

Committee of the Whole (2) Report

DATE: Tuesday, February 13, 2024

WARD(S): ALL

TITLE: TECHNICAL AMENDMENTS TO THE FEES AND CHARGES,
FENCE, LICENSING, PARKING, ANIMAL CONTROL, WATER
AND SEWER BY-LAWS

FROM:

Gus Michaels, Deputy City Manager, Community Services

ACTION: DECISION

Purpose

This is a technical amendments report, with the intent of providing greater clarity to by-law provisions, including the Fees and Charges, Fence, Licensing, Parking and Animal Control by-laws, as well as obtaining Council approval to standardize formatting and consolidate these and other by-laws, including the Water Usage and Sewer Use By-laws.

Report Highlights

- This report aims to bring greater clarity to various by-law provisions, including requirements for swimming pool enclosure locations, and business licensing application and renewal requirements. It also aims to allow commercial vehicle parking in residential areas, in line with the Zoning By-law, to correct fees in the Fees and Charges By-law, to fix outdated references in the Animal Control By-law, and to clarify that pet licensing fees are non-refundable.
- The report also seeks permission to standardize formatting, correct references and consolidate some by-laws, mainly the Water Usage and the Sewer Use By-laws.

Recommendations

1. THAT Council authorize the proposed by-law amendments in this report, in a form satisfactory to Legal Services.

Background

In line with the Council-approved By-law Strategy, staff continually review the City's by-laws for opportunities to bring forward "housekeeping" amendments to keep by-laws up to date and to ensure clarity and transparency. These amendments are largely a result of ongoing review and in-field experiences. In this report, the following amendments are proposed:

- **Fees and Charges By-law 224-2023:** To correct fees that were incorrectly updated as part of the budget update process.
- **Fence By-law, 189-2020:** To clarify that swimming pool enclosures must be located on the pool owner's property or property line, and to add additional wording to clarify which provisions apply to these enclosures.
- **Licensing By-law 122-2020:** To clarify the application and renewal requirements for various licences and permits.
- **Parking By-law 064-2019:** To update parking provisions in line with the Zoning By-law, to allow commercial vehicles to park on residential lots.
- **Animal Control By-law 066-2020:** To correct references to outdated by-laws within Animal Control By-law, as well as to clarify that pet licensing fees are non-refundable.

Staff have also sought to standardize the formatting in the Sewer Use and Water Usage by-laws, as well as consolidating the Sewer Use By-law and its one amending by-law. Complete recommendations, along with the intended impact are listed in the Analysis and Options section.

Previous Reports/Authority

[Council-approved By-law Strategy](#), Item 3, Report No. 3 of the Priorities and Key Initiatives Committee, adopted on June 24, 2014.

Analysis and Options

Staff propose the following amendments:

No	Current state	Recommendation	Intended impact
1	The Fence By-law requires that Swimming Pool Enclosures be erected around pools; however, it allows one or more walls to comprise such enclosure. This may create an issue in the instance that the wall or fence lies on a neighbour's property (not on a shared property line),	To amend the Fence By-law to clearly state that the Swimming Pool Enclosure must be located on the pool owner's property, or on the dividing property line.	So that the pool owner will have access to all interior aspects of the swimming pool enclosure, if it requires maintenance or repair.

No	Current state	Recommendation	Intended impact
	as it could prevent the pool owner from having the required access to maintain the enclosure in accordance with standards.		
2	The Fence By-law provisions apply to different types of fences and swimming pool enclosures.	To add additional references to “swimming pool enclosures” in the by-law.	To add greater clarity for which provisions apply to swimming pool enclosures.
3	The Parking By-law currently prohibits “commercial motor vehicles”, (which includes motor vehicles having permanently attached thereto a truck or delivery body and includes ambulances, hearses, casket wagons, fire apparatus, buses and tractors used for hauling purposes on the Highways, and any commercial vehicle as defined in the <i>Highway Traffic Act</i>), from parking on a residential lot; however, the Zoning By-law was amended to now allow such vehicles (with some restrictions).	To amend Parking By-law 064-2019, to remove the prohibition for commercial motor vehicles to park on a residential lot.	To ensure alignment between the provisions of the Parking and Zoning by-laws.
5	The Business Licensing By-law provides application and renewal requirements for various licences and permits. Some of these requirements may not be clear to the public. As such, clarifying language is recommended.	Staff recommend amending the Business Licensing By-law as follows: - Government-issued identification must be submitted by any natural person submitting a licence or permit application. If the person is an authorized agent, a letter of authorization must also be submitted. - Authorized agents will no longer be required to provide Canadian government-issued identification, only identification issued from a governmental entity.	To ensure greater clarity and transparency as to the application and renewal requirements under the Business Licensing By-law.

No	Current state	Recommendation	Intended impact
		- Any government-issued identification that is not written in English must be submitted with a written translation from a certified translator. - Any government-issued business registration documents must be valid, and not expired. - If there is a change in the corporation's directors or officers, then a change of information must be submitted to the City, along with updated business documents. - If there is a change in partners in a partnership, then a change of information must be submitted to the City, along with updated business documents, and depending on the type of partnership, a new application may be required. - If there is a change in sole proprietorship ownership, a new application will be required.	
6	Over time, City by-laws have been written with different formatting, which staff have been working to standardize, for ease of navigability. Several by-laws have amending by-laws, which require persons to review both the main and amending by-laws to fully understand the provision. This includes Water By-law 106-2022 and Sewer Use By-law 130-2022. These by-laws need to be consolidated.	To standardize and consolidate these by-laws.	To help ensure City rules and regulations are accessible, clear, and transparent.

No	Current state	Recommendation	Intended impact
7	Several references to outdated by-laws need to be corrected in Animal Control By-law 066-2020. Also, it is not clearly stated in the by-law that pet licensing fees for dogs and cats are non-refundable – which is currently the case.	To correct references to Licensing and Fees and Charges By-law. To clarify that pet licensing fees for dogs and cats are non-refundable.	To help ensure City rules and regulations are accessible, clear and transparent.
8	A number of fees in the recent omnibus amendment to the Fees and Charges By-law were found to be incorrect. As a result, several correction amendments are required.	To amend Fees and Charges By-law 224-2023, as follows: - late renewal fee for up to 30 days, which should be \$80 for 2024 and \$83 for 2025; - late renewal fee for 31 to 90 days, which should be \$155 for 2024 and \$160 for 2025; - 2024 Type 3 refreshment vehicle owner application fee which should be \$559.00 and \$472.00 for renewal; and - 2025 Type 3 refreshment vehicle owner application fee which should be \$576 for the initial application, and \$487 for renewal. - The failure to attend a meeting before a Hearings Officer fee should be \$155 for 2024 and \$159 for 2025 to align with the other failure to appear fee. - The failure to attend a meeting before a Screening Officer fee was removed in error and should be \$155 for 2024 and \$159 for 2025. - The mobile sign permit fee was not captured in BCLPS fee schedules after the ownership of the process and fee was transferred in 2023. The mobile sign	This will correct errors in the by-law and bring fees in line with those approved by Council through the budget process.

No	Current state	Recommendation	Intended impact
		permit fee should be \$164 for 2024, and \$169 for 2025. - Customary and nominal annual increases were not applied to several Animal Services fees, which are necessary to recover costs associated with animal care. The animal surrender fee should be \$245 for 2024, and \$250 for 2025. The per-day pound fee (other than horse, cattle or bull) should be \$90 for 2024, and \$100 for 2025. The per-day pound fee (horse, cattle or bull) should be \$120 for 2024, and \$130 for 2025. The replacement tag fee should be \$14 for 2024, and \$14 for 2025. The per-hour fee for transportation of any horse, cattle or bull should be \$140 for 2024 and \$150 for 2025. The minimum pet adoption fee should be lowered to \$10 from \$15.	

Financial Impact

There is no anticipated financial impact.

Operational Impact

There is no anticipated operational impact.

Broader Regional Impacts/Considerations

No regional impacts are anticipated.

Conclusion

The recommendations of this report are in line with the Term of Council priority of Service Excellence and Accountability and providing clear and transparent by-laws to our residents and businesses.

For more information, please contact: Susan Kelly, Director and Chief Licensing Officer, By-law and Compliance, Licensing and Permit Services, ext. 8952.

Attachments

N/A

Prepared by

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Approved by

A handwritten signature in blue ink, appearing to read 'Gus Michaels'.

Gus Michaels, Deputy City Manager,
Community Services

Reviewed by

A handwritten signature in black ink, appearing to read 'Nick Spensieri'.

Nick Spensieri, City Manager