

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>
<b>Development without Development Permit</b>	<del>23.2(2)</del>	-
Minimum-Specified Penalty	-	\$400.00
<b>Development with expired Development Permit</b>	<del>23.2(2)</del>	-
Minimum-Specified Penalty	-	\$400.00
<b>Development in contravention of a Development Permit</b>	<del>23.2(2)</del>	-
Minimum-Specified Penalty	-	\$400.00
<b>Failure to Comply with Violation Notice</b>	<del>23.2(3)</del>	-
Minimum-Specified Penalty	-	\$400.00
<b>Development After Cancellation</b>	<del>23.2(4)</del>	-
Minimum-Specified Penalty	-	\$400.00
<b>Displaying Temporary Sign without Development Permit</b>	<del>23.2(5)</del>	-
Minimum-Specified Penalty	-	\$250.00
<b>Displaying Temporary Sign without Development Permit Approval Tag</b>	<del>23.2(6)</del>	-
Minimum-Specified Penalty	-	\$250.00
<b>Sign in an Abandoned State</b>	<del>23.2(7)</del>	-
Minimum-Specified Penalty	-	\$250.00
<b>Construction Commenced without Development Permit</b>	<del>23.2(8)</del>	-
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 2<sup>nd</sup> 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	Specified Penalty Subsequent Offence
<b>General Offences:</b>			
Development without a Development Permit	23.2(1) or 23.2(2)	\$1,000.00	\$2,500.00
Development in contravention of a Development Permit, except for development in contravention of section 12.2(3), 12.2(7), 12.2(16)	23.2(2) or 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
<b>Specific Offences:</b>			
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
Keeping an object in a residential zone that is prohibited or restricted without a Development Permit	23.2(9)	\$250.00	\$500.00
Hardsurfacing an area within a Front Yard or a flanking Side Yard 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, whether or not listed as a Development Permit condition	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)

<b>Sign Offences:</b>			
Temporary Sign without a Development Permit	23.2(12)	\$250.00	\$500.00
Temporary Sign without a valid development permit approval tag	23.2(13)	\$250.00	\$500.00
Temporary Sign without Sign ownership displayed in a visible location and or defacing, obscuring, or otherwise rendering ownership information illegible on a Temporary Sign	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(4)	\$1,000.00	\$2,500.00
Sign, other than Temporary or Permanent Freestanding, without a Development Permit	23.2(2)	\$500.00	\$1,000.00
Sign, other than Temporary or Permanent Freestanding, in contravention of Development Permit	23.2(4)	\$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.