



**Regular Council Meeting**  
to be held at  
**City of Penticton Council Chambers**  
171 Main Street, Penticton, B.C.

**Monday, July 18, 2016**  
following the Public Hearing at 6:00 p.m.

1. **Call Regular Council Meeting to Order**
2. **Introduction of Late Items**
3. **Adoption of Agenda**
4. **Adoption of Minutes:**
  - 4.1 Minutes of the July 4, 2016 Committee of the Whole Meeting 1-2 Receive
  - 4.2 Minutes of the July 4, 2016 Public Hearing 3-4 Receive
  - 4.3 Minutes of the July 4, 2016 Regular Council Meeting 5-10 Adopt
5. **Presentations:**
6. **Delegations and Petitions:**
7. **Community Partners:**
8. **Reconsideration of Bylaws and Permits:**
  - 8.1 Main Street Storefront Use Bylaw No. 2016-42 11-27 Adopt
  - 8.2 Controlled Substance Property Remediation Amendment Bylaw No. 2016-39 28-30 Adopt
  - 8.3 OCP Amendment Bylaw No. 2016-32 31 2<sup>nd</sup>/3<sup>rd</sup>/Adopt  
Re: Six Storey Buildings
  - 8.4 Zoning Amendment Bylaw No. 2016-33 32 2<sup>nd</sup>/3<sup>rd</sup>  
Re: Six Storey Buildings
  - 8.5 Zoning Amendment Bylaw No. 2016-36 33-34 2<sup>nd</sup>/3<sup>rd</sup>  
Re: 798 Revelstoke Avenue
  - 8.6 OCP Amendment Bylaw No. 2016-37 35-36 2<sup>nd</sup>/3<sup>rd</sup>/Adopt  
Re: 151 Duncan Avenue West

- |     |   |       |   |
|-----|---|-------|---|
| 8.7 | Zoning Amendment Bylaw No. 2016-38<br>Re: 151 Duncan Avenue West          | 37-38 | 2 <sup>nd</sup> /3 <sup>rd</sup>        |
| 8.8 | Zoning Amendment Bylaw No. 2016-43<br>Re: 361 Martin Street – Time Winery | 39-40 | 2 <sup>nd</sup> /3 <sup>rd</sup> /Adopt |

9. **Staff Reports:**

- |         |  |         |         |
|---------|--|---------|---------|
| PM      | 9.1 Development Variance Permit PL2016-7674<br>134 Bruce Court<br><i>Staff Recommendation: THAT Council approves “Development Variance Permit PL2016-7674” for Lot 8, District Lot 115, Similkameen Division Yale District, Plan 19213, located at 134 Bruce Court, a permit to allow for a garage to exceed the maximum allowable floor area by 8m2, increasing the maximum size of the garage from 75m2 to 83m2; AND THAT staff are directed to issue the permit.</i>  | 41-51   | Del/Sub |
| EDO     | 9.2 Virtual Worker Attraction Program Report<br><i>Staff Recommendation: THAT Council receive the Virtual Worker Attraction Program Report dated July 18, 2016 for information.</i>  | 52-53   |         |
| HRM/EDO | 9.3 Inclusive Community<br><i>Staff Recommendation: THAT Council receive the presentation for information.</i>   | 54-62   |         |
| RS/CFO  | 9.4 Amended Collections/Disconnections Policy<br>Re: Rental Properties<br><i>Staff Recommendation: THAT Council upholds Resolution 225/2016.</i>   | 63-75   |         |
| BA      | 9.5 2016-2020 Five Year Financial Plan Amendment Bylaw No. 2016-34<br><i>Staff Recommendation: THAT Council give first, second and third reading to “2016-2020 Five Year Financial Plan Amendment Bylaw No. 2016-34”.</i>  | 76-81   |         |
| DFC     | 9.6 Donated Modular Structure<br><i>Staff Recommendation: THAT Council authorize Penticton Fire Department to accept a donated modular residential structure from EllisDon Construction to be used as a functional classroom and/or dormitory at the Emergency Training Centre; AND THAT additional surplus funds of \$16,200 be available as part of the preparation and placement of the structure on site, and installation of utilities and alterations in preparation for use.</i>  | 82-87   |         |
| CO      | 9.7 Council Procedure Bylaw No. 2016-35<br><i>Staff Recommendation: THAT Council give first, second and third readings to “Council Procedure Bylaw No. 2016-35”; AND THAT Council direct staff to publish notice of Council Procedure Bylaw No. 2016-35 in accordance with Section 94 of the Community Charter; AND THAT after Bylaw No. 2016-35 is adopted, Council approve the amended Council schedule beginning with the second regularly scheduled meeting in September 2016 and advertise the new schedule in accordance with the Community Charter.</i> | 88-114  |         |
| CO      | 9.8 Bylaw Notice Enforcement Amendment Bylaw No. 2016-40 &<br>MTI Amendment Bylaw No. 2016-41<br><i>Staff Recommendation: THAT Council give first, second and third reading to “Bylaw Notice Enforcement Amendment Bylaw No. 2016-40”; AND THAT Council give first second and third reading to “Municipal Ticketing Information Amendment Bylaw No. 2016-41”.</i>  | 115-128 |         |

10. **Correspondence**

11. **Committee and Board Reports**

- 11.1 Downtown Revitalization Sub-Committee Meeting Minutes of June 30, 2016 129-132  
*Recommendation: THAT Council receive the minutes of the Downtown Revitalization Sub-Committee meeting of June 30, 2016.*

12. **Notice of Motion**

13. **Other Business**

14. **RDOS Update**

15. **Business Arising from In-Camera**

16. **Media and Public Question Period**

17. **Adjournment**

**Committee of the Whole**  
held at City of Penticton Committee Room A  
171 Main Street, Penticton, B.C.

**Monday, July 4, 2016**  
**at 2:00 p.m.**

- Present:** Mayor Jakubeit  
Councillor Konanz  
Councillor Sentes  
Councillor Picton  
Councillor Martin  
Councillor Sayeed  
Councillor Watt
- Staff:** Eric Sorensen, Chief Administrative Officer  
Colin Fisher, Chief Financial Officer (arrived at 2:17pm)  
Dana Schmidt, Corporate Officer  
Jules Hall, Director of Development Services  
Gillian Kenny, Human Resources Manager  
Colleen Pennington, Economic Development Officer  
Lori Mullin, Recreation and Culture Manager  
Tina Lee, Communications Officer  
Larry Watkinson, Fire Chief  
Stephanie Chambers, Economic Development  
Ian Chapman, City Engineer
- Guests:** Barb Haynes, President, PHA  
Jessica Dolan, President, Tourism Penticton  
Ian MacDonald, Tourism Penticton  
Barb Schneiderat, Tourism Penticton

**1. Call to order**

The Mayor called the Committee of the Whole meeting to order at 2:01 p.m.

**2. Adoption of Agenda**

**It was MOVED and SECONDED**

THAT the agenda for the Committee of the Whole meeting held on July 4, 2016 be adopted as circulated.

**CARRIED UNANIMOUSLY**

**3. Presentations**

3.1 Tourism Penticton and PHA

The Tourism representatives presented 'Travel Penticton Society' as the new organization name. Registration for the new society is in progress, along with the new bylaws and budget. Anticipating individual organizations to dissolve by end of year. The group believes the 2% MRDT should be renewed.

**4. Media and Public Question Period**

**5. Adjournment**

**It was MOVED and SECONDED**

THAT the Committee of the Whole adjourn at 2:37 p.m. to a closed meeting of Council pursuant to the provisions of the *Community Charter* sections 90 (1) as follows:

- (c) labour relations or other employee relations;
- (e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- (g) litigation or potential litigation affecting the municipality;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of Council, could reasonably be expected to harm the interests of the municipality if they were held in public.

**CARRIED UNANIMOUSLY**

Certified correct:

Confirmed:

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Dana Schmidt  
Corporate Officer

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Andrew Jakubeit  
Mayor

**Public Hearing**  
**City of Penticton, Council Chambers**  
**171 Main Street, Penticton, B.C.**

**Monday, July 4, 2016**  
**at 6:00 p.m.**

**Present:** Mayor Jakubeit  
Councillor Sentes  
Councillor Martin  
Councillor Watt  
Councillor Picton  
Councillor Konanz  
Councillor Sayeed

**Staff:** Eric Sorensen, Chief Administrative Officer  
Dana Schmidt, Corporate Officer  
Colin Fisher, Chief Financial Officer  
Ian Chapman, City Engineer  
Jules Hall, Director of Development Services  
Angie Collison, Deputy Corporate Officer

**1. Call to order**

Mayor Jakubeit called the public hearing to order at 6:01 p.m. for "Zoning Amendment Bylaw No. 2016-31. He explained that the public hearing was being held to afford all persons who considered themselves affected by the proposed bylaw an opportunity to be heard before Council.

The Corporate Officer read the opening statement and introduced the purpose of the bylaw. She then explained that the public hearing was being held to afford all persons who considered themselves affected by the proposed bylaw an opportunity to be heard before Council. She further indicated that the public hearing was advertised pursuant to the *Local Government Act*.

**"Zoning Amendment Bylaw No. 2016-31" (702 Creekside Road)**

The purpose of "Zoning Amendment Bylaw No. 2016-31" is to amend Zoning Bylaw No. 2011-23 as follows:

Rezone Parcel B (DD142564F and Plan B6659) of Amended Lot A, District Lot 249, Similkameen Division Yale District, Plan 944, located at 702 Creekside Road, from R1 (Large Lot Residential) to R2 (Small Lot Residential).

The applicant is proposing to subdivide the property and construct a single family home on each lot.

The Corporate Officer advised that no letters have been received after the printing of the agenda.

**DELEGATIONS**

Mayor Jakubeit asked the public for the first time if anyone wished to speak to the application.

- Aaron Byers, Lakeshore Drive, owner, proposing two single family homes, 2000 sq ft in size, no variance required, spoke with neighbours, signed letters of support attached to submitted application. One neighbour concerned with slope and hill stability, one single family home is costly, efficient for two.
- Lydia Timchuck, Creekside Road, spoke against the application due to traffic issues. Would like one home on the property only.

Mayor Jakubeit asked the public for the second time if anyone wished to speak to the application.

- No one spoke.

Mayor Jakubeit asked the public for the third and final time if anyone wished to speak to the application.

- Aaron Byers, spoke with Ms. Timchuck, she would like one house, due to cost require two. Traffic and speed bumps are a different issue.

The public hearing for "Zoning Amendment Bylaw No. 2016-31" was terminated at 6:14 p.m. and no new information can be received on this matter.

Certified correct:

Confirmed:

\_\_\_\_\_  
Dana Schmidt  
Corporate Officer

\_\_\_\_\_  
Andrew Jakubeit  
Mayor

**Regular Council Meeting**  
held at City of Penticton Council Chambers  
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**Monday, July 4, 2016**  
**Following the Public Hearing at 6:00 p.m.**

**Present:** Mayor Jakubeit  
Councillor Konanz  
Councillor Martin  
Councillor Sentes  
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Councillor Picton  
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**Staff:** Eric Sorensen, Chief Administrative Officer  
Dana Schmidt, Corporate Officer  
Ian Chapman, City Engineer  
Colin Fisher, Chief Financial Officer  
Jules Hall, Director of Development Services  
Angie Collison, Deputy Corporate Officer

**1. Call to Order**

The Mayor called the Regular Council meeting to order at 6:15 p.m.

**2. Introduction of Late Items**

**3. Adoption of Agenda**

286/2016

**It was MOVED and SECONDED**

THAT Council adopt the agenda for the Regular Council meeting held on July 4, 2016 as presented.

**CARRIED UNANIMOUSLY**

**4. Adoption of Minutes**

4.1 Minutes of the June 20, 2016 Public Hearing

287/2016

**It was MOVED and SECONDED**

THAT Council receive the minutes of the June 20, 2016 Public Hearing as presented.

**CARRIED UNANIMOUSLY**

4.2 Minutes of the June 20, 2016 Regular Council meeting

288/2016

**It was MOVED and SECONDED**

THAT Council adopt the minutes of the June 20, 2016 Regular Council meeting as presented.

**CARRIED UNANIMOUSLY**



**5. Presentations**

**6. Delegations**

**7. Community Partners**

**8. Reconsideration of Bylaws and Permits**

- 8.1 Zoning Amendment Bylaw No. 2016-28  
Re: 134 Cossar Avenue

289/2016

**It was MOVED and SECONDED**

THAT Council adopt "Zoning Amendment Bylaw No. 2016-28".

**CARRIED UNANIMOUSLY**

- 8.2 Solid Waste Collection and Recyclable Materials Disposal Bylaw No. 2016-29

290/2016

**It was MOVED and SECONDED**

THAT Council adopt "Solid Waste Collection and Recyclable Materials Disposal Bylaw No. 2016-29".

**CARRIED UNANIMOUSLY**

- 8.3 Fees and Charges Amendment Bylaw No. 2016-30  
Re: Garbage Rates

291/2016

**It was MOVED and SECONDED**

THAT Council adopt "Fees and Charges Amendment Bylaw No. 2016-30".

**CARRIED UNANIMOUSLY**

- 8.4 Zoning Amendment Bylaw No. 2016-31  
Re: 702 Creekside Road

292/2016

**It was MOVED and SECONDED**

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2016-31";  
AND THAT Council adopt "Zoning Amendment Bylaw No. 2016-31".

**CARRIED UNANIMOUSLY**

**9. Staff Reports**

- 9.1 Liquor Primary Licence Amendment  
Re: 293 Marina Way

Delegations/Submissions:

- Nil

293/2016

**It was MOVED and SECONDED**

THAT Council recommend to the Liquor Control and Licencing Branch that it supports the application from the Penticton Yacht Club located at 293 Marina Way for a Permanent Amendment (structural change) to add an exterior patio, with: Hours of service from 11:00am to 11:00pm; and No amplified music to be played on the patio.

**CARRIED UNANIMOUSLY**

9.2 Development Variance Permit PL2016-7656  
Re: 596 Orchard Avenue

Delegations/Submissions:

- Nil

294/2016

**It was MOVED and SECONDED**

THAT Council approves "Development Variance Permit PL2016-7656", for Lot 4, Block F, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 1168, located at 596 Orchard Avenue, a permit to allow for a single car garage and carport with variances to the side and rear yard setbacks and to allow front vehicular access; AND THAT staff are directed to issue the permit.

**CARRIED**  
**Councillor Watt, Opposed**

9.3 Main Street Storefront Use Bylaw No. 2016-42

295/2016

**It was MOVED and SECONDED**

THAT Council gives first, second and third reading to "Main Street Storefront Use Bylaw No. 2016-42".

**CARRIED UNANIMOUSLY**

9.4 Controlled Substance Amendment Bylaw No. 2016-39

296/2016

**It was MOVED and SECONDED**

THAT Council give first, second and third reading to "Controlled Substances Property Remediation Amendment Bylaw No. 2016-39", a bylaw that allows for actual cost recovery respecting remediation of real property damaged through the production, trade or use of controlled substances.

**CARRIED UNANIMOUSLY**

9.5 OCP Amendment Bylaw No. 2016-32 & Zoning Amendment Bylaw No. 2016-33  
Re: six storey buildings

297/2016

**It was MOVED and SECONDED**

THAT "Official Community Plan Amendment Bylaw 2016-32", a bylaw that amends the Medium Density Residential Policies of Official Community Plan Bylaw 2002-20, to increase the permitted height and density in the medium density (MR) land use designation to include 6 storey wood frame construction on specific properties within the MR designation, be given first reading and be sent to the July18, 2016 Public Hearing; AND THAT prior to consideration of Official Community Plan Amendment Bylaw 2016-32"and in accordance with Section 475 of the Local Government Act, that Council consider whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:

1. One or more persons, organizations or authorities,
2. The Regional District of Okanagan Similkameen,
3. Local First Nations,
4. School District #67, and,
5. The provincial or federal government and their agencies

AND FURTHER THAT it is determined that the Public Hearing is sufficient consultation; THAT "Zoning Amendment Bylaw 2016-33, a bylaw amending Section 10.9 of City of Penticton Zoning Bylaw 2011-23, allowing six (6) storey residential buildings by increasing the maximum permitted height from 18m to 24m and increasing the permitted maximum

floor area ratio from 1.2 FAR to 1.6 FAR, be given first reading and sent to the July 18, 2016 Public Hearing.

**CARRIED UNANIMOUSLY**

9.6 Zoning Amendment Bylaw No. 2016-36 & DVP PL2016-7608  
Re: 798 Revelstoke Avenue

298/2016

**It was MOVED and SECONDED**

THAT "Zoning Amendment Bylaw No. 2016-36", a bylaw to amend Zoning Bylaw 2011-23 on Lot 2, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale - Lytton) District, Plan 5203 and THAT part of closed road shown as lot C on Plan HG8 District 2, Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Lying Adjacent to Lot 2 Plan 5203, located at 798 Revelstoke Avenue, from R2 (Small lot Residential) to RM2 (Low Density Multiple Housing), be given first reading and be forwarded to the July 18, 2016 Public Hearing;

AND THAT prior to adoption of the bylaw a 5m X 5m corner cut at the corner of Oakville Street and Revelstoke Avenue be registered with the land title office.

THAT delegations and submissions for "Development Variance Permit PL2016-7608" Lot 2, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale - Lytton) District, Plan 5203 and THAT part of closed road shown as lot C on Plan HG8 District 2, Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Lying Adjacent to Lot 2 Plan 5203, located at 798 Revelstoke Avenue, a permit to reduce the minimum interior yard setback from 3.0m to 2.35m, to reduce the exterior setback from 6m to 2.35m, to reduce the minimum rear yard setback from 6m to 4.6m and to waive the sidewalk requirement on Oakville Street to construct two side-by-side duplexes, be heard at the July 18, 2016 Public Hearing;

AND THAT Council consider "DVP PL2016-7608" following the adoption of "Zoning Amendment Bylaw No. 2016-36.

**CARRIED UNANIMOUSLY**

9.7 OCP Amendment Bylaw No. 2016-37 & Zoning Amendment Bylaw No. 2016-38  
DVP PL2016-7672

299/2016

**It was MOVED and SECONDED**

THAT prior to consideration of OCP Amendment Bylaw No. 2016-37 and in accordance with Section 475 of Local Government Act, Council considers whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:

1. One or more persons, organizations or authorities;
2. The Regional District of Okanagan Similkameen;
3. Local First Nations;
4. School District #67; and
5. The provincial or federal government and their agencies.

AND THAT it is determined that the Public Hearing is sufficient consultation; AND THAT "OCP Amendment Bylaw No. 2016-37", being a bylaw to amend "OCP Bylaw No. 2002-20" changing the OCP designation on Lot A, District Lot 5, Group 7, Similkameen Division Yale (Formerly Yale -Lytton) District, KAP82678, located at 151 Duncan Avenue W, from GC (General Commercial) to MR (Medium Density Residential); be introduced, given first reading and be forwarded to the July 18, 2016 Public Hearing;

THAT "Zoning Amendment Bylaw No. 2016-38", a bylaw to amend Zoning Bylaw 2011-23 to rezone Lot A, District Lot 5, Group 7, Similkameen Division Yale (Formerly Yale -Lytton) District, KAP82678, located at 151 Duncan Avenue W, from C4 (General Commercial) to RM3 (Medium Density Multiple Housing), be given first reading and be forwarded to the July 18, 2016 Public Hearing; THAT delegations and submissions for "Development Variance Permit PL2016-7672" on Lot A, District Lot 5, Group 7, Similkameen Division Yale (Formerly Yale -Lytton) District, KAP82678, located at 151 Duncan Avenue W, a permit to change the maximum number of small car parking stalls from 43 to 50, be heard at the July 18, 2016 Public Hearing; AND THAT Council consider "DVP PL2016-7672" following the adoption of "Zoning Amendment Bylaw No. 2016-38".

**CARRIED UNANIMOUSLY**

9.8 Zoning Amendment Bylaw No. 2016-43  
Re: 361 Martin Street – Time Winery

300/2016

**It was MOVED and SECONDED**

THAT Council "Zoning Amendment Bylaw 2016-43" a bylaw that adds the use 'winery' as a site specific use for Lot 1, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 35147 and Lots 12 and 13 of District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 373, located at 361, 353 and 347 Martin Street, be given first reading and sent to the July 18, 2016 Public Hearing.

**CARRIED UNANIMOUSLY**

9.9 Official Community Plan Review

301/2016

**It was MOVED and SECONDED**

THAT Council supports the comprehensive review and update of Official Community Plan Bylaw 2002-20; AND THAT Council instructs staff to engage a suitably qualified person or persons to undertake the necessary background studies and plan preparation; AND THAT Council endorses an appropriate Public Engagement Strategy to enable the general public and identified stakeholder groups to input into the plan preparation.

**CARRIED UNANIMOUSLY**

**10. Correspondence**

**11. Committee and Board Reports**

11.1 Penticton Creek Restoration Committee Meeting Minutes of June 17, 2016

302/2016

**It was MOVED and SECONDED**

THAT Council receive the minutes of the Penticton Creek Retoration Committee Meeting of June 17, 2016.

**CARRIED UNANIMOUSLY**

11.2 Transportation Advisory Committee Meeting Minutes of June 21, 2016

303/2016

**It was MOVED and SECONDED**

THAT Council receive the minutes of the Transportation Advisory Committee meeting of June 21, 2016.

**CARRIED UNANIMOUSLY**

304/2016

**It was MOVED and SECONDED**

THAT Council refer the Transportation Advisory Committee recommendation from the June 21, 2016 meeting to the budget process.

**CARRIED UNANIMOUSLY**

11.3 Parks and Recreation Master Plan Steering Committee Minutes of June 22, 2016

305/2016

**It was MOVED and SECONDED**

THAT Council receive the minutes of the Parks and Recreation Master Plan Steering Committee Minutes of June 22, 2016.

**CARRIED UNANIMOUSLY**

**12. Notice of Motion**

**13. Other Business**

**14. RDOS Update**

**15. Business Arising from In-Camera**

THAT Council appoint Joseph Walters to the Development Services Committee.

**16. Media and Public Question Period**

**17. Adjournment**

306/2016

**It was MOVED and SECONDED**

THAT Council adjourn the Regular Council meeting held on Monday, July 4, 2016 at 7:39 p.m.

**CARRIED UNANIMOUSLY**

Certified correct:

Confirmed:

\_\_\_\_\_  
Dana Schmidt  
Corporate Officer

\_\_\_\_\_  
Andrew Jakubeit  
Mayor

## The Corporation of the City of Penticton

### Bylaw No. 2016-42

*A bylaw to regulate and authorize the construction of storefront uses along Main Street in Downtown Penticton*

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WHEREAS Council wishes to allow the use of road right of ways for retail, service and amenity use within Downtown Penticton;

AND WHEREAS Council is authorized to regulate activities within highway right of ways pursuant to the *Community Charter*;

NOW THEREFORE the Council of the City of Penticton in open meeting assembled, hereby ENACTS AS FOLLOWS:

#### 1. Title

This Bylaw may be cited as "Main Street Storefront Use Bylaw No. 2016-42".

#### 2. Definitions

"Director "	means the Director of Development Services or his/her designate.
"Downtown Revitalization construction project"	means a downtown street reconstruction project completed after 2014.
"Infrastructure"	means any fixed asset owned or operated by the City intended to facilitate transportation, delivery of essential services or removal of waste and includes roads, sidewalks, street trees, fire hydrants, water lines, sewer lines, garbage receptacles, street furniture, street lights, utility poles, traffic control devices, bus stops and signage.
"Permit holder"	means the business or property owner applying for and receiving a permit to allow a storefront use.
"sales area"	means a portion of the City sidewalk located directly in front of a store (Storefront use area) which does not encroach within 1.5m (5 feet) of the pedestrian paver treadway. This area can be used for displays, merchandising, bike racks or artwork.
"seating area"	means the portion of a sidewalk directly in front of a store (storefront use area) which does not encroach within 1.5m (5 feet) of the pedestrian paver treadway. It is typically used for the service of food and beverages.

“sidewalk café”	means a portion of a City sidewalk used for the service of food and beverages in connection with a restaurant or café use in an abutting building, which may include the sale of liquor as regulated by the Liquor Control and Licencing Branch.
“sidewalk Treadway”	means an unobstructed area reserved exclusively for the passage of pedestrians.
“storefront width”	means the building frontage equal to the width of the associated business.
“storefront use”	means the use of a portion of a sidewalk (concrete) area adjacent to the business storefront width and includes, outdoor restaurant seating, merchandize display.

### 3. General Provisions

- 3.1. Examples and illustrations in this bylaw are for the purposes of clarification and convenience. Where there is a direct conflict between an illustration and the text of this bylaw, the text shall prevail.
- 3.2. This bylaw shall apply to those blocks of Main Street that have been subject to a Downtown Revitalization construction project.

### 4. Eligibility for a Storefront Use

- 4.1. Subject to the provisions of this bylaw, a property owner or business owner shall be eligible to use the sidewalk adjacent to their property for a storefront use.
- 4.2. Adjacent property owners may enter into a written agreement with a Permit holder, subject to the approval of the Director to consolidate storefront uses.

#### *Application Process, Fees and Permits*

- 4.3. Storefront uses along Main Street shall be approved by the Director of Development Services.
- 4.4. No person shall construct or otherwise establish a storefront use without a permit issued under this bylaw.
- 4.5. An application for a storefront use shall be made in writing to the Director and complete the Licence Agreement included as **Schedule ‘A’** to this bylaw.
- 4.6. On application for a storefront use, the applicant shall pay the applicable fees as prescribed in the fees and charges bylaw.

- 4.7. An applicant for storefront use permit is entitled to have Council reconsider a decision of the Director of Development Services, and for this purpose:
  - 4.7.1 within 30 days of receiving the Director's decision, the applicant shall submit to the Corporate Officer a written request for reconsideration and the Corporate Officer shall set a date and time for the applicant to appear before Council and be heard regarding the decision; and
  - 4.7.2 following the applicant's opportunity to be heard, Council may either confirm the Director's decision or render a different decision.

## **5. Construction of Storefront Uses**

- 5.1. The applicant shall bear all costs associated with constructing a storefront use.
- 5.2. The Director will require that cost of construction to purchase, install and maintain sidewalk railings and structures within the storefront use area be borne by the applicant.

## **6. Annual Rental Fees**

- 6.1. There shall be no charge for the use of sidewalk space that is not permanently enclosed along Downtown Revitalization construction project.
- 6.2. There shall be an annual charge for the use of a sidewalk space that is permanently enclosed with railings, within thirty six (36) months of completion of revitalization of that block along Main Street.
- 6.3. Rental fees for storefront uses shall be payable annually, where applicable, as prescribed in the fees and charges bylaw.

## **7. Right of Removal by City**

- 7.1. Notwithstanding anything in this bylaw, the City reserves the right to revoke a storefront use permit and remove, demolish, or destroy any structure, furnishings, chattels or other objects for any of the following purposes:
  - 7.1.1. to construct capital works;
  - 7.1.2. to repair or maintain City infrastructure;
  - 7.1.3. to provide emergency services;
  - 7.1.4. to correct an unsafe or unsightly condition in the area in which the storefront use is located; or



- 7.1.5. to bring a storefront use into compliance with a bylaw of the municipality, or any other enactment.
- 7.2. In the event of an action under section 7.1, the operator of a storefront use shall be given 14 days' notice and an opportunity to remove any structure, furnishings, chattels or other items owned by the operator of the storefront use.
- 7.3. Notwithstanding section 7.2, in the event of an emergency, the City shall be exempted from section 7.2 and shall provide as much notice as is reasonable and practical given the circumstances of the emergency.

## **8. Design Standards**

### *Protection and Access to City Infrastructure*

- 8.1. Storefront uses shall be constructed and laid out so as to allow unfettered access to City Infrastructure.
- 8.2. Storefront uses shall not impact any existing City infrastructure such as street trees, light standards or parking meters.

### *Excluded Areas*

- 8.3. Notwithstanding anything in this bylaw, a storefront use or sidewalk Treadway shall not be located in any of the following areas:
  - 8.3.1. In an area necessary for parking firefighting equipment, including parking areas adjacent to fire hydrants;
  - 8.3.2. In an area necessary to provide access for public transportation.

### *Sidewalk Treadway Requirements*

- 8.4. The layout of a storefront use shall include a sidewalk Treadway providing unobstructed pedestrian access through, or around the storefront use.
- 8.5. Except as outlined in section 8.6, a sidewalk Treadway shall be dedicated exclusively to the passage of pedestrians. No planters, signs, or other items shall be placed in the sidewalk Treadway.
- 8.6. Overhead projections, such as an umbrella or awning, may project beyond the Storefront Use area if it is more than 2.1m above the pedestrian sidewalk Treadway.

### *Surfacing*

- 8.7. Unless authorized by the Director, tables and chairs and other features within the storefront use areas shall not be permanently affixed to the pavement surface. Any damage caused to the pavement surface will be the responsibility of the property owner.
- 8.8. Unless authorized by the Director, there shall be no resurfacing over the existing concrete surface such as tiles, paints or other coatings.
- 8.9. The use of de-icing chemicals for snow and ice removal shall be confirmed with City staff.

### *Access for Persons with Disabilities*

- 8.10. A storefront use shall be designed to allow reasonable access for persons with disabilities and shall be designed and constructed in a manner consistent with the [British Columbia Building Access Handbook](#).

## **9. Storefront Use Railings**

### *Options for Business Owners*

- 9.1. The following designed standards are to be used for construction of storefront use railings:
  - 9.1.1. Railings can be used to surround an entire storefront use or be open, depending on the needs of the business and distance to pedestrian Treadway.
  - 9.1.2. Storefront uses projecting within 1.5m of the pedestrian Treadway will be required to be surrounded with a railing.
  - 9.1.3. Railings shall be designed and installed in accordance with one of the three options provided in **Schedule 'C'** to this bylaw and shall be black, grey or complimentary in colour to the building façade.
  - 9.1.4. Railings shall not be covered with signage, trellis or other decorative material unless approved by the Director.

## **10. Duration of Storefront Use Permits**

- 10.1. Storefront uses shall be permitted to operate throughout the calendar year of permit issuance.

## **11. Structures within Storefront Uses**

- 11.1. Property owners must comply with any Building Code regulations regarding construction of the enclosure and may require Development Permit approval.
- 11.2. The design of the storefront use area shall not result in the removal or relocation of existing City infrastructure (trees, light standard, street furniture, etc.).

- 11.3. The structural attachment to city property shall be reviewed by staff prior to any installation.
- 11.4. There shall be no outdoor storage of seats or tables within a storefront use when not in use during winter months.
- 11.5. There shall be no installation of temporary fabric metal framed structures.
- 11.6. The installation of electrical or gas units, such as temporary or permanent heaters, shall be in conformance with BC Safety Authority regulations.
- 11.7. Except for roof structures, there shall be no enclosure of storefront use areas by means of plastic or fabric coverings, glass, solid panels or signage.
- 11.8. Roof structures within a storefront use area shall:
  - 11.8.1. Have a minimum vertical clearance of 2.1m from the pavement surface to the underside of any awning or roof structure.

## **12. Music**

- 12.1. Amplified music shall not be permitted directly within the storefront use area.
- 12.2. Non-amplified live music is permitted but shall not cause a nuisance disturbance for surrounding residential properties.

## **13. Hours of Operations**

- 13.1. Storefront uses may operate during the normal business hours, except that no storefront use operation shall go past midnight.

## **14. Other Bylaws Apply**

- 14.1. All Storefront Uses must be carried out in compliance with this Bylaw and the bylaws of the City in General.

## **15. Enforcement and Penalty**

- 15.1. No person shall do any act or suffer or permit any act or thing to be done in contravention of this bylaw.
- 15.2. Every Person who violates any provision of this bylaw, or who permits any act or thing to be done in violation of the bylaw, or who fails to do any act or thing required by this bylaw, shall be deemed to have committed an offence against this bylaw and shall be liable to a fine set out in the City of Penticton Bylaw Enforcement Notice Bylaw as amended from time to time.
- 15.3. Each day that an offence against this bylaw continues shall be deemed a separate and distinct offence.

**16. Severability**

16.1. If any section, sub-section, sentence, clause, sub-clause or phrase of this bylaw is for any reason held invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw

READ A FIRST time this	4	day of	July, 2016
READ A SECOND time this	4	day of	July, 2016
READ A THIRD time this	4	day of	July, 2016
ADOPTED this		day of	, 2016

---

Andrew Jakubeit, Mayor

---

Dana Schmidt, Corporate Officer

**Schedule 'A'**

The Corporation of the City of Penticton  
Main Street Storefront Use - Licence Agreement

---

NATURE OF AGREEMENT:

FILE:

STOREFRONT USE LICENCE

DATE:

---

THIS AGREEMENT MADE the \_\_\_\_ day of \_\_\_\_\_, 20\_\_

BETWEEN: THE CORPORATION OF THE CITY OF PENTICTON  
171 Main Street, Penticton, B.C. V2A 5A9

(the "City")

OF THE FIRST PART

AND:

(the "Permit Holder")

OF THE SECOND PART

WHEREAS the Permit Holder applied for a Permit to operate a Storefront Use (the Permit") under the City of Penticton Main Street Storefront Use Bylaw and the issuance of such a Permit is subject to the applicant entering into this Agreement;

NOW THEREFORE in consideration of the issuance of the Permit by the City authorizing the Permit Holder to conduct business on a Highway area belonging to the City, the Permit Holder agrees as follows:

In this Agreement, "Licence Area" means the area of City Sidewalk used by the Permit Holder for a Storefront Use. Terms not defined in this Agreement shall be interpreted in accordance with the City of Penticton Main Street Storefront Use Bylaw.

1. The City grants to the Permit Holder a licence to occupy the Licence Area for the purpose only of operating a Sidewalk Sales or Seating Area, and only in accordance with the terms of this Agreement.
2. The right to occupy shall be for the calendar year \_\_\_\_ and, unless terminated pursuant to this Agreement, may thereafter be renewed annually for a subsequent calendar year, upon payment of the annual fees set out in the Fees and Charges Bylaw.
3. The Permit Holder shall display the Permit in the Business premises in relation to which it was issued, in such manner as to be clearly visible to members of the public.

4. The Permit Holder shall use the Licence Area only in accordance with the terms of the Permit and any applicable City bylaws, and the Permit Holder shall permit the Director or his/her designate to enter the Licence Area and the Business premises to which it is appurtenant at any time, for the purpose of monitoring compliance with this Agreement and the Permit.
5. The right to use the Licence Area granted by the Permit and this Agreement is subject at all times to the right of the City and any public utility, and the employees and contractors of either of them, to enter the Licence Area without notice or reimbursement to the Permit Holder, for the purpose of installation, maintenance and repair of pavement, curb and gutter, Sidewalk, pipes, cables, conduits, wires, poles or any other service or installation permitted in a Highway.
6. The Permit Holder shall maintain the Licence Area and the adjacent pavement, Sidewalk and Boulevard in a clean and sanitary condition free from grease, papers, rubbish and debris, to the satisfaction of the Director or his/her designate.
7. The Permit Holder shall maintain the improvements authorized by the Permit to be placed in the Licence Area in good condition, keeping all displayed products, and display apparatus properly aligned, plumb and properly finished.
8. The Permit Holder shall not erect any buildings or structures in the Licence Area other than those specifically authorized by the Permit.
9. The Permit Holder shall vacate the Licence Area at the end of the term of this Agreement if the Agreement is not renewed, or upon the earlier termination of this Agreement if the Permit is revoked, by removing all fixtures, chattels and objects of the Permit Holder and making good any damage to the Sidewalk caused by the installation or removal of fixtures.
10. The Permit Holder shall remove all fixtures, chattels and objects of the Permit Holder from the Licence Area when required to do so by a police officer, municipal bylaw enforcement officer, the Public Works Manager or the Director or his/her designate so as to temporarily restore the use of the Licence Area as a Sidewalk.
11. The Permit Holder acknowledges that upon its failure to comply with section 9 or 10 of this Agreement, the City may remove all fixtures, chattels and objects of the Permit Holder from the Licence Area and repair any damage at the Permit Holder's expense, and agrees to pay the City's costs of removal and, if necessary, storage of such materials and repair of damage, promptly on receipt of the City's account in that regard.
12. The Permit Holder further acknowledges that any fixtures, objects or chattels removed and stored by the City and not claimed within sixty days of removal shall become the property of the City, and may be sold and the proceeds retained by the City.
13. The Permit Holder acknowledges and agrees that the Licence granted by this Agreement does not permit the use of the Licence Area in any manner that would have the effect of blocking or impairing the entrance to any premises adjacent to the Licence Area.
14. The City shall not be liable directly or indirectly, for any personal injuries that may be suffered or sustained by any Person who may be in the Licence Area or for any loss or damage or injury to property belonging to the Permit Holder or any other Person and located in the Licence

Area, unless such injury, loss or damage is due to the City's negligence or default, or negligence or default of those for whom the City is in law responsible.

15. The Permit Holder shall at all times indemnify and save harmless the City and its officials, officers, employees, servants and agents from all cost, losses, damages, compensation and expenses, including actual legal fees, of any nature whatsoever suffered or incurred by the City and caused or sustained by the Permit Holder's occupation or possession of the Licence Area, and from all claims, demands, suits and judgments against the City or its officials, officers, employees, servants and agents on account of or in respect of the Licence Area or the occupation or possession of the Licence Area by the Permit Holder, its servants, agents, contractors, or invitees.
16. The Permit Holder shall at its own expense provide and maintain comprehensive general liability insurance in the minimum amount of \$2,000,000.00 per occurrence against bodily injury and property damage, naming the City and its officials, officers, employees, servants and agents as additional insured's, and shall provide a certificate evidencing the insurance at the time of executing this Agreement and thereafter as required by the City. Such insurance shall contain provisions for cross-liability and severability of interest, and shall be endorsed to provide that the policy will not be changed in any way or cancelled until thirty days after written notice of such change or cancellation shall have been given to the City.
17. The Permit Holder shall not assign the right to use the Licence Area to any other person without the express written consent of the City, and any such assignment shall be in writing. In the event that the Permit Holder transfers its interest in the business premises abutting or adjacent to the Licence Area, the Permit Holder shall obtain the consent of the City to the assignment of the licence granted by this Agreement.
18. This Agreement does not exempt the Permit Holder from any obligations created by any bylaws of the City affecting the use of the Licence Area of the business premises to which the Licence Area is appurtenant, including without limitation any business bylaw, business licence bylaw, building bylaw, or sign bylaw.
19. If the Permit Holder shall be in default in performing its obligations under the Permit or this Agreement, the City may give written notice to the Permit Holder of such default giving the Permit Holder seven days to remedy such default, or such shorter time as the Director or his/her designate may deem appropriate in circumstances constituting a hazard to the public, failing which the City may, by further written notice to the Permit Holder, immediately revoke the Permit and terminate the licence granted by this Agreement.
20. Any notice to the Permit Holder contemplated by this Agreement may be given to the Permit Holder at the address of the business premises to which the Licence Area is appurtenant.
21. This Agreement shall ensure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and permitted assigns, as the case may be.

IN WITNESS WHEREOF the parties hereto have hereunto executed this agreement as of the date and year first above written.

\_\_\_\_\_  
(Name of Permit Holder)

By its authorized signatory(ies):

\_\_\_\_\_  
Name:

\_\_\_\_\_  
Name:

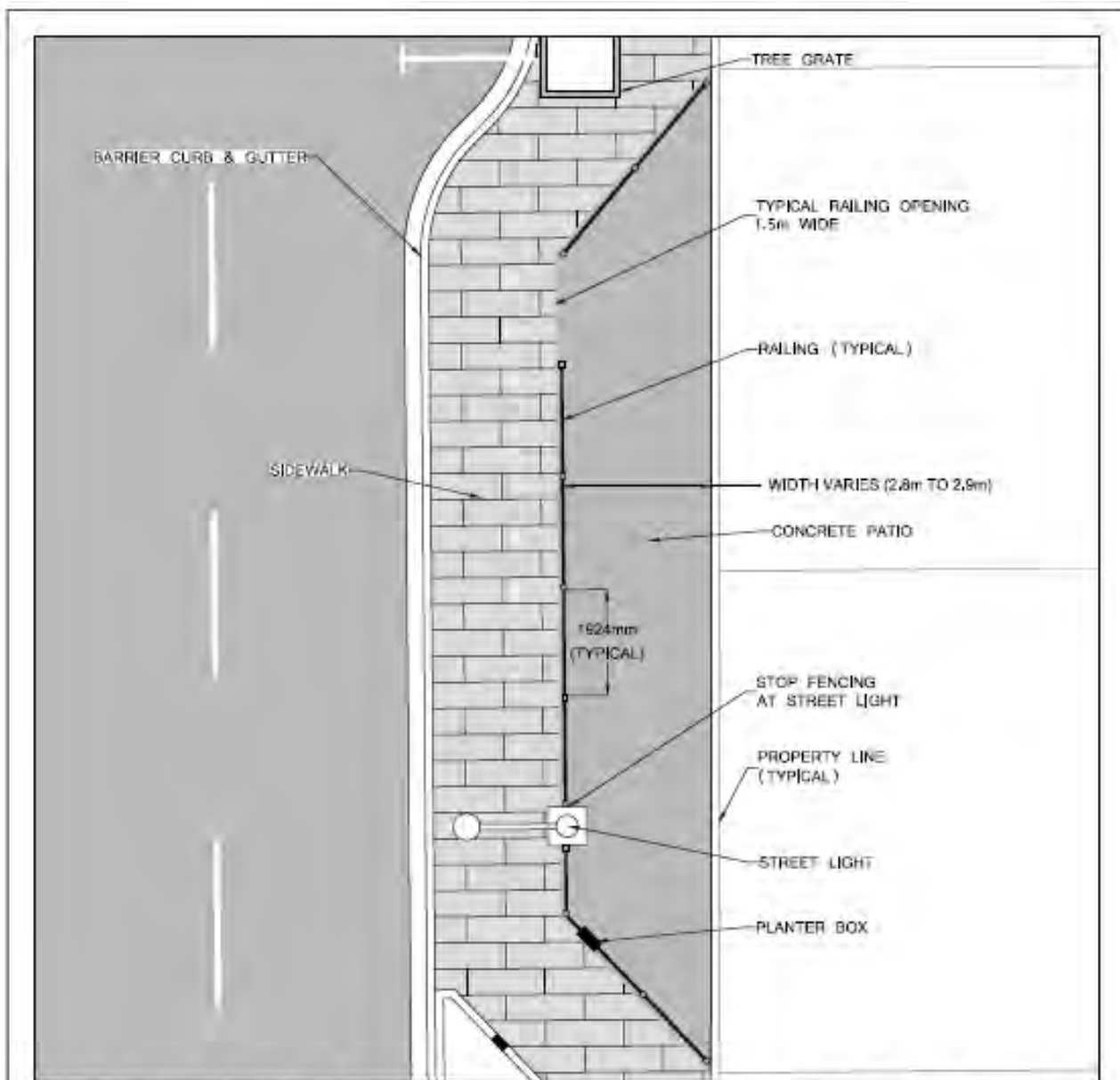
**THE CORPORATION OF THE CITY OF PENTICTON**

\_\_\_\_\_  
**Director** or his/her designate



### Schedule 'B' - Storefront Use Layouts

#### Option A



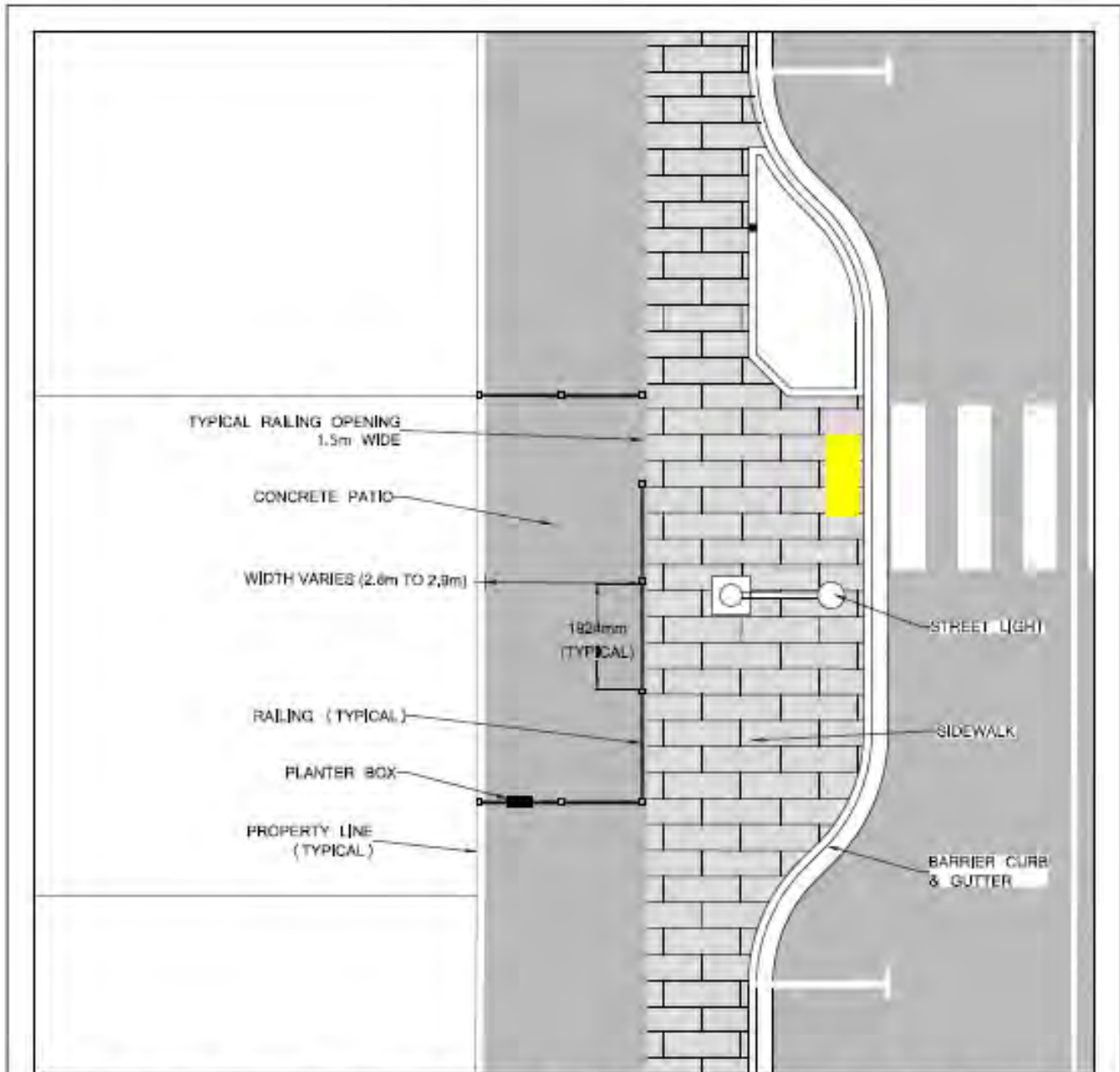
Note: All Railings, including all railing components (ie. planter boxes), are to be installed on the concrete patio and must not extend over any portion of the sidewalk. Access to the building (via a railing opening) must be maintained from the front of the building.



### Main Street Storefront Use Bylaw Railing Layout A

SCALE 1:100

### Option B – Storefront Use



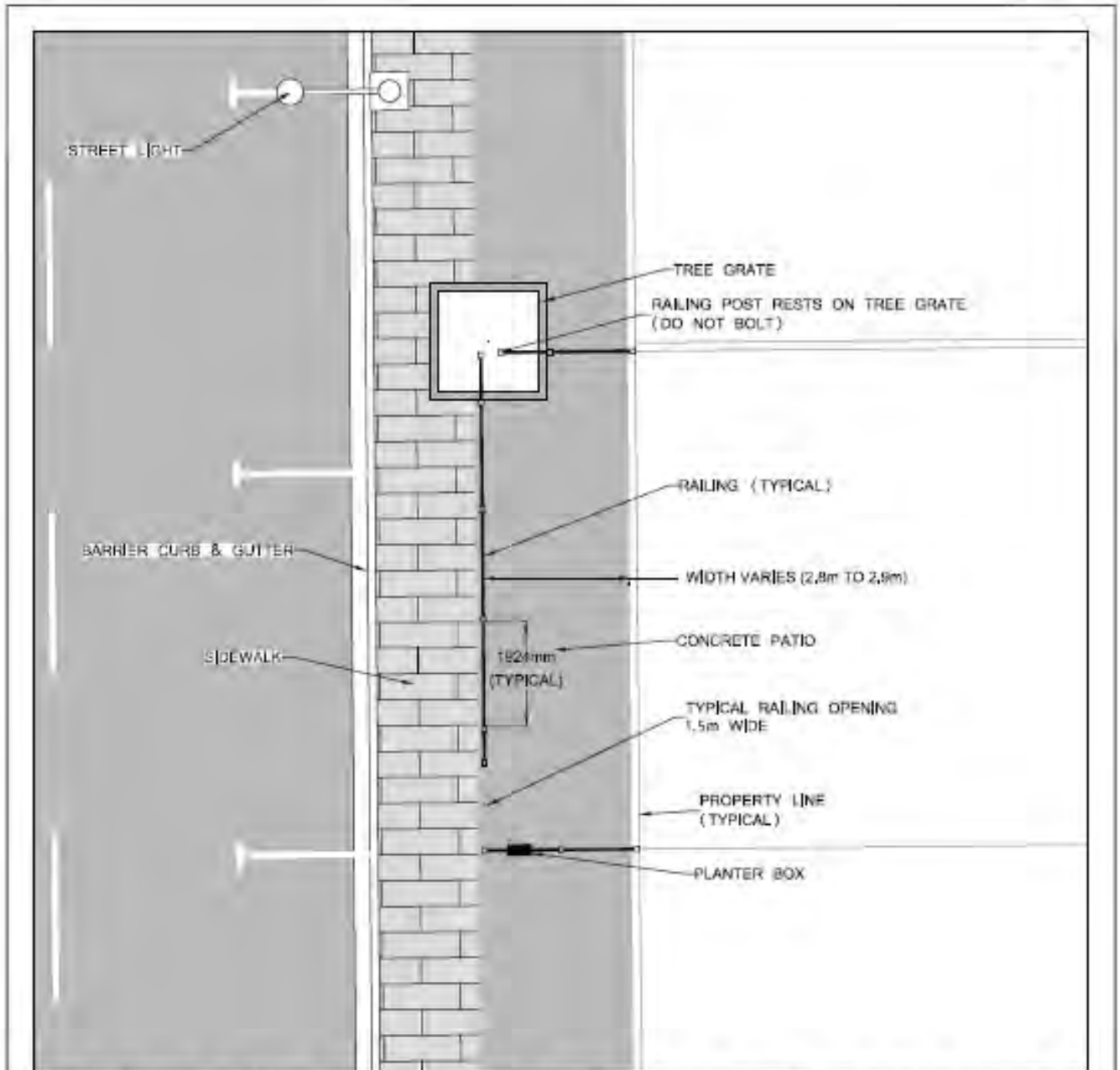
Note: All Railings, including all railing components (ie. planter boxes), are to be installed on the concrete patio and must not extend over any portion of the sidewalk. Access to the building (via a railing opening) must be maintained from the front of the building.



### Main Street Storefront Use Bylaw Railing Layout B

SCALE 1:100

### Option C – Storefront Use



Note: All Railings, including all railing components (ie. planter boxes), are to be installed on the concrete patio and must not extend over any portion of the sidewalk. Access to the building (via a railing opening) must be maintained from the front of the building.

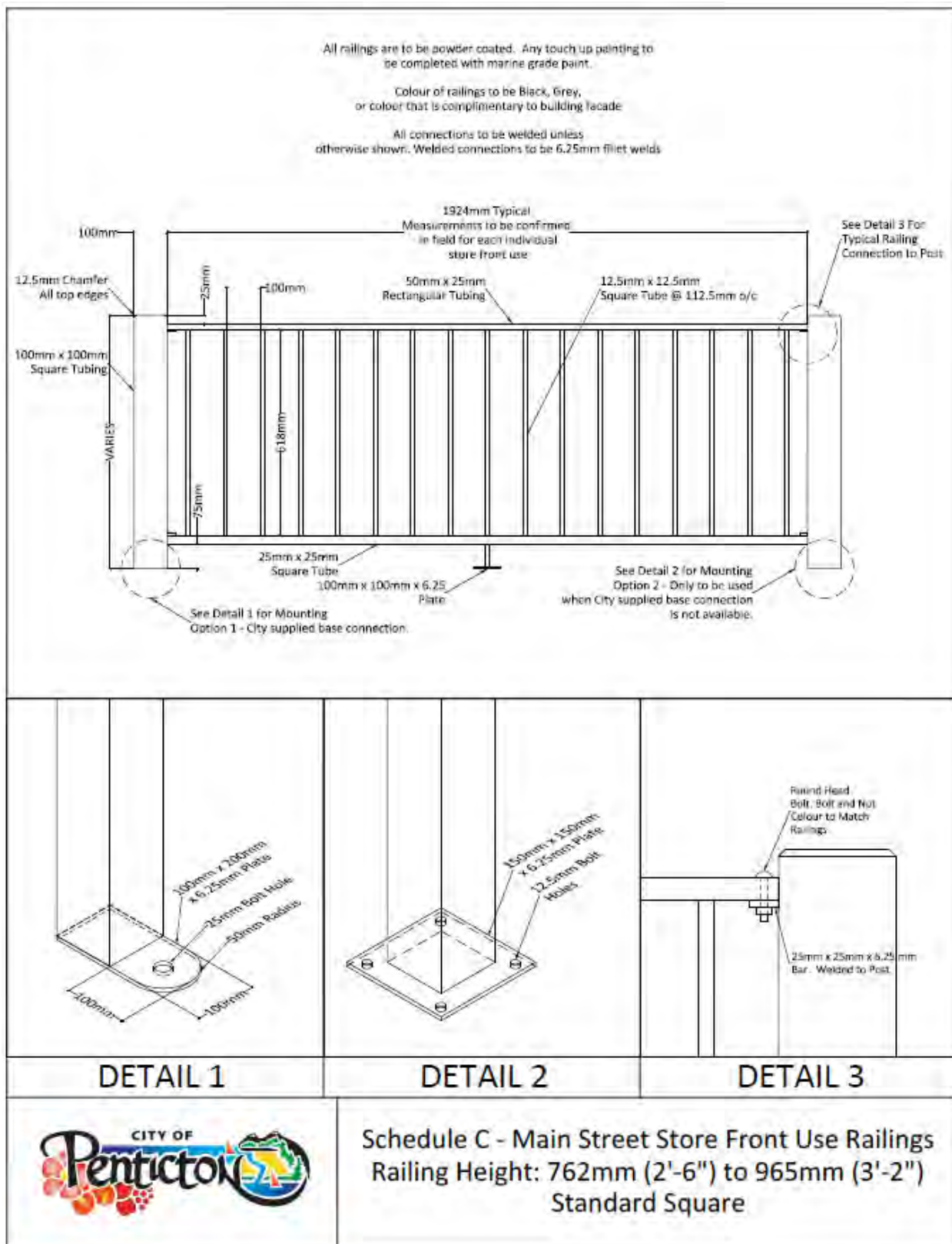


### Main Street Storefront Use Bylaw Railing Layout C

SCALE 1:100

### Schedule 'C'

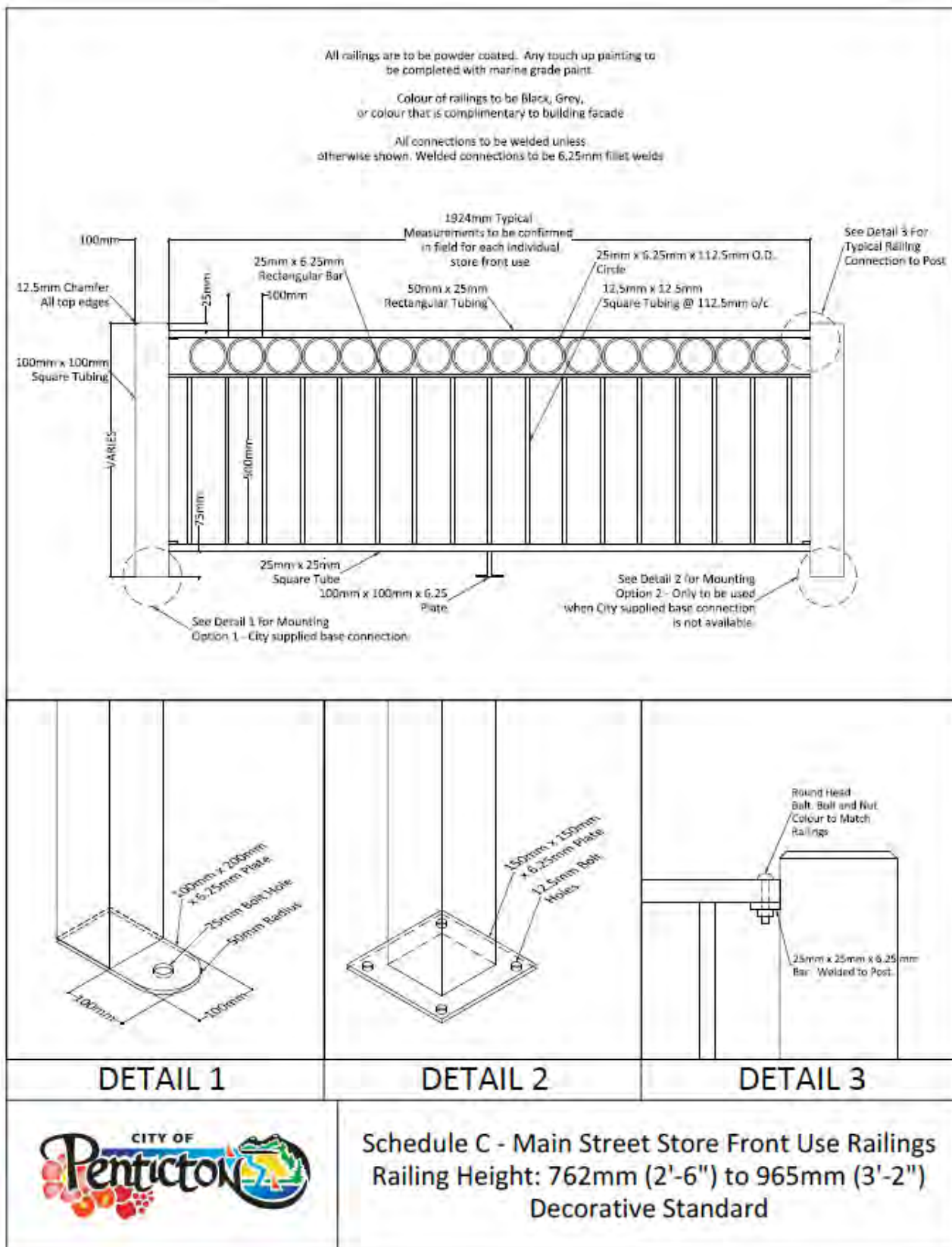
#### Standard Design Option C – Square (No securing railing basis within 150mm of edge of concrete)





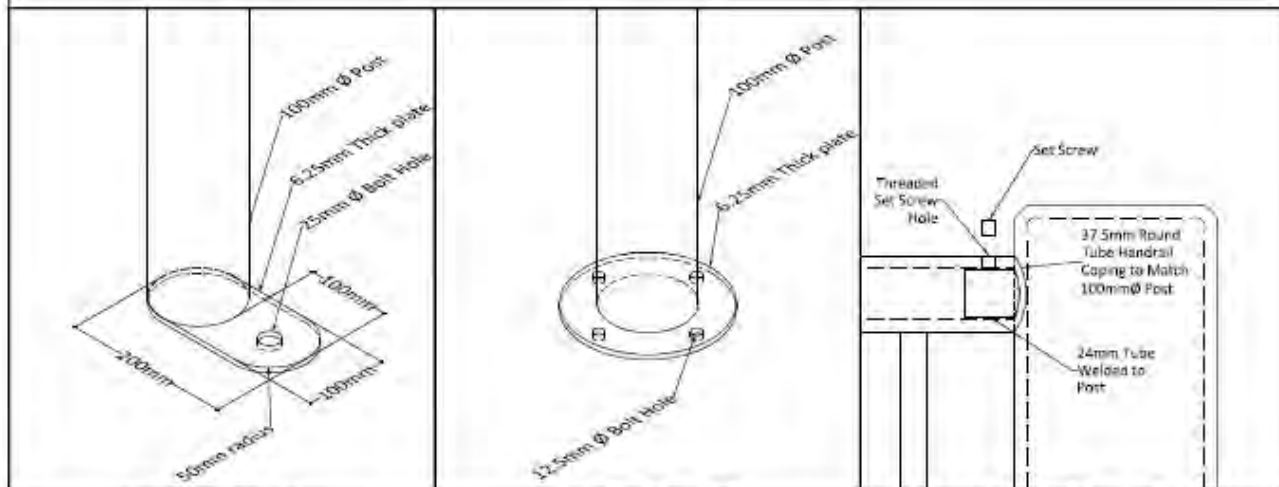
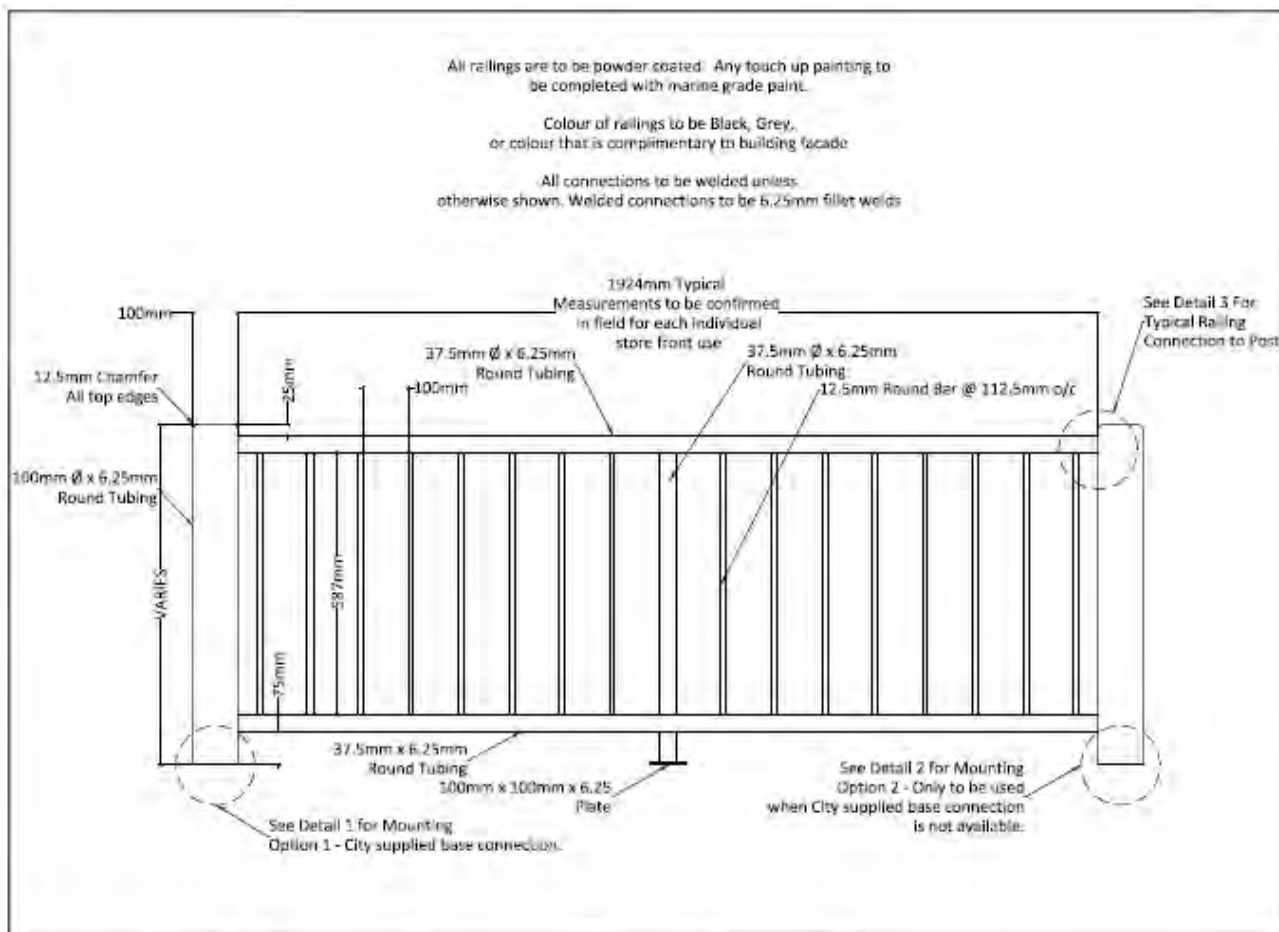
### Standard Design Option C – Decorative

(No securing railing basis within 150mm of edge of concrete)



### Round Design Options C – Round Railing

(No securing railing basis within 150mm of edge of concrete)



DETAIL 1

DETAIL 2

DETAIL 3



Schedule C - Main Street Store Front Use Railings  
Railing Height: 762mm (2'-6") to 965mm (3'-2")  
Round Tubing

**Bylaw No. 2016-39**

*A Bylaw to Amend Controlled Substances Property Remediation Bylaw No. 2004-71*

---

WHEREAS the Council of the City of Penticton has adopted a Controlled Substances Property Remediation Bylaw pursuant to the *Community Charter*;

AND WHEREAS the Council of the City of Penticton wishes to amend Controlled Substances Property Remediation Bylaw No. 2004-71;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**

This bylaw may be cited for all purposes as "Controlled Substances Property Remediation Amendment Bylaw No. 2016-39".

2. **Amendment:**

Controlled Substances Property Remediation Bylaw 2004-71 is hereby amended as follows:

2.1 Delete and replace Section 10 with the following:

10. Extraordinary Costs:

a) Fire Services

If the Fire Chief or a person acting under the authority of the Fire Chief exercises his or her authority under this Bylaw or the Fire and Life Safety Bylaw No. 2004-57 in relation to a Controlled Substance Property, the City may bill and recover the costs from either or both the owner and occupier of the Controlled Substance Property in accordance with Schedule 'A'.

b) Building Services

If a Building inspector or a person acting under the authority of the Building Inspector exercises his or her authority under this Bylaw or City of Penticton Building Bylaw No. 94-45 in relation to a Controlled Substance Property, the City may bill and recover the costs from either or both the owner and occupier of the Controlled Substance Property in accordance with Schedule 'A'.

c) Police Services

The City may bill and recover the costs from either or both the owner and occupier of the Controlled Substance Property in accordance with Schedule 'A' if the RCMP carry out any of the following activities at a Controlled Substance Property:

i. inspection;

- ii. investigation;
- iii. dismantling, disassembly, removal, clean up, transportation, storage and disposal of equipment, substances, materials and other paraphernalia associated with the use of the property as a Controlled Substance Property;
- iv. replacement of consumables used or replacement of equipment following exposure to contaminants used at a Controlled Substance Property;
- v. evidence collection and analysis;
- vi. securing the property; or
- vii. attending to keep the peace.

c) Third Party Expenses

In the event that the City retains a third party such as a hazardous materials or building demolition company to carry out work at a Controlled Substance Property, to dispose of materials or to use additional equipment or supplies at a Controlled Substance Property, cost will be recovered as outlined in Schedule 'A'.

2.2 Delete and replace Schedule 'A' with the attached Schedule 'A' that forms part of this bylaw.

READ A FIRST time this	4 day of	July, 2016
READ A SECOND time this	4 day of	July, 2016
READ A THIRD time this	4 day of	July, 2016
DEPOSITED with the Minister of Health	5 day of	July, 2016
ADOPTED this	day of	, 2016

---

Andrew Jakubeit, Mayor

---

Dana Schmidt, Corporate Officer



## SCHEDULE 'A'

### FEES

*For clarification, these fees are exclusive of all additional fees which may be charged by the lawful authorities having jurisdiction over the supply of electricity, water, and natural gas and any other service providers in respect to inspections for compliance with health and safety requirements which such authorities conduct.*

The following fees apply under this bylaw:

For initial Special Safety Inspection	\$500.00
For each subsequent inspection prior to issuance of a re-occupancy certification	\$250.00
Fire Department Apparatus	Rates as outlined by the Office of the Fire Commissioner inter agency reimbursement rates, as it changes from time to time.
Fire Department Staff	Actual Cost, including back filling of staffing to meet minimum manning for the City as per the current IAFF1399 Collective Agreement.
Exempt Staff	Actual Cost
Third Party Charges (Hazmat, Facilities, Nutrition, Demolition, etc.)	Actual Cost
Consumables (Firefighting foam, hose, protective clothing, etc.)	Actual Cost
RCMP member wages	Actual Cost
Administration and overhead costs	18%

**Bylaw No. 2016-32**

*A Bylaw to Amend the Official Community Plan Bylaw 2002-20*

---

WHEREAS the Council of the City of Penticton has adopted an Official Community Plan Bylaw pursuant to the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend "Official Community Bylaw 2002-20";

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**

THIS Bylaw may be cited for all purposes as "Official Community Plan Amendment Bylaw 2016-32."

2. **Amendment:**

2.1 Section 2.2.1 of the "Official Community Plan Bylaw 2002-20" is hereby amended as follows:

Replace Medium Density Residential Policies policy 1 with:

"Establish a maximum residential density of 125 dwelling units per hectare and a maximum height of six storeys in the Medium Density designation."

2.2 Replace Medium Density Residential Policies policy 3a) with:

"Permit residential densities of up to 125 dwelling units per hectare and six storey structures, considering neighbourhood character, in areas adjacent to the High Density Residential designations, adjacent to the Downtown, adjacent to major shopping centres, or areas along major roads; and,"

READ A FIRST time this	4	day of	July, 2016
A PUBLIC HEARING was held this	18	day of	July, 2016
READ A SECOND time this		day of	2016
READ A THIRD time this		day of	2016
ADOPTED this		day of	2016

Notice of intention to proceed with this bylaw was published on the 8 day of July, 2016 and the 13 day of July, 2016 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

\_\_\_\_\_  
Andrew Jakubeit, Mayor

\_\_\_\_\_  
Dana Schmidt, Corporate Officer

Bylaw No. 2016-33

A Bylaw to Amend Zoning Bylaw 2011-23

WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw 2011-23;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2016-33".

2. **Amendment:**

2.1 Zoning Bylaw 2011-23 is hereby amended as follows:

Replace Section 10.9 'Purpose' with: The purpose of this zone is to provide a zone for **medium density multiple housing** up to six (6) **storeys** above grade on urban services.

2.2 Replace Section 10.9.2.4 with: Maximum **density**: 1.6 **FAR**

2.3 Replace Section 10.9.2.5 with:  
Maximum **height**:

- i. **principal building** 24 m
- ii. **accessory building structure** 4.5 m

READ A FIRST time this	4	day of	July, 2016
A PUBLIC HEARING was held this	18	day of	July, 2016
READ A SECOND time this		day of	, 2016
READ A THIRD time this		day of	, 2016
RECEIVED the approval of the		day of	, 2016
Ministry of Transportation on the			
ADOPTED this		day of	, 2016

Notice of intention to proceed with this bylaw was published on the 8 day of July, 2016 and the 13 day of July, 2016 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

<p>Approved pursuant to section 52(3)(a) of the <i>Transportation Act</i>  this _____ day of _____, 2016</p> <p>_____</p> <p>for Minister of Transportation &amp; Infrastructure</p>
--

\_\_\_\_\_  
Andrew Jakubeit, Mayor

\_\_\_\_\_  
Dana Schmidt, Corporate Officer

Bylaw No. 2016-36

A Bylaw to Amend Zoning Bylaw 2011-23

WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw 2011-23;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2016-36".

2. **Amendment:**

2.1 Zoning Bylaw 2011-23 is hereby amended as follows:

Rezone Lot 2, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 5203, and that part of closed road shown as Lot C on Plan HG8 District 2, Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District lying adjacent to Lot 2 Plan 5203, located at 798 Revelstoke Avenue, from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing).

2.2 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this	4	day of	July, 2016
A PUBLIC HEARING was held this	18	day of	July, 2016
READ A SECOND time this		day of	, 2016
READ A THIRD time this		day of	, 2016
RECEIVED the approval of the		day of	, 2016
Ministry of Transportation on the			
ADOPTED this		day of	, 2016

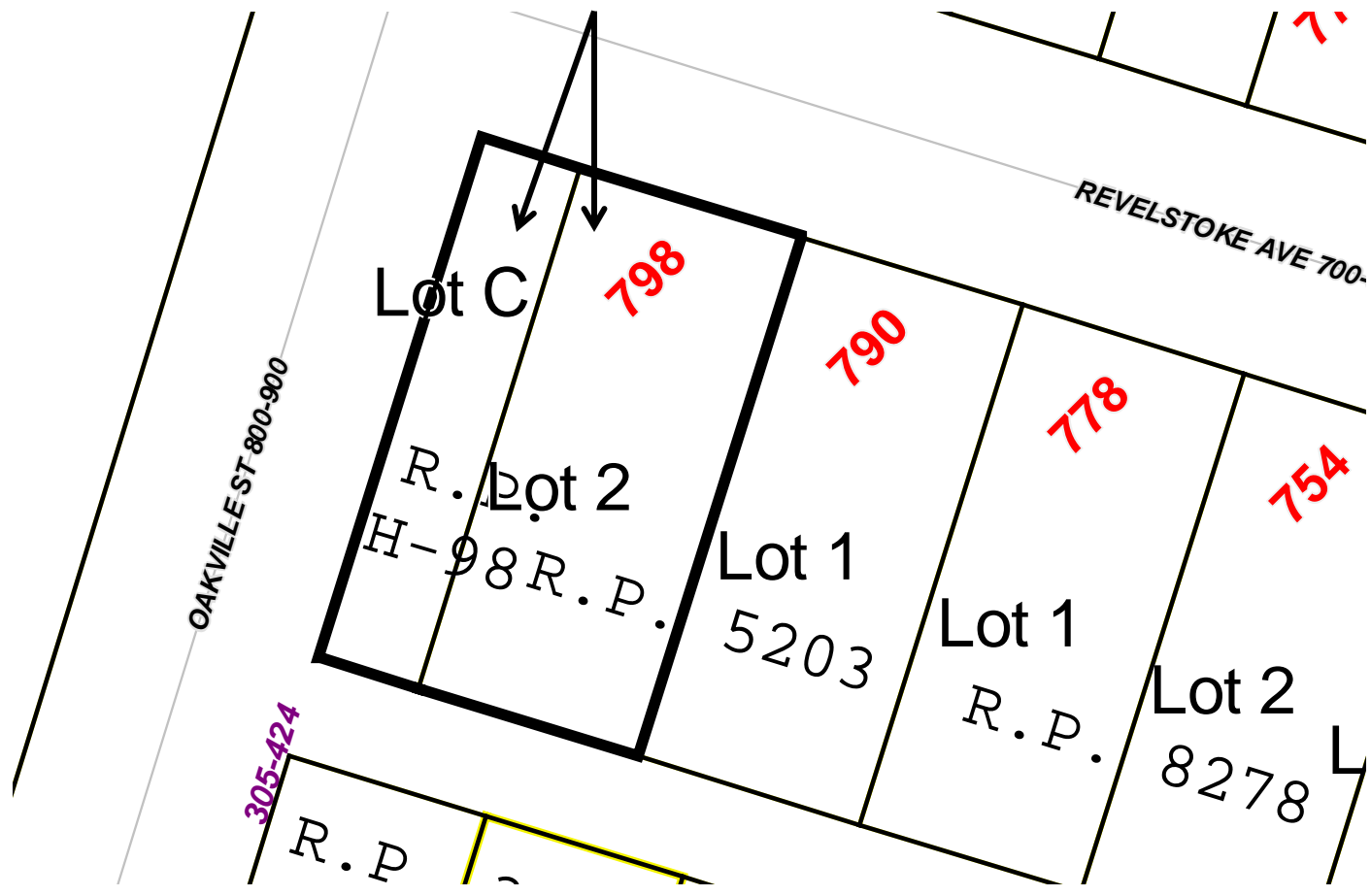
Notice of intention to proceed with this bylaw was published on the 8 day of July, 2016 and the 13 day of July, 2016 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

<p>Approved pursuant to section 52(3)(a) of the <i>Transportation Act</i>  this _____ day of _____, 2016</p> <p>_____</p> <p>for Minister of Transportation &amp; Infrastructure</p>
---

\_\_\_\_\_  
Andrew Jakubeit, Mayor

\_\_\_\_\_  
Dana Schmidt, Corporate Officer

# Rezone 798 Revelstoke Ave. & Lot C From R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing)



**City of Penticton – Schedule ‘A’**

**Zoning Amendment Bylaw No. 2016-36**

**Date:** \_\_\_\_\_

**Corporate Officer:** \_\_\_\_\_

**Bylaw No. 2016-37**

*A Bylaw to Amend Official Community Plan Bylaw 2002-20*

---

WHEREAS the Council of the City of Penticton has adopted an Official Community Plan Bylaw pursuant to Section 903 of the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend Official Community Bylaw 2002-20;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**

This bylaw may be cited for all purposes as "Official Community Plan Amendment Bylaw No. 2016-37."

2. **Amendment:**

"Official Community Plan Bylaw No. 2002-20" is hereby amended as follows:

2.1 Change Schedule 'B' future land use designation for Lot A, District Lot 5, Group 7, Similkameen Division Yale (Formerly Yale – Lytton) District, Plan KAP82678, located at 151 Duncan Avenue W., from GC (General Commercial) to MR (Medium Density Residential).

2.2 Schedule "A" attached hereto forms part of this bylaw.

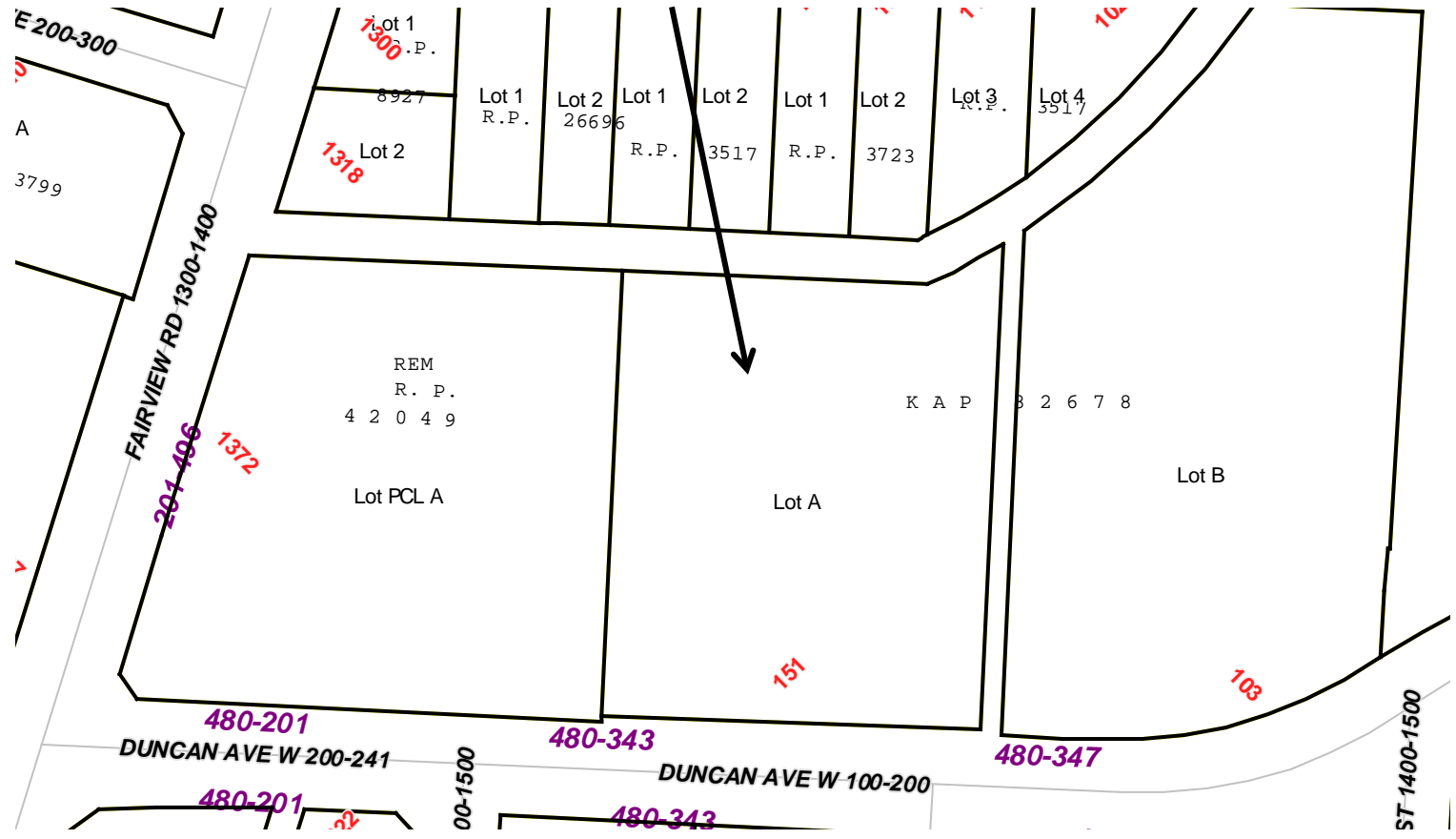
READ A FIRST time this	4	day of	July, 2016
A PUBLIC HEARING was held this	18	day of	July, 2016
READ A SECOND time this		day of	, 2016
READ A THIRD time this		day of	, 2016
ADOPTED this		day of	, 2016

Notice of intention to proceed with this bylaw was published on the 8 of July, 2016 and the 13 of July, 2016 in the Penticton newspapers, pursuant to Section 94 of the *Community Charter*.

\_\_\_\_\_  
Andrew Jakubeit, Mayor

\_\_\_\_\_  
Dana Schmidt, Corporate Officer

# Amend the OCP designation for 151 Duncan Ave. W From GC(General Commercial) to MR (Medium Density Residential)



## City of Penticton – Schedule ‘A’

### Official Community Plan Amendment Bylaw No. 2016-37

Date: \_\_\_\_\_

Corporate Officer: \_\_\_\_\_

**Bylaw No. 2016-38**

*A Bylaw to Amend Zoning Bylaw 2011-23*

---

WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw 2011-23;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2016-38".

2. **Amendment:**

2.1 Zoning Bylaw 2011-23 is hereby amended as follows:

Rezone Lot A, District Lot 5, Group 7, Similkameen Division Yale (Formerly Yale – Lytton) District, Plan KAP82678, located at 151 Duncan Avenue W., from C4 (General Commercial) to RM3 (Medium Density Multiple Housing).

2.2 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this	4	day of	July, 2016
A PUBLIC HEARING was held this	18	day of	July, 2016
READ A SECOND time this		day of	, 2016
READ A THIRD time this		day of	, 2016
RECEIVED the approval of the Ministry of Transportation on the		day of	, 2016
ADOPTED this		day of	, 2016

Notice of intention to proceed with this bylaw was published on the 8 day of July, 2016 and the 13 day of July, 2016 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

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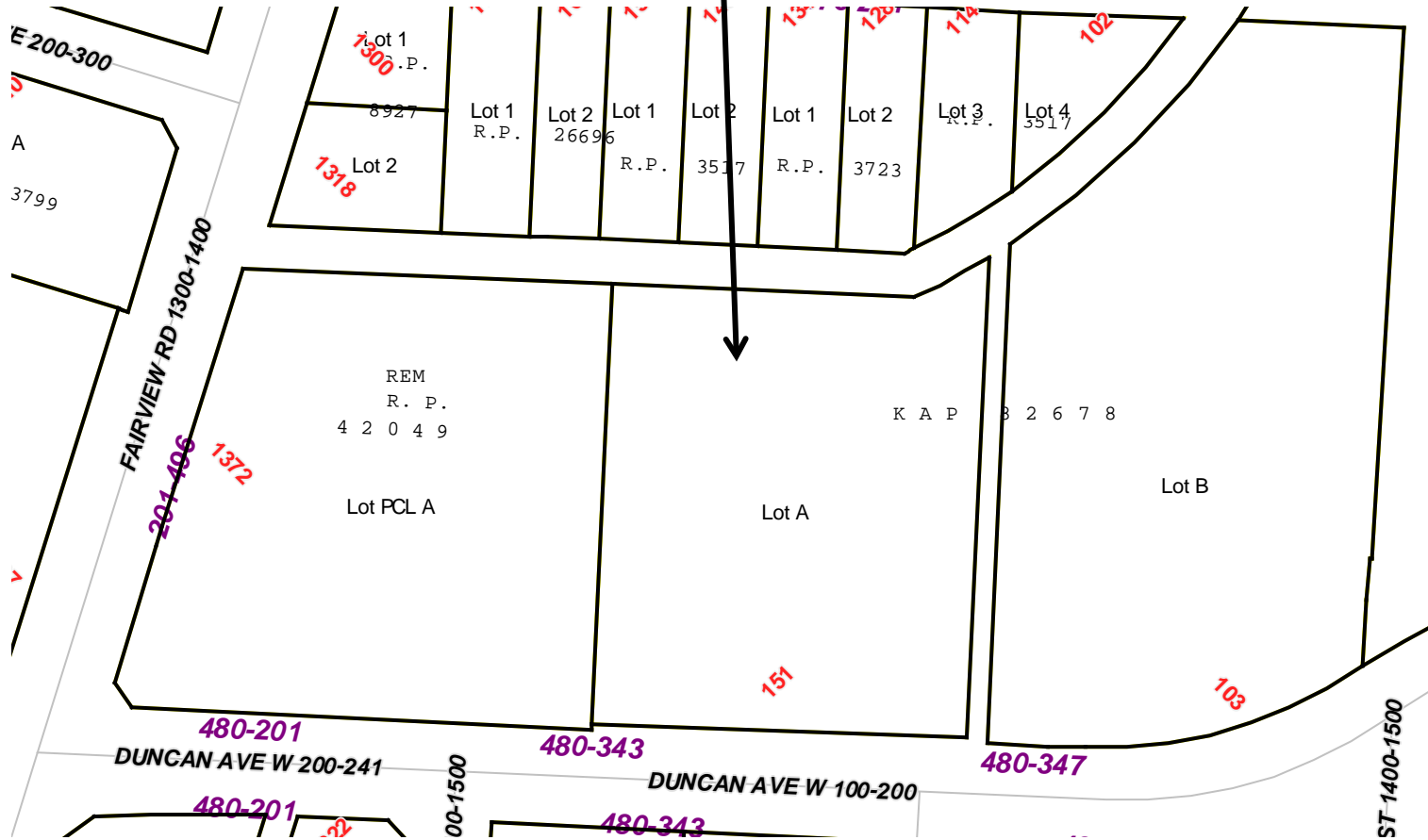
Andrew Jakubeit, Mayor

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Dana Schmidt, Corporate Officer



# Rezone 151 Duncan Ave. W From C4 (General Commercial) to RM3 (Medium Density Multiple Housing)



**City of Penticton – Schedule 'A'**

**Zoning Amendment Bylaw No. 2016-38**

**Date:** \_\_\_\_\_

**Corporate Officer:** \_\_\_\_\_

**The Corporation Of The City Of Penticton**

**Bylaw No. 2016-43**

*A Bylaw to Amend Zoning Bylaw 2011-23*

WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw 2011-23;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **TITLE:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw 2016-43."

2. **AMENDMENT:**

2.1 Zoning Bylaw 2011-23 is hereby amended as follows:

Add a new section under **11.5 C5 – Urban Centre Commercial:**

**11.5.4 SITE SPECIFIC PROVISIONS**

In addition to the uses permitted above:

.5 On Lot 1, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 35147 and Lots 12 and 13 of District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 373 located at 361, 353 and 347 Martin Street, the use 'winery' shall be permitted.

2.2 Schedule 'A' attached hereto forms part of this bylaw.

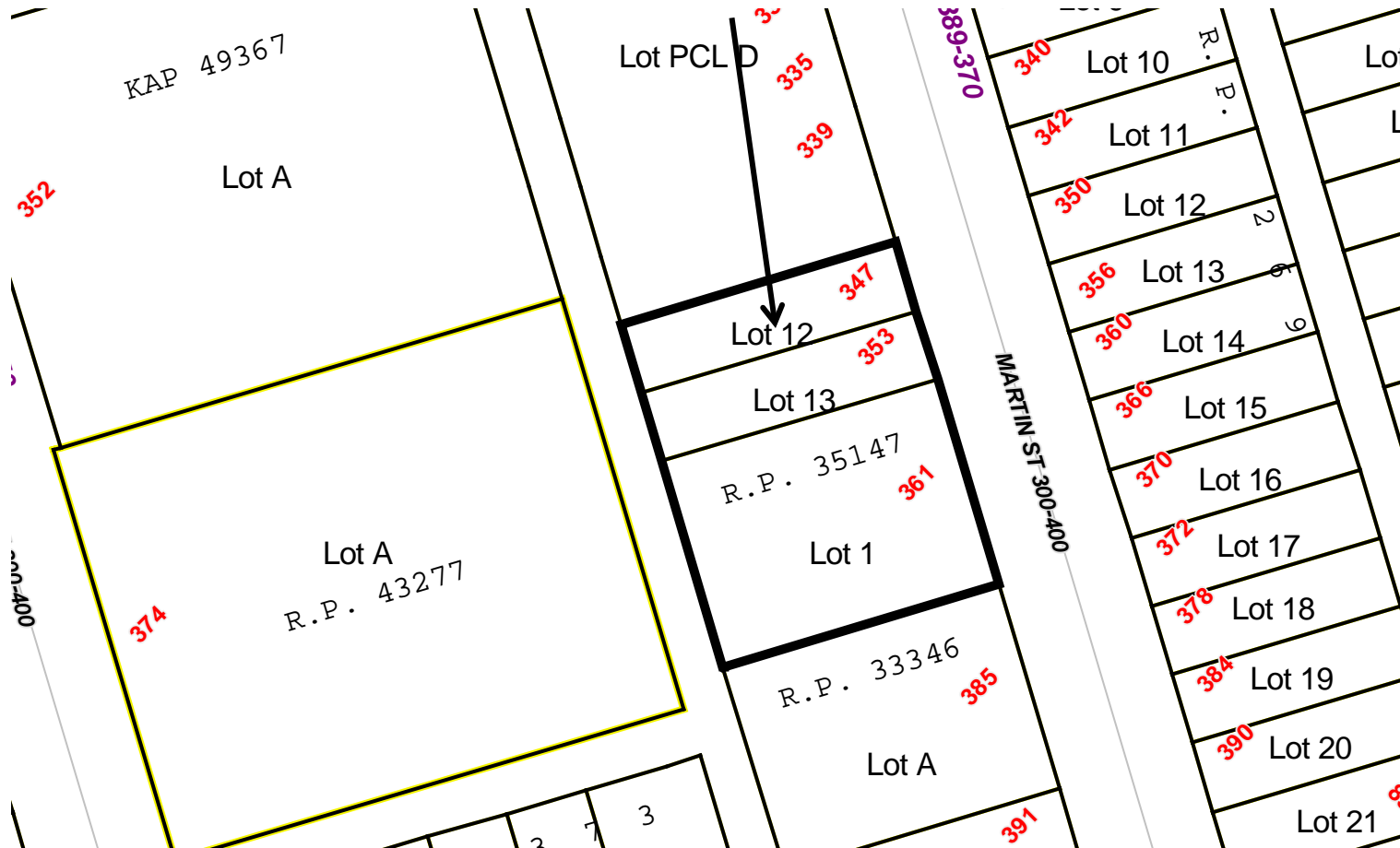
READ A FIRST time this	4	day of	July, 2016
A PUBLIC HEARING was held this	18	day of	July, 2016
READ A SECOND time this		day of	, 2016
READ A THIRD time this		day of	, 2016
ADOPTED this		day of	, 2016

Notice of intention to proceed with this bylaw was published on the 8 day of July, 2016 and the 13 day of July, 2016, in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

\_\_\_\_\_  
Andrew Jakubeit, Mayor

\_\_\_\_\_  
Dana Schmidt, Corporate Officer

# Add "Winery" as a site specific permitted use at 361, 353 & 347 Martin Street (C5 Zone)



## City of Penticton – Schedule 'A'

### Zoning Amendment Bylaw No. 2016-43

Date: \_\_\_\_\_

Corporate Officer: \_\_\_\_\_

# Council Report

penticton.ca

**Date:** July 18, 2016  
**To:** Eric Sorensen, Chief Administrative Officer  
**From:** Lindsey Fraser, Planner I

**File No:** DVP PL2016-7674

**Address:** 134 Bruce Court

**Subject:** Development Variance Permit DVP PL2016-7674

---

## Staff Recommendation

THAT Council approves "Development Variance Permit PL2016-7674" for Lot 8, District Lot 115, Similkameen Division Yale District, Plan 19213, located at 134 Bruce Court, a permit to allow for a garage to exceed the maximum allowable floor area by 8m<sup>2</sup>, increasing the maximum size of the garage from 75m<sup>2</sup> to 83m<sup>2</sup>;

AND THAT staff are directed to issue the permit.

## Background

The subject property (Attachment 'A') is a single-family home located on a street with other single family homes. The neighbourhood, however is a mix of houses, low-rise apartment buildings and townhouses. Directly behind the subject property, to the east, is a townhouse complex. The property is zoned R1 (Large Lot Residential) and is, indeed, a large lot at 0.2 acres, or 814m<sup>2</sup> in size.

The owners of the property are requesting a variance to build a garage that is slightly above the City's maximum allowable floor area for accessory buildings. In total, the applicants are asking for an increase of 8m<sup>2</sup> or 86 sq.ft.

## Proposal

The applicant is requesting one variance, in total, to Zoning Bylaw 2011-23:

- Section 10.1.2.8: Increase the maximum floor area of an accessory building (garage) from 75m<sup>2</sup> to 83m<sup>2</sup>.

## Financial Implication

N/A

## **Technical Review**

This application was reviewed by the City's Technical Planning Committee. No concerns were raised in this process. If the request for a variance is successful, BC Building Code and City bylaw provisions, such as building setback and height restrictions, will apply.

## **Analysis**

### Approve

The applicants have stated in their letter of intent that the purpose of having a larger garage is to park two classic cars and a boat. They have also stated that the garage will facilitate better privacy for them and their neighbours, as views directly into the yard from the neighbouring townhouse complex will be obscured. The garage will be located at the back of the property, in the southeast corner of the lot.

Staff recognizes that the variance will help the owners enjoy the recreational potential of their property and the small increase to floor area is not expected to have an adverse impact on the enjoyment or amenity of neighbouring properties. Further, the large lot can support additional buildings without affecting the lot coverage beyond the bylaw tolerances and without appearing to over develop the site. Lot coverage, with the addition of the garage, equates to approximately 30% of the lot, set against the maximum permissible by bylaw of 40%.

Staff considers that the request is reasonable and in keeping with the intent of the bylaw and recommends that Council approve the variance and direct staff to issue the permit.

### Deny

Council may consider that the variance is not justified and that the applicant should follow the bylaw. If this is the case, Council should deny the variance.

## **Alternate recommendations**

1. THAT Council approves "Development Variance Permit PL2016-7674" with any additional conditions that it considers appropriate.

## **Attachments**

- Attachment A – Subject property location map
- Attachment B – Zoning map
- Attachment C – Images of the property
- Attachment D – Letter of Intent
- Attachment E – Draft DVP

Respectfully submitted,

Lindsey Fraser  
Planner I

Approvals

Director <i>JGH</i>	CAO <i>ES</i>
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### Attachment A – Subject Property Location Map



Figure 1: Subject property highlighted in blue



Attachment B – Zoning Map of Area



Figure 2: Property zoned R1 (Large Lot Residential)



Attachment C – Images of the Property



Figure 3: Looking at front of house from Bruce Court



**Figure 4: Backyard where garage is to be located**

Attachment D – Letter of Intent

May 20, 2016

City of Penticton  
171 Main Street  
Penticton, BC V2A 5A9

Dear Sirs/Mesdames:

Owners: Michael Showalter and Jennifer Biro  
Property: PID 008-098-395, Lot 8 District Lot 115 Similkameen Division Yale District Plan  
19213  
Civic: 134 Bruce Court, Penticton, BC V2A 6C4

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With respect to the above noted property, we advise that we would like to build a garage on our property.

The garage would be 83 meters square which is slightly larger than the City's standard regulation of 75 meters square and under the standard regulation height of 4.5 m measured at mid slope of the roof line.

The property has a substantial size backyard and will accommodate the garage easily. The back lane is a strata road to a condo complex. The building of our garage will provide more privacy for both the strata condo and us.

Michael Showalter has 2 classic cars that he would like to park safely in the garage. We would like to purchase a boat and would need the additional space to park the boat in the garage in the off season.

To finalize our project, we will be planting a row of cedars on the south side of our property line in the backyard. This will provide more privacy between our property and the adjacent property as well.

We thank you for consideration of our proposal.

Yours truly,

  
\_\_\_\_\_  
Michael Showalter

  
\_\_\_\_\_  
Jennifer Biro



Attachment E – Draft DVP



City of Penticton  
171 Main St. | Penticton B.C. | V2A 5A9  
www.penticton.ca | ask@penticton.ca

### Development Variance Permit

Permit Number: DVP PL2016-7674

Name  
Address I

#### Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:  
  
Legal: Lot 8, District Lot 115, Similkameen Division Yale District, Plan 19213  
Civic: 134 Bruce Court  
PID: 008-098-395
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary Section 10.1.2.8 of Zoning Bylaw 2011-23 to allow for the construction of a garage to a maximum floor area of 83 m<sup>2</sup>, as shown in the plans attached in Schedule A.

#### General Conditions

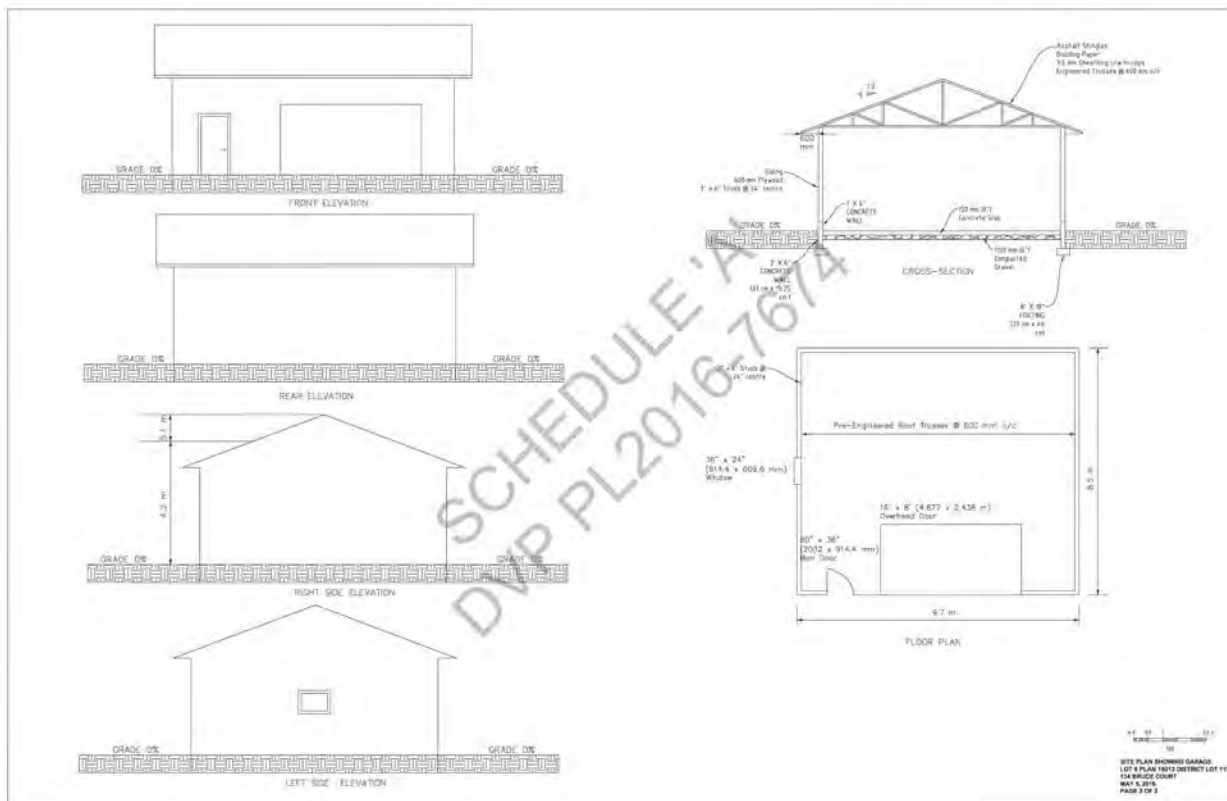
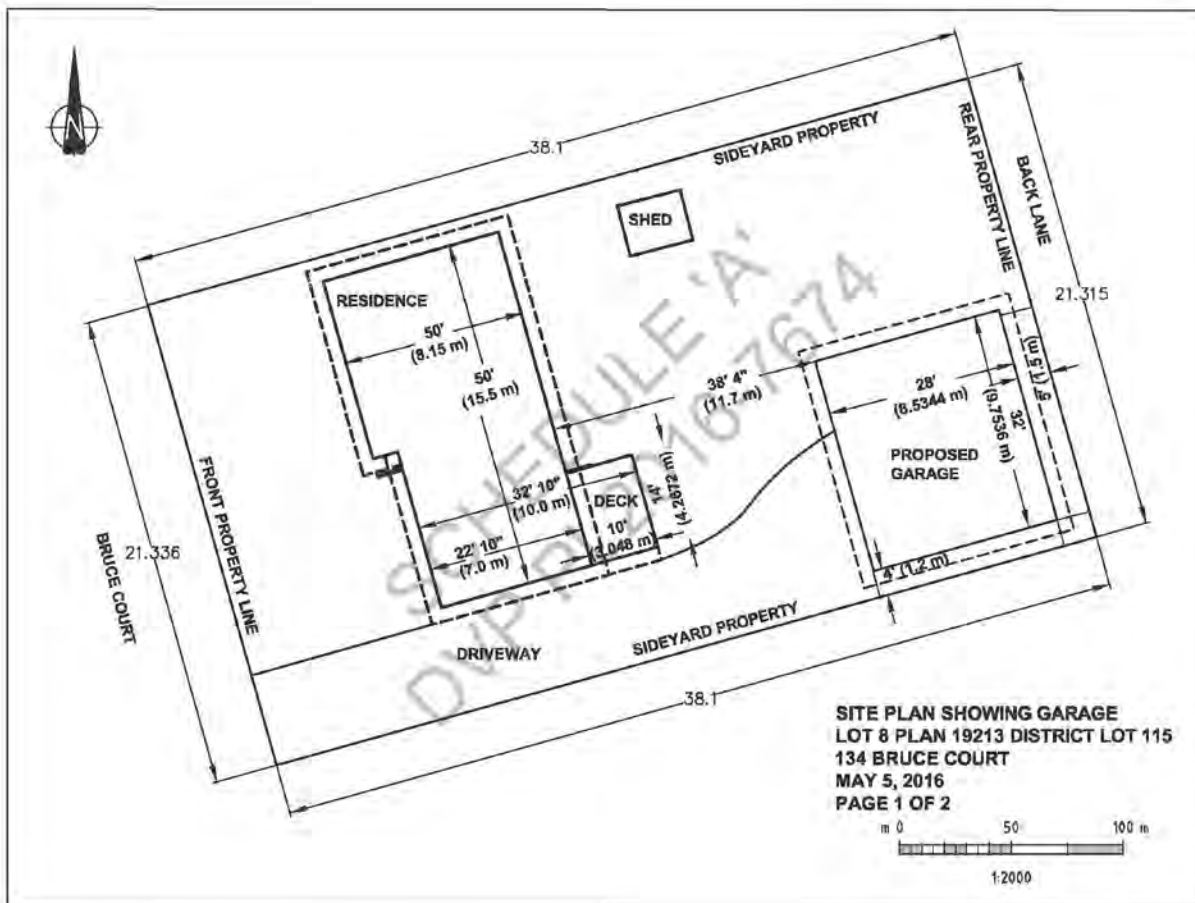
4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
6. This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.
7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.
8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the \_\_\_\_\_ day of \_\_\_\_\_, 2016

Issued this \_\_\_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
Dana Schmidt,  
Corporate Officer

Page 2 of 2



# Council Report

penticton.ca

**Date:** July 18, 2016 File No:  
**To:** Eric Sorensen, Chief Administrative Officer  
**From:** Colleen Pennington, Economic Development Officer  
**Subject:** **Virtual Worker Attraction Program Report**

---

## Staff Recommendation

THAT Council receive the Virtual Worker Attraction Program Report dated July 18, 2016 for information.

## Background

Economic development is tasked with growing the economy of Penticton and specifically with the growth of residents and businesses.

Attracting people with existing employment and income has been a consistent part of the strategy. The initial focus was the Home Base Penticton campaign which focused on the fly in and fly out workforce.

Further work was done assessing the opportunities in other sectors. Recent advances in technology with better connectivity, cloud computing, advanced security and communications allows more and more work to be distributed outside of the traditional office setting. This trend to “virtual” or “remote” working is recognized now as a growth trend in North American business. These remote workers can bring their work to the communities where they want to live instead of centering their lives around the location of a head office.

Penticton undertook a series of initiatives to understand the workforce that has remote or employment (also known as home based). After conducting primary and secondary research, a resident attraction campaign began in fall 2015.

Penticton employed an ad agency in Vancouver. The Vancouver agency was able to bring “out of market” perspective. Their approach, language and initial ideas resonated with the target audiences in the Lower Mainland and Alberta.

Initial research called for both a website and social media presence for the campaign to link to. The new website [www.pentictonworks.ca](http://www.pentictonworks.ca) was created. This website is designed for an existing remote worker audience with heavy emphasis on modern communications elements like blogs, user based content and imagery. A companion Facebook page was also created under Penticton Works.

Digital marketing campaigns utilizing both online advertising and content began to create awareness of Penticton as a potential location for virtual workers. Ongoing data analysis and refinements to the campaigns and digital materials were implemented to keep the content engaging for the target market.

Interest in Penticton was generated in unexpected markets with a much stronger response than anticipated in Ontario along with strong interest from Alberta and the Lower Mainland.

Analysis of the advertising response plus locally focused social media content plus viewer engagement has allowed the campaign to establish a strong and engaged social media following with over 5,000 Facebook likes and to be responsive to their interests and needs regarding relocating to Penticton.

Members of the local virtual working community here are already actively providing fresh and local content relevant and interesting to this group of potential residents through the website and social media channels. Ongoing real-time analysis of the response and engagement data will continue.

**Financial implication**

The Economic Development budget included \$80,000 for resident recruitment programs in 2016. YTD spending is \$45,000.

Through data analysis driving advertising and content refinement the campaign has been able to achieve a cost per like rate for Facebook averaging \$1.00 and a cost per click rate for the website of \$0.20. which are competitive rates for this type of campaign.

The campaign has resulted in over 600 people actively requesting additional information about the City.

In the last 6 weeks the Facebook page alone generated more than 180,000 impressions.

To continue to achieve the brand recognition targets, the engagement with the target market and the potential growth, we should maintain the campaign elements of content curation, unique website and Facebook presence as well as the digital ads for 3 years. Cost per year can be reduced to \$40,000 now that we more fully understand the market and its motivations.

**Analysis**

Research has established that the trend to “remote” or “virtual” working is rising in North America and will continue for the foreseeable future.

Virtual workers are valuable to Penticton as they bring “new” money and skills into the community adding to the economic base without competing for existing jobs or business.

The current online advertising and content campaign has identified that there are concentrations of virtual workers in Ontario, Alberta and the Vancouver area who are interested to relocate to Penticton and what their motivations are to do so.

The current campaign has established that a combined Facebook and Website presence containing a combination of Penticton specific and generic virtual worker related content, along with a Facebook advertising campaign that is constantly refined through data analysis, is the most effective way to maintain top of mind status with this group of potential new residents.

Respectfully submitted,

Colleen Pennington  
Economic Development Officer

CAO  
*ES*







# Background

- Council direction to consider measures to support an inclusive community
- Creation of a small steering committee
- Best practices research completed



# Why?

- To grow its resident base
- To create a sense of belonging so people stay
- To improve our competitiveness in a global world
- To improve our economy
- To create a better place to live
- Because the City has a moral obligation to guard its citizens human rights





# Partnerships

- Local partners
  - LIP
  - SOICS
  - Museum
  - Pacific Sport
  - SOGALA
  - Community Foundation
- Seek leading partners with common vision
  - UNESCO
  - Canadian Coalition of Municipalities Against Racism and Discrimination



# Goals

- Create a welcoming and inclusive community
- Actually make a change not just talk about it
- Partnering for success
- Earn reputation as a community that respects and promotes human rights and diversity
- Strengthen City policies to counter all forms of discrimination to achieve greater social inclusion which may include Accessibility policy, etc.
- Share best practices by joining like minded organizations such as the CCDI (Canadian Center for Diversity and Inclusion)
- Eliminate discrimination and racism and promote inclusion through engagement and public participation



# Actions for 2016

- Creation of an encompassing inclusion & diversity strategy
- Development of a defined action plan
- Work with local, provincial and national partners
- Internal processes and training for diversity and bias recognition
- Communication and community engagement and education



# What has been done already?

- Support for Small Neighbourhood grants program
- Supported the Welcoming Communities Summit – June 17/18
- Undertaking review of OCP
- Proclamation and Banners for Okanagan Pride week



# Next Steps

- Complete 2016 actions
- Review accessibility and potential improvements
- Develop public relations campaign
- Bring forward 2017 budget requests to support diversity initiatives





# Council Recommendation

- THAT Council receive presentation for information



# Council Report

penticton.ca

**Date:** July 18, 2016 **File No:**  
**To:** Eric Sorensen, Chief Administrative Officer  
**From:** Amber Coates, Revenue Supervisor  
**Subject:** **Amended Collections/Disconnections Policy re: Rental Properties**

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## Staff Recommendation

THAT Council upholds Resolution 225/2016.

## Background

In open session May 16, 2016, Council approved an amended Collections/Disconnections Policy that would come into effect on or after August 23, 2016 subsequent to adequate notification of landlords and delivery of the landlord packages.

## Analysis

The intention of the amended Collections/Disconnections policy is to improve the quality of service provided to landlords. Successful rentals are achieved when both the landlord and the renter are well informed and satisfied with the conditions of the rental, including the utility bills associated to that rental. The intention is to assist landlords in making informed decisions about their property and prospective tenants in order to realize long-term success for all parties.

Actions that can be taken by a property owner for a successful rental:

- Consider the options available for the service address utility accounts and specifically include the terms in the rental agreement.
  - Owner-held accounts have two options:
    - A copy of the bill can be presented to the renter for repayment to the landlord. Accounts treated in this way grants the landlord the ability to treat unpaid utilities as unpaid rent.
    - An average bill amount can be included in the rent.
  - Tenant-held accounts mean that the landlord is entrusting the tenant will pay the utility bills and only be able to access a limited amount of information regarding the account.
    - Tenants can be required to purchase a Utility Credit Reference Check if they have been a resident of the City of Penticton prior to this rental.
    - For tenants moving from out-of-city, previous utility providers provide a similar service (this service has been little used in the past).

- Ensure the tenant has been vetted before signing any agreements. This can be as simple or as exhaustive as the landlord wishes; however, there are some very quick and simple actions to take that require little to no investment from the landlord:
  - Use social media and the internet to do some preliminary research on the prospective tenant. The Utility Department is aware of two situations in the past six months where landlords had been attempting to evict tenants that had been in residence for less than one year where a quick “Google” search of the tenant names revealed articles flagging serious concerns the landlords should have considered prior to signing the rental agreements (i.e. news articles regarding fraud charges and willful property damage).
- Update fixtures and/or appliances as necessary to energy- and water-efficient models to assist the tenant in keeping the cost of utilities as low as possible.

Transfer of outstanding municipal utility bills is a right assigned to municipalities under the *Community Charter* Section 258 (1) & (2) in order to ensure services provided to one property are paid by that specific property and not absorbed by the general rate payer. Despite the current aggressive disconnection for non-payment policy, there continues to be a high volume of finalized accounts transferred to taxes each year. The number of accounts transferred does not appear reactionary to the City’s disconnect processes as it fluctuates significantly each year.

Utility Accounts Transferred to Taxes	Number of Accounts	Total Dollar Value	Average Dollar Value
<b>2008</b>	216	\$41,998.51	\$194.44
<b>2009</b>	252	\$69,816.26	\$277.05
<b>2010</b>	231	\$70,525.53	\$305.31
<b>2011</b>	281	\$72,696.97	\$258.71
<b>2012</b>	315	\$95,820.88	\$304.20
<b>2013</b>	281	\$91,549.27	\$325.80
<b>2014</b>	200	\$62,330.23	\$311.66
<b>2015</b>	198	\$66,672.74	\$336.74

The City’s delinquent recovery process appears to be quite successful; however, it also reveals how many utility customers leaving delinquent accounts for previous landlords are finding new places to rent within the City without the new landlord knowing about the delinquent amounts left behind previously. If the tenant had been asked to provide a Utility Credit Reference Check, the new landlord would be aware that in the past the prospective tenant had left unpaid utilities at another rental and be able to take that into consideration. There are times final bills are left in error by great tenants, but the new landlord should have the chance to inquire and decide if they find the reason acceptable.

Utility Accounts Delinquent Recoveries	Number of Accounts	Total Dollar Value	Average Dollar Value
<b>2008</b>	34	\$7,161.94	\$210.65
<b>2009</b>	46	\$15,558.79	\$338.24
<b>2010</b>	61	\$13,872.01	\$227.41
<b>2011</b>	67	\$13,677.62	\$204.15
<b>2012</b>	67	\$14,850.82	\$221.66
<b>2013</b>	43	\$11,205.27	\$260.59
<b>2014</b>	25	\$6,267.99	\$250.72
<b>2015</b>	74	\$24,599.81	\$332.43

Security deposits for utility accounts were demised in 1982 due to their time-intensive burden on the City. It is estimated to administer a deposit system would require the addition of approximately 0.3 to 0.4 of a full-time-equivalent of a utility clerk. Also, in order to be effective, the deposit required would need to be for three (3) months of the average monthly utility bill for the service address. In many cases, tenants would be unable to front such a deposit and to require less would negate the point of having the deposit. Residential monthly billings can range anywhere from \$60.00 to \$600.00, depending on the property.

Year	Event
1982	The whole issue of security deposits in general was reviewed by Council and ultimately they narrowed down their option to two: <ol style="list-style-type: none"> <li>1. Increase the amount of the deposit to a much higher level to provide adequate protection for registered owners, or</li> <li>2. Eliminate the deposits completely and allow the onus for protection of owners on the owners themselves.</li> </ol> Council chose to cancel the security deposit system and refund all existing deposits together with applicable interest. The primary basis for the decision was to make landlords fully responsible for the tenants they select to occupy their rental premises.
2009	Security deposits were revisited and it was determined by the Council of the time that the benefits to landlords were far outweighed by the costs that would be borne by the City. Included in the concerns were new opinions from the Human Rights Commission in regards to applying deposits to tenant accounts only and the increased resourcing for utility staff with all costs associated to the deposit system being passed on to the general rate payer to benefit the minority (landlords). Council chose not to re-instate the deposit system.

An analysis of customer activity reveals that currently whereas 5.28% of property owner accounts enter into the collection process, 16.56% of tenant accounts enter into the collection process. A sample analysis of recent Revenue and Collections Department activity reveals that tenant utility accounts accounted for 54.71% of collections work for all types of collection activity. Approximately 33% of utility accounts are held by tenants.

Owner/Tenant	Collection Status	Count of Customer Accounts
<b>Owner</b>	No Collection Activity	11,996
	Recent Collection Activity	669
<b>Total Owner Accounts</b>		<b><u>12,665</u></b>
<b>Tenant</b>	No Collection Activity	4,071
	Recent Collection Activity	808
<b>Total Tenant Accounts</b>		<b><u>4,879</u></b>
<b>Grand Total</b>		<b><u>17,544</u></b>

The challenge is finding the best method for long-term success for all parties regarding tenant utility accounts. Generally speaking, this would come from the education and participation of everyone involved, rather than a punitive process. Matching quality rental properties with quality tenants creates a successful business relationship for everyone.

In the amended policy, the City does retain the right to disconnect for irregular or extreme non-payment situations. Abuse of the amended policy by purposefully allowing months to go by with no payment to the account and without the approval of the property owner would qualify as an irregular or extreme non-payment situation.

**Alternate recommendations**

1. THAT Council rescinds the effective date of August 23, 2016 from Resolution 225/2016 and directs Staff to come forward with an alternative timeline to allow for a more phased in approach to the amended policy.
2. THAT Council rescinds Resolution 225/2016 and upholds Resolution 47/2013 to maintain the current Collections/Disconnections policy.


**Attachments**

Attachment A – Landlord package

Attachment B - Schedule of additional actions and considerations available to landlords

Respectfully submitted,  
Amber Coates, Revenue Supervisor

Approvals

CFO 	CAO  <i>ES</i>
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June 15, 2016

Dear Property Owner/Property Manager,

**Re: Upcoming Changes to the Utility Collections/Disconnections Policy Effective August 23, 2016**

Beginning August 23, 2016, the way the City of Penticton treats active utility accounts that slip into an arrears status will change. The Utilities Department will be providing landlords with enhanced notifications of tenant arrears and be working more closely with them in regards to their tenant accounts. Pursuant to a policy decision made by Council, the City is moving towards reducing the routine disconnection of electricity accounts for non-payment on active utility accounts. The City will however continue disconnection, at its discretion, of accounts in irregular or extreme situations. To review the full policy in detail, please visit <http://www.penticton.ca/EN/main/departments/finance/utility-accounts.html>.

It is important to note that the City of Penticton will continue its current collection practices including refusal of new services for DELINQUENT accounts paid by landlords. By definition, delinquent accounts are any previously finalized and closed utility account with a balance left outstanding by the account holder. The City will not knowingly provide further services to a customer if that customer owes on a previous account.

For tenant properties, landlords will have three options available to them when considering the utilities portion of the tenancy agreement:

1. Require the tenant to sign on for utilities in their name;
2. Keep the utilities in the landlord or property manager's name and present the utility bill to the tenant for repayment; or
3. Keep the utilities in the landlord or property manager's name and include an average bill amount in the monthly rent.

**Option 1: Require the tenant to sign on for utilities in their name**

This option is currently the most popular practice of landlords and provides the least amount of control and information for the landlord. As required by provincial legislature, the only information that can be released by the City is the amount in arrears, the service address, and the utility customer account number. If this option is chosen, it is recommended that the landlord take the following steps in order manage their risk:

- Register the property tax account with MyCity in order to gain access to tenant account arrears information that is updated daily (see enclosed brochure for instructions).
- Register for the Landlord Utility Arrears Notification (see enclosed form) in order to receive regular notifications of tenant utility arrears.
- Prior to signing a new rental agreement, require prospective tenant to purchase a City of Penticton Utility Credit Reference Request at the tenant's expense. We've enclosed a copy of the request form for your reference. If the tenant is moving in from out-of-city, their previous utility provider will have a similar service and will be able to provide them with the same reference. This will assist you to make a more fully informed decision before signing an agreement with a prospective tenant.

- Ensure all parties that will be living at the rental property are listed on the tenancy agreement. This will allow the Utilities Department to actively monitor each tenant and collect any amounts left outstanding on the property after the tenancy ends from any of the tenants listed. The City monitors new applications for any amounts left outstanding to prior landlords for a time period of six years plus current and will collect and refund those monies owed to landlords before providing any further services to the delinquent customer.

**Option 2: Keep the utilities in the landlord or property manager's name and present the bill to the tenant for payment to the City or repayment to the Landlord**

This option provides the greatest amount of control and information for the landlord. All information regarding consumption and transaction history is available to the landlord, and the landlord can ensure they always receive the discount by controlling when payment is made to the account. Using this option, the landlord also has the ability to treat unpaid utilities as unpaid rent. A sample of the current ***"10 Day Notice to End Tenancy for Unpaid Rent or Utilities"*** Residential Tenancy Branch form is enclosed for your reference. It is extremely important when using this option that you provide a copy of the utility bill to the tenant and document on what date the bill was provided to them.

**Option 3: Keep the utilities in the landlord or property manager's name and include an average amount in the rent**

This option provides the landlord with similar control and information as Option 2, but with specific operational differences on the part of the landlord. Month-to-month tracking of collection of amounts owed by the tenant is easier as it is one payment of the agreed rental amount. However, if a tenant is consuming higher than average utilities the landlord will see a reduction in profit for the property as the rent would not necessarily compensate for the utilities. Increases in rent are strictly regulated by the Residential Tenancy Branch and the allowable increase may not be enough to recover unexpected utility consumption by the tenant. The benefit of this option over accounts in tenants' names is that landlords are always fully informed of utility costs for which they may ultimately become responsible.

We encourage you to contact the Utilities Department if you have any questions and thank you in advance for your cooperation.

Yours truly,

City of Penticton  
Utilities Department

Phone: 250-490-2489

Fax: 250-490-2422

Email: [utilities@penticton.ca](mailto:utilities@penticton.ca)



### LANDLORD UTILITY ARREARS NOTIFICATION REQUEST FORM

I declare that I  am the owner/property manager for the following property addresses:

1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
<b>**For additional properties, please attach a separate signed sheet.</b>	

And THAT I would like to participate in the City's tenant arrears notification process using the following contact information:

Email Address:

Phone Number:

Name (or Business Name):

Address Line 1:

Address Line 2:

City:

Province/State:

Postal/Zip Code:

I understand that I am wholly responsible for the accuracy of and keeping up to date the information provided to the City in this document and that the City will for each arrears event on each account use the **email address provided firstly for all notifications**, and only use the phone number provided for notification in the event email is not available. I further acknowledge that upon delivery of such notification, responsibility to act upon any arrears with the tenant rests with myself.

Signed:

Dated:





## Utility Credit Reference Request

penticton.ca

I hereby request & authorize the City of Penticton to provide the following information on my utility account(s) to  by  at  and I agree to pay the required fee.

Customer name:

Service address:

Period of service:

Account #:  or GL Acct #: OPR694-013

Signature:  Date:

### **Account Information**

Account name(s):

Actual service dates: Connection:  Disconnection:

Payment History (most recent 12 month period):

Number of times in arrears:	<input type="text"/>
Number of times disconnected for non-payment:	<input type="text"/>
Number of returned cheques:	<input type="text"/>

Additional Information:

Completed by:

Date:

Phone: 250-490-248

Fax: 250-490-2422

Email: utilities@penticton.ca

# E-Billing Instructions



## Commonly asked questions:

### How do I change my email for e-billing?

Log into your MyCity account. Select "profile" on the left hand side. You will see your e-mail address and the word change underlined in blue. Click change and fill in the required fields .

From the profile screen you can also change your phone number, name, and security question.

### How do I print a past bill?

Log into your MyCity account. Click on the account you are needing a past bill for. On the left hand side click "ebills". The screen will now provide a list of all the ebills that have been sent for that account. Find the one you need and click on the blue underlined "CIS". This will bring up the copy of the bill that you can print.

### How do I review just a brief billing history?

Log into your MyCity account. Click on the account you are needing the history on. On the left hand side click "Billing History". The screen will now provide a breakdown of each months past bills.

### How do I review my Reading History?

Log into your MyCity account. Click on the account you are needing the reading history on. On the left hand side click "Readings". The screen will now provide a breakdown of all the readings .

If you have water and electric services at your property you can select from the drop down menu, just above the readings, either water or electric to view each service.

#### Need Help

....with Utility Accounts

Call 250-490-2489

Email: [utilities@penticton.ca](mailto:utilities@penticton.ca)

....with Tax Accounts

Call: 250-490-2485

Email: [taxclk@penticton.ca](mailto:taxclk@penticton.ca)



Registering your Utility Account with MyCity is easy & free!

Save time and money

Go one step further and register your Property Taxes to monitor your Tenants Accounts!

## Sign up for Utility e-billing in 10 easy steps:

1. Go to MyCity at [mycity.penticton.ca](http://mycity.penticton.ca)
2. Click on "Register now".
3. Enter your email address, name, phone number and create a password. Choose a security questions and provide answer.
4. Click "Register".
5. A confirmation email will be sent to your email address. Go to your email inbox, click on the link to confirm your account (check your spam/junk folder if nothing arrives).
6. Once confirmed and logged into MyCity click on "Register account" from the side menu.
7. Select account type "Utilities"
8. Enter the customer account number and access code found on your utility bill, and click "Register". Should display a message that your account was successfully added.
9. Click "Accounts" on the side menu, and click on the account number you just registered (underlined and in blue).
10. On the side menu that says "eBills", click on the method of delivery to be "e-billing" and click change.

## Did you know?

- Once your utility account is set up in MyCity, and you're receiving monthly e-bills, you can view past bills, print off any bills you have missed or may need for income tax purposes.
- You can also register your property taxes to monitor your tenant utility accounts—see instructions to the right.
- If you are monitoring your tenant utility accounts it will only allow you to see any balances that are past due or finalized. This information is restricted by FOIPPA legislation.
- You can register all of your utility and property tax accounts with MyCity. You will just need to follow the steps from step 6 on to register each account.

Utility Information
Customer/Account # _____
Access Code _____

Tax Information
Folio _____
Access Code _____

## How to monitor your tenant's Utility Accounts using MyCity

1. Log into your MyCity account
2. Click on "Register account" from the side menu.
3. Select account type "Taxes"
4. Enter the Folio number and access code found on your property tax notice and click "Register". Should display a message that your account was successfully added.
5. Click on "Accounts" on the side menu, and click on the tax account you want to review the utility balances of.
6. On the side menu click on "Utility Balances".
7. This will bring you to the screen that will let you know if your tenant is overdue on the their Utility Bill.

Note: you can also register your property taxes for e-billing and monitor your tax information using MyCity.



# 10 Day Notice to End Tenancy for Unpaid Rent or Utilities

Attachment 78A

#RTB - 30

## BECAUSE:

You have failed to pay rent  
in the amount of \$   
That was due on:     
day month year

You have failed to pay utilities  
in the amount of \$  following  
written demand on:     
day month year

**Tenant: You may be EVICTED if you do not respond to this Notice.**  
You have five (5) days to pay the rent and utilities (if applicable) to the landlord or file an Application for Dispute Resolution with the Residential Tenancy Branch.

- This notice applies to a manufactured home site, *Manufactured Home Park Tenancy Act*, section 39.
- This notice applies to a rental unit, *Residential Tenancy Act*, section 46.

### TO the TENANT(s) (full names are required)

If additional space is required to list all parties, use and attach "Schedule of Parties," form #RTB-26.

last name first and middle name(s)  
   
last name first and middle name(s)

### Tenant Address (address for service of documents or notices--where material will be given personally, left, faxed or mailed)

unit/site # street # and street name city province postal code  
       
daytime phone other phone fax number for document service

### FROM the LANDLORD (if entry is a business name, use 'last name' field box to enter the full legal business name)

If additional space is required to list all parties, use and attach "Schedule of Parties," form #RTB-26.

last name or full legal business name first and middle name(s)  
**Landlord Address** (address for service of documents or notices--where material will be given personally, left for, faxed or mailed)  
      
unit/site # street # and street name city province postal code  
       
daytime phone other phone fax number for document service

## NOTICE: I am hereby giving you 10 days notice to move out of the rental unit or manufactured home site located at:

unit/site # street # and street name city province postal code

By:    (date when tenant must move out or vacate the site)  
day month year

Notice served:  In person  On the door  By registered mail

### Landlord's or Agent's Signature:

Landlord's or Agent's Name (please print or type)  Date:     
day month year

*This is page 1 of a 2-page notice.*  
*The landlord must sign page one of this notice and must give the tenant pages 1 & 2.*

**If within 5 days you do not pay the rent and utilities (if applicable) or make an application for dispute resolution, the landlord can apply for an order of possession through the Direct Request process.**

**The Direct Request process is completed without either party attending a hearing. Instead:**

- The landlord makes an application for an order of possession and submits:
  - A copy of the *Application for Dispute Resolution by Direct Request* (form RTB-12LDR)
  - A copy of this notice (form RTB-30)
  - A copy of the *Proof of Service Notice to End Tenancy* document (form RTB-34)
  - A copy of the tenancy agreement (including the addendum if there is one)
  - When payment for utilities is required, a copy of the written demand informing the tenant of the amount and due date, a copy of related utility bills, and proof of service of the written demand for utilities
  - A copy of all Notices of Rent Increase since the tenancy began, if rent has increased
- The landlord will receive a proceeding package which must be served on the tenant within three days.
- The landlord sends the proof of service of the package to the Residential Tenancy Branch.
- An arbitrator will review all documentation and will make a decision.
- The decision is final and binding on both parties.
- Fraud is the *only* reason that will be considered for a review of the decision.

**The 10 Day Notice to End Tenancy for Unpaid Rent or Utilities can be Served:**

- Any day after the rent was due, for unpaid rent.
- 30 days after the tenant was given a written demand to pay the arrears, for unpaid utilities.

**The Notice is Deemed Received by the Tenant:**

- The day the landlord gives the notice to the tenant in person, or to an adult (19 years or older) who appears to live with the tenant; or,
- Three (3) days after the landlord either leaves the notice in the mailbox or in mail slot; posts it on the door or a noticeable place at the address where the tenant lives; or, faxes it to a number provided by the tenant; or,
- Five (5) days after the landlord sends the notice by registered mail to the address where the tenant lives.

**Disputing the Notice**

- The tenant can make an application for dispute resolution within 5 (five) days after receiving the *10 Day Notice to End Tenancy* (form RTB-30).
- If the tenant disputes the notice, a hearing will be held. Both parties will have an opportunity to participate.
- At the hearing, the landlord may ask for and receive an order of possession if the *10 Day Notice to End Tenancy* (form RTB-30) is upheld by the arbitrator.

**Tenants may dispute the notice for specific reasons such as:**

- they have proof the rent was paid; or,
- they have an order from an arbitrator giving them permission to keep all or part of the rent; or,
- They held part or all of the rent with prior notice to the landlord, for the cost of emergency repairs.

**Important Facts**

- The tenant is not entitled to withhold rent unless ordered by an arbitrator.
- The tenant who accepts the notice must move out by the date set out on page 1 of this notice or sooner.
- An error in this notice or an incorrect move-out date does not necessarily make the notice invalid.

**For More Information**

- Refer to *A Guide for Landlords and Tenants in British Columbia* available on the RTB website and offices.
- Visit the Residential Tenancy Branch office at 400 - 5021 Kingsway, Burnaby BC

***This is page 2 of a 2-page notice.***

***The landlord must sign page one of this notice and must give the tenant pages 1 & 2.***

**FOR MORE INFORMATION**

RTB website: [www.gov.bc.ca/landlordtenant](http://www.gov.bc.ca/landlordtenant)

Public Information Lines 1-800-665-8779 (toll-free) Greater Vancouver 604-660-1020 Victoria 250-387-1602

## **Attachment B**

### **Schedule of additional actions and considerations available to landlords**

- 1) Landlords can determine the type and state of the property and choose their tenants accordingly; thereby setting the stage for their expectations and what the ongoing relationship between their tenant and City will look like.
- 2) Landlords can confirm their understanding of their Residential Tenancy Act with respect to their prospective tenants' rights and the proper steps to follow when setting up the rental agreement and what to do if conditions of the rental agreement are breached.
- 3) Landlords can join or enroll in groups such as Landlord BC for access to reduced-price credit checks, information shared by other landlords on tenants who change cities, and tips on successful rental strategies.
- 4) Absentee or time-constrained landlords can consider hiring a property manager to oversee their investment. It is very important that the property be continually monitored and not treated as passive income to ensure ongoing success.

# Council Report

penticton.ca

**Date:** July 18, 2016 File No:  
**To:** Eric Sorensen, Chief Administrative Officer  
**From:** Deb Clipperton, Budget Analyst  
**Subject:** **2016-2020 Five Year Financial Plan Amendment Bylaw No 2016-34**

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## Staff Recommendation

THAT Council give first, second and third reading to "2016-2020 Five Year Financial Plan Amendment Bylaw No. 2016-34".

## Background

Section 165 of the *Community Charter* provides that a municipality may amend the Five Year Financial Plan at any time to reflect changes that occur during the year.

Section 174 (5) of the *Community Charter* provides that a municipality must not incur a liability for which expenditures are required during the planning period unless those expenditures are included for in the applicable year in the financial plan and to that end any projects carried forward from prior periods must be included in the current period.

## Financial implication

The second quarter budget amendments require a withdrawal from the **2016 general revenue surplus** of \$192,300, leaving a balance of \$5,080,736.

The second quarter budget amendments require a withdrawal from the **2017 general revenue surplus** of \$630,000.

The second quarter budget amendments require a withdrawal from the **2016 public art reserve** of \$25,000, leaving a balance of \$12,011.

The second quarter budget amendments require a withdrawal from the **2016 water surplus** of \$9,787, leaving a balance of \$1,252,143.

The second quarter budget amendments require withdrawals from the **2016 sewer surplus** of \$132,500, leaving a balance of \$5,410,176.

The second quarter budget amendments require funds posted back to the **2016 electric surplus** of \$100,117.07 increasing the balance to \$10,246,517.

## Analysis

The amendments for the 2016-2020 Financial Plan Amendment Bylaw No. 2016-34 are:

1. \$100,117.07 was removed from the 2015 carryforward amounts and deposited to **the electric surplus**. When preparing the 2016 budget these funds were carried forward to close the waste generating facility and there was no certainty as to what additional work would be needed. No additional work is required for 2016 and the funds are returned to the electric capital surplus.
2. In the **general fund** a re-allocation of \$35,000 budgeted for the replacement of the command vehicle for the fire department to the budget for the purchase of a tandem dump truck. The purchase of a new command vehicle for the fire department has been deferred to 2018. The budgeted amount of \$140,000 for the purchase of the tandem dump truck was low.
3. In the **general fund** a re-allocation of \$10,000 budgeted for the replacement of the command vehicle for the fire department to the budget for the purchase of a 1 ton dump truck. The purchase of a new command vehicle for the fire department has been deferred to 2018. Both tenders for the one ton dump truck came in higher than the budget as commissioning for snow operations was not considered at budget time.
4. In the **general fund** a re-allocation of \$8,500 from the human resources salary budget for renovations to the Human Resources department for the addition of 2 new employees, the renovations were not considered at budget time, there is room in the salary budget as the vacancy was not filled until June.
5. In the **general fund** record the grant revenue for a planning grant from the Province of British Columbia for \$25,000 to be used for asset management planning.
6. In the **general fund** record the grant revenue from a UBCM asset management planning grant for an additional \$42,000 of funding for asset management planning.
7. In the **general fund** a re-allocation of \$75,000 from IT capital for GIS-ESRI to general revenue operations for the capital project prioritization framework project (to be used in conjunction with the UBCM grant).
8. In the **general fund** a re-allocation of \$7,800 from the short-term opportunities project (capital) to fund the emergency cost at Memorial Arena for a hot water tank replacement (operating), our contract with the SOEC requires the City to pay for all equipment (capital) costs over \$5,000.



9. In the **general fund** a re-allocation of IT GIS-ESIRI funding of \$250,000 to specific GIS accounts, this amendment is to define the specific GIS projects; \$125,000 for GIS consultants and \$125,000 for GIS data conversions.
  
10. In the **general fund** a reallocation of \$40,000 of funding for the purchase of a zodiac rescue boat (fire department) to purchase two personal water craft, one for each lake for the 2016 summer season as per in-Camera resolution 216/2015.

The amendments for the 2016-2020 Financial Plan Amendment Bylaw No. 2016-34 that draw from the **general surplus** are:

1. Council Resolution 199/2016 for the Custom Transit operational cost increase of \$11,800.
2. Council Resolution 200/2016 for the Conventional Transit operational cost increase of \$12,700
3. Council Resolution 273/2016 IT Availability Assessment cost increase of \$70,000
4. New asset management project for destructive testing for underground infrastructure life spans \$25,000
5. Addition of maintenance of Airport beach to the operations budget \$12,000
6. Addition of storm water utility assessment for asset management plans \$20,000.
7. Decrease of revenue posted for leases, one of the leases was posted twice, \$27,800
8. Addition of Archeological assessment for the SS Sicamous project of \$13,000

The amendment for the 2016-2020 Financial Plan Amendment Bylaw No. 2016-34 that draws from the **2016 water surplus** is:

1. Increase to the water utility operational costs of \$9,787.19, the Ministry of Forests, Lands and Natural Resources correcting a billing error from 2014.

The amendments for the 2016-2020 Financial Plan Amendment Bylaw No. 2016-34 that draw from the **sewer surplus** is:

1. An additional cost for the rate review of \$12,500.
2. As per Council Resolution 246/2016 an addition project for the sanitary sewer GIS of \$120,000.

The amendments for the 2016-2020 Financial Plan Amendment Bylaw No. 2016-34 that draw from the **2017 general capital surplus** are:

1. Council resolution 244/2016 for upgrades to the curling rink, a grant application has been applied for, the project will not commence without the grant, the total cost is \$650,000, and the City of Penticton portion is \$325,000 with grant funding of \$325,000.
2. Council resolution 246/2016 to add \$100,000 for GIS for the storm sewer infrastructure.


3. Council resolution 246/2016 to add \$205,000 for GIS for the road infrastructure.

Respectfully submitted,



Deb Clipperton  
Budget Analyst

Approvals

CFO 	Chief Administrative Officer  <i>ES</i>
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Attachment A - 2016-2020 Five Year Financial Plan Amendment Bylaw No. 2016-34

**Bylaw No. 2016-34**

*A Bylaw to Amend 2016-2020 Five Year Financial Plan Bylaw No. 2016-07*

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WHEREAS the Council of the City of Penticton has adopted a Five Year Financial Plan Bylaw pursuant the *Community Charter*;

AND WHEREAS the Council of the City of Penticton wishes to amend 2016-2020 Five Year Financial Plan Bylaw No. 2016-07;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**

This bylaw may be cited for all purposes as "2016-2020 Five Year Financial Plan Amendment Bylaw No. 2016-34".

2. **Amendment:**

2.1 "2016-2020 Five Year Financial Plan Bylaw No. 2016-07" is hereby amended as follows:

Delete and replace Schedule 'A' in its entirety with the attached Schedule 'A'.

2.2 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this	day of	, 2016
READ A SECOND time this	day of	, 2016
READ A THIRD time this	day of	, 2016
ADOPTED this	day of	, 2016

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Andrew Jakubeit, Mayor

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Dana Schmidt, Corporate Officer

**Schedule "A"**  
**Five Year Financial Plan 2016-2020**

	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
	<b>Budget</b>	<b>Budget</b>	<b>Budget</b>	<b>Budget</b>	<b>Budget</b>
<b>Revenue</b>					
Taxation	28,731,051	29,865,778	30,603,352	31,359,365	31,979,295
Grants in Lieu	254,519	254,519	254,519	254,519	254,519
Collections for other Governments	20,562,109	20,595,725	20,629,629	20,663,823	20,698,311
Hotel Room Tax (MRDT)	450,000	450,000	450,000	450,000	450,000
Sale of Services	10,011,711	9,731,780	9,784,608	9,834,365	9,930,189
Electric Utility Fees	40,967,152	42,440,972	43,981,017	45,590,820	47,245,179
Sewer Utility Fees	6,150,983	6,567,696	7,101,655	7,644,221	8,249,034
Water Utility Fees	7,165,766	8,042,266	8,474,419	8,929,928	9,410,058
Fiscal Services	5,995,939	5,995,381	5,994,823	5,994,265	5,993,707
Rentals\Leases	1,202,803	1,091,663	1,118,334	1,125,085	1,131,650
Gaming Funds	4,537,029	1,600,000	1,600,000	1,600,000	1,600,000
Grants	2,783,034	2,132,701	1,807,701	1,807,701	1,807,701
Developer Contributions	245,630	-	-	-	-
	<u>129,057,726</u>	<u>128,768,481</u>	<u>131,800,057</u>	<u>135,254,092</u>	<u>138,749,643</u>
<b>Expense</b>					
General Operating	65,305,025	65,275,719	65,028,854	65,134,769	65,576,670
Electric Operating	32,917,081	34,557,251	36,310,173	38,182,809	40,152,339
Sewer Operating	4,032,837	4,159,480	4,292,142	4,402,189	4,521,716
Water Operating	3,819,100	3,846,680	3,975,552	4,107,852	3,325,905
Amortization	12,975,000	12,975,000	12,975,000	12,975,000	12,975,000
	<u>119,049,043</u>	<u>120,814,130</u>	<u>122,581,721</u>	<u>124,802,619</u>	<u>126,551,630</u>
Surplus	10,008,683	7,954,351	9,218,336	10,451,473	12,198,013
Add back: amortization	12,975,000	12,975,000	12,975,000	12,975,000	12,975,000
<b>Annual Surplus</b>	<u>22,983,683</u>	<u>20,929,351</u>	<u>22,193,336</u>	<u>23,426,473</u>	<u>25,173,013</u>
<b>Capital</b>					
General Capital	11,132,910	7,754,318	8,681,685	10,355,462	9,979,756
Electric Capital	3,554,431	5,568,189	5,657,064	5,682,354	4,368,551
Sewer Capital	1,992,130	1,656,000	2,923,000	3,380,000	1,690,000
Water Capital	3,755,000	13,188,225	4,022,000	3,240,000	8,208,009
	<u>20,434,471</u>	<u>28,166,732</u>	<u>21,283,749</u>	<u>22,657,816</u>	<u>24,246,316</u>
Principal repayments	4,283,308	4,230,055	2,982,421	2,026,347	2,002,812
Transfer to\from reserve\surplus funds	- 1,734,096	- 11,467,436	- 2,072,834	- 1,257,690	- 1,076,115
<b>Financial Plan Balance</b>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>

# Council Report

penticton.ca

**Date:** July 18, 2016  
**To:** Eric Sorensen, Chief Administrative Officer  
**From:** Dave Spalding, Deputy Fire Chief  
**Subject:** **Donated Modular Structure**

File No: 7380-20

## Staff Recommendation

THAT Council authorize Penticton Fire Department to accept a donated modular residential structure from EllisDon Construction to be used as a functional classroom and/or dormitory at the Emergency Training Centre;

AND THAT additional surplus funds of \$16,200 be available as part of the preparation and placement of the structure on site, and installation of utilities and alterations in preparation for use.

## Background

In April, 2016 during a meeting with EllisDon regarding the new hospital expansion project, the Fire Department was made aware the building in question was going to be demolished to make room for the expansion. Upon further conversation with the General Superintendent of the project, the offer was made to donate the structure to the Fire Department for use as a classroom and/or dormitory at the Emergency Training Centre.

This was an unexpected and unplanned occurrence that was not budgeted for. Due to a short window of time to take advantage of this significant donation I am bringing this forward outside of the normal budget process. Mr. Nord from EllisDon needs to clear this site within the next three months (approx.). Without Council's approval this exceptional opportunity will be lost.

## Financial implication

EllisDon is donating the structure at no cost and covering the cost to disconnect all the services to the building.

Britco innovations has agreed to work with EllisDon to disassemble, relocate, set up & reassemble the trailers at the new location for the cost of \$16,200.

The additional work to place the building on foundation blocks, install all utilities and interior finishing costs would require an investment of \$22,150 of existing City resources.

Building Donation .....	\$ 0.
Britco Innovations.....	16,200.
Utilities, Foundation, Interior Finishing .....	22,150.
TOTAL COST .....	\$38,350.

Estimated Annual Maintenance Cost (starting in 2017) .....\$7,000.

**Analysis**

In 2014 the Fire Department brought forward a business case for a full time training position. This business case outlined the need for a training position and for a fully functional training site. Council recognized the need for training and has endorsed both aspects of the business case. Our training position is in place and our training site has taken shape. The Emergency Training Centre (ETC) natural gas fed props have met the requirements of the Justice Institute of BC to deliver their Fire Fighting training programs. Penticton Fire is now actively delivering firefighter training to our Career and Auxiliary members and to Regional fire departments.

One component of the business case was the future addition of a classroom and washroom facility at the ETC. The current Fire Station does not have a classroom, female washroom, public showers or required decontamination area. In 2014, the estimated cost from Britco on a used classroom and washroom facility was \$175,000.00. In the 2016 budget the Fire Department requested \$50,000 to begin the process of building a budget for this purchase. Due to budget constraints and this being a low priority item, it was dropped from the budget.

The building being donated has a large classroom area, two washrooms with showers, office space, small kitchen and 4 rooms that are set up as sleeping quarters. This building will not only meet the classroom and washroom needs it will also accommodate the health and safety component for decontamination. Other possibilities that could be explored include allowing visiting firefighters to rent these accommodations while attending multi-day training classes and/or enhance our live-in firefighter program.

**Alternate recommendations**

THAT the Fire Department does not accept the donation and alternative options for a classroom be explored by staff in the future.

**Attachments**

Attachment A - Photo of the existing building

Attachment B - Emergency Training Centre site location at 285 Dawson Avenue

Respectfully submitted,

Dave Spalding  
Deputy Fire Chief

CFO 	Fire Chief 	CAO  <i>ES</i>
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# Emergency Training Centre Classroom Sit Location





# EllisDon Modular Building









# Council Report

penticton.ca

**Date:** July 18, 2016  
**To:** Eric Sorensen, Chief Administrative Officer  
**From:** Dana Schmidt, Corporate Officer  
**Subject:** **Council Procedure Bylaw No. 2016-35**  
**Meeting Procedures and Schedules**

File No:

## Staff Recommendation

THAT Council give first, second and third readings to "Council Procedure Bylaw No. 2016-35";

AND THAT Council direct staff to publish notice of Council Procedure Bylaw No. 2016-35 in accordance with Section 94 of the *Community Charter*;

AND THAT after Bylaw No. 2016-35 is adopted, Council approve the amended Council schedule beginning with the second regularly scheduled meeting in September 2016 and advertise the new schedule in accordance with the *Community Charter*.

## Strategic priority objective

Staff resourcing efficiencies.

## Background

At the meeting of June 20<sup>th</sup>, Council passed the following motion:

266/2016

**It was MOVED and SECONDED**

THAT Council direct staff to give public notice and prepare an amendment to "Council Procedure Bylaw No. 2004-23", a bylaw that will revise Part 2, section 5 (2) Time and Location of Meetings as follows: held on the first and third Tuesday of each month and begin at 1:00 p.m.

**CARRIED UNANIMOUSLY**

## Financial implication

The savings realized from scheduling less Council business in the evenings is the savings of staff time that can be used in a more efficient manner.

**Analysis**

Council Procedure Bylaw No. 2004-23 is now 12 years old and Corporate Services was already working on an updated bylaw.

Other than the regular meeting schedule and order of proceedings, the updated bylaw updates terms such as ‘closed’ meetings to ‘in-camera’ , includes several more definitions, and uses generic terms such as ‘Presiding Member’ replacing Mayor/Acting May/Chair.

This update also provides clarity to the ‘Reconsideration’ section, which was a bit confusing in the 2004 bylaw.

This bylaw includes much more specific language in sections such as ‘Delegations’ that should help clarify expectations for those wishing to present to Council.

Language that was in the previous bylaw and deleted from this one are crossed out, and new content is green in the attached draft bylaw.

In accordance with Council’s Procedure Bylaw, the City must make available to the public annually, a schedule of the dates, time and place of regular Council meetings and give notice of the availability of the schedule through advertising.

Regular meetings will be held the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of each month commencing at 1:00 p.m. unless adjustment is required due to conflicts. It should be noted that the November meetings will be a week earlier due to the adoption of Bylaw No. 2016-35. The remaining 2016 meetings will be:

Month	Meeting Date s
September	6, 20
October	4, 18
November	1, 15
December	6, 20

**Alternate recommendations**

That Council direct staff to make changes to the draft Council Procedure Bylaw No. 2016-35 and bring it back to the August 2, 2016 meeting for first reading.

**Attachments**

Attachment A – Council Procedure Bylaw No. 2016-35

Respectfully submitted,  
Dana Schmidt  
Corporate Officer

<p>CAO</p> <p><i>ES</i></p>
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**The Corporation of the City of Penticton  
Bylaw No. 2016-35**

*A bylaw of the Corporation of the City of Penticton  
to regulate the proceedings of Council and Council Meetings*

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WHEREAS pursuant to Section 124 of the *Community Charter*, Council must, by bylaw, establish general procedures to be followed by Council and committees in conducting their business;

NOW THEREFORE BE IT RESOLVED THAT Municipal Council of the City of Penticton, in open meeting assembled ENACTS AS FOLLOWS:

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**PART 1 – INTRODUCTION**

**Title**

- 1. This Bylaw may be cited for all purposes as the “Council Procedure Bylaw No. 2016-35”.

**Definitions**

- 2. In this Bylaw:

“**Chair**” means the Mayor, Acting Mayor, or presiding officer appointed under the *Community Charter* or this Bylaw, who is chairing a meeting;

“**City**” means the Corporation of the City of Penticton;

“**City Hall**” means Penticton City Hall located at 171 Main Street, Penticton, British Columbia;

“**City Web Site**” means the information resource found at ~~an the~~ internet address ~~provided by the City~~ [www.penticton.ca](http://www.penticton.ca);

“**COW**” means the Committee of the Whole ~~Council~~ which includes the Mayor and all Councillors;

“**Community Charter**” means *Community Charter* S.B.C. c. 26 and any amendments thereto;

“**Committee**” means a standing, select, or other committee of Council, but does not include COW;

“**Corporate Officer**” means the Corporate Officer for the City as defined in Section 148 of the *Community Charter* and the ~~appointed designate Deputy~~;

“**Council**” means the City Council of the City;

“**Councillor**” means a Councillor of the City;

“**Closed meeting**” means an ~~meeting or part thereof closed to the public~~ ~~in-camera meeting to~~ consider subject matter that is included in section 90 of *the Community Charter*;

“**Inaugural meeting**” means the meeting at which members elected at the most recent general local election are sworn in;

“**Mayor**” means the mayor or acting mayor of the City;

**"Member"** means the Mayor or a Councillor;

**"Motion"** means a formal proposal made by a member at a meeting of Council or committee that directs an approval or a specified course of action;

**"Public Notice Posting Places"** means the notice board at City Hall, and the City Web Site unless having made reasonable efforts the Corporate Officer is unable to effect such posting to the website;

**"Question"** means the subject matter of a motion;

**"Quorum"** means:

(1) In the case of Council, a majority of the number of members of which the Council consists under the Community Charter; and

(2) In the case of a committee or other body, a majority of the voting members appointed;

**"Resolution"** means a formal determination made by Council or a Committee that approves or orders a specified course of action.

### Application of rules of procedure

3. (1) The provisions of this bylaw govern the proceedings of Council, COW and all committees established by Council, as applicable;
- (2) In cases not provided for under this bylaw, ~~Bourinets~~ **Roberts** Rules of Order shall apply to the proceedings of Council, COW, and committees to the extent that those Rules are:
  - (a) applicable in the circumstances; and
  - (b) not inconsistent with provisions of this bylaw or the *Community Charter*.
- (3) The rules of procedure contained in this bylaw except those that are governed by statutory provisions, may be temporarily suspended, by unanimous vote of Council members.

## PART 2 – COUNCIL MEETINGS

### Inaugural Meeting

4. (1) Following a general local election (1), the first Council meeting must be held on the first ~~Monday~~ **Tuesday** in December in the year of the election;
- (2) If a quorum of ~~Council~~ members elected at the general local election has not taken office by the date of the meeting referred to in subsection (1), the first Council meeting must be called by the Corporate Officer and held as soon as reasonably possible after a quorum has taken office.

### Time and location of meetings

5. (1) All Council meetings must take place ~~within the Council chambers at~~ **within** City Hall except when Council resolves by Council Resolution to hold meetings elsewhere. **Except in the case**



of a meeting outside of City boundaries, Council may pass the resolution to hold a meeting outside of City Hall at the commencement of that meeting;

- (2) Regular Council meetings must:
  - (a) be held on the first and third Monday of each month except that there will be no regular Council meeting:
    - i) when such meeting falls on a statutory holiday; in which case the regular Council meeting will be held on the next day City Hall is open; and
    - ii) the week during which the annual general meeting of the Union of British Columbia Municipalities is held.
  
- (2) Council shall establish annually by resolution a schedule of regular meetings:
  - (a) that are held on the first and third Tuesdays of each month;
  - (b) that begin at 1:00 pm;
  - (c) that are adjourned at 11:00 pm on the day scheduled for the meeting unless Council resolves to proceed beyond that time in accordance with s. 32;
  - (d) if the day in 2(a) falls on a statutory holiday, the regular meeting will be held on the next business day.
  
- (3) Regular Council meetings may:
  - (a) be cancelled by Council; and
  - (b) be changed to a different day, time and place by the Mayor, provided the Corporate Officer is given at least 7 days written notice thereof;
  - (c) Be recessed by the Mayor for a short period with a statement of approximate time the meeting will be reconvened.
  
- (4) In the event of the death, illness, resignation or removal from office or absence from the City of the Mayor, a meeting of Council may be called by the Corporate Officer upon receipt of a requisition to the Corporate Officer, signed by at least two members of Council. Due notice of the said meeting shall be given to each Councillor in the manner required by the *Community Charter*.

### Notice of Council Meetings

- 6. (1) A schedule of the date, time and place of regular Council meetings shall be made available to the public and notice shall be given annually, on or before January 30<sup>th</sup> of the availability of the schedule in accordance with Section 94 of the *Community Charter*;
- (2) Where revisions are necessary to the annual schedule of regular Council meetings, the Corporate Officer must, as soon as possible, post a notice at the Public Notice Posting Places which indicates any revisions to the date, time and place or cancellation of a regular Council meeting;
- (3) The Corporate Officer need not give public notice of a cancelled or rescheduled meeting in respect of which Council has resolved to exclude the public.

### Notice of special meetings

- 7. (1) Except where notice of a special meeting is waived by unanimous vote of all Council members under section 127(4) of the *Community Charter*, a notice of the date, time, and place of a special Council meeting must be given at least 24 hours before the time of meeting, by:

- (a) posting a copy of the notice at the Public Notice Posting Places; and
  - (b) leaving one copy of the notice for each Council member in the Council member's mailbox at City Hall, or
  - (c) forwarding an electronic copy for each member to a City provided electronic device.
- (2) The notice under subsection (1) must describe in general terms the purpose of the meeting and be signed by the Mayor or the Corporate Officer.

### **Cancelled, Rescheduled, or Called Regular Meetings**

8. The Council may by resolution:

- (1) Cancel or reschedule any regular meeting;
- (2) Change the time or location for holding the meeting; or
- (3) Call an additional regular meeting at the time and place stipulated in the resolution.

### **Electronic Participation at Special Meetings**

9. (1) Provided the conditions set out in subsection 128(2) of the *Community Charter* are met, a member of council who is unable to attend a Closed In-Camera or a Special Council meeting may participate in the meeting by means of audio/visual or audio electronic communication devices;
- (2) The Presiding Member must not participate electronically;
- (3) No more than 2 members may participate under Section 7.A(1) at a time;
- (4) Members may participate electronically twice annually;
- (5) In the case of an interruption in the communication link to the member(s) participating electronically, Council will recess to a maximum of 15 minutes until it is determined whether or not the link can be re-established. If communications are not re-established, the meeting will resume without the electronic participant(s).

### **Annual Meeting**

10. The Corporate Officer must give notice of the Council meeting or other public meeting in respect of which Council has resolved to consider:

- (1) The annual report prepared under section 98 of the *Community Charter*, and
- (2) Submissions and questions from the public;
- (3) By giving notice by:
  - (a) Posting notice of the date, time and place of the annual meeting in the public notice posting places; and
  - (b) Publishing notice of the date, time and place of the annual meeting in accordance with section 94 of the *Community Charter*.

### **PART 3 - DESIGNATION OF COUNCIL MEMBER TO ACT IN PLACE OF MAYOR**

#### **Deputy Mayor**

11. (1) Annually, in December, Council must from amongst its members designate Councillors to serve on a rotating basis as the Council member responsible for acting in the place of the Mayor when the Mayor is absent or otherwise unable to act or when the office of the Mayor is vacant;
- (2) Each Councillor designated under section 11(1) must fulfill the responsibilities of the Mayor in his or her absence;
- (3) The Council member designated under section 11(1) has the same powers and duties as the Mayor.

### **PART 4 – ATTENDANCE OF PUBLIC MEETINGS**

#### **Application of Rules In This Part To Other Bodies**

12. In addition to applying to Council meetings, this Part also applies to meeting of the following:
  - (1) COW;
  - (2) Standing committees;
  - (3) Select committees;
  - (4) An advisory body established by Council;
  - (5) A municipal commission established under Section 143 of the *Community Charter*;
  - (6) A body that under the *Community Charter* or other Act may exercise the powers of the City or Council;
  - (7) The Board of Variance established under Section 899 of the Local Government Act;
  - (8) The Parcel Tax Roll Review Panel established under Section 204 of the *Community Charter*;
  - (9) A body prescribed by Provincial Regulation.

#### **Open Meetings**

13. Except where the provisions of section 90 of the *Community Charter* apply, all Council meetings must be open to the public.

#### **Closed In-Camera Meetings May be Held**

14. A Council meeting or part thereof may be closed to the public, and shall be called an **Closed In-Camera** meeting, if the subject matter being considered relates to the matters as specified in section 90 of the *Community Charter*.

### **Closed In-Camera Meetings Must be Held**

15. A Council meeting or part thereof must be closed to the public, and shall be called an **Closed In-Camera** meeting, if the subject matter being considered relates to the matters as set out in section 90(2) of the *Community Charter*.

### **Attendance at Closed In-Camera Meetings**

16. (1) Council may allow one (1) or more City officers or employees to attend or exclude them from attending **Closed In-Camera** meetings, as it considers appropriate;
- (2) Council may allow a person other than a City officer or employee to attend **Closed In-Camera** meetings, if Council considers it necessary and in the case of **Closed In-Camera** meetings under section (13) of this bylaw if the person already has knowledge of confidential information or is a lawyer attending to provide legal advice in relation to the matter;
- (3) The minutes of **Closed In-Camera** meetings must record the names of all persons in attendance.

### **Resolution Required Before Closed In-Camera Meeting**

17. Before an **Closed In-Camera** meeting is held, Council must state by Resolution passed in a public meeting, the fact that the meeting or part thereof is to be closed, and the basis under the applicable sections 13 or 14 under which the meeting or part thereof is to be closed.

### **Bylaws and Closed in-Camera Meetings**

18. Council must not vote on the reading or adoption of a bylaw at a Closed meeting.

### **Expulsion from Closed In-Camera Meetings**

19. (1) If the Mayor considers another person at the meeting is acting inappropriately, the Mayor may order that the person is expelled from the meeting;
- (2) If the person expelled does not leave the meeting, a peace officer may enforce the order under subsection (1) as if it were a Court Order.

## **PART 5 – COUNCIL PROCEEDINGS**

### **Quorum**

20. A quorum for a COW, statutory, regular and special meetings of Council shall be four (4) Councillors.

### **Calling a Meeting to Order**

20. As soon after the time specified for a Council meeting as there is a quorum present the Mayor must take the Chair and call the meeting to order.

- (1) If a quorum is present but neither the Mayor or Acting Mayor are present at the time at which the meeting is scheduled to begin:
  - (a) The Corporate Officer must call the meeting to order; and
  - (b) By resolution the Council must appoint a Councillor as Chair for that meeting until the Mayor or Acting mayor arrives;
  - (c) Upon arrival, the Mayor or Acting Mayor will preside.

### No Quorum

21. If there is no quorum of Council present within thirty (30) minutes of the scheduled time for a Council meeting, the Corporate Officer must:

- (1) record the names of the Council members present, and those absent; and
- (2) adjourn the meeting until the next scheduled meeting.

### Agenda

22. (1) Prior to each Council meeting, the Corporate Officer must prepare an agenda setting out all the items for consideration at that meeting;

- (2) When preparing the agenda prior to the meeting, the Mayor and Corporate Officer may in their discretion:
  - (a) vary the order set out in section 23;
  - (b) delete agenda headings if there is no business under those items.

(3) The deadline for complete submissions to the Corporate Officer of items for inclusion on the Council meeting agenda must be 12:00 noon on the ~~Wednesday~~ Monday prior to the Council meeting.

(4) The Corporate Officer must make the agenda available to members of Council and the public on the Friday afternoon prior to the meeting.

(5) If a portion of an agenda refers to items to be considered at a meeting from which the public is excluded, that portion of the agenda must not be made available to the public.

(6) Council must not consider any matters not listed on the agenda unless a new matter for consideration is properly introduced as a late item. ~~pursuant to section 21.~~

### Order of proceedings

23. (1) The agenda for all regular Council meetings shall include the following:

- ~~(c) Presentations;~~
- ~~(d) Agenda Addenda;~~
- ~~(e) Delegations, Petitions and Hearings;~~
- ~~(f) Land Use (Bylaws and Permits);~~
- ~~(g) Minutes;~~

- (h) — Record of Correspondence;
- (i) — Correspondence;
- (j) — Committee Reports;
- (k) — Staff Reports;
- (l) — Bylaws (Other);
- (m) — Council Liaison, Interagency & Advisory Committee Reports;
- (n) — Media and Public Question Period;
- (o) — Adjournment.
- (a) Call to Order;
- (b) Introduction of Late Items;
- (c) Adoption of agenda;
- (d) Recess to Committee of the Whole;
  - To hear all Delegations and Staff presentations that don't require a Council decision
- (e) Reconvene Regular Meeting;
- (f) Adoption of minutes;
- (g) Committee and Board Reports;
- (h) Correspondence;
- (i) Staff Reports;
- (j) Recess to In-Camera;
- (k) Public Hearing at 6:00 p.m.;
- (l) Reconvene Regular Meeting;
- (m) Reconsideration of Bylaws and Permits;
- (n) Reconsideration of Bylaws and Permits
- (o) Land Matters;
- (p) Notice of Motion;
- (q) Business Arising from In-Camera
- (r) Media and Public Question Period (15 minutes);
- (s) Adjournment.

- (2) Particular business at a Council meeting must in all cases be taken up in the order in which it is listed on the agenda unless otherwise resolved by Council.

### Late Items

- 24. (1) An item of business not included on the agenda must not be considered at a Council meeting unless introduction of the late item is approved by Council at the time allocated on the agenda for such matters. prior to adoption of the agenda agenda.

Any member may in a meeting, without notice, request the addition of an item of business which the member deems to be urgent.

The member must, when making the request, inform the Council of the general nature of the business and the reason for urgent consideration.

- (2) — If Council makes a Resolution under this section, information pertaining to late items must be distributed to Council members.

### Voting at meetings

- 25. (1) The following procedures apply to voting at Council meetings:

- (a) when debate on a matter is closed the Mayor must put the matter to a vote of Council members;
  - (b) when Council is ready to vote, the Mayor must put the matter to a vote by stating: "Those in favour raise your hands." and then "Those opposed raise your hands";
  - (c) when the Mayor is putting the matter to a vote under paragraphs (a) and (b) a Council member must not:
    - (i) ~~cross or leave the room; or~~
    - (i) make a noise or other disturbance; or
    - (ii) interrupt the voting procedure under paragraph (b) unless the interrupting Council member is raising a point of order; or
    - (iii) leave a meeting once a vote on a matter has been called unless excused as a result of not being entitled to vote under the *Community Charter*
- (2) If requested by a member, Council must vote separately on each distinct part of a motion that is under consideration.
- (3) After the Mayor puts the question to a vote under paragraph (b), a Council member must not speak to the question or make a motion concerning it;
  - (4) the Mayor's decision about whether a question has been finally put is conclusive;
  - (5) whenever a vote of Council on a matter is taken, each Council member present shall signify their vote by raising their hand;
  - (6) in the case of a vote on a motion, a tie vote means that the required majority was not achieved and the motion is defeated;
  - (7) the presiding member must declare the result of the vote by stating that the question is decided in either the affirmative or the negative and shall be recorded in the Minutes as "CARRIED UNANIMOUSLY", "CARRIED" or "DEFEATED" as circumstances dictate;
  - (8) should a Council member abstain from voting upon any question, they shall be regarded as having voted in the affirmative; and
  - (9) the names of those who vote against the question shall be entered upon the minutes.

## Delegations

26. (1) Delegations or persons wishing to appear before Council to present briefs or submissions may be received by Council at the meeting provided that written notice of the subject matter is delivered to the Corporate Officer in seven (7) days in advance of the preparation of the agenda for that particular meeting, and the Mayor shall have the authority to determine if the said subject matter warrants the delegation to come before Council at that particular meeting and may determine at which meeting of Council such delegation may appear and be heard;
- (2) Each address must be limited to five (5) minutes. Community Partner delegations must be limited to ten (10) minutes no more than twice per year;
- (3) The Council may waive strict compliance of the time limit by unanimous vote of those members present;

- (4) To be considered each submission must include:
  - (a) The name and address of the person(s) that will address Council
  - (b) A description of the matter to be presented
  - (c) The request being made and the reason(s) for making the request
  - (d) Summary of current and proposed legislation and policy relevant to the request, and
  - (e) A copy of all materials that will be discussed.
- (5) A maximum of four (4) delegations per regular meeting of Council;
- (6) A maximum of two (2) delegations will be heard on any given issue; up to one(1) in favour and up to one (1) opposed in any calendar year;
- (7) The Mayor shall refuse to schedule a delegation on an agenda if the issue is not considered to fall within the jurisdiction of the Council;
- (8) In the event that the Mayor has refused permission for a delegation or person to appear and be heard by Council at any meeting thereof, Council may, if the subject matter of the brief or submission to be presented by such delegation or person is germane to the business then before Council, by affirmative vote permit such delegation or person to appear before it and be heard;
- (9) The Mayor must not permit a delegation to address a meeting of the Council:
  - (a) regarding a bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a pre-requisite to the adoption of the bylaw; or
  - (b) If the purpose is to address an issue which is before the courts or on which Council has authorized legal action.

## Petitions

27. Petition requests must include:
- (1) The name and address of the petition presenter;
  - (2) The complete petition;
  - (3) The name and address of each person who has signed the petition;
    - (a) Petitions form part of the public record and the names and addresses of the petitioners are considered germane to the topic and will be published on the city website as part of the agenda package;
    - (b) Unless excused as a result of not being entitled to vote under the *Community Charter*, no member may leave a meeting once a vote on a matter has been called.
  - (4) Any member present who does not indicate their objection shall be deemed to have voted in the affirmative on the question;
  - (5) If the votes of the members present at the time of the vote are equal for and against a motion, the motion is defeated.

## Points of order



28. (1) Without limiting the Mayor's Presiding Member's duty under section 132(1) of the *Community Charter*, the presiding member must apply the correct procedure to a motion:
- (a) if the motion is contrary to the rules of procedure in this bylaw; and
  - (b) whether or not another Council member has raised a point of order in connection with the motion.
- (2) When the Mayor's Presiding Member is required to decide a point of order:
- (a) the Mayor's Presiding Member must cite the applicable rule or authority if requested by another Council member;
  - (b) another Council member must not question or comment on the rule or authority cited by the Mayor's Presiding Member under subsection (2)(a); and
  - (c) the Mayor's Presiding Member may reserve the decision until the next Council meeting.

### Conduct and debate

29. (1) The Mayor Chair shall at all times conduct the manner and order of speaking to ensure that all sides of a question may be as fully presented as the circumstances warrant, and shall ensure that each Council member is allowed equal opportunity to speak;
- (2) A Council member may speak to a question or motion at a Council meeting only if that Council member first addresses the Mayor presiding member;
- (3) Council Members must address the Presiding Member by that person's title of Mayor or Acting Mayor, or Chair;
- (4) Members must address other non-Mayors/non-Chairs presiding members by the title Councillor;
- (5) It shall be in order for officers and employees of the City, upon receiving permission from the Mayor Presiding Member to do so, to comment on matters before Council, and in so doing they shall direct their comments to the Chair Presiding Member and shall confine themselves to the question before Council;
- (6) No Council member must interrupt another Council member who is speaking except to raise a point of order;
- (7) If more than one Council member speaks the Mayor Presiding Member must call on the Council member who, in the Mayor Presiding Member's opinion, first spoke;
- (8) Council Members who are called to order by the Mayor Presiding Member:
- (a) must immediately stop speaking;
  - (b) may explain their position on the point of order; and
  - (c) may appeal to Council for its decision on the point of order in accordance with section 132 of the *Community Charter*.
- (9) Council Members speaking at a Council meeting:
- (a) must use respectful language;
  - (b) must not use offensive gestures or signs;
  - (c) must speak only in connection with the matter being debated;

- (d) may speak about a vote of Council only for the purpose of making a motion that the vote be reconsidered; and
  - (e) must adhere to the rules of procedure established under this bylaw and to the decisions of the Mayor and Council in connection with the rules and points of order.
- (10) If a ~~Council~~ member does not adhere to subsection (8 and 9), the ~~Mayor~~ **Presiding Member** may order the ~~Council~~ member to leave the ~~Council~~ member's seat; and
- (a) if the ~~Council~~-member refuses to leave, the ~~Mayor~~ **Presiding Member** may cause the ~~Council~~-member to be removed by a peace officer from the ~~Council~~-member's seat ; and
  - (b) if the ~~Council~~ member apologizes to the Council, Council may, by Resolution, allow the ~~Council~~ member to retake the ~~Council~~ member's seat.
- (11) A ~~Council~~ member may require the question being debated at a Council meeting to be read at any time during the debate if that does not interrupt another ~~Council~~ member who is speaking.
- (12) The following rules apply to limit speech on matters being considered at a Council meeting:
- (a) a ~~Council~~-member may speak more than once in connection with the same question only:
    - (i) with the permission of Council; or
    - (ii) if the ~~Council~~ member is explaining a material part of a previous speech without introducing a new matter;
- (13) a ~~Council~~ member who has made a substantive motion to Council may reply to the debate;
- (14) a ~~Council~~ member who has moved an amendment, the previous question, or an instruction to a committee may not reply to the debate;
- (15) a ~~Council~~ member may speak to a question, or may speak in reply, for longer than a total time of ~~fifteen (15)~~ **five (5)** minutes only with the permission of Council.

### **Motions generally**

30. (1) ~~Council~~ Members may give notice of motion respecting an item which the Councillor intends to present by giving a copy of such motion to the Corporate Officer during a meeting of Council and upon the ~~Council~~ member being acknowledged by the Chair and the Notice of motion being read;
- (2) A copy of the motion shall be distributed to each member of Council and shall appear in the minutes of meeting referred to in Section 26(1) as a notice of motion. The Corporate Officer shall place the motion on the agenda of the next Council meeting or other future meeting designated by the member bringing forward the notice of motion for consideration;
- (3) Council may debate and vote on a motion only if it is first made by one ~~Council~~-member and then seconded by another;
- (4) A motion that deals with a matter that is not on the agenda of the Council meeting at which the motion is introduced may be introduced with Council's approval through the notice of motion process;

- (5) A Council member may make only the following motions, when Council is considering a question:
  - (a) to refer to staff;
  - (b) to refer to a committee;
  - (c) to amend;
  - (d) to lay on the table;
  - (e) to postpone indefinitely;
  - (f) to postpone to a certain time;
  - (g) to move the previous question;
  - (h) to adjourn.
- (6) A motion made under subsections (5)(c) to (h) is not amendable or debatable;
- (7) Every motion shall be stated clearly by the mover and shall be repeated if necessary until the Corporate Officer signifies that he has the motion in writing. The mover alone may make introductory remarks and when duly moved and seconded, the question shall be open for consideration;
- (8) Only the mover with consent of the seconder may withdraw motions;
- (9) The Mayor or Corporate Officer shall read every question before Council to the meeting prior to the question being put;
- (10) Council must vote separately on each distinct part of a question that is under consideration at a Council meeting if requested by a Council member;
- (11) Names of mover and seconder of motions **will not** be recorded in the minutes.

### **Motion for the main question**

31. (1) In this section, "main question", in relation to a matter, means the motion that first brings the matter before the Council.
- (2) At a Council meeting, the following rules apply to a motion for the main question, or for the main question as amended:
  - (a) if a Council member moves to put the main question, or the main question as amended, to a vote, that motion must be dealt with before any other amendments are made to the motion on the main question; and
  - (b) if the motion for the main question, or for the main question as amended, is **defeated** ~~decided in the negative~~, Council may again debate the question, or proceed to other business.
- (3) Until it is decided, a motion made at a Council meeting to refer to staff or committee precludes an amendment of the main question.

### **Amendments generally**

32. (1) A Council member may, without notice, move to amend a motion that is being considered at a Council meeting;

- (2) An amendment may propose removing, substituting for, or adding to the words of an original motion;
- (3) A proposed amendment must be decided or withdrawn before the motion being considered is put to a vote unless there is a call for the main question;
- (4) An amendment may be amended once only;
- (5) An amendment that has been defeated by a vote of Council cannot be proposed again;
- (6) A Council member may propose an amendment to an adopted amendment;
- (7) The Mayor must put the main question and its amendments in the following order for the vote of Council:
  - (a) a motion to amend a motion amending the main question;
  - (b) a motion to amend the main question, or an amended motion amending the main question if the vote under subparagraph (a) is positive;
  - (c) the main question.

### Reconsideration by Council Member

33. (1) Subject to subsection (5), a Council member who voted with the majority either for or against a motion may, at the next Council meeting:
- (a) move to reconsider a matter on which a vote, other than to postpone indefinitely, has been taken; and
  - (b) move to reconsider an adopted bylaw after an interval of at least 24 hours following its adoption.
- ~~(2) A Council member who voted affirmatively for a resolution adopted by Council may at any time move to rescind that resolution.~~
- (2) Council must not discuss the main matter referred to in subsection (1) unless a motion to reconsider that matter is adopted in the affirmative;
  - (3) A vote to reconsider must not be reconsidered.
  - (4) Council may only reconsider a matter that has not:
    - (a) had the approval or assent of the electors and been adopted;
    - ~~(b) already been reconsidered under subsection (1) or section 131 of the Community Charter;~~
    - (c) been acted on irreversibly by an officer, employee, or agent of the City.
  - (5) If a motion to reconsider is defeated, the subject matter of the resolution or proceeding may not be open for consideration by the Council within six months except by way of a new and substantially different motion.
  - ~~(6) The conditions that applied to the adoption of the original bylaw, resolution, or proceeding apply to its rejection under this section.~~
  - ~~(7) A bylaw, resolution, or proceeding that is reaffirmed under subsection (1) or section 131 of the Community Charter is as valid and has the same effect as it had before reconsideration.~~

- (6) Subject to applicable enactments, the Council may by resolution, rescind the most recent reading of a proposed bylaw, other than first reading, and then give the proposed bylaw that reading with or without amendment.

### **Privilege**

34. (1) In this section, a matter of privilege refers to any of the following motions:
  - (a) fix the time to adjourn;
  - (b) adjourn;
  - (c) recess;
  - (d) raise a question of privilege of Council;
  - (e) raise a question of privilege of a member of Council.
- (2) A matter of privilege must be immediately considered when it arises at a Council meeting;
- (3) For the purposes of subsection (2), a matter of privilege listed in subsection (1) has precedence over those matters listed after it.

### **Reports from committees**

35. Council may take any of the following actions in connection with a resolution it receives from COW or a committee:
  - (a) ~~agree or disagree with~~ support or deny support for the resolution;
  - (b) amend the resolution prior to support or denial;
  - (c) refer the resolution back to COW or a committee;
  - (d) postpone its consideration of the resolution.

### **Adjournment**

36. (1) A Council may continue a Council meeting after 11:00 pm only by a unanimous affirmative vote of Council members present.
- (2) A motion to adjourn either a Council meeting or the debate at a Council meeting is always in order if that motion has not been preceded at that meeting by the same motion.
- ~~(3) Subsection (2) does not apply to either of the following motions:
  - ~~(a) a motion to adjourn to a specific day;~~
  - ~~(b) a motion that adds an opinion or qualification to a preceding motion to adjourn.~~~~

### **Attendance of Public at Meetings**

37. (1) Except where the provisions of section 90 of the *Community Charter* apply, all Council meetings must be open to the public;
- (2) Before closing a Council meeting or part of a Council meeting to the public, Council must pass a Resolution in a public meeting in accordance with section 90 of the *Community Charter*.
- ~~(3) This section applies to all meetings of the bodies referred to in section 93 of the *Community Charter*, including without limitation:
  - ~~(a) COW;~~~~

- ~~(b) — committees;~~
- ~~(c) — parcel tax review panel;~~
- ~~(d) — board of variance;~~

- (4) ~~Despite section 33(1), the Mayor may expel or exclude from a Council meeting a person in accordance with section 25(10).~~

### **Minutes of meetings to be maintained and available to public**

- 38. (1) Minutes of the proceedings of Council must be:
  - (a) legibly recorded;
  - (b) certified as correct by the Corporate Officer; and
  - (c) signed by the Mayor or other Council member presiding at the meeting.
- (2) City staff are authorized to amend the wording of Council's motions provided intent of the motion is not altered;
- (3) The minutes of the previous meeting and reports of committees may, by Resolution of Council, be received.
- (4) Subject to subsection (3), and in accordance with section 97(1)(b) of the *Community Charter* minutes of the proceedings of Council must be open for public inspection at City Hall during regular office hours.
- (5) City staff is authorized, once the item has been dealt with in a public forum, to release any ~~Closed~~ **In-Camera** meeting Resolution with respect thereto.
- (6) Subsection 4 does not apply to minutes of a Council meeting or that part of a Council meeting from which persons were excluded under section 90 of the *Community Charter*.

## **PART 6 – BYLAWS**

### **Form of bylaws**

- 39. A bylaw introduced at a Council meeting must:
  - (1) be printed;
  - (2) have a distinguishing name;
  - (3) have a distinguishing number;
  - (4) contain an introductory statement of purpose.
  - ~~(5) — be divided into sections;~~
  - ~~(6) — unless waived by the members of Council present at the meeting.~~

### **Bylaws to be considered separately or jointly**

40. Council must consider a proposed bylaw at a Council meeting either:
- (1) separately when directed by the Mayor or requested by another Council member; or
  - (2) jointly with other proposed bylaws in the sequence determined by the Mayor Presiding member.

### Reading and adopting bylaws

41. (1) The Mayor Presiding Member of a Council meeting may:
- (a) have the Corporate Officer read a synopsis of each proposed bylaw or group of proposed bylaws; and then
  - (b) request a motion that the proposed bylaw or group of bylaws be read.
- (2) The readings of the bylaw may be given by stating its title and object;
- (3) A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community Charter* and if amended a motion at third reading shall be "to give the bylaw third reading as amended";
- (4) Unless otherwise specified by statute, each reading of a proposed bylaw must receive the affirmative vote of a majority of the Council members present;
- (5) In accordance with section 135 of the *Community Charter*, Council may give two or three readings to a proposed bylaw at the same Council meeting;
- (6) Notwithstanding section 135(3) of the *Community Charter*, and in accordance with section 890(9) of the *Local Government Act*, Council may adopt a proposed official community plan or zoning bylaw at the same meeting at which the plan or bylaw passed third reading;
- (7) All bylaws which have not completed the requirements to be adopted after a 2-year period will be deemed stale dated and rescinded closed;
- (8) The Corporate Officer is hereby authorized to consolidate one or more of the bylaws of the municipality pursuant to Section 139 of the *Community Charter*;

### Bylaws must be signed

42. After a bylaw is adopted, and signed by the Corporate Officer and the Mayor of the Council meeting at which it was adopted, the Corporate Officer must have it placed in the City's records for safekeeping and endorse upon it:
- (1) the City's corporate seal;
  - (2) the dates of its readings and adoption; and
  - (3) the date of Ministerial approval or approval of the electorate if applicable.

### Bylaw requiring Provincial or Electoral Approvals

43. Where a bylaw requires approval of the Lieutenant Governor in Council, a Minister, Inspector of Municipalities, or the approval or assent of the electors, approval or assent must be obtained after the bylaw has received third reading and before it is adopted.

## PART 7 - RESOLUTIONS

### Form of resolution

44. A Council Resolution is effective from the date and time passed, must be printed and have a distinguishing number.

## PART 8 - COMMITTEE OF THE WHOLE

### Going into Committee of the Whole

45. (1) At any time during a Council meeting, Council may by Resolution go into a COW.
- (2) In addition to subsection (1), a meeting, other than a standing or select committee meeting, to which all Council members are invited to consider but not to decide on matters of the City's business, is a meeting of COW.

### Notice for COW meetings

46. (1) Subject to subsection (2) a notice of the day, time and place of a COW meeting must be given at least 24 hours before the time of the meeting by:
- (a) posting a copy of the notice at the Public Notice Posting Places; and
  - (b) leaving a copy of the notice for each Council member in the Council member's mailbox at City Hall or forwarding an electronic copy for each member to a City provided electronic device.
- (2) Subsection (1) does not apply to a COW meeting that is called, in accordance with section 23 during a Council meeting for which public notice has been given under section 6 or 7.

### Minutes of COW meetings to be maintained and available to public

47. (1) Minutes of the proceedings of COW must be:
- (a) legibly recorded;
  - (b) certified by the Corporate Officer; and
  - (c) open for public inspection in accordance with section 97(1)(c) of the *Community Charter*.

### Presiding members at COW meetings and Quorum

48. (1) The Mayor shall preside as the Chair Presiding Member in a COW meeting.
- (2) The quorum of COW is four Council members.



### **Points of order at meetings**

49. The Mayor **Presiding Member** must preserve order at a COW meeting and, subject to an appeal to other Council members present, decide points of order that may arise.

### **Conduct and debate**

50. The following rules apply to COW meetings:
- (1) a Council member may speak any number of times on the same question;
  - (2) a Council member must not speak longer than a total of ~~10~~ **five (5)** minutes on any one question.

### **Voting at meetings**

51. (1) Votes at a COW meeting must be taken in accordance with Section 25.
- (2) The Mayor **Presiding Member** must declare the results of voting.

### **Reports**

52. (1) COW may consider reports and bylaws only if:
- (a) they are printed and the members each have a copy, or
  - (b) a majority of the Council members present decide without debate that the requirements of paragraph (a) do not apply.
- (2) The COW's reports and recommendations to Council must be presented by the Corporate Officer at the next regular Council meeting.

## **PART 8 – COMMITTEES**

### **Appointment of Committees except Standing Committees and Other Bodies**

53. Council shall appoint all representatives on committees and all boards, commissions, or other bodies to which the City is entitled to appoint representatives except standing committees.

### **Standing Committees**

54. The Mayor must establish standing committees for matters the Mayor considers would be better dealt with by committee and must appoint persons to those committees. At least half of the members of a standing committee must be Council members. The Mayor shall be an ex officio of each standing committee.

### **Duties of Standing Committees**

55. (1) Standing committees must consider, inquire into, report, and make recommendations to Council about all of the following matters:
- (a) matters that are related to the general subject indicated by the name of the committee;

- (b) matters that are referred by Council;
  - (c) matters that are referred by the Mayor.
- (2) Standing committees must report and make recommendations to Council at all of the following times:
- (a) in accordance with the schedule of the committee's meetings;
  - (b) on matters that are referred by Council or assigned by the Mayor;
    - (i) as required by Council or the Mayor, or
    - (ii) at the next Council meeting if the Council or Mayor does not specify a time.

### **Select Committees**

56. Council may establish and appoint Select Committees to consider and enquire into any matter and to report their findings and opinions to Council. At least one member of a Select Committee must be a Council member.

### **Duties of Select Committees**

57. (1) Select Committees must consider, inquire into, report, and make recommendations to Council about the matters referred to the committee by the Council.
- (2) Select Committees must report and make recommendations to Council at the next Council meeting unless Council specifies a different date and time.

### **Advisory Committees**

58. Council may establish and appoint advisory committees to consider and make recommendations on matters set out in the committee's terms of reference or matters referred by Council to report their findings and opinions only to Council unless otherwise specifically authorized in writing by Council.

### **Schedule of Committee Meetings**

59. (1) At its first meeting after its establishment a standing or select committee must establish a regular schedule of meetings **to be held at City Hall**;
- (2) The chair of a committee may call a meeting of the committee in addition to the scheduled meetings or may cancel a meeting.

### **Notice of Committee Meetings**

60. (1) Subject to subsection (2), after the committee has established the regular schedule of committee meetings, including the times **and** dates ~~and places~~ of the committee meetings, notice of the schedule must be given by:
- (a) posting a copy of the schedule ~~at the Public Notice Posting Places~~ on the City's website; and
  - (b) providing a copy of the schedule to each member of the committee.
- (2) Where revisions are necessary to the annual schedule of committee meetings, the Corporate Officer must, as soon as possible, post a notice at the Public Notice Posting Places which indicates any revisions to the date, time and place or cancellation of a committee meeting;

- (3) The chair of a committee must cause a notice of the date and time ~~and place~~ of a meeting called under section 55(2) to be given to all members of the committee at least 24 hours before the time of the meeting.

### **Attendance at Committee meetings**

61. Council members who are not members of a committee may attend the meetings of the committee.

### **Minutes of committee meetings to be maintained and available to public**

62. (1) Minutes of the proceedings of a committee must be:
  - (a) legibly recorded,
  - (b) **signed by the committee secretary in attendance once approved by the committee;**  
and
  - (c) open for public inspection in accordance with section 97(1)(c) of the *Community Charter*.
- (2) Sections (a), (b) and (c) shall only apply to meetings of the following, unless this bylaw provides for other procedures for taking of minutes by one or more bodies referred to in this subsection, the body is exempted by regulation, or to the extent they are modified by regulations:
  - (a) an advisory body established by Council;
  - (b) a municipal commission established under section 143 of the *Community Charter*;
  - (c) a body that under the *Community Charter* or any other Act may exercise the powers of Council;
  - (d) the Board of Variance;
  - (e) a parcel tax review panel established under section 204 of the *Community Charter*; and
  - (f) a body prescribed by regulation.

### **Quorum**

63. Save and except for advisory committees the quorum for a committee is a majority of all of its **appointed** members.

### **Council Rules and Procedures to Apply**

64. For certainty, the rules and procedures of Council for this bylaw shall be observed in the COW and committees as far as may be applicable.

### **Conduct and debate**

65. (1) The rules of the Council procedure must be observed during committee meetings, so far as is possible and unless as otherwise provided in this bylaw;
- (2) Council members attending a meeting of a committee, of which they are not a member, may participate in the discussion only with the permission of a majority of the committee members present.

### **Voting at meetings**

66. Council members attending a meeting of a committee of which they are not a member must not vote on a question.

## **PART 9 - COMMISSIONS**

### **Schedule of Commission meetings**

67. (1) At its first meeting after its establishment, a commission must establish a regular schedule of meetings;
- (2) The Chair of a Commission may call a meeting of the Commission in addition to the scheduled meetings or may cancel a meeting.

### **Notice of Commission meetings**

68. (1) Subject to subsection (2), after the Commission has established the regular schedule of Commission meetings, including the dates **and** times ~~and places~~ of the Commission meetings, notice of the schedule must be given by:
- (a) posting a copy of the schedule on the city website; and
  - (b) providing a copy of the schedule to each member of the Commission.
- (2) Where revisions are necessary to the annual schedule of the Commission meetings, the Corporate Officer must, as soon as possible, post notice at the Public Notice Posting Places which indicates any revisions to the date and time ~~and place~~ for cancellation of a Commission meeting;
- (3) The Chair of a Commission must cause a notice of the date **and** time ~~and place~~ of a meeting called under section 64(2) to be given to all members of the Commission at least 24 hours before the time of the meeting.

### **Minutes of Commission meetings to be maintained and available to the public**

69. Minutes of the proceedings of a Commission must be:
- (1) legibly recorded;
  - (2) signed by the Chair or a member presiding at the meeting, and open for public inspection in accordance with section 97(1)(c) of the *Community Charter*.

### **Quorum**

70. The quorum of a Commission is a majority of all of its **appointed** members.

### **Conduct and Debate**

71. The rules of the Council procedure must be observed during Commission meetings, so far as is possible and unless as otherwise provided in this bylaw.

## **PART 10 – GENERAL**

### Correspondence

72. All correspondence addressed to "The Mayor and Council", "City Council" or similar, shall be received by the Corporate Officer, referred to the Council information reading file and placed on the next Council meeting agenda for consideration. forwarded to the Corporate Officer and all Council members and upon request of Council, be placed on the next Council meeting agenda for consideration.

### Question Period

73. At the end of Council business, the media and public will be afforded an opportunity to address Council. The format must be restricted to questions with respect to items that are on the current agenda and each question must be limited to two (2) minutes with a total of fifteen (15) minutes for the question period.

### Legal Severability

74. If any section, subsection, or clause or portion of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw. then the invalid portion must be severed and the remainder of the Bylaw is deemed to have been adopted without the severed section, subsection, clause, phrase or portion. Pursuant to Section 124(3) of the Community Charter, this bylaw may not be amended or repealed and substituted unless Council first gives notice in accordance with section 94 of the Community Charter.

### Repeal

75. City of Penticton Procedure Bylaw No. 2004-23(2004) and amendments thereto is repealed upon the adoption hereof.

READ A FIRST time this	, 2016
READ A SECOND time this	, 2016
READ A THIRD time this	, 2016
ADOPTED this	, 2016

Notice of intention to proceed with this bylaw was published on the day of July, 2016 and the day of August, 2016 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.

\_\_\_\_\_  
Andrew Jakubeit, Mayor

\_\_\_\_\_  
Dana Schmidt, Corporate Officer

# Council Report

penticton.ca

**Date:** July 18, 2016  
**To:** Eric Sorensen, Chief Administrative Officer  
**From:** Dana Schmidt, Corporate Officer  
**Subject:** **Bylaw Notice Enforcement Amendment Bylaw No. 2016-40**  
**MTI Amendment Bylaw No. 2016-41**

## Staff Recommendation

THAT Council give first, second and third reading to "Bylaw Notice Enforcement Amendment Bylaw No. 2016-40";  
AND THAT Council give first second and third reading to "Municipal Ticketing Information Amendment Bylaw No. 2016-41".

## Background

Bylaw Notice Enforcement Bylaw No. 2012-5037 was established with the authority of the *Local Government Bylaw Notice Enforcement Act* to set fine amounts for contravention of City bylaws. This bylaw allows for early payment, late payment and a cost effective adjudication system.

Municipal Ticketing Information Bylaw No. 2012-5021 authorizes the use of Municipal Ticketing Information System as per the *Community Charter* and can have penalties for continuing offences for each day the offence continues.

The attached bylaws are housekeeping amendments and new schedules for the recently adopted Martin Street Storefront Use Bylaw and Main Street Storefront Use Bylaw. The Solid Waste Collection and Disposal Bylaw No. 2011-39 was repealed upon adoption of the new Solid Waste Collection and Recyclable Materials Disposal Bylaw No. 2016-29, the attached schedules reflect the new bylaw number. The Fire Department requested clarity and the Appendix now separates the bylaw offences for section 9.01 and 9.04.

All changes are highlighted in yellow.

## Attachments

Attachment A – Bylaw Notice Enforcement Amendment Bylaw No. 2016-40

Attachment B – Municipal Ticketing Information Amendment Bylaw No. 2016-41

Respectfully submitted,  
Dana Schmidt  
Corporate Officer

Chief Administrative  
Officer

ES

**The Corporation of the City of Penticton**

**Bylaw No. 2016-40**

*An amendment to regulate enforcement of bylaw notices*

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WHEREAS pursuant to the *Local Government Bylaw Notice Enforcement Act* and the *Community Charter*, the City may establish fine amounts for contravention of City bylaws;

AND WHEREAS the City of Penticton has adopted "Bylaw Notice Enforcement Bylaw No. 2012 – 5037";

AND WHEREAS the City of Penticton wishes to amend Schedule 'A' to "Bylaw Notice Enforcement Bylaw No. 2012 - 5037";

NOW THEREFORE the Municipal Council of The Corporation of the City of Penticton in open meeting assembled ENACTS as follows:

**1. Title:**

This Bylaw may be cited as the "Bylaw Notice Enforcement Amendment Bylaw No. 2016 - 40."

**2. Amendment:**

2.1 Amend Schedule 'A' by deleting and replacing the following appendices in their entirety:

Appendix 9 – Fire and Life Safety Bylaw No. 2004-57

Appendix 10 – Traffic Bylaw No. 94-39

Appendix 16 – Solid Waste Collection and Recyclable Materials Disposal Bylaw No. 2016-29

2.2 Amend Schedule 'A' by adding the following appendices:

Appendix 20 – Martin Street Storefront Use Bylaw No. 2014-12

Appendix 21 – Main Street Storefront Use Bylaw No. 2016-42

2.3 Appendices 9, 10, 16, 20, 21 attached hereto forms part of this bylaw.

READ A FIRST time this                      day of    , 2016

READ A SECOND time this                      day of    , 2016

READ A THIRD time this                      day of    , 2016

ADOPTED this                                      day of    , 2016

---

Andrew Jakubeit, Mayor

---

Dana Schmidt, Corporate Officer

## Schedule 'A'

## APPENDIX 9

## FIRE AND LIFE SAFETY BYLAW NO. 2004-57

Description of Offence	Bylaw Section	Column A1 Fine	Column A2 Early Payment Penalty	Column A3 Late Payment Penalty	Column A4 Compliance Agreement Available
<b>Open Air Burning</b>					
Burning without a permit	9.01	\$150.00	\$135.00	\$165.00	No
Start a fire without Burning Permit/Burning other than agriculture prunings	9.04	\$150.00	\$135.00	\$165.00	No
Start a fire without Special Permit	9.05	\$150.00	\$135.00	\$165.00	No
Failure to have competent person in charge	9.04 (g)	\$150.00	\$135.00	\$165.00	Yes
Burning of prohibited materials	9.04 (e)	\$100.00	\$90.00	\$110.00	No
Burning after dusk or failure to abide by conditions of Burning Permit	9.04 (f)	\$150.00	\$135.00	\$165.00	Yes
<b>Fireworks</b>					
Manufacture, discharge, sell, without a permit	10.01	\$150.00	\$150.00	\$165.00	No
Failure to comply with conditions of permit	10.02 (b)	\$150.00	\$135.00	\$165.00	Yes
<b>Fire Hazards</b>					
Storage of flammable goods in elevator shaft	6.10	\$150.00	\$135.00	\$165.00	Yes
Failure to obey order	16.02	\$200.00	\$200.00	\$220.00	No
Deposit of combustible materials	6.13	\$150.00	\$135.00	\$165.00	Yes



Appendix 9

Use of unsafe chimney flue or stack	6.12	\$150.00	\$180.00	\$220.00	Yes
<b>Inspection of Premises</b>					
Obstruct entry or fail to assist with inspection of premises	PART VII	\$150.00	\$150.00	\$165.00	No
Failure to forward maintenance records to Fire Department	6.15 (f)	\$150.00	\$135.00	\$165.00	Yes
<b>Fire Control</b>					
Parking in a designated fire zone	6.06	\$50.00	\$45.00	\$55.00	No
Impede, hinder or obstruct the extinguishment of a fire	8.02	\$200.00	\$200.00	\$220.00	No
Drive over fire hose		<i>See Fees and Charges Bylaw</i>			No
Impede Fire Department personnel at a fire scene	8.03	\$200.00	\$200.00	\$220.00	No
Obstruct entry for fire investigation	8.05	\$200.00	\$200.00	\$220.00	No
Failure to install and maintain smoke alarms in dwelling units, suite or sleeping unit	13.02	\$150.00	\$135.00	\$165.00	Yes
<b>Fire Safety</b>					
Failure to maintain fire alarm system in an appropriate manner	6.20	\$150.00	\$135.00	\$165.00	Yes
Failure to maintain emergency lighting	6.21	\$150.00	\$135.00	\$165.00	Yes
Failure to maintain Fire Dept. emergency access	6.22	\$150.00	\$135.00	\$165.00	Yes

Failure to maintain commercial cooking equipment in an approved manner	6.23	\$150.00	\$135.00	\$165.00	Yes
Failure to supply and maintain portable fire extinguishers in an approved manner	6.24	\$150.00	\$135.00	\$165.00	Yes
Failure to maintain means of egress free from obstruction	6.25	\$150.00	\$135.00	\$165.00	Yes
Failure to maintain exit door hardware	6.26	\$150.00	\$135.00	\$165.00	Yes
Failure to provide and maintain a Fire Safety Plan	6.27	\$150.00	\$135.00	\$165.00	Yes

## Schedule 'A'

## APPENDIX 10

## TRAFFIC BYLAW NO. 94-39

<b>Description of Offence</b>	<b>Bylaw Section</b>	<b>Column A1 Fine</b>	<b>Column A2 Early Payment Amount</b>	<b>Column A3 Late Payment Penalty</b>	<b>Column A4 Compliance Agreement Available</b>
Excessive noise from motor vehicles	7.2	\$100.00	\$90.00	\$110.00	No
Operate a motor vehicle with person riding in the cargo compartment	3.1.24	\$100.00	\$90.00	\$110.00	No
In possession of open liquor	3.1.25	\$100.00	\$90.00	\$110.00	No
Loiter (or stand) and obstruct traffic	3.1.7	\$100.00	\$90.00	\$110.00	No
Unsecured load	3.1.20	\$100.00	\$90.00	\$110.00	No
Using a skateboard, skates or other similar means of conveyance in a restricted area	3.1.3	\$ 75.00	\$65.00	\$85.00	No
Undue care and attention while using a skateboard or skates	6.7	\$ 75.00	\$65.00	\$85.00	No
Disobey traffic control device	3.1.1	\$ 75.00	\$65.00	\$85.00	No
Drive vehicle in park	3.1.16	\$100.00	\$90.00	\$110.00	No
Drive vehicle on sidewalk	3.1.2	\$100.00	\$90.00	\$110.00	No
Passenger not properly seated	3.1.26	\$100.00	\$90.00	\$110.00	No
Fail to tarp load	12 (A) 9	\$100.00	\$90.00	\$110.00	No
Place or permit to be placed merchandise on a highway	3.1.11	\$100.00	\$90.00	\$110.00	Yes
Solicit business on a street without a licence	3.1.23	\$100.00	\$90.00	\$110.00	Yes

Ride bicycle on sidewalk	3.1.28	\$ 50.00	\$45.00	\$55.00	Yes
"A" Ticket Overtime Parking	Schedule P	\$40.00	\$20.00	\$45.00	No
"B" Ticket Infraction	Schedule P	\$55.00	\$40.00	\$55.00	No
<b>Sidewalk Café Permits</b>					
Failure to obtain a sidewalk café permit	Section 10A (1)	\$250.00	\$225.00	\$275.00	Yes
Obstructing pedestrian width use	Section 10A (4)	\$100.00	\$90.00	\$110.00	Yes
Failure to meet sidewalk café standards	Section 10A (6)	\$250.00	\$225.00	\$275.00	Yes
<b>Sidewalk Sales or Seating Area Permits</b>					
Failure to obtain a sidewalk sales or seating area permit	Section 10B (1)	\$250.00	\$225.00	\$275.00	Yes
Failure to meet sidewalk sales and seating area specifications	Section 10B (5)	\$250.00	\$225.00	\$275.00	Yes

**Schedule 'A'**

APPENDIX 16

**SOLID WASTE COLLECTION AND RECYCLABLE MATERIALS DISPOSAL BYLAW NO. 2016-29**

<b>Description of Offence</b>	<b>Bylaw Section</b>	<b>Column A1 Fine</b>	<b>Column A2 Early Payment Penalty</b>	<b>Column A3 Late Payment Penalty</b>	<b>Column A4 Compliance Agreement Available</b>
Deposit or picking up of solid waste, recyclable materials or hazardous waste that, on its own or when mixed with another material, may pose risks to the health and/or safety of the collection crews	13.2	\$ 50.00	\$45.00	\$55.00	No
Scavenge of solid waste or recyclable material	13.4	\$ 50.00	\$45.00	\$55.00	No
Transport of solid waste or recyclable materials from one premise to another for collection services provided by this bylaw	13.5	\$ 50.00	\$45.00	\$55.00	No
Cause, allow, or permit any recyclable materials or yard and garden waste to be discarded as garbage	13.6	\$ 50.00	\$45.00	\$55.00	No
Intentionally contaminate recyclable material so as to make them non-recyclable	13.7	\$ 50.00	\$45.00	\$55.00	No
Litter or dispose of Solid Waste or Recyclable Materials contrary to the provisions of this bylaw	13.8	\$ 50.00	\$45.00	\$55.00	No
Deposit for collection by the solid waste and recyclable materials collection service, solid waste or recyclable materials that do not originate within the City	13.9	\$ 50.00	\$45.00	\$55.00	No

**Schedule 'A'**

APPENDIX 20 (NEW)

**MARTIN STREET STOREFRONT USE BYLAW NO. 2014-12**

<b>Description of Offence</b>	<b>Bylaw Section</b>	<b>Column A1 Fine</b>	<b>Column A2 Early Payment Penalty</b>	<b>Column A3 Late Payment Penalty</b>	<b>Column A4 Compliance Agreement Available</b>
Failure to obtain storefront use permit	4.4	\$250.00	\$225.00	\$275.00	Yes
Altering or attaching to City infrastructure	8.1	\$250.00	\$225.00	\$275.00	No
Failure to provide minimum sidewalk Treadway widths	8.4	\$100.00	\$ 90.00	\$110.00	Yes
Failure to provide vehicle barriers	8.11	\$250.00	\$225.00	\$275.00	No
Failure to maintain vegetation in vehicle barrier (planter box)	8.14	\$100.00	\$ 90.00	\$110.00	Yes
Altering or securing to sidewalk without permission	8.15, 8.16 & 8.17	\$250.00	\$225.00	\$275.00	No
Failure to install required railings	9.1.2	\$250.00	\$225.00	\$275.00	Yes
Failure to remove railings	10.1	\$250.00	\$225.00	\$275.00	Yes
Failure to replace Bollards	10.2	\$250.00	\$225.00	\$275.00	Yes
Enclosing a storefront use structure	11.1	\$250.00	\$225.00	\$275.00	Yes
Failure to remove seats or tables within a storefront use area	11.2	\$100.00	\$ 90.00	\$110.00	Yes
Failure to meet design requirements for awning or canopy	11.4	\$250.00	\$225.00	\$275.00	Yes

**Schedule 'A'**

APPENDIX 21 (NEW)

**MAIN STREET STOREFRONT USE BYLAW NO. 2016-42**

<b>Description of Offence</b>	<b>Bylaw Section</b>	<b>Column A1 Fine</b>	<b>Column A2 Early Payment Penalty</b>	<b>Column A3 Late Payment Penalty</b>	<b>Column A4 Compliance Agreement Available</b>
Failure to obtain storefront use permit	4.4	\$250.00	\$225.00	\$275.00	Yes
Failure to keep pedestrian Treadway clear	8.4	\$100.00	\$90.00	\$110.00	Yes
Altering or securing to sidewalk without permission	8.7	\$250.00	\$225.00	\$275.00	No
Failure to provide required railings	9.1	\$100.00	\$ 90.00	\$110.00	Yes
Altering or attaching to City infrastructure	11.2	\$250.00	\$225.00	\$275.00	No
Failure to remove seats and tables	11.4	\$250.00	\$225.00	\$275.00	Yes
Erecting a temporary fabric metal frame structure	11.5	\$250.00	\$225.00	\$275.00	Yes
Enclosing a storefront use	11.7	\$250.00	\$225.00	\$275.00	Yes
Failure to provided vertical clearance from pavement surface	11.8.1.	\$100.00	\$ 90.00	\$110.00	Yes
Playing amplified music	12.1	\$100.00	\$ 90.00	\$110.00	Yes
Operating a storefront use past midnight	13.1	\$250.00	\$225.00	\$275.00	Yes

**Bylaw No. 2016-41**

*A bylaw to amend the Municipal Ticketing Information Bylaw No. 2012-5021*

WHEREAS the Council of the City of Penticton has adopted a Municipal Ticketing Information Bylaw pursuant to the *Community Charter*;

AND WHEREAS the Council of the City of Penticton wishes to amend the "Municipal Ticketing Information Bylaw No. 2012-5021";

NOW THEREFORE BE IT RESOLVED that the Council of the City of Penticton in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title:

This Bylaw may be cited as "Municipal Ticketing Information Amendment Bylaw No. 2016-41".

2. Amendment:

i. Amend "Municipal Ticketing Information Bylaw No. 2012-5021" by deleting and replacing the following Schedules in their entirety:

- Schedule B9 – Fire and Life Safety Bylaw No. 2004-57
- Schedule B17 – Solid Waste Collection and Recyclable Materials Disposal Bylaw No. 2016-29

ii. Schedules B9 and B17 attached hereto forms part of this bylaw.

READ A FIRST time this                      day of    , 2016

READ A SECOND time this                      day of    , 2016

READ A THIRD time this                      day of    , 2016

ADOPTED this                                      day of    , 2016

\_\_\_\_\_  
Andrew Jakubeit, Mayor

\_\_\_\_\_  
Dana Schmidt, Corporate Officer



**SCHEDULE B9 to BYLAW 5021**

**FIRE AND LIFE SAFETY BYLAW NO. 2004-57**

	<b><u>OPEN AIR BURNING</u></b>	<b><u>SECTION</u></b>	<b><u>FINE</u></b>
1.	Burning without a permit	9.01/9.05	\$150.00
2.	Failure to have competent in charge	9.04(g)	\$150.00 person
3.	Burning other than Agriculture Pruning	9.04	\$150.00
4.	Burning of prohibited materials	9.04(e)	\$100.00
5.	Burning after dusk or failure to abide by conditions of Burning Permit	9.04(f)	\$150.00
<b><u>FIREWORKS</u></b>			
6.	Manufacture, discharge, sell, without a permit	10.01	\$150.00
7.	Failure to comply with conditions of permit	10.02(b)	\$150.00
<b><u>FIRE HAZARDS</u></b>			
8.	Failure to obey order	16.02	\$200.00
9.	Failure to secure vacant/damaged building	6.07	\$150.00
10.	Storage of flammable goods in Elevator shaft	6.10	\$150.00
11.	Deposit of combustible materials	6.13	\$150.00
12.	Use of unsafe chimney flue or stack	6.12	\$150.00
<b><u>INSPECTION OF PREMISES</u></b>			
13.	Obstruct entry or fail to assist with Inspection of premise	PART VII	\$150.00
14.	Failure to forward maintenance records to Fire Department	6.15(f)	\$150.00

**FIRE CONTROL**

15.	Impede, hinder or obstruct the extinguishment of a fire	8.02	\$200.00
16.	Impede Fire Department Personnel at a fire scene	8.03	\$200.00
17.	Obstruct entry for fire investigation	8.05	\$200.00
18.	Failure to install and maintain smoke alarms in dwelling units, suite or sleeping unit	13.02	\$150.00
19.	Parking in a designated fire zone	6.06	\$ 50.00
20.	Drive over fire hose	(see Fees and Charges Bylaw )	

**FIRE SAFETY**

21.	Failure to maintain fire alarm system in an approved manner	6.20	\$150.00
22.	Failure to maintain emergency lighting	6.21	\$150.00
23.	Failure to maintain Fire Dept. emergency access	6.22	\$150.00
24.	Failure to maintain commercial cooking equipment in an approved manner	6.23	\$150.00
25.	Failure to supply and maintain portable fire extinguishers in an approved manner	6.24	\$150.00
26.	Failure to maintain means of egress free from obstruction	6.25	\$150.00
27.	Failure to maintain exit door hardware	6.26	\$150.00
28.	Failure to provide and maintain a Fire Safety Plan	6.27	\$150.00

**SCHEDULE B17 to BYLAW 5021**

**SOLID WASTE COLLECTION AND RECYCLABLE MATERIALS DISPOSAL BYLAW NO. 2016-29**

	<u>SECTION</u>	<u>FINE</u>
1. Deposit for picking up of solid waste, recyclable materials or hazardous waste that, on its own or when mixed with another material, may pose risks to the health and/or safety of the collection crews	13.2	\$ 50.00
2. Scavenge of solid waste or recyclable material	13.4	\$ 50.00
3. Transport of solid waste or recyclable materials from one premise to another for collection services provided by this bylaw	13.5	\$ 50.00
4. Cause, allow, or permit any recyclable materials or yard and garden waste to be discarded as garbage	13.6	\$ 50.00
5. Intentionally contaminate recyclable material so as to make them non-recyclable	13.7	\$ 50.00
6. Litter or dispose of Solid Waste or Recyclable Materials contrary to the provisions of this bylaw	13.8	\$ 50.00
7. Deposit for collection by the solid waste and recyclable materials collection service, solid waste or recyclable materials that do not originate within the City	13.9	\$ 50.00



## Downtown Revitalization Sub-Committee Meeting

held at City of Penticton Committee Room A  
171 Main Street, Penticton, B.C.

Thursday, June 30, 2016  
at 8:00 a.m.

**Present:** Campbell Watt, Councillor  
Kerri Milton, Acting Chair and DPA Representative  
Tim Scott, Member at Large  
Pamela Stevenson, Member at Large  
Erin Hanson, Member at Large  
Cheryl Watts, Member at Large

**Staff:** Ian Chapman, City Engineer  
Len Robson, Public Works Manager  
Blake Laven, Planning Manager  
Lorraine Williston, Corporate Committee Secretary

### 1. Call to Order

The Downtown Revitalization Sub-Committee was called to order by the Acting Chair at 8:05 a.m.

### 2. Adoption of Agenda

**It was MOVED and SECONDED**

THAT the Downtown Revitalization Sub-Committee adopt the agenda for the meeting held on June 30, 2016 as amended (refer to item 5.1).

**CARRIED UNANIMOUSLY**

### 3. Adoption of Minutes

**It was MOVED and SECONDED**

THAT the Downtown Revitalization Sub-Committee adopt the minutes of the May 26, 2016 meeting as circulated.

**CARRIED UNANIMOUSLY**

#### 4. Business Arising from Prior Meetings

##### 4.1 Breezeways

The Public Works Manager presented information on the maintenance and challenges for the Downtown breezeways located in the 200, 300 and 400 blocks as follows:

- Current Maintenance Schedule
  - May through September - 2 to 3 times per week
    - Inspection
    - Sweeping, mopping and sanitization
    - Walls brushed to remove cobwebs
  
  - October through April – 1 to 2 times per week
    - Occasional cleaning
    - Pressure washing
    - Litter removal as required
    - Light replacement
    - Paint touch ups
  
- Maintenance challenges include:
  - Lighting – ballasts are getting old
  - Safety – tends to be a hang out spot
  - Cleanliness – odors
  - Graffiti
  - Vandalism – broken lights
  - Art cleaning – difficult to clean around the art
  - Access to parking
  - Loitering
  - Aesthetics – gum removal, capital budget
  
- 200 Block Breezeway Issues
  - Lighting issues dark during the day
  - Loitering
  - Garbage left behind
  - Prone to graffiti
  - Tile walkway, in good condition but white tiling is hard to keep looking clean
  
- 300 Block Breezeway Issues
  - Back entrance not very prevalent
  - Floor in bad condition
  - A lot of spiders and webs
  - Walls are very pourous and hard to keep clean,
  - Always garbage, vomit, feces etc.
  
- 400 Block Breezeway Issues
  - Private access way
  - City does not own it
  - Accesses back business lots only

The Public Works Manager presented examples of potential upgrades as follows:

- Lighting
  - Replace with LED lighting – brighter lights will deter loitering,
  - Add modern lighting
  - Remove roof – open sky
  
- Flooring
  - 300 Block tile flooring is in need of replacement
  
- Wall and Ceiling
  - Tile walls and ceiling
  - Mosaic Tile or art: can involve the art community to install a mosaic – tiles are easy to clean
  - Smooth concrete
  - False ceiling
  
- Entrances
  - Currently well marked and visible. Can go with a more modern look .

The Public Works noted expansion of the breezeways could include the development of a washroom facility as a potential opportunity.

Discussion and questions followed on access and lighting. It was noted that in the 300 Block breezeway one light is broken and a lighting upgrade is needed. Discussions included incorporating the community and Arts committee in any potential upgrade projects.

**It was MOVED and SECONDED that the Downtown Revitalization Sub-Committee recommend that staff research conceptual design options for the 200 and 300 Block breezeways.**

**CARRIED UNANIMOUSLY**

#### 4.2 Main Street Revitalization Update

The City Engineer reported to date everything is right on budget. Benches and tree grates will be installed next week. In the next phase, the Penticton Farmer's Market will be displaced for the last eight weekends.

Regarding the bike racks, the City Engineer reported two key hole bike racks have been installed on the west side by Pentagon and the Groove Yard and one rack across the street on the east side by Smart Shopper.

#### 4.3 Downtown Washrooms Update

The City Engineer updated the committee on the recommendation made to Council. Council has asked staff to look further into having washrooms fabricated locally. The Facilities Manager advised the City Engineer that specifications will need to be provided to the fabricator to prepare a quote. This will require an architect. Discussion followed on options and the use of a cinder block style design.

## **New Business**

### 4.4 Next steps

The City Engineer asked the committee to think about what the next priorities are for future revitalization projects after the completion of the 100 Block. The 2017 budget process will be starting soon. This item to be discussed at the next meeting.

### 5. **Council Outcome**

Council Resolutions 255/2016 and 256/2016 from the minutes dated May 26, 2016 were received.

### 6. **Next Meeting**

The next regularly scheduled meeting of the Downtown Revitalization Sub-Committee is scheduled for July 28, 2016 at 8:00 a.m.

### 7. **Adjournment**

The Downtown Revitalization Sub-Committee adjourned the meeting at 9:34 a.m.