

**CORPORATION OF THE CITY OF NEW WESTMINSTER**



**BYLAW NOTICE ENFORCEMENT BYLAW NO. 7318, 2009**

EFFECTIVE DATE: September 14, 2009

CONSOLIDATED FOR CONVENIENCE ONLY  
(January 13, 2011)

This is a consolidation of the bylaws listed below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws on this subject.

AMENDMENT BYLAW  
7435

EFFECTIVE DATE  
November 29, 2010

The bylaw numbers highlighted in this consolidation refer to the bylaws that amended the principal Bylaw No. 7318, 2009. The number of any amending bylaw that has been repealed is not referred to in this consolidation.

Obtainable from the City Clerk's Office

THE CORPORATION OF THE CITY OF NEW WESTMINSTER

Bylaw No. 7318, 2009

**A bylaw respecting the enforcement of bylaw notices**

WHEREAS the Local Government Bylaw Notice Enforcement Act, S.B.C. 2003, c. 60 as amended (the "Act"), provides that a local government may deal with the contravention of a bylaw by bylaw notice.

NOW THEREFORE the City Council of the Corporation of the City of New Westminster in open meeting assembled **HEREBY ENACTS AS FOLLOWS:**

**1. Name of Bylaw**

1.1 This Bylaw may be cited for all purposes as the "Bylaw Notice Enforcement Bylaw No. 7318, 2009."

**2. Definitions**

2.1 In this Bylaw:

"Act" means the *Local Government Bylaw Notice Enforcement Act*;

"City" means the Corporation of the City of New Westminster;

"Registry" means the New Westminster Bylaw Notice Adjudication Registry established under Section 6 of this Bylaw.

2.2 Other terms used in this Bylaw have the same meaning as defined terms in the Act.

**3. Bylaw Contraventions**

3.1 The bylaw contraventions designated in Schedule "A" may be dealt with by bylaw notice.

**4. Penalties**

4.1 The penalty for a contravention referred to in Section 3 is as follows:

4.1.1 subject to subsection 4.1.2 and 4.1.3 is the Penalty amount set out in column A4 of Schedule A;

4.1.2 if received by the City within 14 days of the person receiving or being presumed to have received the bylaw notice, is the Discounted Penalty set out in column A5 of schedule A;

4.1.3 if paid under a compliance agreement, may be reduced as provided under column A6 of Schedule A.

## **5. Period for Paying a Disputed Notice**

5.1 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:

(i) pay the penalty, or

(ii) request dispute adjudication

by filling in the appropriate portion of the bylaw notice indicating either a payment or a dispute and delivering it, or causing it to be delivered or mailed, to Animal Services at 231 Ewen Avenue, New Westminster, B.C., V3M 5B3, or to City Hall at 511 Royal Avenue, New Westminster, B.C., V3L 1H9, or by leaving it in the City's after-hours mailbox outside City Hall.

5.2 A person may pay the indicated penalty more than 14 days after receiving the bylaw notice, in accordance with subsection 4.1.1, but no person may dispute the bylaw notice more than 14 days after receiving the bylaw notice.

5.3 Pursuant to the requirements of section 25 of the Act, where a person was not served personally with a bylaw notice and advises the City that he or she did not receive a copy of the original bylaw notice, the time limit for responding to a bylaw notice under Section 4 and subsections 5.1 and 5.2 of this Bylaw does not begin to run until a copy of the bylaw notice is redelivered to that person in accordance with the Act.

## **6. Bylaw Notice Dispute Adjudication Registry**

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

6.2 The civic address of the Registry is 511 Royal Avenue, New Westminster, B.C., V3L 1H9.

6.3 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.

## **7. Screening Officers**

7.1 The position of screening officer is established.

7.2 The following are designated classes of persons that may be appointed as screening officers:

7.2.1 Officers and Employees of the City of New Westminster;

and Council may appoint screening officers from these classes of persons by name, or office or otherwise.

## 8. Powers and Duties of Screening Officer

8.1 The powers, duties and functions of screening officers are as set out in the Act, and include the following powers:

8.1.1 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 and the fee or fees payable in relation to the bylaw notice enforcement process;

8.1.2 To communicate with any or all of the following for the purposes of performing their functions under this bylaw or the Act:

- (a) the person against whom a contravention is alleged or his or her representative;
- (b) the officer issuing the Notice;
- (c) the complainant or his or her representative;
- (d) the City's staff regarding the disputant's history of bylaw compliance;

8.1.3 To review the City's records regarding the disputant's history of bylaw compliance;

8.1.4 To prepare and enter into compliance agreements under the Act with persons who dispute bylaw notices, including establishing 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;

8.1.5 To provide for payment of a reduced penalty if a compliance agreement is entered into, as provided in column A6 of Schedule "A"; and

- 8.1.6 To cancel bylaw notices in accordance with the Act and City policies and guidelines.
- 8.2 The bylaw contraventions in relation to which a screening officer may enter into compliance agreements are designated in column A6 of Schedule "A".
- 8.3 The maximum term of a compliance agreement is one year.

**9. Bylaw Enforcement Officers**

9.1 Persons acting as any of the following are designated as Bylaw Enforcement Officers for the purposes of this Bylaw and the Act:

9.1.1 Special constables, officers, members or constables of:

- (a) The provincial police force as defined in Section 1 of the Police Act, or
- (b) Members of the City of New Westminster Police Department;

9.1.2 Bylaw Enforcement Officers appointed pursuant to the Police Act and the Community Charter;

9.1.3 Local Assistants to the Fire Commissioner under section 6 of the Fire Services Act;

9.1.4 Bylaw enforcement officers, licensing inspectors, building inspectors, animal services officers, public health officers, or other persons acting in another capacity on behalf of the City, for the purpose of enforcement of one or more of its bylaws.

**10. Form of Bylaw Notice**

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

**11. Schedules**

11.1 The following schedules are attached to and form part of this Bylaw:

- (a) Schedule "A" – Designated Bylaw Contraventions and Penalties;

(b) Schedule "B" – Compliance Agreement.

GIVEN FIRST READING this      day of                      , 2009

GIVEN SECOND READING this      day of                      , 2009

GIVEN THIRD READING this      day of                      , 2009.

**ADOPTED** and the Seal of the Corporation of the City of New Westminster  
affixed  
this      day of                      , 2009.

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**MAYOR**

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**CORPORATE OFFICER**

Bylaw Offence Notice Enforcement  
Bylaw 7318, 2009

**Bylaw No. 7435, 2010** (repeals Schedule A of Bylaw 7318, 2009)

<b>SCHEDULE A – CONTRAVENTIONS AND PENALTIES</b>					
<b>A1</b>	<b>A2</b>	<b>A3</b>	<b>A4</b>	<b>A5</b>	<b>A6</b>
<b>Bylaw No.</b>	<b>Section</b>	<b>Description</b>	<b>Penalty</b>	<b>Early Payment Penalty</b>	<b>Compliance Agreement Available (50% of Penalty)</b>
<b>Animal Control</b>					
7037	400	Dog not licensed	\$100.00	\$75.00	YES
7037	400.1	License not worn	\$75.00	\$50.00	NO
7037	400.5	Unidentified cat at large	\$75.00	\$50.00	NO
7037	500	Dog at Large	\$100.00	\$75.00	NO
7037	500.1	Unsterilized cat at large	\$75.00	\$50.00	YES
7037	501	Dog off leash	\$100.00	\$75.00	NO
7037	502	Dog not controlled in an off leash area	\$100.00	\$75.00	NO
7037	503.1	Vicious dog not muzzled	\$250.00	\$200.00	NO
7037	503.2	Vicious dog not penned	\$250.00	\$200.00	YES
7037	505	Fail to remove animal waste	\$100.00	\$75.00	NO
7037	600.3	Tethered dog left unattended	\$100.00	\$75.00	NO
7037	600.4	Failure to provide veterinary care	\$100.00	\$75.00	YES
7037	601.1	Failure to provide proper shelter	\$100.00	\$75.00	YES
7037	602	Misuse of collar	\$100.00	\$75.00	NO
7037	603	Animal in an enclosed space/vehicle	\$100.00	\$75.00	NO
7037	606	Keeping a wild animal within the City	\$100.00	\$75.00	NO
7037	801	Keeping more than three dogs	\$100.00	\$75.00	NO
7037	802	Barking Dog	\$200.00	\$150.00	NO
<b>Street and Traffic</b>					
6027	400.1	Park more than 72 hours	\$70.00	\$30.00	NO
6027	400.2	Park overnight in a parking lot	\$70.00	\$30.00	NO
6027	400.3	Park or stop where prohibited	\$80.00	\$50.00	NO
6027	400.4	Move parked vehicle to avoid time regulation	\$70.00	\$30.00	NO
6027	400.6	Impede normal traffic flow	\$80.00	\$50.00	NO
6027	400.7	Obstruct movement into or out of driveways, garages and private roads	\$80.00	\$50.00	NO
6027	400.8	Stop or park within 1.5 meters of a driveway	\$80.00	\$50.00	NO
6027	400.9	Stop or park in front of a driveway	\$80.00	\$50.00	NO
6027	400.10	Stop or park in an intersection	\$80.00	\$50.00	NO
6027	400.11	Stop or park abutting a median	\$80.00	\$50.00	NO
6027	400.12	Stop or park too close to a corner	\$80.00	\$50.00	NO
6027	400.13	Stop or park within 6 meters of the approach side of crosswalk	\$80.00	\$50.00	NO
6027	400.14	Stop or park on a crosswalk	\$80.00	\$50.00	NO
6027	400.15	Stop or park a vehicle over 4,600 kg for more than 2 hours	\$320.00	\$210.00	NO

<b>SCHEDULE A – CONTRAVENTIONS AND PENALTIES</b>					
<b>A1</b>	<b>A2</b>	<b>A3</b>	<b>A4</b>	<b>A5</b>	<b>A6</b>
<b>Bylaw No.</b>	<b>Section</b>	<b>Description</b>	<b>Penalty</b>	<b>Early Payment Penalty</b>	<b>Compliance Agreement Available (50% of Penalty)</b>
6027	400.16.1	Stop or park a vehicle over 13,600 kg off truck route	\$320.00	\$210.00	NO
6027	400.18	Park within 5 meters of a fire hydrant	\$80.00	\$50.00	NO
6027	400.19	Stop or park within 15 meters of a railway crossing	\$80.00	\$50.00	NO
6027	400.20	Stop or park on a boulevard	\$80.00	\$50.00	NO
6027	400.21	Park within 6 meters of the approach side to a stop sign	\$80.00	\$50.00	NO
6027	400.22	Stop or park longer than longer than indicated on any traffic control device	\$80.00	\$50.00	NO
6027	400.23	Stop or park without displaying number plates for current year	\$80.00	\$50.00	<b>YES</b>
6027	400.24	Stop or park on median	\$80.00	\$50.00	NO
6027	400.25	Parking lot failure to comply	\$70.00	\$30.00	NO
6027	400.26	Park a Recreation Vehicle more than 24 hours	\$80.00	\$50.00	NO
6027	400.27	Park a derelict vehicle more than 24 hours	\$80.00	\$50.00	<b>YES</b>
6027	401.1	Park in a bus zone	\$80.00	\$50.00	NO
6027	401.2	Stop in a bus zone longer than 5 minutes or in a manner that obstructs public transit vehicles	\$80.00	\$50.00	NO
6027	402.1	Stop or park in a loading zone	\$80.00	\$50.00	NO
6027	402.2	Park longer than time permitted in a loading zone	\$70.00	\$30.00	NO
6027	402.3	Park longer than time permitted in a commercial loading zone	\$70.00	\$30.00	NO
6027	402.4	Park longer than time permitted in a passenger loading zone	\$70.00	\$30.00	NO
6027	403.2	Park in taxi zone	\$80.00	\$50.00	NO
6027	403.3	Taxicab unattended longer than 10 minutes in a taxi zone	\$70.00	\$30.00	NO
6027	404	Stop or park in a fire lane	\$80.00	\$50.00	NO
6027	405	Park in a handicapped zone	\$80.00	\$50.00	NO
6027	406	Park in a reserved zone	\$80.00	\$50.00	<b>YES</b>

SCHEDULE A – CONTRAVENTIONS AND PENALTIES					
A1	A2	A3	A4	A5	A6
Bylaw No.	Section	Description	Penalty	Early Payment Penalty	Compliance Agreement Available (50% of Penalty)
6027	407.1	Park outside limits of marked parking space	\$80.00	\$50.00	NO
6027	407.4	Extending into street beyond limits of marked parking space	\$80.00	\$50.00	NO
6027	407.5	Stop or park in direction opposite traffic	\$80.00	\$50.00	NO
6027	407.6	Backing into angle parking space	\$80.00	\$50.00	NO
6027	408.1	No time on meter when meter in effect	\$70.00	\$30.00	NO
6027	408.2	Parked longer than meter time allowed	\$70.00	\$30.00	NO
6027	409	Place or park unattached trailer or container without permit	\$80.00	\$50.00	NO
6027	410.1	Place or park unattached commercial trailer or container without permit	\$80.00	\$50.00	NO
6027	410.2	Park in violation of conditions of permit	\$80.00	\$50.00	NO
6027	411	Occupy vehicle as living quarters	\$80.00	\$50.00	NO
6027	415.2	Park in a resident parking only zone without a valid parking permit	\$80.00	\$50.00	YES
6027	417.1	Fail to display parking occupancy permit	\$80.00	\$50.00	NO
6027	417.2	Park with an expired parking permit	\$80.00	\$50.00	NO
6027	417.3.1	Day-use visitor parking permit shows invalid date	\$80.00	\$50.00	NO
6027	417.3.3	Day-use visitor parking permit is void	\$80.00	\$50.00	NO
6027	418	Idling prohibition	\$80.00	\$50.00	NO
6027	500	Pedestrians interfering with traffic movement	\$80.00	\$50.00	NO
6027	500.1	Crossing outside crosswalk	\$80.00	\$50.00	NO
6027	501.2	Riding cycle without care	\$50.00	\$30.00	NO
6027	501.3	Riding cycle where prohibited	\$50.00	\$30.00	NO
6027	502.1	Roller skating or skateboarding on a street or where prohibited	\$50.00	\$30.00	NO

<b>SCHEDULE A – CONTRAVENTIONS AND PENALTIES</b>					
<b>A1</b>	<b>A2</b>	<b>A3</b>	<b>A4</b>	<b>A5</b>	<b>A6</b>
<b>Bylaw No.</b>	<b>Section</b>	<b>Description</b>	<b>Penalty</b>	<b>Early Payment Penalty</b>	<b>Compliance Agreement Available (50% of Penalty)</b>
6027	502.2	Roller skating or skateboarding on a street or where prohibited	\$50.00	\$30.00	NO
6027	504.1	Deface or disfigure street furniture, light standard, electric light, telephone or other pole	\$80.00	\$50.00	NO
6027	504.2	Park car on street for sign display	\$80.00	\$50.00	NO
6027	505.1.2	Failure to obtain consent for parade	\$80.00	\$50.00	NO
6027	505.3	Holding a parade without a permit	\$200.00	\$150.00	NO
6027	505.6	Obstructing a parade	\$200.00	\$150.00	NO
6027	506	Fail to remove snow, ice, rubbish	\$80.00	\$50.00	NO
6027	507	Fail to remove materials deposited on street or boulevard	\$80.00	\$50.00	NO
6027	508	Fail to cut grass, maintain boulevard	\$80.00	\$50.00	NO
6027	509	Fail to comply with City Engineer's order to pave or re-construct driveway	\$80.00	\$50.00	NO
6027	510	Repairing vehicle on street	\$200.00	\$150.00	<b>YES</b>
6027	511.2	Encroaching vegetation causing unsafe conditions	\$80.00	\$50.00	<b>YES</b>
6027	511.3	Vegetation height greater than 1 meter at or near intersection	\$80.00	\$50.00	<b>YES</b>
6027	511.4	Vegetation height less than 3 meters above street	\$80.00	\$50.00	<b>YES</b>
6027	512.1	Perform work on streets without permit	\$80.00	\$50.00	NO
6027	512.6	Obstruct or interfere with traffic	\$80.00	\$50.00	NO
6027	514.1	Stop or park without valid street occupancy permit	\$80.00	\$50.00	NO
6027	514.4	Disregard conditions of street occupancy permit	\$80.00	\$50.00	NO
6027	600	Oversized/overweight vehicle without permit	\$200.00	\$150.00	NO
6027	601	Truck traveling without a permit	\$200.00	\$150.00	NO
6027	603	Construction vehicle traveling on a prohibited street	\$200.00	\$150.00	NO

**SCHEDULE A – CONTRAVENTIONS AND PENALTIES**

A1	A2	A3	A4	A5	A6
Bylaw No.	Section	Description	Penalty	Early Payment Penalty	Compliance Agreement Available (50% of Penalty)
6027	604.3	Violating oversize/overweight permit	\$200.00	\$150.00	NO
6027	604.4	Failure to carry permit	\$200.00	\$150.00	NO
6027	607.1.2	Unsecured load	\$300.00	\$250.00	NO
6027	607.2	Failure to safeguard traffic due to unsecured load	\$300.00	\$250.00	NO
6027	608.1	Failure to stop for the purpose of measuring and inspecting vehicle	\$200.00	\$150.00	NO
6027	701	Non emergency use of engine brake	\$320.00	\$210.00	NO

City of New Westminster

COMPLIANCE AGREEMENT

Pursuant to Bylaw Notice Enforcement Bylaw No. 7318, 2009

I, \_\_\_\_\_(name) of \_\_\_\_\_  
\_\_\_\_\_(address), acknowledge receipt of bylaw notice(s) # \_\_\_\_\_  
\_\_\_\_\_(the Bylaw Notice), and wish to enter into a Compliance Agreement  
whereby I agree to fulfill certain conditions, in exchange for a reduced penalty.

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

Further, I 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 on 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 City'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 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