

# Memo



**Date:** March 1, 2011  
**File:** NA  
**To:** City Manager  
**From:** R. Smith, Subdivision Approving Officer  
**Subject:** Amendment to the Bylaw Notice Enforcement Bylaw No. 10475

Report Prepared by: Corinne Boback, Legislative Coordinator

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**Recommendation:**

THAT Council receives for information, the Report from the Subdivision Approving Officer dated March 1, 2011 outlining amendments to the Bylaw Notice Enforcement Bylaw which add the Soil Removal and Deposit Bylaw No. 9612 enforcement penalties;

AND THAT first three readings to Bylaw No. 10232, being Amendment No. 76 to the City of Kelowna Ticket Information Utilization Bylaw No. 6550-89 be rescinded;

AND FURTHER THAT Bylaw No. 10490, being Amendment No. 3 to Bylaw Notice Enforcement Bylaw No. 10475 be forwarded for reading consideration.

**Purpose:**

To amend the newly adopted Bylaw Notice Enforcement Bylaw No. 10475 to include the penalties for violating specific sections of the Soil Removal and Deposit Bylaw No. 9612.

**Background:**

At a regular schedule Council Meeting in September 2009, Council gave first three readings to Bylaw No. 10232, being Amendment No. 76 to the City of Kelowna Ticket Information Utilization Bylaw No. 6550-89, which would impose fees under the Ticket Information Utilization Bylaw for infractions made to the Soil Removal and Deposit Bylaw No. 9612. Since this time, this amending bylaw has been at third reading and has not been adopted. This bylaw is no longer required.

Recently, Council adopted the new Bylaw Notice Enforcement Bylaw to eventually be used in lieu of the Ticket Information Utilization Bylaw in the near future. Therefore, staff are requesting that the suggested amendments be made in order to have the authority to impose a penalty when infractions occur to the Soil Removal and Deposit Bylaw No. 9612.

A handwritten signature in black ink, appearing to be the name "R. Smith".

The amendments include imposing fees to the following sections of the Soil Removal and Deposit Bylaw No. 9612:

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available (*Maximum 50% Reduction in Penalty Amount Where Compliance Agreement is Shown as "Yes")
<b>Soil Removal and Deposit Bylaw No. 9612</b>						
9612	4.1	Failure to obtain permit	\$500.00	\$450.00	\$500.00	Yes
9612	6.8	Exceeding area allowed on issued permit	\$500.00	\$450.00	\$500.00	Yes
9612	6.9	Failure to display permit	\$50.00	\$45.00	\$55.00	No

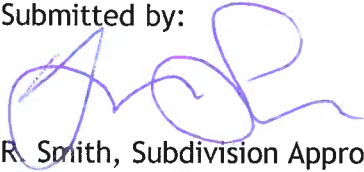
Staff feel that it was appropriate to use the highest fine (\$500) allowed under the Municipal Ticketing Utilization Bylaw for failing to obtain a permit or exceeding area allowed on a soil permit due to the required staff time to investigate illegal soil placements. The \$500.00 fine will be an incentive for customers to obtain and respect the conditions of a soil permit allowing better control on soil movement within the City.

**Internal Circulation:**  
Office of the City Clerk

**Legal/Statutory Authority:**  
Soil Removal and Deposit Bylaw No. 9612  
Bylaw Notice Enforcement Bylaw No. 10475

**Considerations not applicable to this report:**  
**Legal/Statutory Procedural Requirements: NA**  
**Existing Policy: NA**  
**Financial/Budgetary Considerations: NA**  
**Personnel Implications: NA**  
**External Agency/Public Comments: NA**  
**Community & Media Relations Comments: NA**  
**Alternate Recommendation: NA**

Submitted by:



R. Smith, Subdivision Approving Officer

Approved for inclusion



Mo Bayat, Director of Development Services

cc:

C. Boback, Legislative Coordinator