



BOARD REPORT

TO:

Chair and Directors

File No: 0530 03 0115 20

SUBJECT:

Amendment to Bylaw Enforcement Policy A-69 to address Proposed Noise Bylaw No. 5754

DESCRIPTION:

Report from Corey Paiement, Team Leader Development Services, dated June 6, 2018.
Amendment to Bylaw Enforcement Policy A-69 to address Proposed Noise Bylaw No. 5754.

RECOMMENDATION:

THAT: Bylaw Enforcement Policy A-69 be amended to include a new Section 5.6 as follows:

"5.6 The CSR D has adopted Noise Bylaw No. 5754 to provide the RCMP with an additional enforcement tool to address noise-related concerns. The enforcement of Bylaw No. 5754 is at the sole discretion of the RCMP; the RCMP is authorized in MTI Bylaw No. 5776 to issue a municipal ticket for noise-related offences. CSR D staff will not be enforcing this bylaw.

Upon receipt of a noise complaint, CSR D staff will explain the purpose and content of Bylaw No. 5754 to residents and direct them to their local RCMP detachment for follow-up."

SHORT SUMMARY:

The Board endorsed Bylaw Enforcement Policy A-69 in 2017 to establish clear procedures, expectations and standards for the Regional District's bylaw enforcement program. With the consideration of adoption of Noise Bylaw No. 5754 to regulate noise in Electoral Areas B, C, D, E and F, it is necessary to provide clarification in Policy A-69 that Bylaw No. 5754 will be enforced by the RCMP at its discretion.

VOTING:	Unweighted Corporate	<input checked="" type="checkbox"/>	LGA Part 14 (Unweighted)	<input type="checkbox"/>	Weighted Corporate	<input type="checkbox"/>	Stakeholder (Weighted)	<input type="checkbox"/>
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BACKGROUND:

The Board endorsed Bylaw Enforcement Policy A-69 in 2017 to establish clear procedures, expectations and standards for the Regional District's bylaw enforcement program.

See "A-69 Bylaw Enforcement Policy.pdf" attached.

At the June 2018 Regular Board meeting, the Board is considering adopting Noise Bylaw No. 5754 to regulate noise in Electoral Areas B, C, D, E and F. It has been the intention of the Board that Bylaw No. 5754, and related amendments to MTI Bylaw No. 5776, would provide a tool for the RCMP to choose to enforce noise bylaw infractions. It is, therefore, necessary to provide clarification in Policy A-69 that

Bylaw No. 5754 will be enforced by the RCMP at its discretion. A new Section 5.6 is proposed to be included in Policy A-69 to provide this clarification, once the Noise Regulation Bylaw No 5754 is adopted.

An amendment to Policy A-69 to provide such clarification was recommended by CSRD staff in previous staff reports to the Board in relation to the creation and administration of a regulatory Noise Bylaw.

See "2018-01-18_Board_DS_BL5754_Noise_Bylaw_2nd_reading.pdf" attached.

See "2018-01-18_Board_Minutes_Item_10.5_Noise_Bylaw_No._5754.pdf" attached.

POLICY:

It is recommended the Bylaw Enforcement Policy A-69 be amended to include a new Section 5.6 as follows:

"5.6 The CSRD has adopted Noise Bylaw No. 5754 to provide the RCMP with an additional enforcement tool to address noise-related concerns. The enforcement of Bylaw No. 5754 is at the sole discretion of the RCMP; the RCMP is authorized in MTI Bylaw No. 5776 to issue a municipal ticket for noise-related offences. CSRD staff will not be enforcing this bylaw.

Upon receipt of a noise complaint, CSRD staff will explain the purpose and content of Bylaw No. 5754 to residents and direct them to their local RCMP detachment for follow-up."

FINANCIAL:

There are no financial implications for amending Policy A-69 to include a new Section 5.6.

There will be financial implications if Policy A-69 is not amended as recommended. Without the amendment there will be the expectation that CSRD staff will be enforcing Noise Bylaw No. 5754. This will mean that bylaw enforcement resources will need to be reallocated for this purpose or additional resources will be required.

KEY ISSUES/CONCEPTS:

Including the new Section 5.6 in Policy A-69 will provide guidance to CSRD staff, public, and RCMP about the CSRD's role in the enforcement of Noise Bylaw No. 5754.

IMPLEMENTATION:

The amended Policy A-69 will be updated on the CSRD's website. The new Section 5.6 will be used by CSRD staff, primarily the Bylaw Enforcement Officers, to explain the CSRD's role in the enforcement of Noise Bylaw No. 5754.

It is anticipated that at the July 19, 2018 Board meeting, staff will be recommending amendments to MTI Bylaw No. 5776 to add fines under the Noise Bylaw No. 5754 as ticketable offences, including the RCMP as the designated officer, offences and fines.

COMMUNICATIONS:

The amended Policy A-69 will be updated on the CSRD's website.

A copy of the updated Policy will be provided to the RCMP detachments where Bylaw No. 5754 will apply. The detachments will also be provided with MTI Bylaw No. 5776 after Noise Bylaw No. 5754 is added and provided ticket books so they are aware of the bylaw offences and may issue tickets at their discretion.

DESIRED OUTCOMES:

That the Board endorse the recommended amendment to Policy A-69.

BOARD'S OPTIONS:

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

Report Approval Details

Document Title:	2018-06-21_Board_DS_053003_CSRD_Bylaw_Enforcement_Policy.docx
Attachments:	- 2018-01-18_Board_DS_BL5754_Noise_Bylaw_2nd_reading.pdf - 2018-01-18_Board_Minutes_Item_10.5_Noise_Bylaw_No._5754.pdf - A-69 Bylaw Enforcement Policy.pdf
Final Approval Date:	Jun 11, 2018

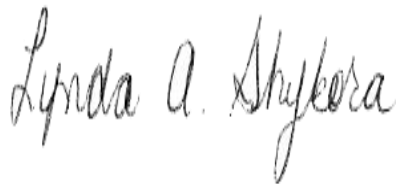
This report and all of its attachments were approved and signed as outlined below:



Gerald Christie - Jun 8, 2018 - 12:11 PM



Jodi Pierce - Jun 8, 2018 - 12:50 PM



Lynda Shykora - Jun 11, 2018 - 3:58 PM

No Signature - Task assigned to Charles Hamilton was completed by assistant Lynda Shykora

Charles Hamilton - Jun 11, 2018 - 3:59 PM