



COUNCIL REPORT

To: Mayor and Council

Date: September 26, 2023

From: Paul Gipps, CAO

Subject: **Good Neighbour Bylaw Amendments**

Report Prepared by: Mike Cain, Bylaw Services Manager

RECOMMENDATION to Consider and Resolve:

THAT Council adopt “City of West Kelowna Good Neighbour Amendment Bylaw No. 0151.04, 2023”; and

THAT Council adopt “City of West Kelowna Ticket Information Utilization Amendment Bylaw No. 0095.51, 2023”; and

THAT Council adopt “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.”

COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
September 12, 2023	<p>THAT Council give first, second, and third reading to the “City of West Kelowna Good Neighbour Amendment Bylaw No. 0151.04, 2023”; and</p> <p>THAT Council give first, second, and third reading to the “City of West Kelowna Ticket Information Utilization Amendment Bylaw No. 0095.51, 2023”; and</p> <p>THAT Council give first, second, and third reading to the “Bylaw Enforcement Notice Bylaw Amendment Bylaw No. 0093.53, 2023”.</p> <p><u>CARRIED UNANIMOUSLY</u></p>	C131/23

Alternate Recommendation to Consider and Resolve:

That Council postpone the adoption of “City of West Kelowna Good Neighbour Amendment Bylaw No. 0151.04, 2023”; and

That Council postpone the adoption of “City of West Kelowna Ticket Information Utilization Amendment Bylaw No. 0095.51, 2023”; and

That Council postpone the adoption of “Bylaw Enforcement Notice Bylaw Amendment Bylaw No. 0093.53, 2023”.

Should Council wish to postpone adoption, it is requested Council provide direction on any further information that is required before rescheduling the bylaw for Council’s consideration.

REVIEWED BY

Brad Savoury, Director of Legal Services and Risk Management

Corinne Boback, Legislative Services Manager / Corporate Officer

APPROVED FOR THE AGENDA BY

Trevor Seibel, Deputy CAO

Powerpoint: Yes No

Attachments:

- 1) City of West Kelowna Good Neighbour Amendment Bylaw No. 0151.04, 2023
- 2) City of West Kelowna Ticket Information Utilization Amendment Bylaw No. 0095.51, 2023
- 3) Bylaw Enforcement Notice Bylaw Amendment Bylaw No. 0093.53, 2023