



## COUNCIL REPORT

To: Mayor and Council

Date: September 12, 2023

From: Paul Gipps, CAO

Subject: **Good Neighbour Bylaw Amendments**

Report Prepared by: Mike Cain, Bylaw Services Manager

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**RECOMMENDATION** to Consider and Resolve:

**THAT** Council give first, second, and third reading to the “City of West Kelowna Good Neighbour Amendment Bylaw No. 0151.04, 2023”; and

**THAT** Council give first, second, and third reading to the “City of West Kelowna Ticket Information Utilization Amendment Bylaw No. 0095.51, 2023”; and

**THAT** Council give first, second, and third reading to the “Bylaw Enforcement Notice Bylaw Amendment Bylaw No. 0093.53, 2023”.

### **STRATEGIC AREA(S) OF FOCUS**

**Foster Safety and Well-Being** – We will pursue through direct action, advocacy, and collaboration with local and regional service providers, investments in community health, needs-based housing, emergency preparedness, policing, and other services that foster safety and well-being in West Kelowna.

### **BACKGROUND**

- A) On July 25, 2023, Council adopted amendments to the Good Neighbour Bylaw No. 0151, 2018, and Schedule 4 in both the Ticket Information Utilization Bylaw No. 0095, and the Bylaw Enforcement Notice Bylaw No. 0093.

During the consolidation process, two errors were discovered in the ticketing bylaws as follows:

1. The Bylaw Enforcement Notice Bylaw Schedule 4, Section 3.1 the indicated penalty was inadvertently changed from \$500.00 to \$1,000.00. As Provincial

legislation restricts the maximum penalty to \$500.00 for this Bylaw, the indicated penalty needs to revert to \$500.00; and

2. A new section in the Good Neighbour Bylaw, Section 8.7, to address nuisance dust was adopted. A corresponding penalty was not inserted into the two ticketing bylaws. Therefore, Staff is recommending an indicated penalty of \$500.00 for the Bylaw Enforcement Notice Bylaw, and for incidents that warrant escalated enforcement an indicated penalty of \$1,000.00 for the Ticket Information Utilization Bylaw.

- B) Staff is recommending amending the Good Neighbour Bylaw No. 0151, Section 8.3 (b) BOULEVARD AND LANEWAY MAINTENANCE, as the current language creates the condition where property owners are only required to remove weeds from areas that are grassed. This language creates the situation where boulevard areas that are dirt or gravel are exempt from the requirement to be weed free.

Current language:

“Every owner or occupier of real property shall maintain the sidewalk, boulevard, and land adjacent to their real property and in particular shall:

- (a) remove accumulations of filth, leaves, rubbish, discarded material, hazardous objects and materials which obstruct a drainage facility;
- (b) in keeping with the reasonable standard of maintenance in the area, keep grassed areas trimmed and free of all weeds;**
- (c) keep in good repair and up to City standards, all driveway crossings;
- (d) trim and maintain all plantings;
- (e) remove all filth, leaves, rubbish, discarded materials, hazardous objects and materials from all boulevards and sidewalks;
- (f) maintain a clear and unobstructed area, including snow and ice, having a radius of 1 (one) meter around a fire hydrant, as well as a clear 1 (one) meter width from the front of the hydrant to the nearest roadway.”

Recommended new language:

“Every owner or occupier of real property shall maintain the sidewalk, boulevard, and land adjacent to their real property and in particular shall:

- (a) remove accumulations of filth, leaves, rubbish, discarded material, hazardous objects and materials which obstruct a drainage facility;
- (b) in keeping with the reasonable standard of maintenance in the area, keep free of all weeds, and grassed areas trimmed.**
- (c) keep in good repair and up to City standards, all driveway crossings;
- (d) trim and maintain all plantings;
- (e) remove all filth, leaves, rubbish, discarded materials, hazardous objects and materials from all boulevards and sidewalks;
- (f) maintain a clear and unobstructed area, including snow and ice, having a radius of 1 (one) meter around a fire hydrant, as well as a clear 1 (one) meter width from the front of the hydrant to the nearest

roadway.”

**Alternate Recommendation** to Consider and Resolve:

**THAT** Council postpone consideration of first, second, and third reading to the City of West Kelowna Good Neighbour Amending Bylaw No. 0151.04, 2023.

**THAT** Council postpone consideration of first, second and third reading of Bylaw Enforcement Notice Bylaw Amending Bylaw No. 0093.53, 2023.

**THAT** Council postpone consideration of first, second and third reading of City of West Kelowna Ticket Information Utilization Amending Bylaw No. 0095.51, 2023.

Should Council wish to postpone consideration of readings, it is requested Council provide further direction.

**REVIEWED BY**

Brad Savoury, Director of Legal Services and Risk Management

Corinne Boback, Legislative Services Manager / Corporate Officer

Trevor Seibel, Deputy CAO

**APPROVED FOR THE AGENDA BY**

Paul Gipps, CAO

Powerpoint: Yes  No

**Attachments:**

- 1) Bylaw Amendment Bylaw No. 0151.04
- 2) Bylaw Amendment Bylaw No. 0095.51 MTI Schedule 4
- 3) Bylaw Amendment Bylaw No. 0093.53 BON Schedule 4