



**THE DISTRICT OF WELLS**  
**BYLAW NO. 143, 2015**  
**A Bylaw for the Adjudication Process.**

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**WHEREAS** pursuant to Section 2(2) of the *Local Government Bylaw Notice Enforcement Act* and regulations thereto, the Council of the District of Wells may, by bylaw,

- a) Designate bylaw contraventions that may be dealt with by Bylaw Notice;
- b) Establish the amount of the penalty for a contravention referred to in paragraph (a);
- c) Establish the period for paying or disputing a Bylaw Notice; and
- d) Establish and participate in a Bylaw Notice dispute adjudication system to resolve disputes in relation to Bylaw Notices.

**NOW THEREFORE** the Council of the District of Wells, in open meeting assembled, enacts as follows:

**Title:**

1. This Bylaw may be cited as the "Bylaw Notice Enforcement Bylaw, No. 143, 2015".

**Purpose:**

2. The purpose of this Bylaw is to create a simple, fair and cost effective system to deal with minor Bylaw infractions.

**Definitions:**

3. In this bylaw:

- "Act" means the *Local Government Bylaw Notice Enforcement Act*;
- "District" means the District of Wells;
- "Registry" means the District of Wells Bylaw Notice Adjudication Registry established pursuant to this Bylaw.

**Terms:**

4. The terms in this Bylaw have the same meaning as the terms defined in the *Act*.

**Bylaw Contraventions:**

5. The bylaw contraventions designated in Schedule "A", attached hereto and forming part of this Bylaw, may be dealt with by Bylaw Notice.

**Offence and Penalty:**

6. The penalty for a contravention referred to in Section 5 is as follows:
- a) Subject to Subsections 6(b) and 6(c), is the Penalty amount set out in Column A1 of Schedule "A".
  - b) If received by the District within 14 days of the person receiving or being presumed to have received the Bylaw Notice, is the Early Payment Penalty set out in Column A2 of Schedule "A".
  - c) If more than 28 days after the person receiving or being presumed to have received the Bylaw Notice, is subject to a late payment surcharge in addition to the penalty under Subsection 6(a) and is the Late Payment Penalty set out in Column A3 of Schedule "A".

**Period for Paying a Disputed Notice:**

7. A person who receives a Bylaw Notice must, within 14 days of the date on which the person received or is presumed to have received the Bylaw Notice:
- a) Pay the penalty in any manner prescribed on the reverse side of the Bylaw Offence Notice; or
  - b) Request dispute adjudication, by filling in the appropriate portion of the Bylaw Notice indicating a dispute and delivering it, either in person, during regular office hours, or by mail to the District of Wells.
8. A person may pay the indicated penalty after 14 days of receiving the notice, subject to the applicable surcharge for late payment in accordance with Subsection 6(c), but no person may dispute the notice after 14 days of receiving the Bylaw Notice.
9. Where a person was not served personally with a Bylaw Notice and advises the District in accordance with the requirement of Section 25 of the *Act*, that they did not receive a copy of the original notice, the time limits for responding to a Bylaw Notice under Section 6 and Section 8 of this Bylaw do not begin to run until a copy of the Bylaw Notice is redelivered to them in accordance with the *Act*.

**Bylaw Notice Dispute Adjudication Registry:**

10. The Registry is established as a Bylaw Notice dispute adjudication system in accordance with the *Act* to resolve disputes in relation to Bylaw Notices.

11. The civic address of the Registry is the District of Wells, 4243 Sanders Ave.
12. Every person who is unsuccessful in a dispute adjudication in relation to a Bylaw Notice or a compliance agreement under the dispute adjudication system established under this section must pay the District an additional fee of \$25 for the purpose of the District recovering the costs of the adjudication system.

**Screening Officers:**

13. The position of Screening Officer is established.
14. The following are designated classes of persons that may be appointed as Screening Officers:
  - a) Chief Administrative Officer;
  - b) Deputy Clerk;
  - c) Any person appointed to the position of Screening Officer by the District of Wells.

**Powers, Duties and Functions of the Screening Officers:**

15. The powers, duties and functions of Screening Officers are as set out in the *Act*, and include the following powers:
  - a) Where requested by the person against whom a contravention is alleged, communicate information respecting the nature of the contravention, the provision of the bylaw contravened, the facts on which the contravention allegation is based, the penalty for a contravention, the opportunity to enter into a compliance agreement, the opportunity to proceed to the Bylaw Notice dispute adjudication system and the fee or fees payable in relation to the Bylaw Notice enforcement process;
  - b) To communicate with any or all of the following for the purposes of performing their functions under this Bylaw or the *Act*:
    - i. the person against whom a contravention is alleged or their representative;
    - ii. the officer issuing the notice;
    - iii. the complainant or their representative;
    - iv. the District's staff and records regarding the disputant's history of bylaw compliance.
  - c) To prepare and enter into compliance agreements under the *Act* with persons who dispute Bylaw Notices, including to establish terms and conditions for compliance that the Screening Officer considers necessary or advisable, including time periods for payment of penalties and compliance with the Bylaw;
  - d) To provide for payment of a reduced penalty if a compliance agreement is entered into, as provided in Column A4 of Schedule "A"; and

- e) To cancel Bylaw Notices in accordance with the *Act* or District policies and guidelines.
16. The bylaw contraventions in relation to which a Screening Officer may enter into a compliance agreement are indicated in Column A4 of Schedule “A”.
17. The maximum duration of a compliance agreement is one year.

**Bylaw Enforcement Officers:**

18. Persons acting as any of the following are designated as Bylaw Enforcement Officers for the purposes of this Bylaw and the *Act*:
- a) Special constables, officers, members or constables of:
    - i. the provincial police force as defined in Section 1 of the *Police Act*, or
    - ii. a municipal police force;
  - b) Bylaw Enforcement Officers appointed pursuant to the *Police Act* and *Community Charter*;
  - c) Bylaw Enforcement Officers, licensing inspections, building inspections, animal control officers or other persons acting in another capacity on behalf of a municipality for the purpose of enforcement of one or more of its Bylaws.

**Form of Bylaw Notice:**

19. The District may from time to time provide the form or forms of the Bylaw Notice, provided that the Bylaw Notice complies with Section 4 of the *Act*.

**Severability:**

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

**Schedules:**

21. The following schedules are attached to and form part of this bylaw and are enforceable in the same manner as this bylaw:
- Schedule “A” – Bylaw Contraventions and Fines
  - Schedule “B” – Compliance Agreement

**Adoption:**

22. That this Bylaw shall come into force and take effect on October 1, 2015.

READ A FIRST TIME this 15<sup>th</sup> day of September, 2015

READ A SECOND TIME this 15 day of September, 2015

READ A THIRD TIME this 15 day of September, 2015

PASSED AND FINALLY ADOPTED by a majority of Council members this 20<sup>th</sup> day of October, 2015.

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Robin Sharpe, Mayor

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Katrina Leckovic, Chief Administrative Officer

## Schedule "A" – Bylaw Contraventions and Fines

The penalties shown in Column A2 below include a discount for early payment in accordance with Section 6(b) of this bylaw.

The penalties shown in Column A3 below include a surcharge for late payment in accordance with Section 6(c) of this bylaw.

<b>Bylaw Notice</b>			<b>A1</b>	<b>A2</b>	<b>A3</b>	<b>A4</b>
<b>Citation</b>	<b>Section</b>	<b>Description</b>	<b>Penalty</b>	<b>Early Payment Option</b>	<b>Late Payment Penalty</b>	<b>Compliance Agreement Available</b>
<b>CRD Building Bylaw No. 3160, 1996</b>	4(1), 12(2)	Construction without a valid permit	\$ 200	\$ 175	\$ 225	Yes
	4(2)	Construction of Works without a permit	\$ 200	\$ 175	\$ 225	Yes
	4(3)	Occupy without approval	\$ 100	\$ 75	\$ 125	Yes
	4(4), 5.2(a), 12.1	Obstruction of building inspector or representatives	\$ 200	\$ 175	\$ 225	No
	4(5)	Submit false or misleading information	\$ 100	\$ 75	\$ 125	Yes
	4(6)	Tamper with posted notice	\$ 100	\$ 75	\$ 125	Yes
	4(7)	Work at variance to approved plans	\$ 100	\$ 75	\$ 125	Yes
	4(8)	Disobey Stop Work Notice	\$ 200	\$ 175	\$ 225	Yes
	4(9)	Fail to comply with District bylaws or Building Regulations	\$ 200	\$ 175	\$ 225	Yes
	13.2.f (ii)	Fail to keep plans and records on site	\$ 100	\$ 75	\$ 125	Yes
	13.1 (a)	Work contrary to approved plans	\$ 200	\$ 175	\$ 225	Yes
4(6)	Alter approved plans	\$ 100	\$ 75	\$ 125	Yes	

	4(9)	Fail to correct work as directed	\$ 100	\$ 75	\$ 125	Yes
	12(2), 13(1)(a)	Fail to obtain inspection approval	\$ 100	\$ 75	\$ 125	No
	13.2 (f)(i)	Fail to post building permit	\$ 100	\$ 75	\$ 125	Yes
<b>District of Wells Zoning and Tree Protection Bylaw No. 26, 2000</b>	1.1.1 (a)	Use land, building or structures contrary to bylaw	\$ 100	\$ 75	\$ 125	Yes
	1.1.1 (b)	Change use of land or building contrary to bylaw	\$ 100	\$ 75	\$ 125	Yes
	1.2.1	Obstructing a Bylaw Enforcement Officer	\$ 200	\$ 175	\$ 225	No
<b>District of Wells Animal Control Bylaw No.44, 2001</b>	3.1	Keep animal in contravention of bylaw	\$ 100	\$ 75	\$ 125	Yes
	3.2	Animal at large	\$ 100	\$ 75	\$ 125	No
	3.3	Permit animal to disturb peace	\$ 100	\$ 75	\$ 125	No
	4.1	No dog tag	\$ 50	\$ 25	\$ 75	Yes
	4.2	Fail to remove animal waste	\$ 100	\$ 75	\$ 125	Yes
	4.3	Fail to muzzle/leash vicious dog	\$ 200	\$ 175	\$ 225	No
	4.4	Keep more than three dogs	\$ 100	\$ 75	\$ 125	Yes
	5.1	No cat tag	\$ 50	\$ 25	\$ 75	Yes
	5.2	Keep more than three cats	\$ 100	\$ 75	\$ 125	Yes
	9.1	Obstructing or interfering with an authorized person in the performance of powers and duties pursuant to the Bylaw	\$ 200	\$ 175	\$ 225	No
<b>District of Wells Firearms Bylaw No. 67, 2004</b>	4(a)	Obstruction of a peace officer in the course of duties under this Bylaw	\$ 200	\$ 175	\$ 225	No
<b>District of Wells Traffic and Streets Bylaw, No. 68, 2004</b>	7	Driving on a street closed to traffic	\$ 100	\$ 75	\$ 125	No
	9	Parking in a No Parking Zone	\$ 100	\$ 75	\$ 125	No

	10	Parking in violation of Parking Prohibitions	\$ 100	\$ 75	\$ 125	No
<b>District of Wells Traffic and Streets Bylaw, No. 68, 2004</b>	12	Hindering the passage of traffic	\$ 100	\$ 75	\$ 125	No
	14	Occupying a street for construction without a permit	\$ 100	\$ 75	\$ 125	No
	15	Unauthorized construction on a street without permission	\$ 200	\$ 175	\$ 225	No
	17	Causing damage to a street	\$ 200	\$ 175	\$ 225	No
	17	Depositing debris, waste, or thing injurious to public health or dangerous to traffic	\$ 100	\$ 75	\$ 125	No
	18	Failure to comply with a regulation, limit or prohibition of use of a street	\$ 100	\$ 75	\$ 125	No
	19	Operating a snowmobile between the hours of 11:00 PM and 7:00 AM on a street	\$ 100	\$ 75	\$ 125	No
	19	Operating a snowmobile at a speed greater than 30 km/h on a street	\$ 100	\$ 75	\$ 125	No
	19	Operating a snowmobile on a street that is not part of the Snowmobile Corridor when the snowmobile is not being operated by a resident moving between his or her residence and the Snowmobile Corridor by the most direct route	\$ 100	\$ 75	\$ 125	No
<b>District of Wells Noise Control Bylaw, No.93, 2008</b>	3(a)	Person making noise before 07:00 hours or after 22:00 hours	\$ 100	\$ 75	\$ 125	No
	3(b)	Allowing property to be used in a noisy manner before 07:00 hours or after 22:00 hours	\$ 100	\$ 75	\$ 125	No
	3(c)	Amplified Noise causing disturbance	\$ 100	\$ 75	\$ 125	No
	3(d)	Animal Noise causing disturbance	\$ 100	\$ 75	\$ 125	No



	4(a)	Construction Noise causing disturbance	\$ 100	\$ 75	\$ 125	No
	7	Obstructing a Bylaw Officer	\$ 200	\$ 175	\$ 225	No
<b>District of Wells Fireworks Bylaw, No.127, 2013</b>	3(a)	Discharging fireworks without an appropriate permit	\$ 200	\$ 175	\$ 225	No
	3 (b)	Use of fireworks contrary to permit	\$ 200	\$ 175	\$ 225	No
	3(d)	Failure to present permit for inspection.	\$ 100	\$ 75	\$ 125	No
<b>District of Wells Garbage Collection Regulation Bylaw No. 138, 2015</b>	5	Unauthorized deposit of waste	\$ 200	\$ 175	\$ 225	Yes
	6.3	Disposal of unacceptable garbage container waste	\$ 100	\$ 75	\$ 125	Yes
	13	Obstructing an authorized person while performing duties under the Fire Services Bylaw.	\$ 200	\$ 175	\$ 225	No
<b>District of Wells Fire Services Bylaw, No.142, 2015</b>	12.1	Unauthorized entry onto premises that are obviously or physically designated as threatened by an incident	\$ 200	\$ 175	\$ 225	No
	13.1	Obstructing a Member at an Assistance Response.	\$ 200	\$ 175	\$ 225	No
	11.4	Damaging Fire Department Equipment.	\$ 200	\$ 175	\$ 225	No
	11.5	Driving a vehicle over hoses or equipment without permission	\$ 100	\$ 75	\$ 125	No
	15.1	Disobeying local fire hazard restrictions.	\$ 200	\$ 175	\$ 225	No
	16.1	Failing to ensure that equipment required by the Building Code or Fire Code is inspected, tested and maintained according to provincial and municipal enactments.	\$ 200	\$ 175	\$ 225	Yes
	16.5	Failure to ensure that accesses to connections for Sprinkler Systems or standpipe systems are clearly identified, functional, and	\$ 200	\$ 175	\$ 225	Yes

	maintained.				
16.5	Failure to maintain, repair and upgrade required Sprinkler System to accommodate change in use or occupancy resulting in greater Fire Hazard.	\$ 200	\$ 175	\$ 225	Yes
16.7	Failure to ensure that smoke alarms are maintained and tested in accordance with the manufacturer's requirements.	\$ 100	\$ 75	\$ 125	Yes
17.2	Attaching to or using water from a fire hydrant or standpipe without written permission.	\$ 200	\$ 175	\$ 225	No
17.3	Tampering with a fire hydrant.	\$ 200	\$ 175	\$ 225	No
17.4	Removing a fire hydrant without permission.	\$ 200	\$ 175	\$ 225	No
17.5	Failing to ensure that a hydrant on private land is maintained.	\$ 200	\$ 175	\$ 225	Yes
18.1	Failure of contact person to respond to fire alarm and attend premises within 30 minutes	\$ 200	\$ 175	\$ 225	No
18.1	Failure to provide names and phone numbers of three contact persons, including at least one is available 24 hours a day to secure the premises within 30 minutes of notification by the Fire Department of an Incident.	\$ 100	\$ 75	\$ 125	Yes
20	Obstruction of access approaches to any fire incident, fire hydrant, or body of water designated for firefighting purposes, or any exits of means of egress required by the Building Code or other applicable legislation.	\$ 200	\$ 175	\$ 225	Yes
21.1	Permitting accumulation of materials in such a manner as to endanger property or constitute a Fire Hazard.	\$ 200	\$ 175	\$ 225	Yes

21.3	Depositing ashes or other things taken from a heating appliance, in anything other than a metal or non-combustible container	\$ 200	\$ 175	\$ 225	No
21.4	Depositing greasy or oily rags or other things likely to ignite spontaneously or aid in the spread of fire, in anything other than a non-combustible container with a close fitting lid.	\$ 200	\$ 175	\$ 225	No
21.5	Keeping material that might cause a fire, contribute to the spread or severity of a fire, or pose a risk to Members or limit evacuation.	\$ 200	\$ 175	\$ 225	Yes
21.6	Allowing flammable or toxic liquid to enter a drainage system, toilet, septic tank or other attached fixture that is connected to a sewer or drainage system.	\$ 200	\$ 175	\$ 225	No
21.7	Parking or a motor vehicle or vessel where fuel is leaking.	\$ 200	\$ 175	\$ 225	No
24.2	Preventing an authorized person from entering premises for the purpose of inspection.	\$ 200	\$ 175	\$ 225	No
24.4	Withholding or falsifying information required by the Fire Brigade.	\$ 200	\$ 175	\$ 225	No
26.1 (a)	Causing a fire or explosion.	\$ 200	\$ 175	\$ 225	No
27.1	False Alarm Incident Fee- per False Alarm beginning with the fourth False Alarm in any 12 month period.	\$ 200	\$ 175	\$ 225	Yes
28.3	Removing, defacing or destroying a fire order.	\$ 200	\$ 175	\$ 225	No

**Schedule "B" – Compliance Agreement**

**COMPLIANCE AGREEMENT PURSUANT TO DISTRICT OF WELLS BYLAW OFFENCE ADJUDICATION BYLAW 143, 2015.**

I \_\_\_\_\_ (Name) of \_\_\_\_\_ (Address),  
Acknowledge receipt of Bylaw Offence Notice(s) # \_\_\_\_\_ (the "Bylaw Notice"), and wish to enter into this Compliance Agreement whereby I agree to fulfill the conditions below, in exchange for a reduced penalty which shall be one half of the penalty identified on the face of the Bylaw Offence Notice.

Specifically, I agree to pay the reduced penalty of \$ \_\_\_\_\_ on or before \_\_\_\_\_.

I further agree to comply with the following terms and conditions of this agreement:

1. On or before \_\_\_\_\_ I will \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ ; and

2. On or before \_\_\_\_\_ I will \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

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

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

\_\_\_\_\_  
Signature of Bylaw Notice Recipient

\_\_\_\_\_  
Signature of Screening Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date