages sizes rates above apply	
*Rates include PST and GST	
** Set-up charges include any non-copy ready work the Village is asked to create or modify to fit the newsletter.	

SCHEDULE C
KELSEY CENTRE

EQUIPMENT RENTAL	PRICE	SECURITY DEPOSIT
Party tent(s)	\$125.00 for 2 days Late fee \$125.00/day	\$125.00 each
Tables	\$7.50 each	\$25.00
Chairs (folding)	\$2.00 each	\$10.00 each
Set of 5 tables and 20 chairs	\$55.00	\$100.00
Table and chair sets, 1 table and 6 chairs	\$15.00	\$35.00
BBQ	\$125.00/day	\$250.00
Popcorn machine	\$50.00/day	\$75.00
Dish rental	\$30.00/day	\$30.00
Coffee urn rental	\$20.00/day	\$20.00
Mats (for first aid, etc.)	\$2.50	\$5.00

ROOM RENTAL	PRICE	CLEANING DEPOSIT
Bar rental if alcohol is being served (renter responsible for own supplies and permit)	\$100.00 flat rate	\$75.00
Bar if no alcohol being served (renter responsible for own supplies and permit)	\$50.00 flat rate	\$75.00
Gym-Adult Activities	\$50.00/hour	\$200.00
Table and chairs included	\$350.00/day	\$250.00
Gym-Child/Youth/Senior Activities	\$40.00/hour	\$200.00
Table and chairs included	\$300.00/day	\$250.00
Gym-Private/Commercial Use	\$50.00/hour \$350.00/day	\$200.00 \$250.00
Gym, kitchen and bar rate	\$150.00/hour \$425.00/day	\$250.00 \$300.00
Kitchen-use of all existing equipment (paper plates/cups and napkins excluded)	\$75.00 flat rate	\$75.00
Multipurpose room	\$25.00/hour \$100.00/day	\$75.00

MEETING ROOM RENTALS	PRICE
Daily	\$100.00
Hourly	\$30.00
Weekly (once a week event)	\$25.00/hour
Monthly (once a week event)	\$25.00/hour
One-night event	\$100.00

KELSEY CENTRE

POOL USE	SINGLE	10-PACK	MONTHLY
After School Program	\$7.50	\$75.00	N/A
Child/Youth	\$3.00	\$27.00	\$36.00
Adult	\$5.00	\$45.00	\$60.00
Senior	\$4.00	\$36.00	\$48.00
Family (immediate)	\$15.00	\$135.00	\$180.00

POOL RENTAL	PRICE
Pool rental with one lifeguard	\$150.00 first hour then \$75.00 each additional hour
Pool rental with two lifeguards	\$175.00 first hour then \$105.00 each additional hour
Pool rental without lifeguard (must provide own certified life guard)	\$150.00 first hours then \$60.00 for each additional hour
School Board	Price negotiable
Special school rate (ex: swim lessons)	Price negotiable

OVERNIGHT CAMP-IN RENTALS	
DESCRIPTION	PRICE
Gym, kitchen and one hour in pool with lifeguard	\$400.00
Gym, kitchen, multi-purpose room and one hour in pool with lifeguard	\$500.00

KELSEY CENTRE

SWIMMING LESSON	PRICE
Parent and Tot Swim Kids (Sunday 10:00 am) Ages 6 months to 3 years	\$30.00
Sea Otter (Sundays 10:35 am) Ages 3-6 years	\$35.00
Salamander & Sunfish (Sundays 11:00 am) Ages 3-6 years	\$35.00
Crocodile & Whale (Sundays 11:35 am)	\$35.00
Level 1 & 2 (Sundays 12:15 pm) Ages 6 +	\$40.00
Private Lessons Level 1-10 (1 pm -1:30 pm)	\$40.00
Level 1 & 2 (Mondays & Wednesday 4:30 pm) Ages 6 +.	\$40.00
Level 3 & 4 (Mondays & Wednesday 5:05 pm) Ages 6 +	\$40.00
Level 1 & 2 (Saturdays 10:00 am) Ages 6 +	\$40.00
Level 3 & 4 (Saturdays 10:35 am)	\$40.00
Level 5 & 6 (Saturdays 11:15 am)	\$50.00
Level 7 & 8 (Saturdays 12:00 pm)	\$50.00
Level 9 & 10 (Saturdays 12:30 pm)	\$50.00
Private lessons Level 1-10 (1:30-3:00 pm)	\$40.00
Swim Sports & Swim Strokes Adults & Teens (Friday nights 7:30 pm – 8:15 pm)	\$50.00
Private Lessons (scheduled with instructor)	\$40.00
Classes will only be run if there is enough enrolment	
See brochure for details	

GYMNASIUM RENTAL		
PRIVATE/COMMUNITY FUNCTION	PRICE	SECURITY DEPOSIT
Child/Youth orientated activities - under 18 yrs.	\$40.00/hour	\$200.00
Adult orientated activities – 19 to 64 yrs.	\$50.00/hour	\$200.00
Senior orientated events – 65+ yrs.	\$40.00/hour	\$200.00

GYMNASIUM RENTAL		
COMMERCIAL USE	PRICE	SECURITY DEPOSIT
All events	\$75.00/hour	\$250.00

GYMNASIUM RENTAL		
DAILY EVENT (up to 16 hours same day)	PRICE	SECURITY DEPOSIT
Child/Youth orientated activities – under 18 yrs.	\$300.00	\$250.00
Adult orientated activities – 19 to 64 yrs.	\$350.00	\$250.00
Senior orientated events – 65+ yrs.	\$300.00	\$250.00
Commercial use	\$400.00	\$250.00
Community fair rental	\$150.00	\$250.00

SCHEDULE D
SOLID WASTE COLLECTION

Fees for collection of solid waste from approved receptacles and excess receptacles

DESCRIPTION	FEE
Up to two approved receptacles	\$212.62 per year
Each additional receptacle	\$2.00 for each additional

SCHEDULE E
WATER RATES (2019)

DESCRIPTION		RATE
Private Residence	per dwelling unit (equivalent to one dwelling unit)	\$320.99
Hotel, Motels	per unit	\$160.50
Apartments or Strata Units	per dwelling unit (equivalent to one dwelling unit)	\$320.99
Trailer Park	per pad	\$320.99
Cafes & Restaurants	(equivalent to 10 dwelling units)	\$3,209.90
Stores	(equivalent to one dwelling unit)	\$320.99
- Plus for living quarters attached	(equivalent to one dwelling unit)	\$320.99
- Plus for Grocery	(equivalent to one dwelling unit)	\$320.99
- Plus for Butcher Shop	(equivalent to one dwelling unit)	\$320.99
Garage & Service Stations	(equivalent to one dwelling unit)	\$320.99
Seafood Plant	(equivalent to 7 dwelling units)	\$2,246.93
Bowling Alley	(equivalent to 2 dwelling units)	\$641.98
Laundromat	per washing machine (equivalent to one dwelling unit)	\$320.99
Bank	(equivalent to one dwelling unit)	\$320.99
Schools	(equivalent to 26 dwelling units)	\$8,345.74
Small Craft Harbour	(equivalent to 2 dwelling units)	\$641.98
Harbour Lease	(equivalent to 10 dwelling units)	\$3,209.90
Industrial	shop, office, sort yard office (equivalent to 7 dwelling units)	\$2,246.93
Industrial	dryland sort and water tower (equivalent to 94 dwelling units)	\$30.173.06
Bunk House and Cookhouse	per active sleeping unit (equivalent to ½ dwelling unit)	\$160.50
Campground	serviced stalls times months in operation divided by 12 – times Motel rate	\$160.50
Others not specified	each	\$320.99

SCHEDULE F
SEWER RATES (2019)

DESCRIPTION		RATE
Private Residence	per dwelling unit (equivalent to one dwelling unit)	\$265.45
Hotel, Motels	per unit	\$132.73
Apartments or Strata Units	per dwelling unit (equivalent to one dwelling unit)	\$265.45
Trailer Park	per pad	\$265.45
Cafes & Restaurants	(equivalent to 10 dwelling units)	\$2,654.50
Stores	(equivalent to one dwelling unit)	\$265.45
- Plus for living quarters attached	(equivalent to one dwelling unit)	\$265.45
- Plus for Grocery	(equivalent to one dwelling unit)	\$265.45
- Plus for Butcher Shop	(equivalent to one dwelling unit)	\$265.45
Garage & Service Stations	(equivalent to one dwelling unit)	\$265.45
Seafood Plant	(equivalent to 7 dwelling units)	\$1,858.15
Bowling Alley	(equivalent to 2 dwelling units)	\$530.90
Laundromat	per washing machine (equivalent to one dwelling unit)	\$265.45
Bank	(equivalent to one dwelling unit)	\$265.45
Schools	(equivalent to 26 dwelling units)	\$6,901.70
Small Craft Harbour	(equivalent to 2 dwelling units)	\$530.90
Harbour Lease	(equivalent to 10 dwelling units)	\$2,654.50
Industrial	shop, office, sort yard office (equivalent to 7 dwelling units)	\$1,858.15
Industrial	dryland sort and water tower (equivalent to 94 dwelling units)	\$24,952.30
Bunk House and Cookhouse	per active sleeping unit (equivalent to ½ dwelling unit)	\$132.73
Campground	serviced stalls times months in operation divided by 12 – times Motel rate	\$132.73
Others not specified	each	\$265.45