



City of Vernon

Bylaw Notice Enforcement Bylaw #5250

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5250

AMENDMENTS

BYLAW NO.	ADOPTION	AMENDMENT
5312	April 26, 2011	<p>(a) Amend Fire Prevention Bylaw and BC Fire Code Regulations section to remove sections 3.1.2, 3.1.8d), 3.1.8d)2, 3.3.1, 3.5.1.1, 3.5.1.2, and 3.5.1.3 and to shorten violation wording for section 3.1.9, and to correct the Late Penalty fine amount for section 3.4.2..</p> <p>(b) Amend B.C. Fire Code Regulations Pursuant to Bylaw #5263 section to shorten violation wording for sections 3.0.1, 3.0.6VIII, 3.0.6.IX, 3.0.6, 3.0.3, 3.02 – 3.07, and 3.0.6.III and to remove section 2.7.1.3 (3).</p> <p>(c) Amend Sanitation Bylaw Section to reduce penalty amounts for section 700.</p> <p>(d) Amend Soil Removal and Deposition Bylaw Section to shorten violation wording for sections 4.1, 4.4, 4.6, 6.4(a), 6.4(b), 6.4(d), 6.4(e), 6.4(f), 6.4(g) and 7.4.</p> <p>(e) Amend Subdivision and Development Servicing Bylaw Section to reduce penalty amounts for sections 4.12, and 4.09.</p>
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THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5250

A bylaw respecting the enforcement of bylaw notices in conjunction with the Southern Interior
Bylaw Notice Dispute Adjudication Registry

WHEREAS it is the intention of the Council of The Corporation of the City of Vernon to participate in the Southern Interior Bylaw Notice Dispute Adjudication Registry with respect to bylaw notices;

NOW THEREFORE the Council of The Corporation of the City of Vernon, enacts as follows:

1. This bylaw may be cited as “**Bylaw Notice Enforcement Bylaw Number 5250, 2011**”.

DEFINITIONS

2. In this Bylaw:
“**Act**” means the *Local Government Bylaw Notice Enforcement Act*;
“**City**” means the City of Vernon;
“**Registry**” means the Southern Interior Bylaw Notice Dispute Adjudication Registry established pursuant to this bylaw

TERMS

3. The terms in this bylaw have the same meaning as the terms defined in the *Act*.

BYLAW CONTRAVENTIONS

4. The bylaws and bylaw contraventions designated in Schedule “A” attached hereto and forming part of this Bylaw, may be dealt with by bylaw notice.

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OFFENCE AND PENALTY

5. The penalty for a contravention referred to in Section 4 is as follows:
- (a) Subject to Subsection 5(b) and 5(c), is the Penalty amount set out in Column A1 of Schedule “A”;
 - (b) If received by the City within 14 days of the person receiving or being presumed to have received the notice, is the Early Payment Penalty set out in Column A2 of Schedule “A”;
 - (c) If more than 28 days after the person received or is presumed to have received the bylaw notice, is subject to a late payment surcharge in addition to the penalty under Subsection 5(a), and is the Late Penalty set out in Column A3 of Schedule “A”

PERIOD FOR PAYING A DISPUTED TICKET

6. 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, or
 - (b) Request dispute adjudication by filling in the appropriate portion of the bylaw notice indicating either a payment or a dispute and delivering it, either in person during regular office hours, or by mail, to the City.
7. 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 5(c), but no person may dispute the notice after 14 days of receiving the bylaw notice.

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8. Where a person was not served personally with a bylaw notice and advises the City, in accordance with the requirements 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 5 and Section 7 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

9. The Registry is established as a bylaw notice dispute adjudication system in accordance with the *Act* to resolve disputes in relation to bylaw notices.

10. The civic address of the Registry is **1435 Water Street, Kelowna BC V1Y 1J4**.

11. The City is authorized to enter into, and the Mayor and Corporate Officer are authorized to execute, the dispute adjudication system agreement in the form and with the content of the agreement attached as Schedule "B".

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 City an additional fee of \$25 for the purpose of the City 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) Officers and Employees of the City of Vernon and Council may appoint screening officers from these classes of persons by name of office, or otherwise.

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POWERS, DUTIES AND FUNCTIONS OF 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 City'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 City policies and guidelines,

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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) Local Assistants to the Fire Commissioner under Section 6 of the *Fire Services Act*;

- (d) Bylaw Enforcement Officers, Licensing Inspectors, Building Inspectors, Animal Control Officers, or other persons acting in another capacity on behalf of a municipality, regional district or local trust committee for the purpose of enforcement of one or more of its bylaws.

19. The City may from time to time provide for the form or forms of the bylaw notice, provided the bylaw notice complies with Section 4 of the Act.

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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.

READ A FIRST TIME this 10th day of January, 2011.

READ A SECOND TIME this 10th day of, 2011.

READ A THIRD TIME this 10th day of, 2011.

ADOPTED this 24th day of January, 2011.

“W. Lippert”

Mayor

“P. Bridal”

Corporate Officer

DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
Animal Regulation and Animal Pound Bylaw						
5252	2(a)	Illegal Keeping of Animals	\$100.00	\$75.00	\$110.00	YES
5252	2(b)	To many companion animals	\$ 50.00	\$25.00	\$60.00	YES
5252	2(c)	To many agricultural animals	\$100.00	\$75.00	\$110.00	YES
5252	2(f)	Unenclosed Animals	\$200.00	\$175.00	\$225.00	YES
5252	2(h)	Keeping of non-Farm Swine	\$100.00	\$75.00	\$110.00	YES
5252	2(j)	Unconfined Rabbit	\$ 50.00	\$25.00	\$60.00	YES
5252	2(k)	Sell or Give Unaltered Rabbits	\$100.00	\$90.00	\$110.00	YES
5252	2(l)	Failure to remove Rabbit Warren	\$150.00	\$125.00	\$175.00	YES
5252	2(m)	Animal at Large – Public Property	\$200.00	\$175.00	\$225.00	YES
5252	2(n)	Animal at Large – Private Property	\$200.00	\$175.00	\$225.00	YES
5252	9(b)	Obstruct Poundkeeper	\$500.00	\$500.00	\$500.00	NO
5252	Schedule B(1)	Urban Hen at Large	\$ 50.00	\$25.00	\$60.00	YES
5252	Schedule B(2)	Illegal Keeping of Rooster	\$100.00	\$75.00	\$110.00	YES
5252	Schedule B(2)	Keeping of more than 3 Hens	\$ 75.00	\$50.00	\$85.00	YES
5252	Schedule B(7)	Improper Coop	\$100.00	\$75.00	\$110.00	YES

DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

5252	Schedule B(9)	Illegal Slaughter	\$100.00	\$75.00	\$110.00	YES
5252	Schedule B(10)	Unhygienic Storage or Accumulation	\$ 50.00	\$25.00	\$60.00	YES
5252	Schedule B(12)	No Urban Hen Licence	\$ 50.00	\$25.00	\$60.00	YES
5252	Schedule C(1)	No Pigeon Keeping Permit	\$ 50.00	\$25.00	\$60.00	YES

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
Building & Plumbing Bylaw						
4900	3.1.1	No Permit - Building	\$300.00	\$250.00	\$325.00	YES
4900	3.1.2	No Permit – Plumbing	\$300.00	\$250.00	\$325.00	YES
4900	3.1.3	No Permit – Demolition	\$300.00	\$250.00	\$325.00	YES
4900	23.3	Fail to Cease Work	\$500.00	\$500.00	\$500.00	YES
4900	3.1.4	Occupy without Permit	\$100.00	\$80.00	\$110.00	YES
4900	3.1.5	Tamper With Notice or Permit	\$100.00	\$80.00	\$110.00	NO
4900	3.1.7	Obstruct Entry to Land, Building or Premises	\$500.00	\$500.00	\$500.00	NO
4900	3.1.9	Move Building Without Permit	\$100.00	\$90.00	\$110.00	YES
4900	19.2	Failure to Secure Pool	\$100.00	\$90.00	\$110.00	YES
4900	22.3	No Permit - Retaining Wall	\$100.00	\$90.00	\$110.00	YES
4900	3.1.6	Build at Variance to Permit	\$100.00	\$90.00	\$110.00	YES

DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
Business Licence Bylaw						
3272	2.0	No Business Licence	\$100.00	\$85.00	\$115.00	YES
3272	2.7	Failure to Obtain Transfer of Business Licence	\$75.00	\$50.00	\$90.00	YES
3272	2.9	Obstruct Licence Inspector	\$500.00	\$500.00	\$500.00	NO

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
Commercial Vehicle Licencing Bylaw						
3223	5.0	No Commercial Vehicle Decal (Roadway)	\$35.00	\$15.00	\$50.00	YES
3223	6.0	No Commercial Vehicle Decal (Private)	\$35.00	\$15.00	\$50.00	YES
3223	12.0	Decal Not Displayed Correctly	\$35.00	\$15.00	\$50.00	YES
3223	15.(b)	Decal Illegally In Use	\$100.00	\$75.00	\$125.00	YES

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
Fire Prevention Bylaw						
5263	3.1.1	Open air burning without Permit	\$150.00	\$125.00	\$175.00	NO
5263	3.1.5	Fail to have competent person in charge of Fire	\$50.00	\$40.00	\$60.00	NO

DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

5263	3.1.4	Burn prohibited materials	\$150.00	\$125.00	\$175.00	NO
5263	3.1.6	Burn when hazardous	\$50.00	\$40.00	\$60.00	NO
5263	3.1.7	Burn with inadequate ventilation index	\$50.00	\$40.00	\$60.00	NO
5263	3.1.8	Burn improper fuel	\$50.00	\$40.00	\$60.00	NO
5263	3.1.9	Maintain Hazardous Fire	\$250.00	\$225.00	\$275.00	NO
5263	3.2.1	Burn prohibited materials in wood burning appliance	\$75.00	\$65.00	\$85.00	NO
5263	3.3.2	Fail to test smoke alarm	\$50.00	\$40.00	\$60.00	NO
5263	3.3.3	Fail to install approved smoke alarm	\$50.00	\$40.00	\$60.00	YES
5263	3.4.2	Fail to repair Faulty Alarm	\$125.00	\$100.00	\$150.00	YES
5263	3.4.3	Fail to notify Fire Dept. about work	\$100.00	\$90.00	\$110.00	NO

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
B.C. Fire Code Regulations Pursuant to Bylaw #5263						
5263	3.0.1	Failure property in a safe condition	\$150.00	\$125.00	\$175.00	YES
5263	3.0.6	Fail to supply and install portable fire extinguishers	\$50.00	\$40.00	\$60.00	YES
5263	3.0.6.V	Fail to maintain fire alarm system	\$175.00	\$150.00	\$200.00	YES
5263	3.0.6.VIII	Fail to maintain portable fire extinguisher (s)	\$50.00	\$40.00	\$60.00	YES

DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

5263	3.0.6.IX	Fail to maintain standpipe and hose system	\$50.00	\$40.00	\$60.00	YES
5263	3.0.6.IV	Fail to maintain fire hydrants in an approved manner	\$50.00	\$40.00	\$60.00	YES
5263	3.0.6	Fail to provide/maintain closures - fire separation	\$50.00	\$40.00	\$60.00	YES
5263	3.0.6	Block /Wedge closure in fire separation open	\$50.00	\$40.00	\$60.00	YES
5263	3.0.6	Unapproved storage container - liquid	\$50.00	\$40.00	\$60.00	YES
5263	3.0.3	Accumulation of combustible material	\$50.00	\$40.00	\$60.00	YES
5263	3.0.4	Fail to secure vacant building	\$250.00	\$240.00	\$275.00	YES
5263	3.0.6	Fail to maintain Fire Department vehicle access	\$150.00	\$125.00	\$175.00	YES
5263	3.0.2-3.0.7	Fail to install/maintain commercial cooking equipment	\$50.00	\$40.00	\$60.00	YES
5263	3.0.6.II	Fail to maintain means of egress	\$250.00	\$240.00	\$275.00	YES
5263	3.0.2	Fail to maintain exit door hardware	\$100.00	\$90.00	\$110.00	YES
5263	3.0.6.VI	Fail to maintain emergency lighting	\$50.00	\$40.00	\$60.00	YES
5263	3.0.6.III	Fail to provide/maintain a fire safety plan	\$50.00	\$40.00	\$60.00	YES

DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
Fire Works Bylaw						
5264	2.01	Sale of fireworks	\$250.00	\$225.00	\$275.00	YES
5264	2.02	Possession, sale or use of firecrackers	\$500.00	\$500.00	\$500.00	NO
5264	2.03	Discharge fireworks without Permit	\$500.00	\$500.00	\$500.00	NO
5264	2.05	Dangerous use of fireworks	\$400.00	\$375.00	\$425.00	NO
5264	2.06	Use of fireworks in a dangerous location	\$400.00	\$375.00	\$425.00	NO
5264	3.03 and 4.01.1	Contravention of permit	\$250.00	\$225.00	\$275.00	YES
5264	3.04 and 4.01.4	Providing false information for permit application	\$250.00	\$225.00	\$275.00	NO
5264	3.01	Underage possession of fireworks	\$350.00	\$325.00	\$375.00	NO
5264	5.02	Obstruction of designated official	\$500.00	\$500.00	\$500.00	NO

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
Good Neighbour Bylaw						
4980	2.1	Obstruct an Officer	\$500.00	\$500.00	\$500.00	NO
4980	2.2	Obstruct Entry to Property	\$250.00	\$225.00	\$275.00	NO

DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

4980	3.2(a)	Panhandle Within 10 Meters of Financial Institution	\$25.00	\$20.00	\$30.00	NO
4980	3.2(b)	Panhandle Within 10 Meters of automated teller	\$25.00	\$20.00	\$30.00	NO
4980	3.2(c)	Panhandle Within 10 Meters of a bus stop	\$25.00	\$20.00	\$30.00	NO
4980	3.2(d)	Panhandle Within 10 Meters a bus shelter	\$25.00	\$20.00	\$30.00	NO
4980	3.2(e)	Panhandle Within 10 Meters of entrance to Liquor Store	\$25.00	\$20.00	\$30.00	NO
4980	3.3	Panhandle from an occupant of a motor vehicle	\$25.00	\$20.00	\$30.00	NO
4980	3.4	Panhandle after sunset	\$25.00	\$20.00	\$30.00	NO
4980	3.5	Panhandle - sit or lie on a street	\$25.00	\$20.00	\$30.00	NO
4980	3.6	Continue to panhandle	\$25.00	\$20.00	\$30.00	NO
4980	4.3(b)	Operate public address System without permit	\$100.00	\$90.00	\$120.00	YES
4980	4.4(a)	Disturb Peace - Highway Public Property	\$250.00	\$225.00	\$275.00	NO
4980	4.4(b)	Disturb Peace - Private Property	\$100.00	\$90.00	\$120.00	NO
4980	4.5(a)	Vehicle Stereo Disturb peace	\$100.00	\$90.00	\$120.00	NO
4980	4.5(b)	Stereo Noise Disturb Peace	\$100.00	\$90.00	\$120.00	NO
4980	4.5(e)	Construction Noise Outside Permitted Hours	\$250.00	\$225.00	\$275.00	NO
4980	4.5(g)	Fight or confrontation	\$250.00	\$225.00	\$275.00	NO
4980	4.6(a)	Unmuffled boat launched	\$125.00	\$110.00	\$135.00	NO

DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

4980	4.6(f)	Disturb Peace – Boat Noise	\$100.00	\$90.00	\$120.00	NO
4980	5.3(a)	Allow Rubbish/Matter to accumulate	\$100.00	\$90.00	\$120.00	YES
4980	5.3(b)	Allow Rubbish to Overflow	\$100.00	\$90.00	\$120.00	YES
4980	5.3(c)	Allow Property to become or remain Unsightly	\$50.00	\$40.00	\$60.00	YES
4980	5.3(d)	Allow accumulation of growth to occur or remain	\$50.00	\$40.00	\$60.00	YES
4980	5.3(e)	Allow construction waste to accumulate	\$100.00	\$90.00	\$120.00	YES
4980	5.4	Failure to Maintain Boulevard or lane	\$50.00	\$40.00	\$60.00	YES
4980	5.5	Failure to Maintain Property within one meter of lane	\$50.00	\$40.00	\$60.00	YES
4980	5.6	Deposit vegetation waste	\$50.00	\$40.00	\$60.00	YES
4980	5.7	Failure to Clear Sidewalk	\$50.00	\$40.00	\$60.00	YES
4980	6.3	Light fire when not conducive	\$50.00	\$40.00	\$60.00	NO
4980	6.4	Fire emitting smoke or odour	\$100.00	\$90.00	\$120.00	NO
4980	6.6	Failure to extinguish	\$250.00	\$225.00	\$275.00	NO

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
Graffiti Bylaw						
5010	3.01	Place Graffiti – Public	\$250.00	\$225.00	\$275.00	NO
5010	3.02	Place Graffiti – Private	\$250.00	\$225.00	\$275.00	YES
5010	3.03	Permit Graffiti to be placed	\$50.00	\$40.00	\$60.00	YES

DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

5010	3.04	Failure to maintain property free of graffiti	\$100.00	\$90.00	\$120.00	YES
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Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
Horse Drawn Carriage Bylaw						
4819	2.1	Operate without Licence	\$100.00	\$90.00	\$110.00	YES
4819	4.1(2)	Failure to remove excrement	\$50.00	\$40.00	\$60.00	NO

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
Parking Facility Bylaw						
2746	301	Improperly Parked	\$25.00	\$5.00	\$35.00	NO
2746	302	Parked In Excess Of Time (Metered Space)	\$25.00	\$15.00	\$35.00	NO
2746	305H	Park In Reserved Area (Parking Lot)	\$35.00	\$15.00	\$50.00	NO
2746	605A	Expired Meter	\$25.00	\$5.00	\$35.00	NO
2746	605A-1	Subsequent Infraction	\$25.00	\$25.00	\$35.00	NO
2746	605B	Meter In Violation	\$25.00	\$5.00	\$35.00	NO

DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
Parks And Public Places Bylaw						
5057	5	Cause Damage	\$250.00	\$225.00	\$275.00	NO
5057	6(a)	Dog in Public Place	\$50.00	\$40.00	\$60.00	NO
5057	6(b)	Horse in Public Place	\$50.00	\$40.00	\$60.00	NO
5057	7(a)	Improper Disposal of Rubbish	\$50.00	\$40.00	\$60.00	NO
5057	7(b)	Discard Hazardous Material	\$150.00	\$140.00	\$160.00	NO
5057	8	Fire in Public Place	\$100.00	\$90.00	\$120.00	NO
5057	9(a)	Unsafe or Improper Conduct	\$100.00	\$90.00	\$120.00	NO
5057	9(b)	Dive or Jump from Pier	\$50.00	\$40.00	\$60.00	NO
5057	9(c)	Bicycle on Pier	\$50.00	\$40.00	\$60.00	NO
5057	9(d)	Carry or Discharge Firearm	\$500.00	\$475.00	\$500.00	NO
5057	9(e)	Watercraft in Swimming Area	\$200.00	\$190.00	\$225.00	NO
5057	9(f)	Improper Operation of Watercraft	\$100.00	\$90.00	\$120.00	NO
5057	9(g)	Alcohol in Public Place	\$100.00	\$90.00	\$120.00	NO
5057	9(h)	No Helmet	\$35.00	\$25.00	\$45.00	NO
5057	10	Use Obscene Language	\$35.00	\$25.00	\$45.00	NO
5057	11	Disturb Peace	\$100.00	\$90.00	\$120.00	NO
5057	12	Amplified Sound Disturb Peace	\$100.00	\$90.00	\$120.00	NO
5057	13	Set Up Camp in Public Place	\$100.00	\$90.00	\$120.00	NO

DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

5057	14	Urinate or Defecate in Public Place	\$100.00	\$90.00	\$120.00	NO
5057	15(a)	Place or Construct Structure	\$100.00	\$90.00	\$120.00	NO
5057	15(b)	Conduct Business	\$100.00	\$90.00	\$120.00	NO
5057	15(c)	Place Advertising	\$100.00	\$90.00	\$120.00	NO
5057	15(e)	Improper Parking	\$50.00	\$40.00	\$60.00	NO
5057	15(g)	Play or Practice Golf	\$50.00	\$40.00	\$60.00	NO
5057	15(h)	Hazardous Activity	\$100.00	\$90.00	\$120.00	NO
5057	15(i)	Damage Tree/Shrub/Property	\$100.00	\$90.00	\$120.00	NO
5057	15(j)	Damage/Cover Sign	\$50.00	\$40.00	\$60.00	NO
5057	15(l)	Animal at Large	\$50.00	\$40.00	\$60.00	NO
5057	15(m)	Possess Paraphernalia	\$100.00	\$90.00	\$120.00	NO
5057	19	In Public Place After Hours	\$100.00	\$90.00	\$120.00	NO
5057	21	Refuse Order to Leave Public Place	\$250.00	\$225.00	\$275.00	NO
5057	22	In Public Place while Prohibited	\$500.00	\$450.00	\$500.00	NO
5057	25	Possess Controlled Substance	\$125.00	\$100.00	\$150.00	NO

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
Refuse Collection Bylaw						
3148	500	Failure to Use System - Commercial	\$250.00	\$225.00	\$275.00	YES

DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

3148	503	Unacceptable Bin	\$100.00	\$90.00	\$120.00	YES
3148	501	Illegally placed Bin	\$100.00	\$90.00	\$120.00	YES
3148	501(a)	Lane Bin incorrectly placed	\$100.00	\$90.00	\$120.00	YES
3148	700	Failure to Use System – Residential	\$200.00	\$175.00	\$225.00	YES
3148	800	Litter refuse	\$100.00	\$90.00	\$110.00	YES
3148	801	Place garbage without owner's permission	\$100.00	\$90.00	\$110.00	YES

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
Rental Unit Standards of Maintenance Bylaw						
5120	6.1	Allow Use of Non-conforming Rental Unit	\$250.00	\$225.00	\$275.00	YES
5120	6.4	Obstruct Inspector	\$500.00	\$500.00	\$500.00	NO
5120	6.5	Refuse Entry to Inspector	\$500.00	\$475.00	\$500.00	NO
5120	7.1.1	Non-Maintenance of Plumbing System	\$100.00	\$90.00	\$110.00	YES
5120	7.1.3	Inadequate Water Supply	\$50.00	\$40.00	\$60.00	YES
5120	7.1.4	Inadequate Hot Water	\$50.00	\$40.00	\$60.00	YES
5120	7.2.1	Inadequate Supply of Heat	\$100.00	\$90.00	\$110.00	YES
5120	7.2.2	Failure to Provide Heat	\$250.00	\$240.00	\$260.00	YES
5120	7.3.1	Failure to Provide Light	\$100.00	\$90.00	\$110.00	YES

DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

5120	7.3.3	Non-Maintenance of Electrical Access Points	\$100.00	\$90.00	\$110.00	YES
5120	7.4.1	Egress Obstructed	\$450.00	\$425.00	\$475.00	YES
5120	7.5.1	Non-Secured Unit	\$100.00	\$90.00	\$110.00	YES
5120	8.1	Non-Provision of Utilities	\$450.00	\$425.00	\$475.00	YES

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
Safe Premises Bylaw						
5178	4.1	Occupy - Disconnected	\$250.00	\$225.00	\$275.00	NO
5178	4.2	Occupy – Exhaust Vents	\$250.00	\$225.00	\$275.00	NO
5178	4.3	Occupy – Hazardous Substance	\$250.00	\$225.00	\$275.00	NO
5178	4.4 a	Occupy – Exit Blocked	\$250.00	\$225.00	\$275.00	NO
5178	4.4 b	Occupy – Fire Stopping	\$250.00	\$225.00	\$275.00	NO
5178	4.4 c	Occupy – Electrical Hazard	\$250.00	\$225.00	\$275.00	NO
5178	4.5	Occupy – Mould	\$250.00	\$225.00	\$275.00	NO
5178	4.6	Occupy – Unauthorised Alteration	\$250.00	\$225.00	\$275.00	NO
5178	5.1 g	Occupy – Occupancy Permit	\$500.00	\$500.00	\$500.00	NO
5178	6.3 a	Obstruct Officer – Posting	\$500.00	\$500.00	\$500.00	NO
5178	6.3 b	Remove/Alter Notice	\$250.00	\$225.00	\$275.00	NO
5178	6.3 c	Occupy – Without Permission	\$500.00	\$500.00	\$500.00	NO

DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

5178	7.1 a	Failure to Notify of Contravention	\$200.00	\$190.00	\$220.00	NO
5178	7.1 b	Failure to Take Action	\$200.00	\$190.00	\$220.00	NO
5178	8.1	Use City Water	\$250.00	\$225.00	\$275.00	NO

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
Sanitation Bylaw						
1914	700	Failure to Maintain Sanitary Yard	\$100.00	\$ 90.00	\$110.00	YES

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
Second Hand Dealers Bylaw						
4878	3.2	Supply False Information	\$250.00	\$225.00	\$275.00	NO
4878	2.3(a)	Failure to Record Name	\$100.00	\$90.00	\$120.00	NO
4878	2.3(c)	Failure to Record Property	\$250.00	\$225.00	\$275.00	NO
4878	2.13	Take in Pawn from Underage Person	\$50.00	\$40.00	\$60.00	NO
4878	2.16	Failure to Tag and Separate Item	\$50.00	\$40.00	\$60.00	NO

DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
Sign Bylaw						
4489	Part II – A.1.	No Sign Permit	\$100.00	\$90.00	\$110.00	YES
4489	Part I – E.2.	Fail to remove illegal sign	\$100.00	\$90.00	\$110.00	YES
4489	Part III – G. 4. a), b), and c)	Improper siting of sandwich board sign	\$50.00	\$40.00	\$60.00	YES
4489	Part I – C. 8.	Sign Impede Corner Visibility	\$100.00	\$90.00	\$110.00	YES
4489	Part III – I. 3.	Improper Siting - Portable Sign	\$100.00	\$90.00	\$110.00	YES
4489	Part I – E.1	Obstruct an Officer	\$500.00	\$500.00	\$500.00	NO

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
Soil Removal and Deposition Bylaw						
5259	4.1	Deposit/Remove Soil - No Permit	\$250.00	\$150.00	\$300.00	YES
5259	4.4	Deposit /Remove Soil - Riparian No Permit	\$250.00	\$150.00	\$300.00	YES
5259	4.5	Deposit Waste	\$250.00	\$150.00	\$300.00	YES

DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

5259	4.6	Deposit /Remove Soil – No Approval ALR	\$250.00	\$150.00	\$300.00	YES
5259	6.4(a)	Cause damage without repair	\$250.00	\$150.00	\$300.00	YES
5259	6.4(b)	Obstruct drainage facility/ natural watercourse	\$250.00	\$150.00	\$300.00	YES
5259	6.4(c)	Encroach upon, undermine or physically damage property	\$250.00	\$150.00	\$300.00	YES
5259	6.4(d)	Alter/divert Natural Watercourse	\$250.00	\$150.00	\$300.00	YES
5259	6.4(e)	Deposit/Remove Soil - Slope exceeding 3:1	\$250.00	\$150.00	\$300.00	YES
5259	6.4(f)	Adversely Affect/Alter Appearance Adjacent Property /Surrounding area	\$250.00	\$150.00	\$300.00	YES
5259	6.4(g)	Change elevation more than 1.2 metres – Adjacent Property	\$250.00	\$150.00	\$300.00	YES
5259	7.2	Obstruct Bylaw Enforcement Officer	\$500.00	\$500.00	\$500.00	NO
5259	7.4	Failure to Cease Activities	\$250.00	\$150.00	\$300.00	NO

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
Subdivision and Development Servicing Bylaw						
3843	4.12	Site Preparation without approval	\$250.00	\$200.00	\$275.00	YES
3843	4.09	No Slope Stability Report	\$250.00	\$200.00	\$275.00	YES
3843	8.03	Obstruct City Officer	\$500.00	\$500.00	\$500.00	NO

DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
Traffic Bylaw						
2747	409	No barricades	\$100.00	\$90.00	\$110.00	YES
2747	410	No Access Permit	\$50.00	\$40.00	\$60.00	YES
2747	602	Litter streets	\$50.00	\$40.00	\$60.00	NO
2747	603	Obstruct traffic	\$50.00	\$40.00	\$60.00	NO
2747	603	Damage street	\$250.00	\$200.00	\$275.00	NO
2747	608	No Work Permit	\$100.00	\$90.00	\$110.00	YES
2747	407	Groups obstruct traffic	\$50.00	\$40.00	\$60.00	NO
2747	1105	Park On Sidewalk or Boulevard	\$50.00	\$15.00	\$75.00	NO
2747	1105-1	Improper or Invalid Number Plates	\$35.00	\$15.00	\$50.00	NO
2747	1105-2	Parked To Display Signs	\$35.00	\$15.00	\$50.00	NO
2747	1105-3	Double Parking	\$35.00	\$15.00	\$50.00	NO
2747	501A-C(III)	Park in Excess of 24 hrs (RV Over 20 ft)	\$35.00	\$15.00	\$50.00	NO
2747	502A	Park Against Yellow Curb	\$35.00	\$15.00	\$50.00	NO
2747	502A-1	Park In Area Reserved For Mobility Impaired	\$75.00	\$15.00	\$150.00	NO
2747	502A-2	Large Vehicle In Restricted Area	\$50.00	\$15.00	\$75.00	NO
2747	502A-3	Park In No Parking/Stopping Zone	\$35.00	\$15.00	\$50.00	NO

DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

2747	502F	Vehicle In Bus Stop Zone	\$35.00	\$15.00	\$50.00	NO
2747	503A1	Park In Reserved Area (Street)	\$35.00	\$15.00	\$50.00	NO
2747	504C	Parked Or Overparked In Loading Zone	\$35.00	\$15.00	\$50.00	NO
2747	504D	Park In Front Of Driveway	\$35.00	\$15.00	\$50.00	NO
2747	504D-1	Park Or Overpark In Lane	\$35.00	\$15.00	\$50.00	NO
2747	506A	Parked in Excess of 48 hrs	\$35.00	\$15.00	\$50.00	NO
2747	506B	Park In Excess Of Time Limit (Signed Area)	\$25.00	\$10.00	\$50.00	NO
2747	507	Wash, Grease, Sell Vehicle In Right Of Way	\$50.00	\$15.00	\$75.00	NO
2747	508A	Parked Within 5 Meters Of a Fire Hydrant	\$50.00	\$25.00	\$75.00	NO
2747	508A-1	Parked Within 6 Meters Of a Stop Sign	\$35.00	\$15.00	\$50.00	NO
2747	508A-2	Obstruct Flow of Traffic	\$35.00	\$15.00	\$50.00	NO
2747	508A-3	Parked With Left Wheels to Curb	\$35.00	\$15.00	\$50.00	NO
2747	508A-4	Park Non-Parallel to Roadway	\$35.00	\$15.00	\$50.00	NO
2747	508A-5	Park in Bicycle Lane	\$35.00	\$15.00	\$50.00	NO
2747	508A-6	Park Within 15 Meters Of Rail Crossing	\$35.00	\$15.00	\$50.00	NO
2747	508B	Parked Within 6 Meters Of a Crosswalk	\$50.00	\$25.00	\$75.00	NO
2747	508F	Sell Fruit, Vegetables Or Other Goods From Highway	\$50.00	\$15.00	\$75.00	NO
2747	6009	Inadequate Covering Of Aggregate Load	\$75.00	\$50.00	\$100.00	NO

DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

2747	607	Drive Over Sidewalk – No Access	\$35.00	\$15.00	\$50.00	NO
2747	801	Cycle/Skateboard On Sidewalk	\$75.00	\$25.00	\$100.00	NO
2747	805	Cycle Carelessly	\$75.00	\$25.00	\$100.00	NO
2747	806	Cycle With No Lights	\$75.00	\$25.00	\$100.00	NO
2747	806-1	Cycle on Left	\$75.00	\$25.00	\$100.00	NO

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
Zoning Bylaw						
5000	3.3.2	Unlawful land use	\$250.00	\$225.00	\$275.00	YES
5000	3.3.3	Unlawful construction, addition, alteration	\$250.00	\$225.00	\$275.00	YES
5000	5.8.2	Boarding Room - Unlawful sign	\$50.00	\$40.00	\$60.00	YES
5000	3.3.7	Unlawful Fuel Storage Tank	\$100.00	\$90.00	\$120.00	YES
5000	3.3.7	Parking - Unlawful Commercial Vehicle	\$100.00	\$90.00	\$120.00	YES
5000	3.3.7	Parking – Unlawful Recreational Vehicle	\$100.00	\$90.00	\$120.00	YES
5000	4.8.1	Lighting - Failure to Deflect	\$50.00	\$40.00	\$60.00	YES
5000	4.8.2	Lighting - Unlawful exterior	\$50.00	\$40.00	\$60.00	YES
5000	4.8.3	Lighting - Unlawful Neon	\$50.00	\$40.00	\$60.00	YES
5000	4.8.4	Lighting - Unshielded residential	\$50.00	\$40.00	\$60.00	YES

DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

5000	5.5.1	Suite -Unlawful Suite	\$250.00	\$225.00	\$275.00	YES
5000	5.5.2	Suite - Multiple Suites	\$250.00	\$225.00	\$275.00	YES
5000	5.5.4	Suite - Unlawful Occupancy	\$250.00	\$225.00	\$275.00	YES
5000	5.5.8	Suite – Unlawful Parking	\$100.00	\$90.00	\$120.00	YES
5000	5.5.5	Suite – Exceed Max. Floor area	\$100.00	\$90.00	\$120.00	YES
5000	5.6.1	Bed & Breakfast – Unlawful	\$100.00	\$90.00	\$120.00	YES
5000	5.6.2	Bed & Breakfast – Unlawful Sign	\$50.00	\$40.00	\$60.00	YES
5000	5.7.1	Rooming House – Unlawful	\$100.00	\$90.00	\$120.00	YES
5000	5.7.2	Rooming House – Unlawful Sign	\$50.00	\$40.00	\$60.00	YES
5000	5.7.3	Rooming House – Unlawful Parking	\$100.00	\$90.00	\$120.00	YES
5000	5.2.1	Unlawful Minor Home Based Bus.	\$100.00	\$90.00	\$120.00	YES
5000	5.3.1	Unlawful Major Home Based Bus.	\$100.00	\$90.00	\$120.00	YES
5000	5.4.1	Unlawful Rural Home Based Bus.	\$100.00	\$90.00	\$120.00	YES
5000	6.5.1	Fences – Residential - Unlawful Height	\$50.00	\$40.00	\$60.00	YES
5000	6.5.8	Fences – Commercial/Industrial Unlawful Height	\$50.00	\$40.00	\$60.00	YES
5000	6.5.10	Fences – Unlawful Barbed Wire	\$50.00	\$40.00	\$60.00	YES
5000	6.5.5	Fences – Unlawful Construction	\$50.00	\$40.00	\$60.00	YES

DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

5000	3.2.2	Obstruct Licence Inspector	\$500.00	\$500.00	\$500.00	NO
5000	3.2.1	Refusal of Entry to Property	\$250.00	\$225.00	\$275.00	NO

SOUTHERN INTERIOR BYLAW NOTICE DISPUTE ADJUDICATION

REGISTRY AGREEMENT

This Agreement, dated ____ day of _____, 2010

BETWEEN:

CITY OF KELOWNA, 1435 Water Street, Kelowna, British Columbia V1Y 1J4
("Kelowna")

AND:

CITY OF PENTICTON, 171 Main Street, Penticton, British Columbia V2A 5A9
("Penticton")

AND:

CITY OF VERNON, 3400 30th Street, Vernon, British Columbia V1T 5E6
("Vernon")

AND:

DISTRICT OF WEST KELOWNA, 2760 Cameron Road, West Kelowna, British Columbia V1Z 2T6
("West Kelowna")

AND:

DISTRICT OF LAKE COUNTRY, 10150 Bottom Wood Lake Road, Lake Country, British Columbia V4V
2M1
("Lake Country")

AND:

DISTRICT OF SUMMERLAND, 13211 Henry Avenue, Summerland, British Columbia V0H 1Z0
("Summerland")

AND:

DISTRICT OF PEACHLAND, 5806 Beach Avenue, Peachland, British Columbia V0H 1X7
("Peachland")

AND:

REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN, 101 Martin Street, Penticton, British Columbia
V2A 5J9
("RDOS")

AND:

TOWN OF OLIVER, 35016 97th Street, Oliver, British Columbia V0H 1T0
("Oliver")

WHEREAS:

- A. The *Local Government Bylaw Enforcement Act* permits local governments to create a bylaw designating certain bylaw contraventions that can be enforced by way of bylaw notice as an alternative to traditional bylaw enforcement mechanisms;
- B. The Act also permits two or more local governments to enter into an agreement, adopted by a bylaw of each local government that is party to it, to provide for the joint administration of a local government bylaw notice dispute adjudication system;
- C. Kelowna, Penticton, Vernon, West Kelowna, Lake Country, Summerland, Peachland, RDOS, and Oliver wish to:
 - a. share the costs and administration of such a system; and
 - b. enter such an agreement to establish such a system, to be called the Southern Interior Bylaw Notice Dispute Adjudication Registry, and to provide for the joint administration of the Registry.

NOW THEREFORE in consideration of the mutual promises contained herein, the Parties agree as follows:

PART I – INTRODUCTORY PROVISIONS

Definitions

- 1. In this Agreement, the following definitions apply:
 - a. **"Act"** means the Local Government Bylaw Notice Enforcement Act;
 - b. **"Adjudication"** the process where the disputant and the local government are provided opportunity to present evidence to the adjudicator who will decide whether he or she is satisfied that the contravention occurred as alleged;
 - c. **"Adjudication Fee"** means the sum of \$25.00 payable to each Party for each adjudication scheduled to be conducted by the Registry;
 - d. **"Agreement"** means this Agreement;
 - e. **"Authorizing Bylaws"** means the bylaws adopted by the Councils/Boards of each of the Parties authorizing this Agreement;
 - f. **"By Law Enforcement Officer"** means a person in a class prescribed under section 273 (c) of the *Community Charter* who is designated by a local government as a bylaw enforcement officer;
 - g. **"Committee"** means the Southern Interior Bylaw Notice Dispute Adjudication Registry's Administrative Committee;
 - h. **"Contribution Adjustment Amount"** means, for each Party, the amount calculated in accordance with Section 22 herein in any year of the Term;
 - i. **"Contributing Parties"** means all of Penticton, Vernon, West Kelowna, Lake Country, Summerland, Peachland, RDOS, and Oliver, except Kelowna;

- j. **"Parties"** means all of Kelowna, Penticton, Vernon, West Kelowna, Lake Country, Summerland, Peachland, RDOS, and Oliver;
- k. **"Party"** means any one of Kelowna, Penticton, Vernon, West Kelowna, Lake Country, Summerland, Peachland, RDOS, and Oliver;
- l. **"Registry"** means the Sothern Interior Bylaw Notice Dispute Adjudication Registry established by this Agreement;
- m. **"Revenues"** means any revenue actually received or estimated to be received, as the case may be, by the Registry, excluding Initial Contributions, Contribution Amounts, or Contribution Adjustment Amounts;
- n. **"Terms"** means the term of this Agreement as set out herein;

Establishment of the Registry

- 2. Subject to the Act and to the adoption of the Authorizing Bylaws, the Parties agree that the Registry is hereby established.

PART II – ADMINISTRATION

- 3. The Parties agree to establish the Committee to implement and administer the Registry.
- 4. The Parties agree that authority of the Committee will include but not be limited to:
 - a. preparing operational budgets; and
 - b. setting policy as authorized under this Agreement and the Act.

Representation

- 5. Each of the Parties will appoint one representative to serve on the Committee. The Parties agree that representatives will be paid employees of their respective local governments and will not be remunerated by the Registry.

PART III – ADJUDICATION

Screening Officers

- 6. The Parties agree that screening of notices prior to proceeding to adjudication will be established as a function of each Party. Screening officers will be appointed by the individual Party administrative committee.

Bylaw Notice Dispute Adjudication Registry

- 7. The Parties agree that a dispute adjudication system will be established as a function of the Registry, and that disputes will be heard by a bylaw notice dispute adjudicator in the circumstances prescribed in the Act and Authorizing Bylaws.
- 8. The Parties agree that the Committee will select a roster of adjudicators who may hear and determine disputes from the provincial roster of adjudicators to be established by the Attorney General of the Province of British Columbia.

9. Adjudicators will be assigned to individual disputes in the manner prescribed by any applicable regulation and policy established by the Committee.

PART IV - OPERATIONS

Location

10. The location of the Registry will be the municipal offices of the City of Kelowna, 1435 Water Street, Kelowna, British Columbia V1Y 1J4.

Administrative Services

11. Kelowna will provide and supervise all administrative services required by the Registry, subject to the following:
 - i. the collection of any fees, fines or penalties levied against an unsuccessful party in the dispute adjudication process will be the responsibility of the relevant municipality if not collected by the Registry immediately following the adjudication; and
 - ii. any penalty arising directly out of the bylaw notice itself may be paid to the relevant Party or to the Registry,

and any amounts collected by or paid to the Registry pursuant to 11.i and 11.ii will be credited to the relevant Party's Contribution Adjustment Amount.

Financial Reporting

12. Kelowna will ensure that its Director of Financial Services or the designate will conduct and oversee the financial reporting and record keeping of the Registry based on normal procedure, subject to the requirements outlined herein.

PART V – FINANCIAL PLANNING

Start-up Costs

13. Each Party will be responsible for its own start-up costs.

Budget Year

14. The budget year of the Registry is the calendar year.

Operating Budget

15. The Parties agree that, no later than September 30th of each year, the Committee will prepare a draft operating budget for the following budget year, setting out in detail the operational funds required by the Registry for the carrying out of its mandate and responsibilities, including
 - a. the estimated operational expenditures for
 - i. office and administration including financial reporting and administrative services;
 - ii. Registry administration travel costs;

- iii. bylaw dispute adjudicators; and
- iv. other functions of the Registry;
- b. the anticipated revenues (if any) of the Registry;
- c. the difference between estimated revenues and operational expenditures for the Registry; and
- d. the Contribution Amount required from each of the Parties.

Budget Submissions

16. The Committee will prepare the operating budget in a manner satisfactory to, and in such detail as requested by, the Directors of Finance of each of the Parties, and submit the draft operating budget to the Directors of Finance of each of the Parties each year where required.

Budget Approval and Adjustments

17. The Parties will consider and approve, or recommend amendments to, the Registry's operating budget.
18. The Parties agree that all recommendations by them for adjustments to the Registry's draft operating budget will
- a. be reasonable and made in good faith; and
 - b. ensure that a reasonable level of service quality can be maintained by the Registry.

Use of Funds

19. The Committee and Kelowna may make only those expenditures during the budget year for the purposes and up to the amounts authorized in the approved operating budget. The Registry (or the Committee or Kelowna on behalf of the Registry) will not incur any other indebtedness or liability, or make any further expenditure, except that:
- a. Kelowna may make a further reasonable expenditure or contract a further indebtedness or liability that it deems necessary or prudent, subject to a \$1,000 limit; and
 - b. the Committee may
 - i. make a further reasonable expenditure or contract a further indebtedness or liability that it deems necessary or prudent, subject to a \$5,000 limit;
 - ii. re-allocate funds within categories of the operating budget as reasonably required; and
 - iii. make a further expenditure or contract a further indebtedness or liability without limitation if approved in advance by all Parties.

PART VI – COST ALLOCATION

Funding Contributions and Adjustments

20. The Parties agree that costs relating to legal counsel, witnesses, screening officers and bylaw enforcement officers as they pertain to the dispute adjudication process, and to the activities of the Registry more generally, will be borne by the relevant Party which issued the bylaw notice in question and will not be borne by the Registry or by Kelowna on behalf of the Registry.
21. The Parties will, upon approval of the Registry's operating budget by each of the Parties, pay to Kelowna their respective Contribution Amounts for the upcoming budget year no later than March 31st of that budget year.
22. Kelowna will, as soon following the end of a budget year as practicable, calculate the amount of each Party's Contribution Adjustment Amount by
 - a. determining each Party's pro-rated proportion of the amount by which Actual Expenditures exceed Budget Expenditures for the relevant year, where the proportion is calculated on the basis of each Party's population for the budget year in relation to the population of each of the other Parties except the calculation for RDOS will exclude incorporated areas; and
 - b. deducting, if applicable, the aggregate of fines and administrative fees collected by Kelowna on behalf of each Party for the relevant year.
23. Each of the Contributing Parties will, within 30 days of receipt of notice of its respective Contribution Adjustment Amount, pay (if required) to Kelowna the Contribution Adjustment Amount.
24. Kelowna will pay (if required) any Contribution Adjustment Amount owing to the Contributing Parties, as appropriate, within 30 days of preparation of a statement outlining the Contribution Adjustment Amounts of each Party or may, at the election of Kelowna each year except the final year, credit the amount owing to the Contribution Amount required from each Party for the following year.
25. Each Party will pay to Kelowna within thirty days following each of March 31, June 30, October 31 and December 31 of each year of the Term, the Adjudication Fee for each adjudication scheduled in respect of that Party in the previous quarter.

Maintenance of Records

26. The Director of Financial Services of Kelowna will
 - a. exercise the duties and powers of the officer responsible for financial administration as provided in the Community Charter, in maintaining the financial records for the Registry on behalf of the Parties;
 - b. ensure that accounting and payroll records of the Registry are properly prepared and maintained, such records to include payroll, accounts payable, cash receipts and disbursements, accounts receivable, general ledger, subsidiary cost ledger, financial statements and reports and supporting documents to the foregoing;
 - c. provide, when possible, any additional financial systems that have been requested by the Committee;

- d. direct employees and officers of the Registry to the extent necessary to ensure that the systems and procedures established for financial controls are in effect and are in accordance with the Community Charter.

Examination of Records

27. The Director of Finance of any of the Contributing Parties may, acting reasonably with regard to minimizing the administrative burden on the Kelowna, and no more frequently than once in each year of the Term, conduct audits or examinations to obtain information or determine that adequate financial controls are being maintained for the Registry. Kelowna will cooperate with any reasonable request by any of the Contributing Parties or the Contributing Parties' Director of Finance for access to financial records, user statistics and other information of the Registry.

PART VII – GENERAL PROVISIONS

Insurance

28. Kelowna will ensure that the Registry and its activities are covered under Kelowna's general liability policy, and will provide copies of all relevant insurance policies and changes thereto to the Directors of Finance of the Contributing Parties upon request.

Amendments

29. The Parties will, in good faith, negotiate any proposed amendment to this Agreement upon request of any Party, all amendments to be in writing and executed by the Parties.

Dispute Resolution

30. The Parties will submit any dispute arising out of the interpretation or application of this Agreement:
 - a. first, to the Committee to resolve the dispute;
 - b. second, if the Committee is unable to resolve the dispute within 60 days, to the Chief Administrative Officers of the Parties; and
 - c. third, if the Chief Administrative Officers are unable to resolve the dispute within 60 days, to the Inspector of Municipalities, or at the election of the Parties, to a commercial arbitrator appointed by agreement or, failing agreement, appointed pursuant to the *Commercial Arbitration Act*, for final determination, and the determination of the Inspector or arbitrator as applicable will be final and binding upon the Parties.

Term

31. This Agreement comes into effect on _____ and continues in effect until December 31, 2015. Any Party may withdraw from this Agreement upon six months' written notice to the other Parties.

IN WITNESS WHEREOF all Parties have executed this Agreement on the date first above written.

THE CORPORATION SEAL of THE)
CORPORATION OF THE CITY OF)
KELOWNA was hereunto affixed)
in the presence of:)

Sharon Shepherd)
Mayor **SHARON SHEPHERD, MAYOR**)
Stephen Fleming)
City Clerk **Stephen Fleming,**)
City Clerk)

C/S

THE CORPORATION SEAL of THE)
CORPORATION OF THE CITY OF)
PENTICTON was hereunto affixed)
in the presence of:)

_____)
Mayor)
_____)
City Clerk)

C/S

THE CORPORATION SEAL of THE)
CORPORATION OF THE CITY OF)
VERNON was hereunto affixed)
in the presence of:)

~~*Wayne Hippert*~~)
~~Mayor **Wayne Hippert.**~~)
Patti Bridal)
City Clerk **Patti BRIDAL**)

C/S

THE CORPORATION SEAL of THE)
CORPORATION OF THE DISTRICT)
OF WEST KELOWNA was hereunto)
affixed in the presence of:)

_____)
Mayor)
_____)
City Clerk)

C/S

THE CORPORATION SEAL of THE)
CORPORATION OF THE DISTRICT)
OF LAKE COUNTRY was hereunto)
affixed in the presence of:)

James Bolser
_____)

Mayor)

Steph Christy
_____)
City Clerk)

C/S

THE CORPORATION SEAL of THE)
CORPORATION OF THE DISTRICT)
OF SUMMERLAND was hereunto)
affixed in the presence of:)

Mayor)

City Clerk)

C/S

THE CORPORATION SEAL of THE)
CORPORATION OF THE DISTRICT)
OF PEACHLAND was hereunto)
affixed in the presence of:)

Keith McFelding
_____)
Mayor)

Deey Palmer
_____)
City Clerk)

C/S

THE CORPORATION SEAL of THE)
CORPORATION OF THE REGIONAL)
DISTRICT OF OKANAGAN)
SIMILKAMEEN was hereunto affixed)
in the presence of:)

Mayor)

City Clerk)

C/S

THE CORPORATION SEAL of THE)
CORPORATION OF THE CENTRAL)
OKANAGAN REGIONAL DISTRICT)
was hereunto affixed in the presence of:)

Mayor)

City Clerk)

C/S

THE CORPORATION SEAL of THE)
CORPORATION OF THE TOWNSHIP)
OF OLIVER was hereunto affixed in the)
presence of:)

Mayor)

City Clerk)

C/S