

Mark-Up of Proposed Text Amendment: Section 23A

Black Font Existing Text in Zoning Bylaw
 Strikethrough Proposed deletion from Zoning Bylaw
Underline and italics Proposed addition to Zoning Bylaw

~~Existing Section 23A – Specified Penalties for Offences~~

| <i>Offence</i> | <i>Section</i> | <i>Penalty</i> |
|--|--------------------|----------------|
| Development without Development Permit | 23.2(2) | - |
| Minimum Specified Penalty | - | \$400.00 |
| Development with expired Development Permit | 23.2(2) | - |
| Minimum Specified Penalty | - | \$400.00 |
| Development in contravention of a Development Permit | 23.2(2) | - |
| Minimum Specified Penalty | - | \$400.00 |
| Failure to Comply with Violation Notice | 23.2(3) | - |
| Minimum Specified Penalty | - | \$400.00 |
| Development After Cancellation | 23.2(4) | - |
| Minimum Specified Penalty | - | \$400.00 |
| Displaying Temporary Sign without Development Permit | 23.2(5) | - |
| Minimum Specified Penalty | - | \$250.00 |
| Displaying Temporary Sign without Development Permit Approval Tag | 23.2(6) | - |
| Minimum Specified Penalty | - | \$250.00 |
| Sign in an Abandoned State | 23.2(7) | - |
| Minimum Specified Penalty | - | \$250.00 |
| Construction Commenced without Development Permit | 23.2(8) | - |
| Minimum Specified Penalty | - | \$400.00 |

Rationale

The format and most of the content of Section 23A – Specified Penalties for Offences is changing. As such, the entire existing Section 23A has been struck, and the new proposed Section 23A is set out below

Amendments to Section 23A include:

- Addition of a column of specified penalties for 2nd and higher offences
- Addition of several new specific offences
- Changes in penalties – some increasing and some decreasing – to make penalties more proportionate to offences
- Addition of sub-headings of offences

Section 23A – Specified Penalties for Offences

| Offence | Section | Minimum Penalty First Offence | Minimum Penalty Subsequent Offence |
|---|----------|----------------------------------|---------------------------------------|
| General Offences: | | | |
| Development without a Development Permit | 23.2(2) | \$1,000.00 | \$2,500.00 |
| Development in contravention of a Development Permit | 23.2(3) | \$1,000.00 | \$2,500.00 |
| Failure to Comply with a Violation Notice | 23.2(4) | \$500.00 | \$1,000.00 |
| Continuing development after a Development Permit has been cancelled or suspended | 23.2(5) | \$1,000.00 | \$2,500.00 |
| Specific Offences: | | | |
| Development of a Single Storey Accessory Building without a Development Permit | 23.2(6) | \$250.00 | \$500.00 |
| Construction of fence, wall or gate exceeding maximum Height regulations without a Development Permit | 23.2(7) | \$250.00 | \$500.00 |
| Construction of a Platform Structure without a Development Permit | 23.2(8) | \$250.00 | \$500.00 |
| Prohibited or restricted object in a residential zone without a Development Permit | 23.2(9) | \$250.00 | \$500.00 |
| Hardsurfacing in contravention of subsection 54.1(4) or 54.1(5) without a valid and approved Development Permit | 23.2(10) | \$250.00 | \$500.00 |
| Failing to display a development permit notification sign | 23.2(11) | \$500.00 | \$1,000.00 |

New column with specified penalties for subsequent offences

- Minimum penalties can be issued repeatedly as necessary to a repeat offender
- Subsequent penalties can be issued following conviction by the court or following payment of ticket

New sub-heading of General Offences

The language existing for offences has been clarified, and the penalties have increased

New sub-heading of Specific Offences includes 6 new offences:

- ss. 23.2(6) – 23.2(8) are described in the offence itself
- s. 23.2(9) is a new offence that refers to objects prohibited or restricted in residential zones (by section 45) including vehicles parked in the landscaped yard, oversize commercial vehicles, or storing RVs
- 23.2(10) is a new offence so that excessive hardsurfacing of front and side yards is an offence
- 23.2(11) is a new offence of failing to display at least one development permit notification sign as required by the new section 20.2 (April 1, 2016)

| Sign Offences: | | | |
|--|----------|------------|------------|
| Temporary Sign without a Development Permit | 23.2(12) | \$250.00 | \$500.00 |
| Temporary Sign without visible and legible Sign ownership | 23.2(13) | \$250.00 | \$500.00 |
| Temporary Sign without a valid development permit approval tag | 23.2(14) | \$250.00 | \$500.00 |
| Sign in an abandoned state | 23.2(15) | \$250.00 | \$500.00 |
| Freestanding On-premise and Off-premise Sign, including Digital Sign, without a Development Permit | 23.2(2) | \$1,000.00 | \$2,500.00 |
| Freestanding On-premise and Off-premise Sign, including Digital Sign, in contravention of Development Permit | 23.2(3) | \$1,000.00 | \$2,500.00 |
| Other Sign Development, without a Development Permit | 23.2(2) | \$500.00 | \$1,000.00 |
| Other Sign Development in contravention of Development Permit | 23.2(3) | \$500.00 | \$1,000.00 |

New sub-heading of Sign Offences deals with all types of temporary and permanent digital and non-digital signs.

- ss. 23.2(12) – 23.2(15) deal with temporary sign offences

- the final 4 offences deal with permanent digital signs and freestanding signs
- These last 4 types of signage have a greater impact on the surroundings, and therefore proportionately higher penalties for offences.