



To: Port Alberni Advisory Planning Commission

Ed Francoeur (Chair)	Callan Noye
Stefanie Weber (Acting Vice-Chair)	Sandy McRuer
Joe McQuaid	
Dan Holder	Councillor Dustin Dame (Council Liaison)
Ken Watts (ECC, Tseshah (č išaa?ath) F.N)	Wayne Mihalicz (Parks Operations Liaison)
Representative, (Hupačasath F.N)	Derrin Fines (P.A.F.D. Liaison)
Christine Washington, (SD70 Liaison)	S/Sgt Mike Thompson, (R.C.M.P. Liaison)

From: Scott Smith, Director of Development Services
Copy: Larry Ransom (Alternate - School District #70)
Harley Wylie (Alternate - Tseshah (č išaa?ath) First Nation)
TBD (Alternate Hupačasath Nation)
TBD – (Alternate - R.C.M.P.)
Councillor Deb Haggard (Alternate - Council Liaison)
Corporate Services: D. Monteith, S. Darling, T. Feltrin, A. O'Connor
City Staff: S. Smith, B. McLoughlin, H. Stevenson, C. Foden

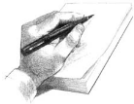
Date: August 10, 2023

Re: Advisory Planning Commission Meeting - **Thursday, August 17, 2023 at 12:00 pm**

A meeting of the Advisory Planning Commission has been scheduled for **Thursday, August 17, 2023 at 12:00 pm** in the Council Chambers at City Hall (4850 Argyle St.). Contact Brian McLoughlin (T: 250-720-2806 / email: Brian_McLoughlin@portalberni.ca) or Cara Foden (T: 250.720.2850 / email: Cara_Foden@portalberni.ca) if you require more information.

APC AGENDA

- 1. Acknowledgements and Introductions-** This APC meeting is being held within the un-ceded traditional territories of the Hupačasath and the Tseshah/č išaa?ath First Nations.
- 2. Adoption of minutes of the July 20, 2023 meeting**
- 3. DEVELOPMENT APPLICATION – Development Variance Permit**
4735 Dunbar Street
Lot 22, Block 43A, District Lot 1, Alberni District, Plan 197B PID 009-251-812; and
4715 Dunbar Street
Lot 23, Block 43A, District Lot 1, Alberni District, Plan 197B PID: 009-251-855
APPLICANT: R. Hamling agent for Prism Land Surveying Ltd.
- 4. Updates – Manager of Planning**
- 5. Other business**
- 6. Adjournment** - The next regular APC meeting is scheduled for **Thursday, September 21, 2023.**



**Summary Report / Minutes of the Advisory Planning Commission Meeting
held on July 20, 2023 at 12:00 p.m.
(Council Chambers, Port Alberni City Hall, 4850 Argyle Street)**

Commission Members Present

Ed Francoeur (Chair)
Stefanie Weber (Vice-Chair)
Joe McQuaid
Harley Wylie (Alt. – Tseshah (č išaaʔath) F.N)
Callan Noye
Sandy McRuer
Councillor Dustin Dame (Council Liaison)
Derrin Fines (P.A.F.D. Liaison)

Regrets

Dan Holder
Ken Watts (ECC, Tseshah (č išaaʔath) F.N)
Christine Washington, (SD70 Liaison)
Representative, (Hupačasath F.N)
Peter Dionne, R.C.M.P. Liaison
Wayne Mihalic (Parks Liaison)
Scott Smith, Director of Dev.Services/Deputy CAO

Staff

Brian McLoughlin, Manager of Planning
Haley Stevenson, Planner I
Cara Foden, Planning Technician

Guests

City Director of Corporate Services (D. Monteith)
Applicant/s: Rachel Hamling (remote access)
Members of the Public: none present

Alternates (not in attendance)

Larry Ransom (Alt.– S.D.70)
S./Sgt. Mike Thompson (Alt.– RCMP)
Councillor Deb Haggard (Alt. Council Liaison)



1. Acknowledgements and Introductions

- An acknowledgement was made that this APC meeting is being held within the un-ceded, traditional territories of the Hupačasath Nation and the Tseshah (č išaaʔath) First Nation.

2. Election of Chair and Vice-Chair for 2023

Chair – Ed Francoeur
Vice-Chair – Stefanie Weber

3. Adoption of previous meeting minutes

- Draft Summary Minutes from the APC Meeting held on May 18, 2023
- Draft Summary Minutes from the APC Meeting held on June 15, 2023

(Weber / McQuaid) CARRIED

**4. DEVELOPMENT APPLICATION – Proposed OCP and Zoning Bylaw Amendments
3690 Loewen Road and 2791 Burde Street**

*Lot 1, District Lot 139, Alberni District, Plan VIP19284 (PID: 000-962-805); and
2791 Burde Street*

Lot 21, District Lot 139, Alberni District, Plan 1401A, Except that part included within Parcel A (DD 82302N) And Except those parts in Plans 13102 and 19284 (PID: 005-712-343)

APPLICANT: R. Hamling agent for Prism Land Surveying Ltd.

- Planner I introduced the applicant who joined the meeting via remote access.
- Planner I summarized the staff report dated July 12, 2023.

- Attendees discussed the proposed OCP and Zoning Bylaw amendments with respect to the following:
 - Lot configuration was discussed and clarified for APC members.
 - The proposed amendments and rationale for the applicant's request were clarified.

Motion:

That the Advisory Planning Commission recommends to City Council that Council support the application.

(McRuer / Noye) CARRIED

5. Updates from the Manager of Planning

- Zoning modernization Bylaw – Received 1st and 2nd reading on July 10, 2023. A public Hearing was scheduled for July 31, 2023.
- 2042 Official Community Plan – staff planning to resume work potentially in the fall. More updates forthcoming.
- Update on 3325 Johnston Road Microtel development application.

6. Other Business

- 7. Adjournment** – The meeting adjourned at 12:30 pm. The next meeting is scheduled for 12:00 pm on **August 17, 2023**.

(Chair)

APC-SummaryMinutes-July20-2023 - Reviewed by bm



CITY OF PORT ALBERNI

PLANNING DEPARTMENT REPORT TO THE ADVISORY PLANNING COMMISSION

TO: Advisory Planning Commission

FROM: Haley Stevenson, Planner I

DATE: August 10, 2023

SUBJECT: DEVELOPMENT APPLICATION – Development Variance Permit (DVP 117)

4735 Dunbar Street, Port Alberni

LOT 22, BLOCK 43A, DISTRICT LOT 1, ALBERNI DISTRICT, PLAN 197B (PID: 009-251-812)

4715 Dunbar Street, Port Alberni

LOT 23, BLOCK 43A, DISTRICT LOT 1, ALBERNI DISTRICT, PLAN 197B (PID: 009-251-855)

Applicant: Nina Wynne

PURPOSE

To consider a Development Variance Permit application requesting an increase to the maximum permitted height of a front yard fence at 4735 and 4715 Dunbar Street. The intent is to bring a recently constructed fence into conformance with the Zoning Bylaw.

BACKGROUND

In February of this year, the City received a Development Variance Permit application (DVP 117) for the properties at 4735 and 4715 Dunbar Street (subject properties) requesting to increase the maximum permitted fence height within a required front yard. The application was made after the applicant received notice from the City's Bylaw Services that a recently constructed fence was in contravention of *Zoning Bylaw 2014, No. 4832*. The front-yard fence is an opaque, hand-made, wooden fence with an average height of approximately 8 feet. It extends the full length of the frontage of both properties.

Bylaw Enforcement Policy 3008-01

The notice from Bylaw Services and a subsequent *Correspondence for Information Letter* submitted by the property owner at the February 13th Regular Council Meeting prompted Council to review the City's Bylaw Services enforcement strategy, and led to the creation of a new Bylaw Enforcement Policy 3008-1. The policy was presented to the Committee of the Whole on May 15th, 2023 and June 19th, 2023, and approved by Council at the June 26th, 2023 Regular Council Meeting. The application is being brought forward now that staff and Council have clarified priorities and strategies for City-wide bylaw enforcement. The applicant has cited personal and property safety, security, and privacy as reasons for their variance request.

Crime Prevention Through Environmental Design (CPTED)

CPTED guidelines are a set of recognized strategies used in community design to help improve safety and reduce criminal and/or nuisance activity. CPTED strategies acknowledge the relationship between the

built environment and people's behaviours, and that undesirable behaviours can be discouraged through simple design choices. CPTED principles applied in residential areas encourage interaction between neighbors and pedestrian activity on the street. The City of Port Alberni recognizes the importance of CPTED, and has included consideration for the principles into the City's *Official Community Plan*.

Key CPTED principles for residential areas include:

- Natural Surveillance

Discouraging criminal activity in an area by designing spaces to be more easily observed by property owners, neighbours, and members of the public (maximizing visibility). Some natural surveillance guidelines for residential properties include:

- Unobstructed sightlines between front doors and the street and driveway
- Windows on all sides of residences for visibility of entire property
- Well maintained landscaping that provides maximum viewing to and from a residence
- Front porches and activity areas in front of buildings to encourage a visual connection with the street
- Well-lit doorways and adequate night time lighting

Natural surveillance is equally important for keeping public areas safe. Fully closing off residential areas from public streets can reduce neighborhood safety by reducing the amount of natural surveillance over public areas.

- Line of Sight

All public and semi-private areas should maintain an unobstructed view from areas that are frequently and regularly occupied.

- Fencing

Fence design should maximize natural surveillance from the street to the building and from the building to the street, and minimize opportunities for intruders to hide.

SUBJECT PROPERTY AND SITE CONTEXT

The subject properties are zoned *R2 One and Two Family Residential* in *Zoning Bylaw No. 4832*. The properties front onto Dunbar Street, back onto the Dry Creek Park area, and are currently occupied by a single detached dwelling. The surrounding land is zoned R2 with single detached dwellings as well as *P2 Parks and Recreation* zoning to the north (Dry Creek).

Location	North side of Dunbar Street between 5 th and 6 th Avenue, abutting Dry Creek Park area. Approximately 174 m north of the Dunbar Street and 4 th Avenue intersection.
Current Zoning	<i>R2 One and Two Family Residential</i>
Total Area	1461.5 m ² (0.36 acres)
Official Community Plan (OCP)	<ul style="list-style-type: none"> • <i>Schedule A: Land Use Map: Residential (RES)</i>

Figure 1 – Aerial View

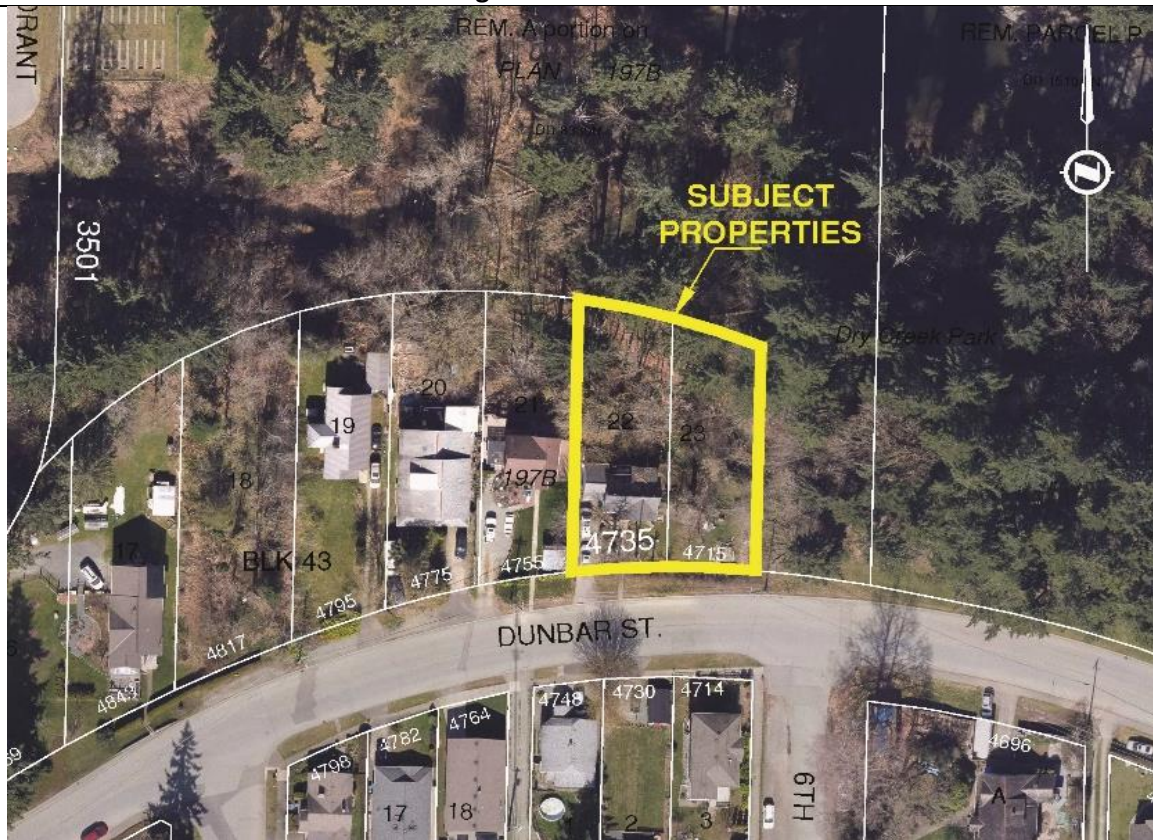


Figure 3 – Property Photo



PROPOSED DEVELOPMENT VARIANCE

The applicant is requesting the following variance to *Zoning Bylaw 2014, No. 4832* at the subject properties:

Table 2 – Proposed Variance				
<i>6.7.3 Fences and Hedges</i>	<i>Increase the maximum permitted height of fences, hedges, or walls within a required front yard from 1.25 m (4.1 ft) to 2.44 m (8 ft) for a variance of 1.19 m (3.9 ft).</i>			
Maximum Fence, Hedge and Wall Height (within front yard)	Required/Permitted		Proposed	
	1.25 m	(4.1 ft)	2.44 m	(8 ft)

STAFF NOTESCity Bylaws

- Fence, hedge, and wall heights within the required front yard of any residentially-zoned property are restricted to a maximum of 1.25 m (4.1 ft) in the Zoning Bylaw.
- “Violations affecting public health and safety” are identified as Priority 1 matters in *Bylaw Enforcement Policy 3008-01*. Staff consider violations of maximum fence height to be Priority 1 matters because the regulations are intended to enhance safety and reduce crime. Current fence height regulations align with CPTED Performance Standards.

CPTED

- Boundary-defining features such as fences are encouraged in CPTED principles, but must not compromise natural surveillance, including line of sight.
- BC Housing’s *Design and Construction Standards* use the following evaluation standard for fencing within their *CPTED Performance Standard Checklist*:
 - “Front fences should be predominantly open in design, e.g. pickets or wrought iron, or solid fencing no higher than **1.2 meters**.”
- The subject property’s front fence is solid and extends higher than the recommended 1.2 meters.
- The current height of the fence restricts several key sightlines and reduces natural surveillance. Reduced natural surveillance shields potential criminal activity from view and reduces public safety on streets.

Internal Referrals

- The City’s Bylaw Enforcement Services Department recommends that the variance not be granted as a high fence may pose safety and security issues for the subject property, members of the public, and civil servants.

General

- *Local Government Act* section 499 requires notice of the variance application to be given prior to a Council Meeting. The City’s *Development Procedures Bylaw No. 5076* requires that all owners and occupants within 100 meters of the property be mailed a notice.

OPTIONS

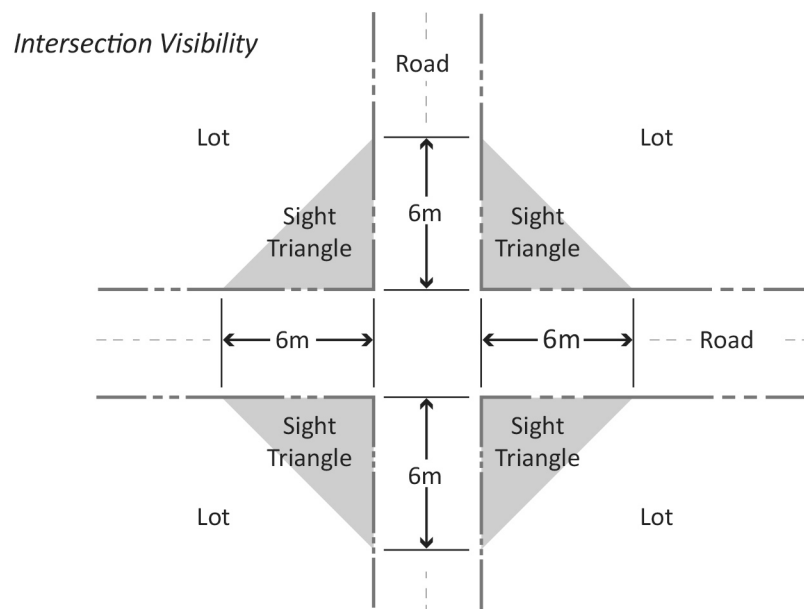
1. Recommend to Council the application be supported.
2. Recommend to Council the application be supported with conditions (specify).
3. Recommend to Council the application not be supported.

ATTACHMENTS

1. *Zoning Bylaw No. 4832, Section 6.7 Fences and Hedges Regulations.*
2. *BC Housing Design Guidelines and Construction Standards – Section 3 Crime Prevention Through Environmental Design (CPTED): Performance Standard Checklist Table – 2019*
3. *Staff Report – Council Bylaw Enforcement Policy 3008-1 – June 20, 2023*

6.5 Visibility at Intersections

Notwithstanding any other section of this Bylaw, on a *corner lot* at any *street* or *lane* intersection, except for a permitted principal *building*, there shall be no obstruction of the line of vision above a height of 1.25 m (4.1 ft) and below a height of 3.0 m (9.8 ft) in the triangular area contained by lines extending to points 6 m along each *lot* line from the corner of the *lot* and a diagonal line connecting those points.



6.6 Minimum Lot Size Exemptions

Notwithstanding other provisions of this Bylaw, zoning restrictions and *lot area* and *frontage* requirements do not apply to a *lot* created for an *unattended public utility use*.

6.7 Fences and Hedges

- 6.7.1** The height of a *fence*, *hedge* or wall shall be determined by measurement from ground level at the average *grade level* within 1 m (3.28 ft) of both sides of such *fence* or wall.
- 6.7.2** Notwithstanding 6.7.1, the height of a *fence*, *hedge* or wall erected along a retaining wall shall be determined by measurement from the ground level at the average *grade* within 1 m (3.28 ft) of the side which is supported by the retaining wall.


- 6.7.3** *Fences, hedges* or walls not greater than 1.25 m (4.1 ft) in height are permitted within a required *front yard*.
- 6.7.4** *Fences* or walls not greater than 1.8 m (6 ft) in height are permitted from the rear of the required *front yard setback* to the rear of the property.
- 6.7.5** In the C3 and M zones, *fences* or walls not greater than 2.5 m (8.2 ft) in height are permitted between the *front lot line* and the front of the primary *building* on the *lot*.
- 6.7.6** Open mesh or chain link *fences* not greater than 3.7 m (12.1 ft) in height are permitted anywhere on cemeteries, public playgrounds, parks, playfields, *school* areas or in any M zones.
- 6.7.7** Notwithstanding 6.7.1 through 6.7.6, all *fences, hedges* and walls are subject to the provisions of 6.5.
- 6.7.8** There shall be fencing having a minimum height of 1.85 m (6.0 ft) and a maximum height of 2.4 m (8.0 ft) around open swimming pools.

6.8 Landscaping

- 6.8.1** In RM, P1, C, M1 and M2 zones, all areas not *used* for *buildings, structures*, parking, loading, access or storage shall be *landscaped*.
- 6.8.2** In all RM, C, and P1 zones, *screening* not less than 1.5 m (4.9 ft) and not greater than 1.85 m (6.0 ft) in height shall be provided on at least three (3) sides of garbage bins, receptacles or storage areas, unless located within a completely enclosed *structure*.
- 6.8.3** Notwithstanding Section 6.7.4, *screening* not less than 1.5 m (4.9 ft) and not more than 2.4 m (8.0 ft) in height shall be provided:
1. along any side or rear boundary of a *lot* in a C zone that abuts an R, RR, RM, or A zone; and
 2. between any RM zone and any parking or access *uses* that abut any R zoned *lot*, along the common *lot* lines.
- 6.8.4** For boulevards: *Landscaping* in the form of grass, unless otherwise approved by the *City Engineer*, shall be provided between the *lot* line and curb or *street* shoulder in the absence of a curb.
- 6.8.5** Notwithstanding 6.8.1 through 6.8.4, all *landscaping* requirements are subject to the provisions of Section 6.5.

CPTED Performance Standard Checklist			
Principle / Definition	Design Intent	Evaluation Standard	Comments
Fencing	<i>Fence design should maximize natural surveillance from the street to the building and from the building to the street, and minimize opportunities for intruders to hide</i>	Front fences should be predominantly open in design, e.g. pickets or wrought iron, or solid fencing no higher than 1.2 meters.	
		Design other high solid fences in a manner that incorporates open elements such as lattice to allow visibility above the height of 1.5 meters.	
		If noise insulation is required, install other devices at the front of the building rather than solid fences higher than 1.5 meters.	
		Other landscape features such as elevation changes or berberis landscaping should be used in conjunction with fences in locations where climbing the fence is likely.	
Landscaping	<i>Avoid landscaping which obstructs natural surveillance and allows intruders to hide</i>	Trees with dense low growth foliage should be spaced or their crown should be raised to avoid a continuous barrier.	
		Use low groundcover, shrubs a maximum of .6 meters in height, or high-canopied trees (clean trimmed to a height of 2.4 meters) around children's play areas, parking areas, and along pedestrian pathways.	
		Avoid vegetation that conceals the building entrance from the street.	
	<i>Use vegetation as barriers to deter unauthorized access</i>	Consider using berberis plants as an effective barrier in place of or in addition to fencing, and to obstruct access to walls, fences and other structures prone to graffiti.	
	<i>Avoid placement of vegetation or structures that would enable access to a building or to adjacent buildings</i>	Avoid placement of large trees, garages, utility structures, fences, and gutters next to second story windows or balconies that could provide a means of access.	
Lighting - Exterior	<i>Provide exterior lighting that enhances natural surveillance</i>	Prepare a lighting plan in accordance with BC Housing Standards, which addresses project lighting in a comprehensive manner. Select a lighting approach that is consistent with local conditions and eliminates crime.	
		Locate elevated light fixtures (poles, light standards, etc.) in a coordinated manner that provides the desired coverage. The useful ground coverage of an elevated light fixture is roughly twice its height.	
		For areas intended to be used at night, ensure that lighting provides visibility. Where lighting is placed at a lower height, ensure that it is vandal resistant.	
		Ensure inset or modulated spaces on a building facade, access/egress routes, and signage is well lit.	
		In areas used by pedestrians, ensure that light shines on pedestrian pathways and possible entrapment spaces.	

Date: June 20, 2023
File No: 3950-20-3008-1
To: Mayor & Council
From: M. Fox, CAO
Subject: Council Bylaw Enforcement Policy 3008-1

Prepared by: <i>Donna Monteith</i> DIRECTOR OF CORPORATE SERVICES	Supervisor: <i>MIKE FOX</i> CAO	CAO Concurrence:  M. Fox, CAO
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RECOMMENDATION[S]

THAT Council approve Policy 3008-1 "Bylaw Enforcement".

PURPOSE

The purpose of this report is for Council to consider approving the Bylaw Enforcement Policy as recommended by the Committee of the Whole on June 19, 2023.

BACKGROUND

At the May 15, 2023 and June 19, 2023 Committee of the Whole meetings, staff presented draft Bylaw Enforcement Policy 3008-01 for consideration. The Committee preceded to resolve as follows:

MOVED and SECONDED, THAT Committee of the Whole recommend Council approve Policy 3008-1 "Bylaw Enforcement".

ALTERNATIVES/OPTIONS

- 1. Council approve the Bylaw Enforcement Policy as presented.*
- 2. Council may make further recommendations to incorporate into the policy prior to approval.*

ANALYSIS

The goal of the Bylaw Enforcement program is to achieve voluntary compliance with reasonable standards through progressive enforcement. By clearly outlining enforcement priorities, Council can ensure that the City bylaw enforcement program is accomplishing Council's intentions. Once the enforcement focus is identified, City staff will create processes and internal policies to assist the implementation of the Bylaw Enforcement Policy.

This policy provides clear direction to enforcement staff on Council's strategy for enforcement, as well as outlining the progressive enforcement approach focusing on education first before taking further enforcement measures.

IMPLICATIONS

A bylaw enforcement policy is identified as a best practice for municipalities by the BC Ombudsperson. This is meant to be an overarching policy in alignment with the Corporate Strategic Plan, to guide our Bylaw Department activities. This helps efficiently use limited resources to ensure that the bylaw enforcement program best meets the needs of the community and the vision of Council.

COMMUNICATIONS

The policy will be made available on the City's website.

BYLAWS/PLANS/POLICIES

Draft Policy 3008-1 Bylaw Enforcement.

SUMMARY

The goal of the Bylaw Enforcement program is to achieve voluntary compliance with reasonable standards through a progressive enforcement approach involving increased public education and awareness of City regulations and the rationale for them. The purpose of the policy is to provide Council direction on priority bylaws and offences for bylaw enforcement to focus their time and resources.

ATTACHMENTS/REFERENCE MATERIALS

1. Draft Policy 3008-1
 2. 2023-06-19 Report to Committee of the Whole
 3. <https://bcombudsperson.ca/assets/media/Special-Report-No-36-Bylaw-Enforcement-Best-Practices-Guide-for-Local-Governments.pdf>
 4. Policy Examples:
 - [City of Port Coquitlam](#)
 - [Regional District of Nanaimo](#)
 - [City of Duncan](#)
 5. [2023 - 2027 Corporate Strategic Plan](#)
- c: *M. Fox, CAO*
S. Smith, Director of Development Services / Deputy CAO
M. Zenko, Acting Manager of Community Safety

POLICY No. 3008-1 Bylaw Enforcement

Approved:

Resolution No.:

Date of Last Review:

CITY OF
PORT ALBERNI



1) POLICY STATEMENT

- 1.1 Municipal bylaws are enacted by the City, under the regulatory authority of the *Community Charter* and the *Local Government Act*.
- 1.2 The Bylaw Enforcement Policy aligns with the *Corporate Strategic Plan*, building a community where people feel safe, welcome and proud to live.
- 1.3 The goal of the Bylaw Enforcement Program is to achieve voluntary compliance with reasonable standards through a progressive enforcement approach involving increased public education and awareness of City regulations and the rationale for them.
- 1.4 The City has no duty to take enforcement action with respect to every contravention of every bylaw that may be occurring within its jurisdiction, allowing discretion based on need and urgency.

2) PURPOSE

- 2.1 The purpose of this policy is to provide guidance on the receipt of complaints and initiation of investigation and enforcement proceedings as they related to contravention of designated City regulatory bylaws.

3) SCOPE AND APPLICATION

- 3.1 The City's approach to bylaw enforcement, outside of health and safety violations and Council determined priorities, is primarily complaint based. The City does not have the resources to proactively monitor all areas of the City to confirm compliance with all potentially applicable bylaws.
- 3.2 It is the policy of the City of Port Alberni to refuse disclosure of complainant or responder information unless consent is obtained from the person who supplied the information or ordered to do so by a higher authority.
- 3.3 This policy applies to all staff engaged in bylaw enforcement activities on behalf of the City.

4) DEFINITIONS

- 4.1 Proactive Enforcement: Enforcement action taken on the initiative of a bylaw enforcement officer or other designated official that was not a response to a complaint.
- 4.2 Progressive Enforcement: Enforcement action on a continuum starting with education and awareness, progressing to verbal warning, written warning and stronger deterrents such as tickets (monetary penalty), or other means of forced compliance under the provisions of the *Community Charter*, where required.
- 4.3 Valid Complaint: complaint that describes the location and general nature of a potential bylaw contravention, which includes the complainant's name, address and telephone number, and which is not a vexatious complaint.
- 4.4 Vexatious Complaint: complaint that is made for retaliatory or bad faith purposes, or otherwise forms part of a pattern of conduct by the complainant that amounts to an abuse of the complaint process.



5) POLICY

- 5.1 The primary goal of bylaw enforcement is to gain compliance with municipal bylaws through a tiered process by means of progressive enforcement.
- 5.2 In situations where compliance could cause hardship, staff will use discretion and undertake a reasonable and appropriate enforcement approach to achieve compliance over a longer time frame, as outlined in a compliance agreement taking all relevant factors into consideration.
- 5.3 Steps towards compliance begin with:
 - a) Voluntary compliance on a case-by-case basis through education;
 - i. Verbal or written notice educating the offender about the offence and requesting voluntary compliance in a reasonable amount of time;
 - ii. Enforcement officers will seek an open dialogue, where possible to facilitate understanding and cooperation;
 - iii. The posting of signs may also be considered notice;
 - b) Formal written direction to comply by a specified date;
 - c) Formal inducements to comply including tickets and/or legal proceedings if voluntary compliance is not achieved;
 - d) Forced compliance through remedial action mechanisms or work done by the City at the expense of the offender.
- 5.4 Bylaw enforcement officers may not follow all steps to achieve compliance in every circumstance. For priority offences, offences with immediate risk of harm to health, safety or environment, or for repeat offences, bylaw enforcement may proceed to later steps in the compliance process outlined in Section 5.3.
- 5.5 As time permits, bylaw enforcement officers may take opportunities to educate people of bylaw infractions when they notice an offence in progress in order to prevent the potential escalation of the issue.
- 5.6 Enforcement priorities are as follows:
 - a) Priority 1: Violations affecting public health and safety – identified by Valid Complaint or Proactive Enforcement.
 - b) Priority 2: Proactive enforcement of bylaws identified as Council priorities within this policy.
 - c) Priority 3: Level ii and iii Valid Complaints as staff resources allow.
- 5.7 The City's response to Valid Complaints will be prioritised according to the following levels:
 - i. Risk of harm to public health, safety, or environment
The alleged bylaw violation may adversely impact the environment or public safety. These violations will be investigated and enforced as soon as possible given the availability of staff and other resources. Prior warning notices or education may not be appropriate or practical. Bylaw services staff will also take proactive enforcement action on violations that have public health or safety implications.
 - ii. Significant negative impact to adjacent properties or public property
The alleged bylaw contravention is significantly impacting adjacent properties in a negative manner, but it generally does not pose an immediate risk to the health or public safety of the community. Such violations will be causing, or have the potential to cause, some manner of personal harm, economic harm, or harm to the fair administration and well-being of the community if not stopped, or the ability of individuals to peacefully use and enjoy public property. The City's investigation and



enforcement of Priority 2 matters will most often be initiated in response to valid complaints received by the City. These will be investigated and enforced as staff resources allow. Investigating staff will focus on education and will provide opportunities to bring the property or situation into compliance that are appropriate in the circumstances, particularly with new offenders. In some cases due to the severity of the impacts, or for repeat offences, bylaw may take immediate enforcement action.

iii. General nuisance

The alleged bylaw contravention may be a matter that is a general community concern. These contraventions are less serious in nature and generally do not affect the health or public safety of the community. The City's investigation and enforcement of Priority 3 matters is initiated in response to complaints. Staff receiving a complaint will use discretion to determine whether there is sufficient geographic or other connection between the complainant and the location of the alleged violation to constitute a valid complaint. Investigating staff will focus on education and will provide opportunities to bring the property or situation into compliance that are appropriate in the circumstances. If a confirmed violation is minor in nature and/or if it appears the complaint may be a vexatious complaint or is part of a larger neighbourhood conflict, staff may conclude it is not in the City's or community's best interest to pursue the matter.

5.8 Offences on private property will not be proactively enforced unless:

- a) There is risk of harm to a person, neighbouring property, or the natural environment;
- b) The offence is a continuation of a previous offence;

5.9 Council may specify bylaws, sections of bylaws, or specific offences as priority enforcement areas for proactive enforcement. Council's priority bylaws for proactive enforcement are aligned with the *Corporate Strategic Plan*. These include, but are not limited to, parking enforcement, unsightly premises, property and boulevard maintenance, building without a permit, non-compliance use within zoning, littering and dumping, street storage, unlicensed vehicles on the streets, camping in public spaces, and signage. Council may also from time-to-time identify other bylaws, sections of bylaws, or specific offences for priority and proactive enforcement by way of resolution.

6) COMPLAINTS PROCEDURE

- 6.1 Complaints may be received in person, by phone, in writing or via email, and will be entered in the City's complaint database for tracking, follow-up and statistical information.
- 6.2 While all complaints will be received and logged, not all complaints will be investigated:
 - a) Anonymous complaints will not be acted upon unless the alleged violation falls within the scope of Priority 1 or is something the City otherwise proactively enforces (e.g. parking, signs on public property); and
 - b) Vexatious complaints will not be acted on.
- 6.3 Upon receipt of a valid complaint, enforcement staff in the appropriate department(s) or division(s) will be assigned to investigate in accordance with the priorities described in this policy.
- 6.4 Should a violation be confirmed, staff will exercise discretion to determine whether further enforcement is appropriate in accordance with the principles set out in this policy and, if enforcement is appropriate, the best method to gain compliance. Relevant considerations include, but are not limited to, the nature, number and duration of the violation(s); the current, short- and long-term impacts of the violation(s); the potential for precedent; and the resources available to resolve the matter. Enforcement staff with questions about the appropriate use of discretion should discuss with their supervisors and/or managers. Supervisory and management staff in the Legal and Bylaw Enforcement division are also available for assistance.



- 6.5 The City's bylaw enforcement resources are prioritized to ensure the timely receipt and investigation of complaints. It is not the City's practice to proactively provide follow-up information to complainants. Staff will respond to specific requests for information (subject to confidentiality requirements) as time permits.


Name
Title

Name
Title

DRAFT



Date: June 13, 2023
File No: 3950-20-3008-1
To: Mayor & Council
From: M. Fox, CAO
Subject: Council Bylaw Enforcement Policy 3008-1

Prepared by: Donna Monteith DIRECTOR OF CORPORATE SERVICES	Supervisor: MIKE FOX CAO	CAO Concurrence:  M. Fox, CAO
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RECOMMENDATION[S]

THAT Committee of the Whole recommend Council approve Policy 3008-1 "Bylaw Enforcement".

PURPOSE

The purpose of this report is for Council to continue discussions regarding the City's approach to bylaw enforcement and provide general direction on enforcement priorities through a policy.

BACKGROUND

At the May 15, 2023 Committee of the Whole meeting, draft Bylaw Enforcement Policy 3008-01 was discussed. The Committee recommended Council direct that the policy be revised to incorporate the new *2023-2027 Corporate Strategic Plan* and further, that staff provide information relating to the composition and growth of the Bylaw Services department over recent years. At the June 12, 2023 Regular Council Meeting, Council referred the draft Bylaw Enforcement Policy 3008-01 to the June 19th Committee of the Whole meeting with the changes as directed above.

Originally, the City had one Bylaw Officer reporting to Development Services. With over 1000 bylaw files per year it was determined that there was a need to increase capacity in this area. In 2018, the Bylaw Services department was officially formed consisting of a Manager, two Bylaw Officers, a part time Parking Enforcement Officer, and a Clerk. In 2020, the Manager's position was renamed the Community Safety Manager who would also oversee the Community Policing Manager. At that time the Parking Enforcement Officer position was discontinued. In 2022, the Bylaw Department moved into the new Public Safety building with an annual budget of \$449,373. Over the last six years there have been a number of staff changes but not to the actual composition. The total amount of bylaw files processed stay steady at 1039 in 2022. Currently the department has an interim part-time Community Safety Manager, however the goal is to fill the position full time as budgeted. The full-time position will be renamed Manager of Community Safety and Social Development, demonstrating leadership in a collective impact network liaising with external agencies focused on health and social issues.

It is best practice for a municipality to clearly define its priorities and objectives of a bylaw enforcement program through a policy (see attached). The recently released *2023-2027 Corporate Strategic Plan* talks about building a community where people feel safe, welcome and proud to live. Staff considered several of the five key areas of focus in creating a policy to achieve this.

Responding to Demographic Change

- *1.4.1 Review existing plans and guiding documents. Develop new plans for current and future use that reflect current values*

Port Alberni is experiencing growth. The attraction of new businesses and residents, as well as tourism will change the demographics of the City over time. Creating a policy is an important step towards fulfilling this strategic focus. This Bylaw Enforcement Policy is designed to outline Council's priorities for the bylaw enforcement program, with the goal of achieving voluntary compliance. Using reasonable standards through a progressive enforcement approach involving increased public education and awareness of City regulations is current best practice and falls within the scope of this goal and strategy.

Enabling the New Economy

- *2.2 The economy grows with an emphasis on small business*
- *2.2.3 Encourage full use of commercial buildings aligning with community plans and bylaws*

Fair enforcement of parking rules in business zones is supportive of small business in that it facilitates customers ease of access. Although vacant commercial buildings tend to be a life and safety issue addressed by other departments, these properties should not be unsightly.

Provision and Maintenance of Quality Service

- *3.3 City provides quality services to residents*
- *3.3.2 City resources are available to facilitate the effective provision of services*

A thoughtful Bylaw Enforcement Policy contributes to ensuring quality service delivery. Having a full compliment of staff with guidelines to follow improve both the quality and effectiveness of services.

Fostering a Complete Community (Safe, Healthy, Inclusive)

- *5.1 The community is aesthetically appealing ... Citizens are proud of their community*

Complaints regarding property and boulevard maintenance, building without a permit, non-compliance use within zoning, littering and dumping, street storage, unlicensed vehicles on the streets, camping in public spaces, and signage are all examples of priorities that can support fostering a complete community.

As discussed at the previous meeting, the Policy provides guidance for bylaw officers to generally begin with dialogue and education, providing verbal or written notice of an infraction, then providing formal written notice and proceeding to formal inducements to comply (tickets, legal proceedings), or forced compliance where required. It also involves staff working with people using reasonable timelines and without causing undue hardship where possible to get them into compliance. For more

serious infractions, or repeat offences, staff are empowered to use discretion to gain compliance through formal notices, fines, or in extreme cases, forced compliance and remedial action mechanisms.

It should be noted that the City Bylaw Services department is not equipped, nor mandated to enforce every infraction of every bylaw. Therefore, it is equally important that staff are given appropriate guidelines to operate in and use their discretion, which is a core purpose of this enforcement priority policy.

When developing this policy, the following municipalities were identified and used in research and development of the draft:

- Coquitlam
- Duncan
- Regional District of Nanaimo

ALTERNATIVES/OPTIONS

1. *Committee of the Whole recommend Council adopt the Bylaw Enforcement Policy as revised and presented.*
2. *Committee of the Whole make further recommendations for Council to consider to incorporate into the policy.*

ANALYSIS

By clearly outlining enforcement priorities, Council can ensure that the City bylaw enforcement program is accomplishing Council's intentions. Once the enforcement priorities are identified, City staff will create processes and internal policies that will help the implementation of the overarching Council enforcement priority policy goals.

This policy provides clear direction to enforcement staff on Council's priority areas for enforcement, as well as outlining the progressive enforcement approach focusing on education first before taking further enforcement measures.

A bylaw enforcement policy allows Council to outline, in a public way, the goals of the local government's bylaw enforcement program and to set clear expectations and standards for bylaw enforcement. By addressing matters that frequently arise, a bylaw enforcement policy can promote the efficient use of resources.

IMPLICATIONS

A bylaw enforcement policy is identified as a best practice for municipalities by the BC Ombudsperson. This policy designates which offences and bylaws Council wants to focus bylaw enforcement efforts on. This helps efficiently use limited resources to ensure that the bylaw enforcement program best meets the needs of the community and the vision of Council.

COMMUNICATIONS

The policy will be brought to Council to be adopted and then will be made available on the City's website.

BYLAWS/PLANS/POLICIES

Draft Policy 3008-1 Bylaw Enforcement.

SUMMARY

The goal of the Bylaw Enforcement program is to achieve voluntary compliance with reasonable standards through a progressive enforcement approach involving increased public education and awareness of City regulations and the rationale for them. The purpose of the policy is to provide Council direction on priority bylaws and offences for bylaw enforcement to focus their time and resources.

ATTACHMENTS/REFERENCE MATERIALS

1. Draft Policy 3008-1
 2. <https://bcombudsperson.ca/assets/media/Special-Report-No-36-Bylaw-Enforcement-Best-Practices-Guide-for-Local-Governments.pdf>
 3. Policy Examples:
 - [City of Port Coquitlam](#)
 - [Regional District of Nanaimo](#)
 - [City of Duncan](#)
 4. [2023 - 2027 Corporate Strategic Plan](#)
- c: *Mike Fox, CAO*
S. Smith, Director of Development Services | Deputy CAO
M. Zenko, Acting Manager of Community Safety