



THE CORPORATION OF THE VILLAGE OF FRUITVALE

BYLAW 976, 2024

A Bylaw Respecting the Enforcement of Bylaw Notices

WHEREAS pursuant to the *Local Government Bylaw Notice Enforcement Act* and regulations thereto, the Village of Fruitvale may, by bylaw,

- a. designate bylaw contraventions that may be dealt with by Bylaw Notice,
- b. establish the amount of penalty for a contravention referred to in line a)
- c. establish the period for paying or disputing a Bylaw Notice, and
- d. establish and participate in a Bylaw Notice dispute adjudication system to resolve disputes in relation to Bylaw Notices;

NOW THEREFORE the Council of the Corporation of the Village of Fruitvale, in open meeting assembled, enacts as follows:

PART 1 – DEFINITIONS

In the context of this bylaw, the following definitions apply:

“**Act**” means the Local Government Bylaw Notice Enforcement Act;

“**Municipality**” means the Corporation of the Village of Fruitvale;

“**Registry**” means the Village of Fruitvale Bylaw Notice Adjudication Registry established pursuant to Part 8 of this Bylaw;

“**this Bylaw**” means Bylaw Notice Enforcement Bylaw No. 976

“**Bylaw Enforcement Officer**” means every person employed by the Village for the purpose of enforcement of the Village’s bylaws and includes the peace officers of the Royal Canadian Mounted Police.

PART 2 – CONTRAVENTIONS

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

PART 3 – OFFENCE AND PENALTY

Each day that a contravention referred to in this Bylaw continues or existed is deemed to be a separate and distinct offence. The penalty for a contravention referred to in Part II above is as follows:

- a. The penalty amount is provided in Schedule A, Column A1.

PART 4 – PERIOD FOR PAYING A DISPUTED NOTICE

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 filing 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 Village of Fruitvale Office.

No person may dispute the notice after 14 days of receiving the bylaw notice.

Pursuant to the requirements of section 25 of the Act, where a person was not served personally with a bylaw notice and advises the Municipality that they did not receive a copy of the original notice, the limits for responding to a bylaw notice under Part III and Part IV a. and b. of this bylaw do not begin to run until a copy of the bylaw notice is redelivered to them in accordance with the Act.

PART 5 – BYLAW NOTICE DISPUTE ADJUDICATION REGISTRY

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

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 Municipality an additional fee of \$25 for the purpose of the Municipality recovering the costs of the adjudication system.

PART 6 – SCREENING OFFICER

THAT the following are designated classes of persons that may be appointed as Screening Officers:

- a. Bylaw Enforcement Officer
- b. Village of Fruitvale Corporate Officer or delegate and Council may appoint Screening Officers from these classes of persons by name of office or otherwise.

PART 7 – POWERS, DUTIES AND FUNCTIONS OF SCREENING OFFICERS

The powers, duties and functions of Screening Officers are as set out in the Act, and include the following powers:

1. When requested by the person against whom a contravention is alleged:
 - a. communicate information respecting the nature of the contravention,
 - b. the provision of the bylaw contravened,
 - c. the facts on which the contravention allegation is based,
 - d. the penalty for a contravention,
 - e. the opportunity to enter into a compliance agreement,
 - f. the opportunity to proceed to the bylaw notice dispute adjudication system; and
 - g. the fee or fees payable in relation to the bylaw notice enforcement process.
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 their representative;
 - b. the officer issuing the notice;
 - c. the complainant or their representative;
 - d. the municipal staff and records regarding the disputant's history of bylaw compliance.
3. 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.
4. To provide for payment of a reduced penalty if a compliance agreement is entered into, as provided in column A2 of Schedule A.
5. To cancel bylaw notices in accordance with the Act or Village policies and guidelines.

The bylaw contraventions in relation to which a Screening Officer may enter into a compliance agreement are indicated in column A2 of Schedule A.

The maximum duration of a compliance agreement is one year.

PART 8 – FORMS OF BYLAW NOTICE

The Municipality may provide the form(s) for a Bylaw notice provided the bylaw notice complies with section 4 of the Act.

PART 9 - SCHEDULES

Schedule A – Designated Bylaw Contraventions and Penalties

PART 10 - SEVERABILITY

If any Section, Subsection, Paragraph, Clause or Phrase of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

PART 11 – ENACTMENT AND REPEAL

1. THAT "The Corporation of the Village of Fruitvale Notice Enforcement Bylaw No. 854, 2014" is hereby repealed.
2. THAT "The Corporation of the Village of Fruitvale Bylaw Notice Enforcement Bylaw 854, 2014 Amendment Bylaw 867, 2016" is hereby be repealed.
3. THAT This Bylaw shall be known and cited for all purposes as the "Village of Fruitvale Bylaw Notice Enforcement Bylaw 976, 2024".

READ a first time this 4th day of November, 2024.

READ a second this 4th day of November, 2024.

READ a third time this 4th day of December, 2024.

RECONSIDERED, FINALLY PASSED AND ADOPTED this 2nd day of December, 2024.

Mayor

Chief Administrative Officer

CERTIFIED a true copy of Bylaw 976, 2024, entitled "Village of Fruitvale Bylaw Notice Enforcement Bylaw 976, 2024".

DATED this xx day of _____, 2024.

Chief Administrative Officer

THE CORPORATION OF THE VILLAGE OF FRUITVALE
Schedule "A"
Bylaw 976, 2024
DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

Section	Description	A1 Penalty	A2 Compliance Agreement Available
Animal Responsibility Bylaw No. 922			
3	Unlicensed dog	\$100	YES
4B 18, 19, 20, 21	Dog at large	\$100	NO
4D 55-58	Failing to confine vicious dog	\$200	NO
4A 3	Failing to provide basic care	\$200	YES
4A 4	Failing to provide shelter	\$100	YES
4A 5	Enclosed space	\$100	YES
4D 55-58	Failing to post warning	\$100	YES
Anti-Idling Bylaw No. 787, 2007			
3	Unlawful idling	\$50	NO
Anti-Noise Bylaw No. 382, 1985			
2	Disturbing Sounds	\$100	NO
3(b)	Failing to Prevent Disturbing Sounds	\$100	NO
Building and Plumbing Bylaw No. 698, 2003			
6.1	Non-conforming with the Zoning Bylaw	\$100	YES
6.2	Exceed water limit	\$100	YES
6.3	Absence of water saving device	\$100	YES
9.1	Work without permit	\$250	YES
9.2	Occupancy without permit	\$250	YES
9.3	Submit false information	\$150	NO
9.4	Tamper with notice	\$150	NO
9.5	Variance from plan	\$150	YES
9.6	Obstruction of entry	\$250	NO
12.1.1	Fail to obtain a building permit	\$250	NO
12.1.2	Fail to obtain a demolition permit	\$250	NO

THE CORPORATION OF THE VILLAGE OF FRUITVALE
Schedule "A"
Bylaw 976, 2024
DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

Section	Description	A1 Penalty	A2 Compliance Agreement Available
Building and Plumbing Bylaw No. 698 (continue)			
17.8	Fail to fill excavation	\$150	YES
20.1	Fail to comply with regulations	\$100	YES
20.3.1	Fail to post permit	\$100	YES
20.3.2	Fail to keep plans	\$100	YES
20.3.3	Fail to post civic address	\$100	YES
21.5	Conceal work	\$150	YES
22.1	Occupy without a permit	\$250	YES
25.4, 25.6	Fail to comply with a stop work order	\$250	NO
Business License Bylaw No. 877, 2016			
5(a)	No business license	\$200	YES
5(f)	Failure to produce a valid Business License	\$100	NO
5(g), 5(e)	Taxi and vehicle for hire license contravention	\$200	YES
Fire Safety and Prevention Bylaw No. 749, 2006			
3.2	Building contrary Fire Code	\$500	YES
7.1	Fail to secure building	\$500	YES
8.1(a)	Fail to identify hazardous material	\$500	NO
8.1(b)	Fail to advise Fire Service	\$500	NO
8.1(c)	Fail to remove hazardous material	\$500	YES
9.1	Obstruct entry	\$500	NO
12.1	Unlawful burning	\$250	NO
14.1	Unlawful burning	\$250	NO
15.1, 16.1	Unlawful burning appliance	\$150	YES
16.2	Fail to follow specifications	\$100	YES
16.3	Fail to clean chimney	\$250	YES

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Schedule "A"
Bylaw 976, 2024
DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

Section	Description	A1 Penalty	A2 Compliance Agreement Available
Fire Safety and Prevention Bylaw No. 749 (continue)			
17.1, 17.2	Burn unlawful material	\$150	YES
18.1	Fail to install smoke alarm	\$250	YES
18.2	Smoke alarm not wired	\$150	YES
18.3	Fail to maintain smoke alarms	\$150	YES
18.4	Fail to keep record	\$150	YES
19.1	Unlawful sale of firecracker	\$150	NO
19.2	Unlawful discharge of firecracker	\$200	NO
20.1	Unlawful sale of fireworks	\$300	NO
20.2	Unlawful discharge of fireworks	\$400	NO
Parks Regulation Bylaw No. 829, 2011			
1	Damage vegetation	\$100	NO
2	Damage structure	\$200	NO
3	Erect structure	\$100	NO
4	Unlawful overnight accommodation	\$150	NO
5	Pollute water	\$200	NO
6	Discard refuse	\$100	NO
7	Unlawful fire or firework	\$250	NO
8	Discard lighted material	\$250	NO
9	Smoking or vaping	\$150	NO
10	Motor vehicle	\$250	NO
11	Unlawful business	\$250	NO
12	Disturb animal	\$150	NO
13	Uncontrolled dog	\$150	NO
14	Horse in park	\$150	NO

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Schedule "A"
Bylaw 976, 2024
DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

Section	Description	A1 Penalty	A2 Compliance Agreement Available
Parks Regulation Bylaw No. 829 (continue)			
15	Animal at large	\$150	NO
16	Obstruct other's enjoyment	\$150	NO
17	Create disturbance	\$150	NO
18	Obstruct employee	\$250	NO
19	Possession of liquor	\$250	NO
Property Maintenance Bylaw No. 845, 2014			
1	Unightly property	\$100	YES
3	Offensive Growth	\$100	YES
4	Insect Infestation	\$100	YES
6	Accumulation of Unwholesome Matter	\$100	YES
7	Failing to Control Dust	\$100	YES
8	Littering	\$100	YES
9	Placing Graffiti	\$100	YES
10	Failing to Clear Sidewalk	\$100	YES
11	Failing to Maintain Boulevard	\$100	YES
12	Failing to Clear Snow & Ice	\$100	YES
Residential Boulevard Bylaw No. 384, 1985			
4(a)	Shrub, Hedge, or Tree on Boulevard	\$100	YES
4(d)	Parking on Boulevard	\$100	NO
4(f)	Chattel on Boulevard	\$100	YES
4(g)	Deposit Material on Boulevard	\$100	YES
Solid Waste & Yard and Garden Waste Collection and Disposal Bylaw No. 964, 2024			
3.4	Illegal dumping	\$200	YES
3.5	Illegal dumping	\$200	YES

THE CORPORATION OF THE VILLAGE OF FRUITVALE
Schedule "A"
Bylaw 976, 2024
DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

Section	Description	A1 Penalty	A2 Compliance Agreement Available
Solid Waste & Yard and Garden Waste Collection and Disposal Bylaw No. 964 (cont.)			
3.7	Unlawful use of container	\$100	YES
3.8	Illegal dumping	\$100	YES
4.3	Unlawful sticker or bag	\$100	YES
4.4	Excessive weight	\$100	YES
5.6	Unlawfully bagged waste	\$100	YES
5.7	Unlawfully stored waste	\$100	YES
5.8	Waste placed outside designated time and place	\$100	YES
6.1	Unlawful maintenance of container	\$100	YES
6.2	Insufficient container	\$100	YES
6.4	Unlawful storage of container	\$100	YES
6.5	Unlawful placing of container	\$100	YES
7.1	Liquids in container	\$100	YES
7.2	Unlawfully bagged waste	\$100	YES
7.3	Unlawfully bagged waste	\$100	YES
7.4	Unlawful burning of waste	\$100	YES
8.1	Unlawful waste	\$100	YES
8.2	Dangerous waste	\$100	YES
9.1	Unlawful placing of recyclable material	\$100	YES
9.2	Unlawful placing of compostable material	\$100	YES
10.2	Unlawful placing of yard waste	\$100	YES
10.3	Unlawful yard waste	\$100	YES
Traffic and Parking Regulation Bylaw No. 967, 2024			
6,7,8	Driving or operating a prohibited vehicle	\$200	NO

THE CORPORATION OF THE VILLAGE OF FRUITVALE
Schedule "A"
Bylaw 976, 2024
DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

Section	Description	A1 Penalty	A2 Compliance Agreement Available
Traffic and Parking Regulation Bylaw No. 967 (continue)			
14.1(a)	Exceed 48 hours parking	\$100	NO
14.1(b)	Parking on a bridge	\$100	NO
14.1(c)	Parking in a bus zone	\$100	NO
14.1(d)	Parking on a crosswalk	\$100	NO
14.1(e)	Parking within 30 cm of a curb	\$100	NO
14.1(f)	Double parking	\$100	NO
14.1(g)	Obstruct driveway	\$100	NO
14.1(h)	Parking within 5 m of a hydrant	\$100	NO
14.1(i)	Parking in an intersection	\$100	NO
14.1(j)	Obstruct a lane	\$100	NO
14.1(k)	Obstruct traffic	\$100	NO
14.1(l)	Expired time	\$100	NO
14.1(m)	Disobey traffic control device	\$100	NO
14.1(m)	Parking stall violation	\$100	NO
14.1(o)	Parking on path	\$100	NO
14.1(p)	Parking for unlawful purpose	\$100	NO
14.1(q)	Parking on a sidewalk	\$100	NO
14.1(r)	Parking within 6 m of a sign	\$100	NO
14.1(s)	Obstruct visibility of a sign	\$100	NO
14.1(t)	Obstruct street	\$100	NO
14.1(u)	Parking facing wrong direction	\$100	NO
14.1(v)	Unlicensed vehicle	\$100	NO
14.1(w)	Unlawful occupancy	\$100	NO

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Section	Description	A1 Penalty	A2 Compliance Agreement Available
Traffic and Parking Regulation Bylaw No. 967 (continue)			
14.1(x)	Impede maintenance	\$100	NO
14.1(y)	Downtown parking violation	\$150	YES
Wildlife Attractant Control Bylaw No. 965			
3.1	Refuse accessible to wildlife	\$100	YES
3.2	Failure to properly store refuse	\$100	YES
3.2	Failure to properly store refuse	\$150	YES
4.1	Container set out for collection outside designated times	\$100	YES
4.2	Failure to remove container after designated times	\$100	YES
4.3	Failure to close and lock container or enclosure	\$100	YES
4.4	Failure to maintain container or enclosure	\$100	YES
4.5	Failure to repair commercial container or enclosure after damage	\$150	YES
4.6	Failure to properly store refuse	\$200	YES
5.1	Feeding wildlife	\$150	YES
5.1	Attracting large carnivores	\$150	YES
5.2(i)	Fruit/nuts attracting wildlife	\$150	YES
5.2(ii)	Food production attracting wildlife	\$100	YES
5.2(iii)	Birdfeeder or bird feed accessible	\$100	YES
5.2(iv)	Birdfeeder in use outside designated times	\$100	YES
5.2(v)	Composting activity attracting wildlife	\$100	YES
5.2(vi)	Improperly maintained barbeque equipment	\$100	YES
5.2(vii)	Outdoor food container accessible	\$100	YES
5.2(vii)	Unlawful keeping of animal	\$100	YES

THE CORPORATION OF THE VILLAGE OF FRUITVALE
Schedule "A"
Bylaw 976, 2024
DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

Section	Description	A1 Penalty	A2 Compliance Agreement Available
Wildlife Attractant Control Bylaw No. 965 (continue)			
5.2(ix)	Unlawful keeping of animal	\$100	YES
5.2(x)	Unlawful storage of food items	\$100	YES
5.2(xi)	Camping activity attracting wildlife	\$150	YES
Zoning Bylaw No. 846			
5.3	Non-compliant use	\$100	YES
8.5	Screening & fences	\$100	YES
10.2	Home occupations	\$100	YES
7.5	Accessory Buildings	\$100	YES
2.4.1	Boarders and lodgers	\$100	YES
5.3.7	Commercial vehicles in residential zones	\$100	YES
7.5	Temporary vehicle shelters	\$100	YES
12 to 18	Setbacks	\$100	YES
15.1	Unpermitted use in C1 – Village Centre Commercial Zone	\$100	YES
15.2	Unpermitted use in C2 – Highway Commercial Zone	\$100	YES
12 to 14	Unpermitted use in residential zone	\$100	YES