



ADMINISTRATIVE REPORT

Report Date: November 5, 2012
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VanRIMS No.: 08-2000-20
Meeting Date: November 28, 2012

TO: Standing Committee on Planning, Transportation and Environment

FROM: General Manager of Community Services in consultation with Director of Legal Services, Director of Planning, City Engineer, Chief Constable and Chief Building Official

SUBJECT: Proposed New Maximum Fines in City By-laws

RECOMMENDATION

- A. THAT Council approve the proposed amendments to the by-laws as set out in Appendix B, to provide an increase to the current maximum fine and continuing offences.
- B. THAT the Director of Legal Services be instructed to prepare the necessary amending by-law, generally in accordance with Appendix B.
- C. THAT the proposed amendments to the Sign By-law and the Zoning and Development By-law, generally as set out in Appendix C, be referred to a public hearing.
- D. THAT the Director of Legal Services be instructed to prepare the necessary amending by-laws, generally in accordance with Appendix C, for consideration at the public hearing.

REPORT SUMMARY

Fines for by-law violations are imposed by the Court, based on the specific circumstances of the offence and the offender and on the minimum and maximum range set by the by-laws. By-law fines should reflect the importance attached by the City to compliance with the by-laws and should be high enough to act as effective deterrent.

In April 2008, Council approved an increase to the minimum fine levels in the by-laws referenced in Appendix A of this report. At the same time, Council instructed staff to seek an amendment to the Vancouver Charter raising the maximum fine to \$10,000 noting that, in practice, the maximum fine is reserved for the worst offenses and repeat offenders.

In October 2009, the Province amended the Charter to provide for a maximum fine level of \$10,000, including for continuing offences. It is therefore recommended that Council increase the maximum amount of by-law fines from the current \$2,000 to the new maximum of \$10,000 authorized by the Charter, and for continuing offences from \$50 per day to no less than \$250 and no more than \$10,000 per day.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

Council is authorized under the Vancouver Charter to enact by-laws, approve by-law amendments, and to set by-law fines in accordance with Section 333 of the Charter.

In 2009, the Province amended Section 333 of the Charter to provide for maximum by-law fines of \$10,000, including for continuing offences.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The City Manager and the General Manager of Community Services RECOMMEND approval of the foregoing.

REPORT

Background/Context

Inspections staff utilizes a variety of enforcement tools to compel compliance with City by-laws. These include issuing verbal and written orders, seeking a court order (injunction), filing a by-law contravention notice on title, and in extreme cases, declaring a building to be a nuisance and ordering it demolished. All of these tools are considered by enforcement staff as a continuum of enforcement with the ultimate goal of achieving compliance.

In addition to the above, staff may also request prosecution charges against a property or business owner in order to gain compliance through a trial process. If convicted, an owner is required to pay a fine imposed by the Court. Currently, the maximum fine for most City by-laws is \$2,000. In cases of continuing offences, the current maximum amount is \$50 for each day the offence continues. At this level, the fine amount is too low to act as an effective deterrent and is considered by some, in particular the repeat offenders, as the cost of doing business.

City by-laws are in place to provide for the health, safety and quality of life of the citizens of Vancouver. One of the goals included in the City's Corporate Strategic Business Plan (2010-2020) is to provide effective regulatory services that make Vancouver a safe and liveable community for residents, businesses and visitors. A maximum fine so low as to be simply the cost of doing business has the potential of

leading to an increase in breaches of our by-laws, including the Building, Health and Standards of Maintenance By-laws.

A significant fine increase will reflect the City's position relating to by-law compliance and will send a strong message to the public regarding the seriousness of by-law offences.

This report therefore seeks Council approval to increase the maximum fine of the by-laws referenced in Appendix A to \$10,000, in order to strengthen the consequences related to by-law offences and to effect a consistent maximum fine amount across all by-laws as authorized by the change in the Vancouver Charter.

Note that since the Charter amendment in 2009, Council has approved the new maximum fine amount of \$10,000 in the Fire By-law, the Protection of Trees By-law, and the Street Utilities By-law.

The City Prosecutor commented that a number of charges have been laid under the Fire By-law since the fine increase. She recalled a specific case involving various holding companies that own and operate multiple apartment buildings. Prior to the charges, the buildings were consistently kept in very poor condition with multiple infractions under the Fire By-law. These companies were charged for fire safety violations on 4 of their buildings and received a substantive fine from the Court. As a result, the Fire Department reported that these buildings have improved vastly because the landlords have now put in place regular training programs for their building staff in conjunction with quality control measures to ensure their buildings meet fire safety requirements in compliance with the Fire By-law.

Staff recommend that the remaining forty-two by-laws referenced in Appendix A be amended so that the maximum fine amount is consistent across all by-laws. These by-laws can generally be grouped into three categories:

1. By-laws related to building safety, land use & development, and on-going property maintenance

Examples: Building By-law, Electrical By-law, Standards of Maintenance By-law, and Zoning and Development By-law

2. By-laws that regulate the use of public spaces and conduct of individuals in order to provide a safe and peaceful environment for the public

Examples: Animal Control By-law, Club Regulation By-law, Graffiti By-law, Noise Control By-law, Security Alarm System By-law, Sewer and Watercourse By-law, and Water Shortage Response By-law

3. By-laws that regulate the operation and proper management of businesses

Examples: Licence By-law, Secondhand Dealers and Pawnbrokers By-law, and Vehicle For Hire By-law

Appendix A provides a complete listing of the by-laws, their intent, and the departments having jurisdiction to enforce or administer these by-laws.

Imposition of Fines

While Council has the authority to amend the by-laws to set a higher maximum fine level, it is the Court that ultimately decides on and imposes the actual fine amount. After an offender is found guilty of a by-law offence, the Court considers the nature of the offence and the circumstances and history of the offender before determining the appropriate fine amount.

Ticket Offences By-law

The Ticket Offences By-law gives the City the authority to enforce certain by-law offences by issuing tickets (e.g. dog off leash, urinating in public spaces, operating a leaf blower outside permitted hours). The Ticket Offences By-law is excluded from this report as ticket values are not at a judge's discretion.

Parking Fines

The ordinary citizen who commits a parking offence will not be affected by the proposed changes in this report as most parking and street and traffic violations, such as parking beyond the expiration of a meter or stopping in a prohibited zone, are pursued under the By-law Notice Enforcement By-law through the issuance of by-law contravention notices (similar to tickets).

Like the Ticket Offences By-law, the By-law Notice Enforcement By-law is also excluded from this report.

It should be noted however, that although most parking offences are minor in nature, the City can and does proceed in court against significant repeat offenders, in which case, the maximum fines under the Parking Meter By-law and the Street and Traffic By-law would apply. An example of this is a courier company or a car-rental company that has received multiple tickets and continues to park illegally in our busy downtown streets, whereby a \$70.00 fine simply becomes the cost of doing business.

Strategic Analysis *

The current maximum fine in all of the by-laws referenced in this report is \$2,000. In cases of continuing offences, the current maximum amount is \$50 for each day the offence continues. At current level, the fine does not provide effective deterrence and is seen rather as the costs of doing business - in other words, it is cheaper to pay the fine than to comply with the by-law, as shown in the cases illustrated in Tables 1, 2 and 3 below.

These cases demonstrate how the current by-law fines do not act as an effective deterrent to repeat offenders. In two of these cases, the judges at the end of sentencing commented on the inadequate low fine amount of our by-laws.

TABLE 1

Case #1 - City of Vancouver VS a private property owner of a site in the West End

Infraction Details	By-law Offences (3 charges laid)	Fines imposed by the Court	Approximate Annual Income
Owner installed 14 parking stalls on his site without permit Site was being operated as pay parking without a business licence Business in operation while waiting for court date	1. Unapproved Use under Zoning → 2. Failure to comply with City Order to cease use → 3. Operating without a licence →	Guilty - \$2,000 fine (maximum) Guilty - \$2,000 fine (maximum) Guilty - \$2,000 fine (maximum)	\$33,600 (based on \$200/month per parking stall)
	TOTALS:	\$6,000	\$33,600

The presiding judge of Case #1 commented that if he were not limited by the current \$2,000 maximum fine in our by-laws, he would have imposed a higher fine.

TABLE 2

Case #2 - City of Vancouver VS a private property owner of a residential building

Infraction Details	By-law Offences (3 charges laid)	Fines imposed by the Court	Approximate Annual Income
Owner converted one-family dwelling home to a rooming house with 19 bedrooms Advertised on the web as a hotel Business in operation while waiting for court date	1. Building altered without a permit → 2. Failure to comply with City Order to obtain permits → 3. Failure to comply with City Order to complete work under permits →	Guilty - \$2,000 fine (maximum) Guilty - \$2,000 fine (maximum) Guilty - \$2,000 fine (maximum)	\$79,800 (based on \$350/month per room)
	TOTALS:	\$6,000	\$79,800

The presiding judge of Case #2 commented that the maximum was very low as far as he was concerned, and that for the amount of money it costs City taxpayers to send inspectors and orders, \$2,000 each was very minimal.

TABLE 3

Case #3 - City of Vancouver VS a private property owner and a sign company

Infraction Details	By-law Offences	Potential Fine	Potential Income
Two electronic 15' x 30' signs installed on facades of the building advertising a product	1. Failure to comply with City Order to remove signs	Trial dates set for November 28, 29 and 30, 2012	High exposure for 4 months during Stanley Cup Playoff events
Signs installed in highly visible location during Stanley Cup Playoff events	If found guilty, maximum fine →	\$2,000 per sign X 2 signs	
Signs remained in place for approximately 4 months despite City enforcement orders	<i>Note: Staff time to prepare and testify in court = 35 hours booked so far</i>		
	TOTALS:	\$4,000	>\$100,000

The City Prosecutor advises that the comment she consistently hears from the presiding judicial justice or judge after each sentencing is that the City's maximum by-law fine is very low. In a recent ruling of November 6, 2012 regarding a long-standing zoning and building violation (extensive alterations without permits to construct five illegal suites for rental), the Honourable Mr. Justice Rogers wrote, *"I would note that fines in regulatory matters must be of sufficient magnitude that they rise above the cost of doing an illegal business. Fines for regulatory offences must be severe enough that they act as an effective general and specific deterrent."*

Staff have been working to strengthen the City's approach to integrated enforcement and the low maximum fine is one of the barriers to further process improvements. Staff believe that the City's ability to gain compliance is impacted by the size of the monetary penalty we can impose for non-compliance.

Implications/Related Issues/Risk (if applicable)

Financial

Fines imposed by the Court are returned to the City. Although the proposed amendments have the potential to increase fine revenues, it is hopeful that higher fines will encourage a higher rate of compliance resulting in lower number of charges and fines imposed.

CONCLUSION

The proposed increase to current maximum fines, if approved, will reflect the City's position in terms of encouraging by-law compliance and supporting the City's

corporate goal to ensure a safe and liveable community. The new maximum fine amount will also align with that approved in the Charter.

If approved by Council, the amendments to our by-laws are relatively small and straightforward with the potential of providing an increased level of compliance.

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**Group 1: By-laws related to building safety, land use & development,
and on-going property maintenance**

BY-LAW	DEPARTMENT(S) HAVING JURISDICTION				INTENT	CURRENT MAXIMUM FINE	PROPOSED MAXIMUM FINE
	CS	ENG	FAC	P&D			
Building	X				Regulates the design & construction of buildings; Administers permitting, inspections and enforcement	\$2,000	\$10,000
City Land Regulation		X	X		Regulates activities on City land	\$2,000	\$10,000
Crossing		X			Regulates/prohibits/controls crossings over sidewalks, streets and boulevards	\$2,000	\$10,000
Electrical	X				Regulates electrical works/systems	\$2,000	\$10,000
Encroachment		X			Regulates encroachments upon, under or over streets	\$2,000	\$10,000
Energy Utility System	X	X			Provide for the establishment and operation of an energy utility system	\$2,000	\$10,000
Gas Fitting	X				Governs the issuing of gas permits	\$2,000	\$10,000
Single Room Accommodation	X				Regulates conversion or demolition of single room accommodation	\$2,000	\$10,000
Standards of Maintenance	X				Prescribes and regulates standards for the maintenance and occupancy of buildings and sites to ensure conformance with accepted health, fire and building requirements	\$2,000	\$10,000
Untidy Premises	X				Prevents the existence of untidy premises	\$2,000	\$10,000
Zoning & Development	X			X	Regulates land use and development	\$2,000	\$10,000

CS: Community Services ENG: Engineering Department FAC: Facilities P&D: Planning & Development

Group 2: By-laws that regulate the use of public spaces and conduct of individuals in order to provide a safe and peaceful environment for the public

BY-LAW	DEPARTMENT(S) HAVING JURISDICTION							INTENT	CURRENT MAXIMUM FINE	PROPOSED MAXIMUM FINE
	CC	CS	ENG	LAW	FAC	FIN	VPD			
Animal Control		X						Licenses and regulates dogs and other animals	\$2,000	\$10,000
Club Regulation		X					X	Regulates clubs within the City	\$2,000	\$10,000
Election	X							Regulates elections and other voting	\$2,000	\$10,000
Fines				X				Imposes fines for breaches of the Vancouver Charter or of by-laws that do not specify fines	\$2,000	\$10,000
Granville Mall			X					Regulates street activities in the Granville Mall district	\$2,000	\$10,000
Graffiti		X	X					Prohibits the placement of graffiti and requires properties to be kept free of graffiti	\$2,000	\$10,000
Health		X						Regulates smoking in public areas and bans the use of pesticides	\$2,000	\$10,000
Impounding			X				X	Authorizes the impounding of vehicles and other chattels unlawfully occupying City streets	\$2,000	\$10,000
Motor Vehicle Noise and Emission Abatement								Regulates noise emission and idling of motor vehicles	\$2,000	\$10,000
Mountain View Cemetery		X						Governs the operation of Mountain View cemetery	\$2,000	\$10,000
Noise Control		X						Regulates noise and sound levels within the City	\$2,000	\$10,000
Parking		X	X					Regulates the provision of off-street parking spaces	\$2,000	\$10,000
Parking Meter			X					Provides for the reservation of certain streets or portions thereof for parking purposes and to charge and collect a fee for their use or occupation	\$2,000	\$10,000
Security Alarm System							X	Regulates the use and possession of security alarm systems	\$2,000	\$10,000
Sewer and Watercourse		X	X					Sets sewer utility rates and regulates the disposal of waste water and storm water and the use of watercourses within the City	\$2,000	\$10,000
Solid Waste			X					Governs the collection, disposal, transfer and recycling of solid waste	\$2,000	\$10,000
Street Distribution of Publications			X					Regulates the distribution of publications on streets	\$2,000	\$10,000
Street and Traffic			X				X	Regulates traffic and the use of streets	\$2,000	\$10,000
Street Tree			X					Regulates trees on boulevards within the City	\$2,000	\$10,000
Street Vending			X					Regulates the occupancy and use of streets for vending	\$2,000	\$10,000
Trailer Courts		X	X					Regulates the location and the sanitary maintenance of trailers and house cars used as living or sleeping quarters within the City	\$2,000	\$10,000
Water Shortage Response			X					Regulates water usage	\$2,000	\$10,000
Water Lot Moorage					X			Regulates the moorage of boats on water lots owned by or leased to the City	\$2,000	\$10,000
Water Works			X			X		Sets rates, charges and conditions for the supply of water by the City	\$2,000	\$10,000

CC: City Clerk's CS: Community Services ENG: Engineering Services FAC: Facilities FIN: Financial VPD: Vancouver Police Department

Group 3: By-laws that regulate the operation and proper management of businesses

BY-LAW	DEPARTMENT(S) HAVING JURISDICTION		INTENT	CURRENT MAXIMUM FINE	PROPOSED MAXIMUM FINE
	CS	VPD			
Business Premises Regulation of Hours	X		Designates various parts of the City as business premises regulation of hours areas, and to regulate closing times for certain classes of business premises within those areas	\$2,000	\$10,000
Business Prohibition	X		Prohibits the carrying on of sundry businesses, trades, professions, and other occupations	\$2,000	\$10,000
Licence	X		Provides for the issuing of licences and regulation of business, trades, professions and other occupations within the City	\$2,000	\$10,000
Secondhand Dealers and Pawnbrokers	X	X	Regulates secondhand dealers, pawnbrokers and junk dealers	\$5,000	\$10,000
Sign	X		Regulates the number, type, form, appearance and location of signs according to districts and uses within a district	\$2,000	\$10,000
Vehicle Licensing	X		Provides for the licensing of, or exemption from licensing of, commercial vehicles pursuant to the Local Government Act	\$2,000	\$10,000
Vehicle For Hire	X	X	Licenses and regulates the owners and drivers of vehicles for hire in the City	\$2,000	\$10,000

CS: Community Services VPD: Vancouver Police Department

BY-LAW NO. _____

A By-law to amend Animal Control By-law No. 9150,
Building By-law No. 9419,
Business Premises Regulation of Hours By-law No. 8022,
Business Prohibition By-law No. 5156,
City Land Regulation By-law No. 8735,
Club Regulation By-law No. 2647,
Crossing By-law No. 4644, Election By-law No. 9070, Electrical By-law No. 5563,
Encroachment By-law No. 4243, Energy Utility System By-law 9552, Fines By-law No.
9636,
Gas Fitting By-law No. 3507, Graffiti By-law No. 7343,
Granville Mall By-law No. 9978, Health By-law No. 9535,
Impounding By-law No. 3519, License By-law No. 4450,
Motor Vehicle Noise and Emission Abatement By-law No. 9344,
Mountain View Cemetery By-law No. 8719,
Noise Control By-law No. 6555,
Parking By-law No. 6059, Parking Meter By-law No. 2952,
Secondhand Dealers and Pawnbrokers By-law No. 2807,
Security Alarm System By-law No. 7111,
Sewer and Watercourse By-law No. 8093,
Single Room Accommodation By-law No. 8733,
Solid Waste By-law No. 8417,
Standards of Maintenance By-law No. 5462,
Street Distribution of Publications By-law No. 9350,
Street and Traffic By-law No. 2849,
Street Tree By-law No. 5985,
Street Vending By-law No. 4781,
Trailer Courts By-law No. 3644,
Untidy Premises By-law No. 4548,
Vehicle Licensing By-law No. 4021,
Vehicles for Hire By-law No. 6066,
Water Lot Moorage By-law No. 8336,
Water Shortage Response By-law No. 8912, and
Water Works By-law No. 4848
to modify maximum fines for breaches of those by-laws
and related housekeeping provisions

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

Maximum fines and housekeeping

1. In each by-law referred to in Column 1 of Table 1, Council amends each section or table referred to in Column 2 by:

- (a) striking out the maximum fine as set out in Column 3;

- (b) substituting the maximum fine as set out in Column 4; and
- (c) repealing the section set out in Column 2 and substituting or amending the wording as set out in Column 4:

Column 1	Column 2	Column 3	Column 4
Animal Control	10.4	\$ 2,000.00	\$10,000.00
Animal Control	10.5		Repeal and substitute: "10.5 Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$250.00 and not more than \$10,000.00 for each day such offence continues."
Building	3.2.2.1. 1) Division C Part 3	\$2,000	\$10,000
Building	3.2.2.2. 1) Division C Part 3		Repeal and substitute: "Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$250 and not more than \$10,000 for each day such offence continues."
Business Premises Regulation of Hours	8	\$2,000.00	\$10,000.00
Business Premises Regulation of Hours	9		Repeal and substitute: "9. Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$250.00 and not more than \$10,000.00 for each day such offence continues."

Business Prohibition	7	\$2,000.00	\$10,000.00
Business Prohibition	8		Repeal and substitute: "8. Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$250.00 and not more than \$10,000.00 for each day such offence continues."
City Land Regulation	6	\$ 2,000.00	\$10,000.00
City Land Regulation	7		Repeal and substitute: "7. Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$250.00 and not more than \$10,000.00 for each day such offence continues."
Club Regulation	24(1)	\$2,000.00	\$10,000.00
Club Regulation	24(2)		Repeal and substitute: "(2) Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$250.00 and not more than \$10,000.00 for each day such offence continues."
Crossing	8(b)	\$2,000.00	\$10,000.00
Crossing	8(c)		Repeal and substitute: "(c) Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$250.00 and not more than \$10,000.00 for each day such offence

			continues."
Election	8.2	\$2,000.00	\$10,000.00
Election	8.3		Repeal and substitute: "8.3 Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$250.00 and not more than \$10,000.00 for each day such offence continues."
Electrical	9.3	\$2,000.00	\$10,000.00
Electrical	9.5		Repeal and substitute: "9.5 Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$250.00 and not more than \$10,000.00 for each day such offence continues."
Encroachment	16.(1)	\$2,000.00	\$10,000.00
Encroachment	16.(2)		Repeal and substitute: "(2) Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$250.00 and not more than \$10,000.00 for each day such offence continues."
Energy Utility System	10.5	\$2,000.00	\$10,000.00
Energy Utility System	10.5(a)	\$2000.00	\$10,000.00
Energy Utility System	10.6		Repeal and substitute: "10.6 Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$250.00 and

			not more than \$10,000.00 for each day such offence continues."
Fines	2	\$2,000.00	\$10,000.00
Fines	3		Repeal and substitute: "3. Every person who commits an offence referred to in section 2 of a continuing nature is liable to a fine not less than \$250.00 and not more than \$10,000.00 for each day such offence continues."
Gas Fitting By-law	12A	\$2,000.00	\$10,000.00
Gas Fitting By-law	12B		Repeal and substitute: "12B. Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$250.00 and not more than \$10,000.00 for each day such offence continues."
Graffiti	11	\$2,000.00	\$10,000.00
Granville Mall	22	\$2,000.00	\$10,000.00
Health	3.4	\$2,000.00	\$10,000.00
Health	3.5		Repeal and substitute: "3.5 Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$250.00 and not more than \$10,000.00 for each day such offence continues."
Impounding	14	\$2,000.00	\$10,000.00
License	30(2)	\$2,000.00	\$10,000.00

License	30(3)			Repeal the first subsection (3) of section 30, and substitute: “(3) Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$250.00 and not more than \$10,000.00 for each day such offence continues.”
License	30(3)(sic)			Delete the number “(3)” from the second subsection (3) of section 30 and renumber it as subsection “(4)” of section 30.
Motor Vehicle Noise and Emission Abatement	3.2	\$2,000.00	\$10,000.00	
Motor Vehicle Noise and Emission Abatement	3.3			Repeal and substitute: “3.3 Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$250.00 and not more than \$10,000.00 for each day such offence continues.”
Mountain View Cemetery	12.2	\$2,000.00	\$10,000.00	
Mountain View Cemetery	12.3			Repeal and substitute: “12.3 Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$250.00 and not more than \$10,000.00 for each day such offence continues.”

Noise Control	20(2)	\$2,000.00	\$10,000.00
Noise Control	20(5)		Repeal and substitute: “(5) Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$250.00 and not more than \$10,000.00 for each day such offence continues.”
Parking	15.3.1	\$2,000.00	\$10,000.00
Parking	15.3.2		Repeal and substitute: “15.3.2 Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$250.00 and not more than \$10,000.00 for each day such offence continues.”
Parking Meter	14		Repeal section 14 and substitute: “14. PENALTY SECTION: (1) Every person who commits an offence against this by-law is liable to a fine not less than \$70.00 and not more than \$10,000.00.”
Parking Meter			After Section 14(1) add: “(2) Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$250.00 and not more than \$10,000.00 for each day such offence continues.”

Secondhand Dealers and Pawnbrokers	4.2	\$5,000.000	\$10,000.00
Secondhand Dealers and Pawnbrokers	4.3		Repeal and substitute: "4.3 Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$1000.00 and not more than \$10,000.00 for each day such offence continues."
Security Alarm System	40	\$2,000.00	\$10,000.00
Security Alarm System	41		Repeal and substitute: "41 Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$1000.00 and not more than \$10,000.00 for each day such offence continues."
Sewer and Watercourse	8.2(2)		Repeal subsection (2) of section 8.2 and substitute: "(2) Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$250.00 and not more than \$10,000.00 for each day such offence continues."
Single Room Accommodation	6.6	\$2,000.00	\$10,000.00
Single Room Accommodation	6.7		Repeal and substitute: "6.7 Every person who commits an offence of a continuing nature against

			this By-law is liable to a fine not less than \$500.00 and not more than \$10,000.00 for each day such offence continues."
Solid Waste	11.4	\$2,000.00	\$10,000.00
Solid Waste	11.5		Repeal and substitute: "11.5 Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$250.00 and not more than \$10,000.00 for each day such offence continues."
Standards of Maintenance	23.6(1)	\$2,000.00	\$10,000.00
Standards of Maintenance	23.7		Repeal and substitute: "23.7 Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$250.00 and not more than \$10,000.00 for each day such offence continues."
Street Distribution of Publications	14.2	\$2,000.00	\$10,000.00
Street Distribution of Publications	14.3		Repeal and substitute: "14.3 Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$250.00 and not more than \$10,000.00 for each day such offence continues."
Street and Traffic	103(1)	\$2,000.00	\$10,000.00
	103(2)		At the end of the first paragraph, after the word

			"provision" council strikes out ":" and substitutes ", and no more than \$10,000.00:"
Street and Traffic	103(3)	\$250.00	Substitutes "Not less than \$250.00 and not more than \$10,000.00"
Street and Traffic	103(4)	\$250.00	Substitutes "Not less than \$250.00 and not more than \$10,000.00"
Street and Traffic	103(5)	\$2000.00	\$10,000.00
Street and Traffic	103(6)	\$5000.00	\$10,000.00
Street and Traffic	103(8)	\$2,000.00	\$10,000.00
Street and Traffic	103		After subsection (8) of section 103 add: "(9) Except as otherwise provided in this section 103, every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$250.00 and not more than \$10,000.00 for each day such offence continues."
Street and Traffic	103		After subsection (8) of section 103 add: "(9) Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$250.00 and not more than \$10,000.00 for each day such offence continues."
Street Tree	12	\$2,000.00	\$10,000.00
Street Vending	11(a)	\$2,000.00	\$10,000.00

Street Vending	11(b)		Repeal subsection (b) and substitute: “(b) Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$250.00 and not more than \$10,000.00 for each day such offence continues.”
Trailer Courts	12(1)	\$2,000.00	\$10,000.00
Trailer Courts	12(2)		Repeal subsection (2) and substitute: “(2) Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$250.00 and not more than \$10,000.00 for each day such offence continues.”
Untidy Premises	8(1)	\$2,000.00	\$10,000.00
Untidy Premises	8(2)		Repeal subsection (2) and substitute: “(2) Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$250.00 and not more than \$10,000.00 for each day such offence continues.”
Vehicle Licensing	21(1)	\$2,000.00	\$10,000.00
Vehicle Licensing	21(2)		Repeal subsection (2) and substitute: “(2) Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$250.00 and not more than

			\$10,000.00 for each day such offence continues."
Vehicles for Hire	32(1)	\$2,000.00	\$10,000.00
Vehicles for Hire	32(2)		Repeal subsection (2) and substitute: "(2) Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$250.00 and not more than \$10,000.00 for each day such offence continues."
Water Lot Moorage	5	\$2,000.00	\$10,000.00
Water Lot Moorage	6		Repeal and substitute: "6. Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$250.00 and not more than \$10,000.00 for each day such offence continues."
Water Shortage Response	6.2	\$2,000.00	\$10,000.00
Water Shortage Response	6.3		Repeal and substitute: "6.3 Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$250.00 and not more than \$10,000.00 for each day such offence continues."
Water Works	45(b)	\$2,000.00	\$10,000.00
Water Works	45(c)		Repeal and substitute: "(c) Every person who commits an offence of a continuing nature against this By-law is liable to a

EXPLANATION

**A By-law to modify maximum fines for breaches of certain by-laws
and related provisions**

The attached by-law will implement Council's resolution of _____, 2012 to amend various by-laws listed on the first page regarding maximum fines and related provisions.

Director of Legal Services
November __, 2012

