



Bylaw Enforcement Bylaw, 2020

Bylaw No. 3017-2020

[Consolidated and printed by authority of the Corporate Officer under section 139 of the *Community Charter*. Includes amendment bylaws 3063-2020, 3114-2020, 3066-2021, and 3068-2024 . Last amended October 22, 2024]

The Council of the City of Abbotsford, in open meeting assembled, enacts as follows:

PART 1 - GENERAL

Interpretation

- 1 The *Interpretation Bylaw* applies to this bylaw.

Definitions

- 2 In this bylaw:
 - “**bylaw enforcement officer**” means a person designated under section 8 [*bylaw enforcement officers*] for the purpose of enforcement of the City's bylaws;
 - “bylaw notice” has the same meaning as in the *Local Government Bylaw Notice Enforcement Act*, S.B.C. 2003, c. 60;
 - “compliance agreement” has the same meaning as in the *Local Government Bylaw Notice Enforcement Act*;
 - “**screening officer**” means a person within the class of persons designated under section 8 [*bylaw enforcement officers*] that is appointed under section 15 [*screening officer*] as a screening officer by the corporate officer.
 - “**ticket**”, “**municipal ticket**” or “**MTI**” means a municipal ticket issued under section 264 [*ticket offences*] of the *Community Charter*.

General offence

- 3 If a bylaw establishes a regulation or requirement to be observed in the City, a person who contravenes the regulation or requirement commits an offence that is punishable in the same manner as if the bylaw had expressly forbidden persons from doing or refraining from doing the act.

Note: See section 260 (3) of the *Community Charter*.

Continuing offence

- 4 If a bylaw is contravened on more than one day, a separate bylaw contravention occurs for each day on which it is committed or continued.

Enforcement powers

- 5 Subject to section 260 (5) of the *Community Charter*, and without limiting the available remedies, the methods through which the City may deal with a bylaw contravention include

the following:

- (a) proceeding by bylaw notice under the *Local Government Bylaw Notice Enforcement Act*;
- (b) proceeding by municipal ticket under Division 3 [*Ticketing for Bylaw Offences*] of Part 8 [*Bylaw Enforcement and Related Matters*] of the *Community Charter*;
- (c) prosecuting the offence in accordance with the *Offence Act*, R.S.B.C. 1996, c. 338;
- (d) bringing a proceeding in Supreme Court in accordance with Division 4 [*Enforcement by Civil Proceedings*] of Part 8 [*Bylaw Enforcement and Related Matters*] of the *Community Charter*.

General penalty

6 Unless otherwise specifically provided in an enactment, the following penalties apply in respect of every bylaw contravention:

- (a) \$500 for a bylaw contravention dealt with by bylaw notice;
- (b) \$1 000 for a bylaw contravention dealt with by municipal ticket;
- (c) a maximum fine of \$50 000 and 6 months imprisonment for a bylaw contravention prosecuted under the *Offence Act*;

[B/L 3063-2020]

- (d) a minimum fine of \$2 000 for a bylaw contravention prosecuted under the *Offence Act*.

Specific penalties

7 (1) As an exception to section 6 (a), the penalty that applies to a bylaw contravention dealt with by bylaw notice set out in Column 1 of Table 1 is the penalty set out in Column 2 of Table 1 opposite the bylaw contravention.

Table 1 - Specific penalties for bylaw contraventions dealt with by bylaw notice (B/L 3068-2024)

Column 1 Bylaw Contravention	Column 2 Penalty
Section 5.2 (d) [<i>more garage sales than permitted</i>] of the <i>Business Licence Bylaw, 2006</i>	\$150
Sections 20 [latching requirements for bear resistant carts], 21 [ownership of collection carts], 35 [origin of curbside recyclables, compostables and garbage] and 38 [deposit into appropriate cart] of the <i>Solid Waste Management Bylaw</i> [B/L 3114-2020]	\$100
Sections 7 [accumulation of solid waste on property or public property], 9 [prevention of wildlife access] and 10 [properties receiving the municipal collection service] of the <i>Solid Waste Management Bylaw</i> [B/L 3114-2020]	\$200
Sections 8 [storage and disposal of solid waste],	\$200

30 [storage of collection carts],
 31 [lids of collection carts] and
 32 [tampering with a collection cart] of
 the *Solid Waste Management Bylaw*<sup>[B/L
 3114-2020]</sup>

Section 30 [obeying traffic control devices], \$75

Section 35 [processions and parades],
 section 69 [where operation of a motor
 vehicle is prohibited],
 section 70 [passing]
 section 71 [reverse turning] and
 section 72 [dragging or skidding things] of
 the *Street and Traffic Bylaw*^[B/L 3066-2021]

Section 36 [cycling], \$75
 section 38 [animals] and
 section 40 [roller skates, sleighs, skates
 and skis] of the *Street and Traffic
 Bylaw*^[B/L 3066-2021]

Section 31 [interference with traffic], \$75
 section 34 [intersections with traffic
 control signals] and section 79 [soliciting
 rides] of the *Street and Traffic Bylaw*<sup>[B/L
 3066-2021]</sup>

Section 42 (1) (a) to (e) and (g) to (w) and \$75
 (2) [parking] to (3) of the *Street and
 Traffic Bylaw*^[B/L 3066-2021]

Section 42 (1) (f) [parking] of the *Street
 and Traffic Bylaw*^[B/L 3066-2021] \$250

Section 43 [stopping] of the *Street and
 Traffic Bylaw*^[B/L 3063-2020, B/L 3066-2021] \$75

Section 42 (3)[parking] of the *Street and
 Traffic Bylaw*^[B/L 3063-2020, B/L 3066-2021] \$75

- (2) As an exception to section 6 (d), the minimum fine that applies to a bylaw contravention prosecuted under the *Offence Act* set out in Column 1 of Table 2 is the fine set out in Column 2 of Table 2 opposite the bylaw contravention.

Table 2 - Specific minimum fines for bylaw contraventions prosecuted under the *Offence Act*

Column 1 Bylaw Contravention	Column 2 Minimum fine
Section 140.2.3(a) [growing, producing, storing, packing, processing, selling of distributing cannabis] of the <i>Abbotsford Zoning Bylaw, 2014</i>	\$5 000

Bylaw enforcement officers

- 8 Persons acting as any of the following are designated as bylaw enforcement officers for the purposes of this bylaw and may be appointed as screening officers:

- (a) special constables, officers, members or constables of the Abbotsford Police Department;
- (b) members of the Royal Canadian Mounted Police;
- (c) the corporate officer;
- (d) bylaw enforcement officers appointed pursuant to the *Police Act*, R.S.B.C. 1996, c. 367;
- (e) local assistants to the fire commissioner under section 6 [*local assistants*] of the *Fire Services Act*, R.S.B.C. 1996, c. 144;
- (f) licensing inspectors;
- (g) building inspectors;
- (h) animal control officers; and
- (i) other persons acting in another capacity on behalf of the City for the purpose of enforcement of one or more of its bylaws.

Duty to provide name and address

- 8.1** When requested by a bylaw enforcement officer performing duties or exercising powers under an enactment, a person must state correctly the person's name and address.

[B/L 3063-2020]

Authority to enter on or into property

- 8.2A** bylaw enforcement officer may enter on or into property in accordance with section 16 [*authority to enter on or into property*] of the *Community Charter* for any of the following purposes:

- (a) to inspect and determine whether all regulations, prohibitions and requirements are being met in relation to any matter for which the council, a City officers or employee or person authorized by the council has exercised authority under a provincial enactment to regulate, prohibit and impose requirements;
- (b) to take action under Section 17 [*municipal action at defaulter's expense*] of the *Community Charter*.

[B/L 3063-2020]

Note: See section 3 [*bylaw enforcement officers*] of the Community Charter Bylaw Enforcement Ticket Regulation.

Entry warrants

- 9** The City solicitor may apply to a justice for a warrant authorizing a person named in the warrant to enter on or into property and conduct an inspection or take other action as authorized by the warrant if access to property is necessary for the purposes of a City power, duty or function under an Act.

Note: See section 275 [*entry warrants*] of the *Community Charter*.

PART 2 - BYLAW NOTICE PROCEEDINGS

Designation of bylaw contraventions dealt with by bylaw notice

- 10** Subject to the Bylaw Notice Enforcement Regulation, B.C. Reg. 175/2004, every bylaw contravention, including a contravention that arises under section 3 [*general offence*] of this bylaw, may be dealt with by bylaw notice.

Note: Section 3 [*bylaw matters excluded from enforcement by bylaw notice*] of the Bylaw Notice Enforcement Regulation excludes firearm and motor vehicle speed limit matters from the scope of bylaw contraventions that may be dealt with by bylaw notice.

Issuance of bylaw notice

- 11** (1) If a bylaw contravention may be dealt with by bylaw notice, a bylaw enforcement officer may complete and issue a bylaw notice to a person against whom the contravention is alleged.
- (2) A bylaw notice may be completed, issued and stored
- (a) in electronic format by electronic means, or
 - (b) by another means
- that allows the bylaw notice to be reproduced in intelligible form.

Contents of bylaw notice

- 12** A bylaw notice must contain all the following information:
- (a) particulars of the alleged contravention of the bylaw in sufficient detail that a recipient of the notice would be able to identify the bylaw and the contravention alleged;
 - (b) the amount of the penalty that the recipient is liable to pay in respect of the contravention, the amount of a discount for early payment of the penalty, the amount of a surcharge for late payment of the penalty and the consequences of failing to respond to the bylaw notice;
 - (c) methods of paying the penalty;
 - (d) how to dispute the allegation in the notice;
 - (e) information required under the Bylaw Notice Enforcement Regulation.

Delivery of bylaw notice

- 13** A bylaw notice may be delivered
- (a) in person to the named person,
 - (b) by mailing a copy of the bylaw notice
 - (i) if the bylaw notice is in respect of a contravention involving a vehicle, to the address for each registered owner of the vehicle involved as contained in the records of
 - (A) the government, or
 - (B) a person responsible for maintaining records of vehicle registrations in British Columbia or in another province of Canada,
 - (ii) to the actual or last known address of the named person, or
 - (iii) if the named person is a corporation or a business, to the registered office or head office as contained in the records of the Registrar of Companies,
 - (c) if the bylaw notice is in respect of a parking contravention, by leaving the bylaw notice on the vehicle involved,
 - (d) if the named person is a corporation or a business, by delivering the bylaw notice to a director, manager or other executive officer of the corporation or business, or of a branch of it,

- (e) if the named person is an extraprovincial company as defined in the *Business Corporations Act*, by delivering the bylaw notice to the attorney for the extraprovincial company,
- (f) if the bylaw notice is in respect of a particular parcel of real property or an improvement on a particular parcel of real property, by delivering the bylaw notice to a person who appears to be at least 16 years old at that parcel, or
- (g) in a manner permitted under the *Local Government Bylaw Notice Enforcement Act*.

Options on receipt of bylaw notice

- 14** A person who receives a bylaw notice must, within 14 days of delivery of the bylaw notice,
- (a) pay the penalty in accordance with the bylaw notice, or
 - (b) request dispute adjudication in respect of the allegation made in the bylaw notice in accordance with the instructions on the bylaw notice.

Screening officer established

- 15** (1) The position of screening officer is established.
- (2) The corporate officer may appoint any City employee within the class of persons designated under section 8 [*bylaw enforcement officers*] as a screening officer.

Screening officer review

- 16** (1) A bylaw notice issued to enforce a bylaw must be reviewed by a screening officer before a dispute adjudication in respect of the bylaw notice may be scheduled.
- (2) A screening officer, after reviewing a bylaw notice, may
- (a) cancel the notice if, in the screening officer's opinion,
 - (i) the contravention did not occur as alleged,
 - (ii) the bylaw notice does not comply with section 4 (4) [*bylaw notice -- required information*] of the *Local Government Bylaw Notice Enforcement Act*, or
 - (iii) a ground for cancellation authorized by the City is satisfied,
 - (b) confirm the bylaw notice and refer it to an adjudicator unless the request for dispute adjudication is withdrawn, or
 - (c) enter into a compliance agreement in accordance with section 19 [*compliance agreements*].

Early payment discount - bylaw notices

- 17** Unless otherwise specifically provided in an enactment, the amount of the penalty payable for a bylaw contravention dealt with by bylaw notice is discounted by \$50 if the penalty is paid in full within 14 days of the delivery of the bylaw notice.

Late payment surcharge - bylaw notices

- 18** Unless otherwise specifically provided in an enactment, the amount of the penalty payable for a bylaw contravention dealt with by bylaw notice is \$500 if not paid within 30 days following the date the penalty becomes due and payable.

Compliance agreements

- 19** (1) A person who has received a bylaw notice may enter into a compliance agreement with a screening officer in respect of any bylaw contravention if the screening officer considers that

- (a) the person has contravened a provision of a bylaw as indicated on the bylaw notice,
 - (b) the health or safety of any person or property is not at immediate risk as a result of the bylaw contravention, and
 - (c) entering into the compliance agreement is appropriate in the circumstances.
- (2) A compliance agreement must
- (a) be in writing,
 - (b) describe one or more actions the person named in the bylaw notice agrees to take or refrain from taking, which may include expenditures the person agrees to make, to remedy the person's contravention or the adverse effects that resulted from the contravention,
 - (c) subject to subsection (3), set out the time frame within which the person named in the bylaw notice agrees to take or not take each action described in paragraph (b) and report to the screening officer on the action taken or not taken, and
 - (d) subject to subsection (3), specify the date the agreement ends.
- (3) The maximum duration of a compliance agreement entered into under this section is 1 year.
- (4) Subject to subsection (5), the penalty payable for a bylaw contravention dealt with by bylaw notice may be reduced by an amount up to 100% in accordance with a compliance agreement entered into under this section.
- (5) In calculating the amount of the reduction of the penalty under subsection (4), the screening officer must consider the following factors in relation to the bylaw contravention and the person named in the bylaw notice:
- (a) the nature and gravity of the bylaw contravention and its impact on other persons or property;
 - (b) whether the contravention was necessary for the preservation of health or safety;
 - (c) whether the bylaw notice was one of several bylaw notices issued to the person arising out of the same incident;
 - (d) previous warnings by the City to the person relating to the bylaw contravention;
 - (e) whether the person is liable for unpaid fines in respect of prior contraventions of the same bylaw, other than those for which the time limit for dispute adjudication has not yet expired;
 - (f) whether a previous compliance agreement with the person was rescinded;
 - (g) whether, as a result of the bylaw contravention, the person was reasonably likely to have profited or avoided a loss greater than the amount of the penalty for the bylaw contravention;
 - (h) whether there is a reasonable prospect of conviction with respect to the bylaw contravention;
 - (i) the circumstances in which the bylaw contravention was brought to the City's attention;
 - (j) whether the person has made reparations, or taken other measures to remedy the harm caused by the bylaw contravention and to prevent similar future bylaw contraventions.
- (6) If a person who has received a bylaw notice
- (a) enters into a compliance agreement with a screening officer in respect of the contravention alleged in the notice, and

- (b) observes or performs all the terms of the compliance agreement, the amount of the penalty set out in the bylaw notice is deemed to have been paid.
- (7) If, in the opinion of the screening officer, the person who has entered into a compliance agreement breaches a term of the compliance agreement or otherwise fails to observe or perform the terms of the compliance agreement, the screening officer may rescind the compliance agreement.

Dispute adjudication

- 20 (1) A dispute adjudication system for the City is established for the purposes of Part 3 [*Bylaw Notice Dispute Adjudication*] of the *Local Government Bylaw Notice Enforcement Act* to hear and determine disputes in respect of whether
 - (a) the contravention alleged in a bylaw notice occurred as alleged, or
 - (b) the terms and conditions of a compliance agreement were observed or performed.
- (2) An adjudicator for a dispute must be selected in accordance with section 15 [*dispute adjudicators*] of the *Local Government Bylaw Notice Enforcement Act* .
- (3) A fee of \$25 is payable by a person who is unsuccessful in a dispute adjudication in relation to a bylaw notice or a compliance agreement.

PART 3 - MUNICIPAL TICKETS FOR BYLAW OFFENCES

Designation of ticketable bylaw offences

- 21 Subject to section 264 (1) (a) of the *Community Charter*, every bylaw may be enforced by a bylaw enforcement officer laying an information by means of a ticket for contravention of the bylaw.

Note: Section 1 [*bylaws excluded from municipal ticketing authority*] of the *Community Charter Bylaw Enforcement Ticket Regulation*, B.C. Reg. 425/2003 excludes firearm and motor vehicle speed limit matters from the scope of ticketable bylaw offences.

Words or expressions authorized to designate offences

- 22 The following may be used on a ticket to designate an offence against a bylaw:
 - (a) any word or expression, heading, head note or marginal note in an enactment relating to the offence;
 - (b) a reference in an enactment relating to the offence that is or purports to be descriptive of the subject matter of the offence;
 - (c) a general description of an offence against the bylaw.

Issuance of municipal ticket

- 23 (1) If a bylaw contravention may be dealt with by laying an information by means of a municipal ticket, a bylaw enforcement officer must indicate on the ticket the offence charged and must sign the ticket.
- (2) The bylaw enforcement officer must serve the ticket on the person alleged to have contravened the bylaw in accordance with section 266 [*laying information and serving ticket*] of the *Community Charter*.

Contents of ticket

- 24 A ticket issued under this Part must be in the form and contain the information prescribed by

the Community Charter Bylaw Enforcement Ticket Regulation.

Options on receipt of municipal ticket

- 25** (1) A person on whom a ticket is served must, within 14 days after the date of service,
- (a) pay the fine indicated on the ticket to the City in accordance with the instructions indicated on the ticket, or
 - (b) dispute the allegation contained in the ticket by
 - (i) delivering or having delivered to the address set out in the ticket a written notice of dispute, or
 - (ii) appearing in person at the location set out in the ticket to give notice of dispute.
- (2) A notice of dispute under subsection (1) must contain an address for the person disputing the allegation and sufficient information to identify the ticket and the alleged contravention being disputed.

Hearing of dispute

- 26** (1) If notice of dispute is given in accordance with section 25 [*options on receipt of municipal ticket*], the council must refer the ticket to the Provincial Court for a hearing.

Failure to respond to ticket

- 27** A person served with a ticket in accordance with section 266 [*laying information and serving ticket*] of the *Community Charter* is deemed to have not disputed the charge if
- (a) the person does not pay the fine or dispute the charge in accordance with section 25 [*options on receipt of municipal ticket*], and
 - (b) at least 14 days have elapsed since the ticket was served on the person.

Early payment discount - municipal tickets

- 28** Unless otherwise specifically provided in an enactment, the amount of the penalty payable in relation to an offence dealt with by municipal ticket is discounted by \$500 if the penalty is paid in full by the 30th day from the date on which the ticket is served.

PART 4 - COLLECTION OF FINES AND PENALTIES

Amounts owing enforced as court judgment

- 29** The City solicitor may take steps to recover an amount due and payable to the City in respect of a bylaw contravention by
- (a) filing a certificate in the Provincial Court having the same effect as if it were a judgment of the Provincial Court for the recovery of a debt in the amount stated against the person named,
 - (b) registering a certificate filed under paragraph (a) as a judgment forming a lien and charge on real property owned by the person named in the certificate,
 - (c) applying for an order under the *Court Order Enforcement Act*, R.S.B.C. 1996, c. 78 that all debts due to the person named in a certificate filed under paragraph (a) be garnished and attached to the extent necessary to satisfy the person's liability for the amount due to the City,
 - (d) applying for a writ of execution under the *Court Order Enforcement Act* authorizing the seizure or sale of personal property owned by the person named in a certificate filed under paragraph (a),

- (e) applying to the Supreme Court for the sale of real property subject to a lien registered under paragraph (b), or
- (f) taking any other legal step available to a judgment creditor for the collection of a debt.

Collection action

- 30** The City solicitor or a manager of bylaw services may refer to a collection agency an amount due and payable to the City in respect of a bylaw contravention.

Recovery of penalty and costs by legal remedy of distress

- 31** (1) If a penalty, or part of a penalty, and all costs imposed are not paid promptly, the City solicitor may apply to a justice or court to authorize all or part of the penalty and costs to be levied by distress and sale of the offender's personal property.
- (2) If there is no distress out of which the penalty and costs or part of the penalty and all of the costs can be levied, the City solicitor may apply to the justice or court to commit the offender to a maximum of 6 months imprisonment.

PART 5 - AMENDMENTS

Consequential Amendments

Officer Designation and Delegation of Authority Bylaw, 2018

- 32** ***Section 25 [delegation of powers, duties and functions in relation to bylaw contraventions] of the Officer Designation and Delegation of Authority Bylaw, 2018 is repealed.***

- 33** ***The definition of "Bylaw Enforcement Officer" in Schedule "A" is repealed and the following substituted:***

"Bylaw Enforcement Officer" has the same meaning as in the Bylaw Enforcement Bylaw.

Street and Traffic Bylaw, 2006

- 34** ***Sections 11.1(b) [speed limits] and 12.1 [speed limits on local urban roads] of the Street and Traffic Bylaw, 2006 are repealed.***

Repeal

- 35** The *Bylaw Notice Enforcement Bylaw, 2007* and *Municipal Ticket Information Bylaw, 2007* are repealed.

READ A FIRST TIME on February 3, 2020
READ A SECOND TIME on February 3, 2020
READ A THIRD TIME on February 3, 2020
ADOPTED on February 24, 2020

Henry Braun, Mayor

William Flitton, Corporate Officer