

Staff Report to Council

Planning & Development

FILE: 09-3900-30/23

REPORT DATE: February 26, 2024

MEETING DATE:

March 12, 2024

TO: Mayor and Council

FROM: Chantal Gemperle, Manager of Building & Bylaw Services

SUBJECT: Bylaw Notice Enforcement Bylaw Update

CHIEF ADMINISTRATIVE OFFICER REVIEW/APPROVAL:



RECOMMENDATION(S):

THAT Council:

- A. Grant first, second and third readings to the Bylaw Notice Enforcement Amendment Bylaw No. 2974, 2024 as presented at the March 12, 2024 Council Meeting; AND
 - B. Endorse a more direct enforcement approach to water restriction violations, as described in the "Bylaw Notice Enforcement Bylaw Update" report presented at the March 12, 2024 Council Meeting; OR
 - C. Other.
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PURPOSE

To update the Bylaw Notice Enforcement Bylaw No. 2439, 2009 to increase the penalties for the unauthorized use of water (i.e., water regulations infractions), and to add new penalties following recent updates to the Dog Control Bylaw.

☐ Information Report

☒ Decision Report

☐ Direction Report

DISCUSSION

Background:

The Bylaw Notice Enforcement Bylaw is the primary tool used by the City to issue fines for specific bylaw offences. Within this bylaw, Schedule A identifies designated bylaw contraventions and penalties. In this Schedule, City bylaws that can levy a fine through bylaw

notices are listed individually, along with the specific infraction from the bylaw and associated fine amount.

A review and update to the penalties and enforcement approach related to the unauthorized use of water (i.e., water regulations infractions) was identified as a key initiative in the Planning and Development Department's 2024 Business Plan. In addition, recent amendments to the Dog Control Bylaw necessitate the addition of new penalties in the Bylaw Notice Enforcement Bylaw.

Relevant Policy, Bylaw or Legislation:

The *Community Charter* and *Local Government Bylaw Notice Enforcement Act* provide legislative framework for bylaw enforcement matters, including matters related to bylaw notice enforcement.

Council Policy C014 Complaints and Bylaw Enforcement provides guidance on bylaw complaint and enforcement matters. The policy generally promotes voluntary compliance through warnings and education, noting that fines are generally a tool to be used when cooperation and compliance cannot reasonably be achieved. At the same time, the policy notes that more direct enforcement approaches may occur in some situations.

To view a copy of Council Policy C014 Complaints and Bylaw Enforcement please visit: <https://www.pittmeadows.ca/city-hall/bylaws-policies/policies/c014>

Analysis:

Drinking Water Conservation Plan Bylaw No. 2787, 2018

Regional water restrictions are set by Metro Vancouver through the Drinking Water Conservation Plan and incorporated by member municipalities into local bylaws (e.g., the City's Drinking Water Conservation Plan Bylaw No. 2787, 2018). Metro Vancouver automatically activates Stage 1 water use restrictions each year from May 1 to October 15. Stages 2, 3, and 4 are activated and deactivated by the Greater Vancouver Water District Commissioner, guided by the factors outlined in the Drinking Water Conservation Plan. Refer to Attachment A for a summary of the water use restrictions for each stage.

Over the past number of years, the City has administered extensive public communications to inform the community about the water restrictions, particularly the lawn watering restrictions, and the importance of water conservation in general. Between May 1 and October 15, Bylaw Enforcement Officers increase patrols throughout the City, every day of the week, to enforce the water restrictions. In 2023, bylaw received 46 calls for service files related to water restrictions and issued 32 warnings and 5 tickets. In a number of instances, warnings were issued where there was insufficient evidence to issue tickets.

Drinking water is a precious resource that must be conserved. As the climate continues to change, the region will experience more drought and water scarcity. With this in mind, staff reviewed the

current approach to water restrictions enforcement, and recommend updates to both the penalties and enforcement practices.

Currently, the penalties in the Bylaw Notice Enforcement Bylaw for contravention of the Drinking Water Conservation Plan Bylaw are \$100 for a violation in Stage 1, \$200 for a violation in Stage 2, \$400 for a violation in Stage 3 and \$500 for a violation in Stage 4. Staff have reviewed the Bylaw Notice Enforcement Bylaw penalties in neighbouring municipalities (see table below), and note that, like the City's current system, the penalties generally increase with each stage. Following this review, staff recommend increasing the Stage 1 and 2 penalties to \$300, and the Stage 3 penalty to \$500. With these proposed changes, the City's penalties would be the highest among these neighbouring municipalities. It is noted that the maximum penalty allowed under the Bylaw Notice Enforcement Bylaw is \$500.

MUNICIPALITY	STAGE 1	STAGE 2	STAGE 3	STAGE 4
Port Coquitlam	\$100	\$150	\$300	\$450
Coquitlam	\$100	\$200	\$300	\$450
Port Moody	\$75	\$100	\$200	\$300
Langley Township	\$150	\$250	\$350	\$500
Mission	\$250	\$250	\$500	\$500
AVERAGE	\$135	\$190	\$330	\$440
Pitt Meadows – Current	\$100	\$200	\$400	\$500
Pitt Meadows – Proposed	\$300	\$300	\$500	\$500

In terms of updates to the enforcement practices, it is recommended that, except in exceptional circumstances, fines (rather than warnings) be issued for all confirmed water restriction violations. This more direct enforcement approach is in keeping with Council Policy C014 Complaints and Bylaw Enforcement, as it provides for more direct enforcement following “a widespread public education campaign,” as is the case for water restrictions.

Two other potential enforcement options related to water restrictions were also reviewed, but are not recommended at this time, as described below.

1. Municipal Ticket Information System

The Municipal Ticket Information system (also referred to as MTI or "municipal ticketing") enables local governments to enforce contraventions of local government bylaws through penalties up to \$3,000 (or \$1,000 for young persons), which exceeds the maximum \$500 penalty under Bylaw Notice Enforcement system. Although the City has a Ticket Information Bylaw (i.e., MTI system), it currently does not include penalties for infractions under the City's Drinking Water Conservation Plan Bylaw.

The challenge with MTI is that the process is administratively onerous, as tickets must be personally delivered to the person, and disputed tickets are referred to the provincial court for hearing. In comparison, the Bylaw Notice Enforcement system has a simple notice process for

initiating enforcement (e.g., tickets can be mailed), and has a locally managed venue for a professional and non-judicial adjudicator to hear ticket disputes. This adjudication system uses a timely dispute resolution-based approach to obtaining independently adjudicated decisions and avoids the need to hire legal counsel and the unnecessary attendance of witnesses for bylaw enforcement disputes. With these considerations in mind, the City, like many other municipalities in BC, has opted to utilize the Bylaw Notice Enforcement system rather than the MTI system, and it is recommended that the City continue with this approach.

2. Requirement for a Water Meter

Under the City's Waterworks Bylaw, the Director has the authority to require a property owner who wastes water to install a water meter as a condition of the continuance of water service. This bylaw provision could be used to require property owners that violate the water restrictions to install a water meter, sooner than they may otherwise need to (e.g., in conjunction with a larger renovation). Given the cost to install a water meter (~\$1.5K+ for single detached dwellings), and the higher user fees that would be paid by a high water user on a water meter, this approach could help deter water restriction violations, including potential repeat offences.

It is noted that the actual costs of a water meter depend on the size of the meter required, and other infrastructure repairs and replacement that may be required (e.g., road, sidewalk, and water connection). From a procedural perspective, in order for the Director's decision to require a meter to hold up in the event of a possible judicial review, the decision would need to be justified and transparent. As such, it may be necessary to establish criteria for when a water meter would be required, if this enforcement approach were pursued as a standard.

Given the potential for substantial costs, coupled with the procedural considerations, it is recommended that this enforcement approach for water restriction violations not be pursued at this time as a standard enforcement approach, while noting that the Director may still require the installation of a water meter in some circumstances. Instead, it is recommended that staff monitor the success of the increased penalties and more direct enforcement approach (as described above) in 2024, including the number of repeat offences, and report back to Council, as required, with additional recommendations moving forward.

Dog Control Bylaw No. 2968, 2023

Council adopted the new Dog Control Bylaw on January 9, 2024. Based on the new provisions in the bylaw the following fines are proposed to be added to the Bylaw Notice Enforcement Bylaw:

DESCRIPTION	SECTION NO. IN BYLAW	PENALTY
Damage caused to property or chattels	5.1 (c)	\$300
Loss of control of dog	5.6	\$300
Having custody of more than four dogs in an off-leash area or public place	5.7	\$150

Fail to provide permanent identification (for an aggressive dog)	6.3 (b)	\$150
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COUNCIL STRATEGIC PLAN ALIGNMENT

- ☐ Principled Governance ☐ Balanced Economic Prosperity ☐ Infrastructure
☒ Community Spirit & Wellbeing ☐ Corporate Pride ☒ Public Safety
☐ Not Applicable

Natural Environment – Conserve and enhance our natural assets for the benefit of current and future generations.

Bylaws – Resolve complaints through education and voluntary compliance and implement enforcement measures.

WORKPLAN IMPLICATIONS

- ☒ Already accounted for in department workplan / no adjustments required
☐ Emergent issue / will require deferral of other priority(ies)
☐ Other

FINANCIAL IMPLICATIONS

- ☒ None ☐ Budget Previously Approved ☐ Referral to Business Planning
☐ Other

PUBLIC PARTICIPATION

- ☒ Inform ☐ Consult ☐ Involve ☐ Collaborate ☐ Empower

Comment(s):

The public will be informed of these changes through the normal agenda notification process. The City administers extensive public communications to inform the community about water restrictions and the importance of water conservation.

KATZIE FIRST NATION CONSIDERATIONS

Referral ☐ Yes ☒ No ☐ Other

SIGN-OFFS**Written by:**

Chantal Gemperle,
Manager of Building & Bylaw Services

Reviewed by:

Patrick Ward,
Director of Planning and Development

ATTACHMENT(S):

- A. Metro Vancouver Drinking Water Conservation Plan Summary
- B. Bylaw Notice Enforcement Amendment Bylaw No. 2974, 2024