

Report

Date	September 21, 2022	File:
Subject	Amendments to the Bylaw Offence Notice Enforcement Bylaw and the Municipal Ticket Information System Bylaw for first three readings	

PURPOSE

To update the offence descriptions for failing to remove a political sign within seven days after general voting pursuant to the amendment to section 8 of Sign Bylaw No. 3479 adopted in 2022.

BACKGROUND

On April 5, 2022, Council adopted Sign Amendment Bylaw No. 3836, 2022, which:

- removed the \$100 security deposit required by candidates before they could place election signs within the Municipality;
- kept the requirement to remove political signs within seven days after general voting day; and,
- added two new sections to authorize the Municipality to remove and destroy any political signs that are not claimed within seven days of removal.

Section & Language in Sign Bylaw No. 3479	New Section & Language in Sign Amendment Bylaw No. 3836
8. Before a person may post a political poster or bill, the person must deposit security with North Cowichan, in the amount of \$100, to ensure that their election posters or bills are removed within 7 days after general voting day.	8. A person who is authorized to place a political sign pursuant to subsection 2(2)(e), shall remove or cause to be removed the political sign within seven (7) days after general voting day.
	8.1. A bylaw enforcement officer may remove, and the Chief Election Officer may order the removal of, any political sign that is placed in contravention to this bylaw or Section 163 of the <i>Local Government Act</i> ."
	8.2. Political signs removed pursuant to section 8.1: (a) will be stored at the Municipal Hall and may be claimed by a candidate or candidate representative, or a person authorized by a candidate or candidate representative. (b) not claimed within seven (7) days after the period set out in section 8 of this bylaw become the property of the District and may be destroyed or otherwise disposed of by the District without notice to any person.

DISCUSSION

The proposed amendments to Bylaw Offence Notice Enforcement Bylaw No. 3677, 2021 (BON Bylaw No. 3677) and Municipal Ticket Information System Bylaw No. 3464 (MTI Bylaw No. 3464) are intended to update the offence descriptions from "Posting political poster or bill without paying deposit" to "Failure to remove political sign" to be consistent with the amendment to Sign Bylaw No. 3479.

The following is an excerpt from BON Bylaw No. 3677, highlighting in yellow the section of the bylaw that (1) Bylaw Offence Notice Enforcement Amendment Bylaw No. 3881, 2022 proposes to amend:

Sign Bylaw No. 3479, 2012					
Section	Description	A1 Penalty	A2 Early Payment Penalty	A3 Late Payment Penalty	A4 Compliance Agreement Available
2(1)	No sign permit	\$100	\$50	\$120	YES
8	Posting political poster or bill without paying deposit	\$100	\$50	\$120	YES
11	Sign in poor repair	\$100	\$50	\$120	YES

The following is an excerpt from MTI Bylaw No. 3464, highlighting in yellow the section of the bylaw that Municipal Ticket Information System Amendment Bylaw No. 3882, 2022 proposes to amend:

<i>Section 14 – Sign Bylaw</i>			
Item	Column 1 Offence	Column 2 Section	Column 3 Fine
1	No Sign Permit	2(1)	\$100
2	Posting Political Poster or Bill Without Paying Deposit	8	\$100
3	Sign in Poor Repair	11	\$100

[BL3781]

The \$100 fine amounts under BON Bylaw No. 3677 and MTI Bylaw No. 3464 remain unchanged.

OPTIONS

- (Recommended Option)** Proceed with first three readings for both bylaws as presented.
 THAT Council give first second and third readings to:
 - Bylaw Offence Notice Enforcement Amendment Bylaw No. 3881, 2022; and,
 - Municipal Ticket Information System Amendment Bylaw No. 3882, 2022.
- Amend the fine amounts in addition to updating the offence description. The following five motions would be required for this option.
 - THAT Council give first and second readings to:
 - Bylaw Offence Notice Enforcement Amendment Bylaw No. 3881, 2022; and,
 - Municipal Ticket Information System Amendment Bylaw No. 3882, 2022.
 - THAT Bylaw Offence Notice Enforcement Amendment Bylaw No. 3881, 2022 be amended by inserting the following as section 3:
 "That Schedule "A" [Designated Bylaws Contraventions and Penalties] of Bylaw Offence Notice Enforcement Bylaw No. 3677 is hereby amended by:
 - striking out the penalty of \$100 for the offence under section 8 column A1 and inserting *(Council to identify fine amount)* in its place;
 - striking out the penalty of \$50 for the offence under section 8 column A2 and inserting *(Council to identify fine amount)* in its place; and,
 - striking out the penalty of \$120 for the offence under section 8 column A3 and inserting *(Council to identify fine amount)* in its place.

- (3) THAT Council give third reading to Bylaw Offence Notice Enforcement Amendment Bylaw No. 3881, 2022 as amended.
- (4) THAT Municipal Ticket Information System Amendment Bylaw No. 3882, 2022 be amended by inserting the following as section 3:
"That section 14 [Section 14 – Sign Bylaw] of Schedule 2 of Municipal Ticket Information System Bylaw No. 3464 is hereby amended by striking out "\$100" under column 3 for item 2 and inserting (*Council to identify fine amount*) in its place."
- (5) THAT Council give third reading to Municipal Ticket Information System Amendment Bylaw No. 3882, 2022 as amended.

IMPLICATIONS

Although both BON Bylaw No. 3677 and MTI Bylaw No. 3464 authorize Bylaw Compliance Officers to issue fines for non-compliance with section 8 of Sign Bylaw No. 3479 [*A person who is authorized to place a political sign pursuant to subsection 2(2)(e), shall remove or cause to be removed the political sign within seven (7) days after general voting day*], however, they are required to enter on the ticket the wording for the offence as it is described in BON Bylaw No. 3677 and MTI Bylaw No. 3464 (which currently states: "Posting Political Poster or Bill Without Paying Deposit").

Therefore, these amendments are required to be adopted before October 22, 2022, when the offence under section 8 of Sign Bylaw No. 3479 could arise.

RECOMMENDATION

THAT Council give first second and third readings to:

- (1) Bylaw Offence Notice Enforcement Amendment Bylaw No. 3881, 2022; and,
- (2) Municipal Ticket Information System Amendment Bylaw No. 3882, 2022.

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Attachments):

- (1) BON Amendment Bylaw No. 3881
- (2) MTI Amendment Bylaw No. 3882