

**A REGULAR MEETING
OF THE TOWN OF LADYSMITH COUNCIL
AGENDA
6:00 P.M.**

Tuesday, May 4, 2021

This meeting will be held electronically as per Ministerial Order No. M192

Pages

1. CALL TO ORDER

Call to Order 6:00 p.m. in Open Session, in order to retire immediately into Closed Session.

Members of the public are welcome to attend all Open Meetings of Council, but may not attend Closed Meetings.

2. CLOSED SESSION

Recommendation

That, in accordance with section 90(1) of the *Community Charter*, Council retire into closed session in order to consider items related to the following:

- personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality - section 90(1)(a);
- the acquisition, disposition or expropriation of land or improvements - section 90(1)(e);
- negotiations and related discussions respecting the proposed provision of a municipal service - section 90(1)(k).

3. OPEN MEETING AND ACKNOWLEDGEMENT (7:00 P.M.)

The Town of Ladysmith acknowledges with gratitude that this meeting takes place on the traditional, unceded territory of the Stz'uminus First Nation.

Residents are encouraged to "virtually" attend the meeting by registering here:

https://zoom.us/webinar/register/WN_BwoMwqIJTYKlxG6STDk3NA

Instructions on how to join the meeting will be sent immediately after you register.

View the livestream on YouTube:

<https://www.youtube.com/channel/UCH3qHAExLiW8YrSuJk5R3uA/featured>.

4. AGENDA APPROVAL

Recommendation

That Council approve the agenda for this Regular Meeting of Council for May 4, 2021.

5. RISE AND REPORT- Items from Closed Session

6. MINUTES

6.1. Minutes of the Public Hearings and Regular Meeting of Council held April 20, 2021

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Recommendation

That Council approve the minutes of the Public Hearings and Regular Meeting of Council held April 20, 2021.

7. PROCLAMATIONS

7.1. National Day of Remembrance for Missing and Murdered Indigenous Women and Girls and Two Spirit People

20

Mayor Stone has proclaimed May 5, 2021 as "National Day of Remembrance for Missing and Murdered Indigenous Women and Girls and Two Spirit People" in the Town of Ladysmith.

7.2. Child Care Month and Child Care Appreciation Day

21

Mayor Stone has proclaimed the month of May 2021 as "Child Care Month" and May 21, 2021 as "Child Care Appreciation Day" in the Town of Ladysmith.

7.3. Falun Dafa Day Proclamation

22

Mayor Stone has proclaimed May 13, 2021 as "Falun Dafa Day" in the Town of Ladysmith.

8. COMMITTEE MINUTES

8.1. Parks, Recreation and Culture Advisory Committee - March 17, 2021

23

Recommendation

That Council receive for information the minutes of the March 17, 2021 meeting of the Parks, Recreation and Culture Advisory Committee.

9. MAYOR'S REPORT

9.1. Traffic Control at South Davis Intersection

Mayor Stone requests Council consideration of the following motion:

Recommendation

"That Council:

1. Direct the Mayor on behalf of Council, to send a letter to The Honourable Rob Fleming, Minister of Transportation and Infrastructure requesting a meeting to discuss Council's ongoing concern and previous requests to the Ministry for the installation of a traffic light on South Davis Road; and
2. Direct staff to prepare a briefing note including maps and population growth projections for the South Davis Road area to accompany the Mayor's letter."

10. BYLAWS

10.1. New Film Regulations

26

Recommendation

That Council:

1. Having considered s. 475 of the *Local Government Act*, and in particular the matters set out in subsections (2)(a) and (b), resolve that :
 - a. the Stz'uminus First Nation is the only entity that is appropriate to consult in connection with "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.62) 2021, No. 2047";
 - b. consultation should be early but need not be ongoing;

- c. the consultation process described in the staff report to Council dated May 4, 2021 is sufficient in respect to the proposed Official Community Plan amendment; and
 - d. staff be directed to refer “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.62) 2021, No. 2047” to the Stz’uminus First Nation as set out in resolution 1 a) for consultation in the manner described in the May 4, 2021 staff report to Council;
2. Give first and second reading to “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.62) 2021, No. 2047”;
 3. Consider “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.62) 2021, No. 2047” in conjunction with the Town’s Financial Plan, the Town’s Liquid Waste Management Plan, and the Cowichan Valley Regional District Solid Waste Management Plan, pursuant to section 477(3) of the *Local Government Act*;
 4. Direct staff to refer “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.62) 2021, No. 2047” to School District 68 pursuant to section 476 of the *Local Government Act*;
 5. Give first, second and third reading to “Film Bylaw 2021, No. 2045”;
 6. Give first, second and third reading to “Town of Ladysmith Fees and Charges Bylaw 2008, No.1644, Amendment Bylaw 2021, No. 2050”;
 7. Give first, second and third reading to “Noise Suppression Bylaw 2003, No. 1478, Amendment Bylaw 2021, No. 2046”;
 8. Give first, second and third reading to “Filming Reserve Bylaw 2021, No. 2071”;
 9. Give first, second and third reading to “Building and Plumbing Bylaw 1994, No. 1119, Amendment Bylaw 2021, No. 2048”;
 10. Give first and second reading to “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.31) 2021, No. 2049”; and
 11. Direct staff to proceed with scheduling and notification of a Public Hearing for “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.62) 2021, No. 2047” and “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.31) 2021, No. 2049”.

10.2.	"Financial Plan Bylaw 2021, No. 2072"	62
	To adopt a five-year Financial Plan for the Town of Ladysmith, as required under the <i>Community Charter</i> .	
	<u>Recommendation</u> That Council give first, second and third readings to "Financial Plan Bylaw 2021, No. 2072".	
10.3.	"Tax Rates Bylaw 2021, No. 2073"	68
	To set the property tax rates for 2021 in accordance with the 2021 to 2025 Financial Plan.	
	<u>Recommendation</u> That Council give first, second and third readings to "Tax Rates Bylaw 2021, No. 2073".	
10.4.	"Water Parcel Tax Bylaw 2021, No. 2074"	72
	To establish a water parcel tax rate for property parcels in the Town of Ladysmith.	
	<u>Recommendation</u> That Council give first, second and third readings to "Water Parcel Tax Bylaw 2021, No. 2074".	
10.5.	"Sewer Parcel Tax Bylaw 2021, No. 2075"	74
	To establish a sewer parcel tax rate for property parcels in the Town of Ladysmith.	
	<u>Recommendation</u> That Council give first, second and third readings to "Sewer Parcel Tax Bylaw 2021, No. 2075".	
10.6.	Bylaw Status Sheet	76

11. CORRESPONDENCE

11.1. Correspondence from the Kinsmen Club dated April 26, 2021

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Request for an exemption from the Noise Suppression Bylaw to allow early morning construction work on the public washroom on 1st Avenue.

Recommendation

That Council waive "Noise Suppression Bylaw 2003, No.1478" to allow David Stalker Excavating to commence construction work related to the public washroom on 1st Avenue starting at 6:00 a.m. on either Sunday, May 9, 2021 or Sunday, May 16, 2021, as requested by the Kinsmen Club in their letter dated April 26, 2021.

12. UNFINISHED BUSINESS

12.1. Amendment of Resolution CS 2021-116 regarding a Regional Grant Application to the UBCM Strengthening Communities Fund

Staff are requesting that Council consider amending the following resolution made at the April 6, 2021 Council Meeting as the original request from Cowichan Housing referenced in error the "Cowichan Valley Regional District" instead of "Municipality of North Cowichan":

CS 2021-116

That Council of the Town of Ladysmith:

1. Approves the submission of a regional application by the Cowichan Valley Regional District to the UBCM Strengthening Communities Fund 2021 for the purpose of assisting member municipalities with improved health and safety of unsheltered homeless people living in public or private spaces, including reduced risk of COVID-19 or other disease transmission; and reducing community concerns about public health and safety in neighbourhoods where unsheltered homeless populations are seeking temporary shelter; and further,
2. Approves the Cowichan Valley Regional District as the primary applicant that will apply for, receive and manage the grant funding on behalf of the Town of Ladysmith.

Recommendation

That Council amend Resolution CS 2021-116 by replacing "Cowichan Valley Regional District" with "Municipality of North Cowichan".

13. NEW BUSINESS

14. QUESTION PERIOD

Residents are encouraged to "virtually" attend the meeting and ask their questions live by registering here:

https://zoom.us/webinar/register/WN_BwoMwqIJTYKlxG6STDk3NA

Instructions on how to join the meeting will be sent immediately after you register.

Alternately, questions can be submitted via email at info@ladysmith.ca during the meeting.

- Persons wishing to address Council must be Town of Ladysmith residents, non-resident property owners, or operators of a business.
- Individuals must include their name and address for identification purposes.
- Questions put forth must be on topics which are not normally dealt with by Town staff as a matter of routine.
- Questions must be brief and to the point.
- No commitments shall be made by the Chair in replying to a question. Matters which may require action of the Council shall be referred to a future meeting of the Council.

15. ADJOURNMENT



MINUTES OF TWO PUBLIC HEARINGS AND A REGULAR MEETING OF COUNCIL

Tuesday, April 20, 2021
7:00 P.M.

This meeting was held electronically as per Ministerial Order No. M192

Council Members Present:

Mayor Aaron Stone
Councillor Amanda Jacobson
Councillor Rob Johnson
Councillor Tricia McKay

Councillor Duck Paterson
Councillor Marsh Stevens
Councillor Jeff Virtanen

Staff Present:

Allison McCarrick
Erin Anderson
Chris Barfoot
Jake Belobaba
Geoff Goodall
Donna Smith

Julie Thompson
Christina Hovey
Ryan Bouma
Mike Gregory
Sue Bouma

1. CALL TO ORDER AND ACKNOWLEDGEMENT

Mayor Stone called the Public Hearings and Regular Meeting of Council to order at 6:00 p.m., recognizing with gratitude that it was taking place across the traditional unceded territory of the Stz'uminus People.

2. AGENDA APPROVAL

CS 2021-122

That Council approve the agenda for the Public Hearings and Regular Meeting of Council for April 20, 2021 as amended to include the following items received after publication of the agenda:

- Item 3.1.3, "Public submissions received between Thursday, April 15 (agenda publication date) and 4:00 p.m. on Tuesday, April 20, 2021 regarding Public Hearing #1, 336 Belaire Street"; and

- Item 4.4, "Public submissions received between Thursday, April 15 (agenda publication date) and 4:00 p.m. on Tuesday, April 20, 2021 regarding Public Hearing #2, All properties within Development Permit Area 4, Multi-Unit Residential".

Motion Carried

3. PUBLIC HEARING #1

3.1 "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 36) 2021, No. 2066"

Members of the public present: Approximately 16

3.1.1 Outline of Public Hearing Process - Mayor Stone

Mayor Stone outlined the Public Hearing process and stated that the public would have the opportunity to provide their comments to Council about Bylaw No. 2066, to change the Comprehensive Development 6 - Belaire Mixed Use Zone (CD-6) to allow for a fourth storey for more residential units.

He advised that staff would introduce the proposed bylaw amendment, followed by public submissions. He reminded the public that the content of submissions would be made public and form a part of the public record for the hearing, and that the function of Council at a Public Hearing is to listen rather than to debate the merits of the proposed Bylaw, although they may ask clarifying questions. He advised that once everyone had an opportunity to be heard, the Public Hearing would be closed and no further submissions or comments could be accepted by members of Council.

3.1.2 Introduction of Bylaw - Senior Planner, Development Services

Christina Hovey, Senior Planner for Development Services, introduced the following bylaw as the subject of the Public Hearing:

- "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 36) 2021, No. 2066", (hereafter referred to as Bylaw No. 2066).

She noted that the subject property is 336 Belaire Street, legally described as:

- Lot 1, District Lot 56, Oyster District, Plan 27861).

Ms. Hovey advised Council that Bylaw No. 2066 would amend the Comprehensive Development 6 – Belaire Mixed Use Zone from allowing 3-storeys to 4-storeys, and would allow 4 additional dwelling units, for a total of up to 12 dwelling units. She stated that, as per the Zoning Bylaw requirements, the 4th storey could only be constructed if the following conditions are met:

- 1) a gathering space is provided for Wickham Park;
- 2) some underground parking is provided; and
- 3) the building is constructed to meet Step 1 of the BC Energy Step Code.

Ms. Hovey also confirmed the Public Hearing notification and engagement process. The Public Hearing Notice was printed in the Ladysmith Chronicle newspaper on both April 8 and 15, 2021, and was posted on the Town's website as well as on various community notice boards. The Notice was mailed and delivered to all properties located within 60 metres of the subject property, and a copy of the Notice, the proposed bylaw, and background information was made available at the front counter of City Hall and Development Services, and on the Town's website for the Notice period. Staff in the Development Services office were available to respond to questions prior to the Public Hearing. The Town received 19 written submissions relating to Bylaw No. 2066.

3.1.3 Public Submissions

Mayor Stone invited the applicant to make the first submission to Council.

Donna Hais, project manager for the "Jailhouse" mixed use development, addressed Council, advising that Bylaw No. 2066 would allow the applicant to increase the building from 3 storeys to 4 storeys, resulting in a total of 12 residential units and increased parking beneath the building. She noted that an additional 9 to 11 parking spaces would also be added to the Wickham Park area, along with a structure that would enhance the park's appeal and provide useable space for the public.

Mayor Stone called for submissions to Council.

Russell Barling expressed concern that the applicant's request to add another storey to the project was in response to Council's previous decision to rezone 201 and 203 Dogwood Drive. He advised Council that they should have well-documented reasons for allowing the rezoning of 336 Belaire Street. Mr. Barling asked Council if they had considered whether this was the best neighbourhood for a high density development, if a community impact assessment had been completed, and whether Council had assessed how property values would be affected by the high density/entertainment development.

Angela McDiarmid expressed opposition to the project, noting that the form and character of the development conflicted with that of the surrounding area. She raised concerns regarding the potential impact on neighbourhood property assessments, the feasibility of exiting the underground parking, the site coverage on the lot, and how commercial use of the building would affect parking.

Julie Lacroix spoke against the development, stating that it opposed the understanding behind Dr. Wickham's legacy when he donated the land. She expressed concerns that a 4 storey building would impact the esthetic of the neighbourhood while contributing to an already risky traffic situation in the area.

Mayor Stone called for submissions to Council a second time.

Raelene Cormier advised that she had already submitted a written response opposing the development, and raised concerns that the Town was catering to developers and ignoring the wishes of residents.

3.1.4 Final Call for Public Submissions - Mayor Stone

Mayor Stone called for submissions to Council a third and final time.

Mayor Stone asked the Corporate Officer, D. Smith, if any submissions were received via email. The Corporate Officer advised that no submissions had been received during the Hearing.

3.1.5 Closure of hearing for Bylaw No. 2066

Hearing no comments and receiving no submissions, Mayor Stone called the Public Hearing for Bylaw No. 2066 closed and stated that no further submissions or comments from the public or interested persons could be accepted by members of Council.

4. PUBLIC HEARING #2

4.1 “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 66) 2021, No. 2070”

Members of the public present: Approximately 16

4.2 Outline of Public Hearing Process - Mayor Stone

Mayor Stone outlined the Public Hearing process and stated that the public would have the opportunity to provide their comments to Council about Bylaw No. 2070, to amend the Official Community Plan to exempt single and two unit dwellings in Development Permit Area 4 Multi-Unit Residential from the requirement to obtain a development permit.

He advised that staff would introduce the proposed bylaw amendment, followed by public submissions. He reminded the public that the content of submissions would be made public and form a part of the public record for the hearing, and that the function of Council at a Public Hearing is to listen rather than to debate the merits of the proposed Bylaw, although they may ask clarifying questions. He advised that once everyone had an opportunity to be heard, the Public Hearing would be closed and no further submissions or comments could be accepted by members of Council.

4.3 Introduction of Bylaw - Director of Development Services

Jake Belobaba, Director of Development Services introduced the following bylaw as the subject of the Public Hearing:

- “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 66) 2021, No. 2070” (hereafter referred to as Bylaw No. 2070)

He noted that Bylaw No. 2070 applies to lands within the Multi Family Development Permit Area and that the purpose of the bylaw is to amend “Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488” to exempt single family and two family developments from the requirement to obtain a development permit.

Mr. Belobaba also confirmed the Public Hearing notification and engagement process. Notice of the Public Hearing was printed in the Ladysmith Chronicle newspaper on both April 8 and 15, 2021, and was posted on the Town's website as well as on various community notice boards. A copy of the Notice, the proposed Bylaw, and background information was made available at the front counter of City Hall and Development Services, and on the Town's website for the Notice period. Staff in the Development Services office were available to respond to questions prior to the Public Hearing, and the Town received 1 written submission relating to Bylaw No. 2070.

4.4 Public Submissions

Mayor Stone called for submissions to Council.

Mayor Stone called a second time for submissions to Council.

4.5 Final Call for Public Submissions - Mayor Stone

Mayor Stone called a third and final time for submissions to Council.

Mayor Stone asked the Corporate Officer, D. Smith, if any submissions were received via email. The Corporate Officer advised that no submissions had been received during the Hearing.

4.6 Closure of hearing for Bylaw No. 2070

Hearing no comments and receiving no submissions, Mayor Stone called the Public Hearing for Bylaw No. 2070 closed and stated that no further submissions or comments from the public or interested persons could be accepted by members of Council.

5. REGULAR COUNCIL MEETING CONVENES

6. BYLAWS - OFFICIAL COMMUNITY PLANNING AND ZONING (SUBJECTS OF PUBLIC HEARING)

6.1 Subject of Public Hearing #1 (336 Belaire Street)

6.1.1 "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 36) 2021, No. 2066"

CS 2021-123

That Council:

1. Proceed with third reading of "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 36) 2021, No. 2066"; and
2. Direct staff to refer "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 36) 2021, No. 2066" to the Ministry of Transportation and Infrastructure pursuant to section 52 of the *Transportation Act*.

Motion Carried

OPPOSED: Councillor Stevens

6.2 Subject of Public Hearing #2 (Properties within Development Permit Area 4 Multi-Unit Residential)

6.2.1 "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 66) 2021, No. 2070"

CS 2021-124

That Council proceed with third reading and adoption of "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 66) 2021, No. 2070".

Motion Carried

7. MINUTES

7.1 Minutes of the Public Hearings and Regular Meeting of Council held April 6, 2021

CS 2021-125

That Council approve the minutes of the Public Hearings and Regular Meeting of Council held April 6, 2021.

Motion Carried

7.2 Minutes of the Special Meeting of Council held April 13, 2021

CS 2021-126

That Council approve the minutes of the Special Meeting of Council held April 13, 2021.

Motion Carried

CS 2021-127

By unanimous consent, Council agreed to move Item 8 “Delegations” to a point further in the agenda as the Town’s Auditor had advised they would be delayed.

8. BYLAWS- OFFICIAL COMMUNITY PLAN AND ZONING

8.1 Zoning Bylaw Amendment Application – 630 Farrell Road

CS 2021-128

That Council:

1. Proceed with first and second reading of “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 35) 2021, No. 2064”; and
2. Direct staff to proceed with scheduling and notification for a Public Hearing for “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 35) 2021, No. 2064” as required under section 464(1) of the *Local Government Act*.
3. Require that, prior to adoption of “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 35) 2021, No. 2064”, the developer update covenant CA6042493, registered to the title of Lot 2 District Lot 41 Oyster District Plan VIP79202 as follows:
 - a. Removal of section 3 “Preconditions of Development” and Schedule C (subdivision layout);
 - b. Replacement of Schedule B (geotechnical assessment) with the updated report (Attachment D to the report to Council dated April 20, 2021); and
 - c. Addition of a setback requirement from panhandles to allow access for emergency vehicles.

Motion Carried

9. COMMITTEE MINUTES

9.1 Community Planning Advisory Committee - March 3, 2021 Minutes.

CS 2021-129

That Council receive for information the minutes of the March 3, 2021 meeting of the Community Planning Advisory Committee.

Motion Carried

10. REPORTS

10.1 Distribution of 2021 Property Taxes

CS 2021-130

That Council direct staff to:

1. Prepare the 2021 Financial Plan and Tax Rates Bylaws based on Option #3 of the Director of Financial Services report dated April 20, 2021, allocating a 0.52% increase and phasing in a Class 5 rate with Class 1 absorbing the difference; and
2. Prepare the 2021 Property Tax Rates bylaw based on the "Alternative Municipal Tax Collection Scheme" with a due date of July 2, 2021 and a 2% penalty on outstanding current taxes and unclaimed home owner grants as of the end of day on July 2, 2021 and a further 8% penalty on balances outstanding as of the end of day on September 15, 2021.

Motion Carried

11. BYLAWS

11.1 Bylaw Status Sheet

12. DELEGATIONS

12.1 MNP, Auditors for the Town of Ladysmith

Cory Vanderhorst, MNP, provided Council with an overview of the 2020 Audit Findings. He advised MNP is ready to sign the Audit Report after Council reviews and approves the financial statements and thanked Town staff for their cooperation during the audit.

CS 2021-131

That Council accept the 2020 Audit Findings report and the draft 2020 Financial Statements as presented by MNP, auditors for the Town of Ladysmith.

Motion Carried

13. CORRESPONDENCE

13.1 Correspondence from Nitya Harris, Chair, Coexisting with Carnivores Alliance, dated March 29, 2021

CS 2021-132

That Council provide a letter of support to Minister Conroy and the AVICC regarding the resolution by the District of Oak Bay to implement a moratorium on recreational wolf hunting on Vancouver Island, pending the completion of a scientific, data driven, evidence-based study to re-examine the efficacy of unrestricted wolf harvesting practices and their impacts on the Island's bio-diversity, wildlife ecology and sustainability of the resident wolf population.

Motion Carried

13.2 Correspondence from the City of Victoria dated March 31, 2021 Requesting a Letter of Support

CS 2021-133

That the Mayor, on behalf of Council, send letters to the Ministers of Labour and Tourism, the Association of Vancouver Island and Coastal Communities and the Union of BC Municipalities, expressing support for the City of Victoria's motion regarding the right for laid off workers in the tourism and hospitality industries to return to their jobs when the COVID-19 pandemic eases.

Motion Carried

13.3 Correspondence from the Ladysmith Historical Society and the Royal Canadian Air Cadets Squadron 257 dated April 14, 2021

CS 2021-134

That Council:

1. Support in principle the Aggie Hall 100 Celebration in 2022;
2. Consider waiving rental and other fees for the use of Aggie Hall as part of the event(s) related to the celebration; and
3. Provide a letter of support to be included in the Ladysmith & District Historical Society and the Royal Canadian Air Cadet Squadron's grant application to the Government of Canada's Building Communities Through Arts and Heritage/Community Anniversaries program.

CS 2021-135

AMENDMENT

By unanimous consent Council approved the removal of Item 2 from resolution CS 2021-134.

Resolution CS 2021-134, as amended reads:

That Council:

1. Support in principle the Aggie Hall 100 Celebration in 2022; and
2. Provide a letter of support to be included in the Ladysmith & District Historical Society and the Royal Canadian Air Cadet Squadron's grant application to the Government of Canada's Building Communities Through Arts and Heritage/Community Anniversaries program.

Main Motion, as Amended, Carried

CS 2021-136

That Council support waiving rental and other fees for the use of Aggie Hall as part of the event(s) related to the Aggie Hall 100 Celebration in 2022, as delegated to the Director of Parks, Recreation & Culture.

Motion Carried

14. QUESTION PERIOD

A member of the public expressed concern regarding unsightly drainage and the loss of open green space at Wickham Park and was advised that Council could not accept further comments as the Public Hearing was now closed.

15. ADJOURNMENT

CS 2021-137

That this Regular Meeting of Council adjourn at 8:21 p.m.

Motion Carried

CERTIFIED CORRECT:

Mayor (A. Stone)

Corporate Officer (D. Smith)



PROCLAMATION

RED DRESS PROJECT - NATIONAL DAY OF REMEMBRANCE FOR MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS AND TWO SPIRIT PEOPLE (MMIWG2S)

- WHEREAS:** *according to police reports, more than 1200 Indigenous women, girls and two spirit people have gone missing or been murdered since 1980; and*
- WHEREAS:** *this issue has been known for many decades - Indigenous families have long called for recognition and awareness of this issue; and*
- WHEREAS:** *the support for the Red Dress Project and MMIWG2S has gained support across the province and Canada in response to actions in other southern jurisdictions; and*
- WHEREAS:** *the National Inquiry into Missing and Murdered Indigenous Women, Girls and Two Spirit people was a direct result of the advocacy of the families calling for action; and*
- WHEREAS:** *the National Day of Remembrance for Missing and Murdered Indigenous Women, Girls, and Two Spirit People is May 5th; and*
- WHEREAS:** *Indigenous women and families have called for more awareness to be drawn to this issue by hanging a Red Dress as part of the Red Dress Project one week before May 5th to one week after, to honour the Women, Girls and Two Spirit peoples who have gone missing or been murdered.*
- THEREFORE,** *I, Aaron Stone, Mayor of the Town of Ladysmith, do hereby proclaim May 5, 2021 as “National Day of Remembrance for Missing and Murdered Indigenous Women and Girls and Two Spirit People” in the Town of Ladysmith, British Columbia.*

Mayor A. Stone

April 26, 2021



PROCLAMATION

CHILD CARE MONTH AND CHILD CARE PROVIDER APPRECIATION DAY

- WHEREAS:** *child care is an essential community service that supports healthy families and a healthy economy; and*
- WHEREAS:** *quality early child care and learning programs contribute to children's healthy development and readiness to learn; and*
- WHEREAS:** *child care providers promote the health and well-being of children and are essential to providing quality, safe child care; and*
- WHEREAS:** *child care providers face significant challenges in meeting the demand for quality child care, highlighting the need for coordinated and comprehensive Provincial and Federal child care plans which are based on the principles of quality, universality, affordability, accessibility and developmental appropriateness; and*
- WHEREAS:** *many individuals, organizations and municipalities throughout British Columbia have, since 1982, recognized May as "Child Care Month" and organized events during the month to highlight the role quality child care plays in communities.*
- THEREFORE,** *I, Aaron Stone, Mayor of the Town of Ladysmith, do hereby proclaim May 2021 as Child Care Month and May 21, 2021 as Child Care Provider Appreciation Day in the Town of Ladysmith, British Columbia.*

Mayor A. Stone

April 29, 2021



PROCLAMATION

FALUN DAFA DAY

May 13, 2021

- WHEREAS:** *Falun Dafa is an advanced ancient exercise and meditation practice of mind, body, and spirit based on the universal principles of Truthfulness, Compassion and Forbearance; and*
- WHEREAS:** *Falun Dafa practitioners follow the principles and incorporate them into their daily lives, striving to become better people in all environments and situations; and*
- WHEREAS:** *during the current difficult times of the COVID-19 pandemic, we are reminded how important these values and principles can be to us all; and*
- WHEREAS:** *Falun Dafa has benefited, both physically and spiritually, tens of millions of people in over 100 countries around the world since its public introduction in China on May 13, 1992; and*
- WHEREAS:** *Falun Dafa transcends cultural and racial boundaries and contributes to a more peaceful, tolerant, and compassionate society.*
- THEREFORE,** *I, Aaron Stone, Mayor of the Town of Ladysmith, do hereby proclaim May 13, 2021 as Falun Dafa Day in the Town of Ladysmith, British Columbia.*

Mayor A. Stone

April 29, 2021

**Minutes of the Parks, Recreation & Culture Advisory Committee
Wednesday, March 17, 2021 at 7:00pm**

COMMITTEE MEMBERS PRESENT:

Tim Richards, Chair
Lynda Baker
Councillor Duck Paterson
Kelly Daniels
Lesley Lorenz
Geoff Dean
Emily Weeks

STAFF PRESENT:

Chris Barfoot
Pamela Zwicker

REGRETS:

Ava Smith
Bryn Dovey

AGENDA

Moved and seconded:

2021-05: That Parks, Recreation and Culture Advisory Committee approve the agenda for the meeting with one amendment to Item 5.a which read “Review PATG March minutes” and should have indicated February minutes. *Motion carried.*

MINUTES

Moved and seconded:

2021-06: That Parks, Recreation and Culture Advisory Committee approve the minutes of the February, 2021 meeting as presented. *Motion carried.*

OLD BUSINESS

Public Art Task Group Public Art Donation Guidelines- Review PATG February Minutes

A discussion of the proposed feedback was informed by L. Baker and the PRCAC will receive the March PATG minutes and have them available at next month’s meeting to view.

Park Naming Policy Proposed Amendment–Staff brought forward proposed language recognizing indigenous history and culture in the Park Naming Policy and will include the recommended language in a staff report to council.

Moved and seconded:

2021-07: That Parks, Recreation and Culture Advisory Committee supports staff to present in a report to council the suggested edits to the Park Naming Policy. *Motion carried.*

NEW BUSINESS

- Welcome and Introductions- Mr. Kelly Daniels, new Area H representative

- Four members of the PRCAC have terms that are set to expire June 2021.
- Ladysmith Golf Course Annual Report was presented to the PRCAC
- Stz'uminus youth recreation and Leisure Access Program were discussed

UPDATES

PRC Department Update – PRCAC was provided a department update by staff included in the agenda. Project updates included:

RECREATION PROGRAM REGISTRATION- SPRING

- On Friday, March 5th, registration for spring programs (April-June) opened up via telephone and online at 8am. On Friday, program registrations totaled 383 registrations, 254 online and 129 in person or via telephone. By comparison, in December 2020 there were a total of 244 registrations for the entire month.
- Between Friday, March 5th and Monday, March 8th, the program guide was viewed over 700 times online. 50% of aquatic programs in the spring guide are 50% full already. 43 aquatic programs are 100% full.
- Staff have prepared classes for later this spring in the event that some PHO orders are lifted or revised that would allow us to offer higher intensity fitness programs (for example, spinning or HIIT classes).

COVID-19 VACCINATION SITE- AGGIE HALL

- Town of Ladysmith's Aggie Hall will be used by Island Health as a mass vaccination site for COVID-19 immunizations, with a License to Occupy beginning March 15th.
- All appointments for vaccinations will be pre-booked, visit Island Health's website for information on eligibility and to register.
- Programs that had been operating out of Aggie Hall are being relocated to other facilities for the next several months including Ladysmith and area Family and Friends which will be operating out of Davis Rd School for the next several months. Bookings at Aggie fields will not be impacted, although parking may be impacted.
- Public parking for the temporary clinic will be available at both the upper and lower Aggie Hall lots, along Symonds Street and on 2nd Avenue above the natural playground. Staff have been navigating PHO guidelines; updating fitness and program offerings accordingly. Focus will be on health and wellness and social benefits and connections vs traditional physical fitness.

NEXT MEETING Next meeting will be held at 7:00pm, April 21, 2021 via ZOOM.

ADJOURNMENT It was moved, seconded and carried that the meeting be adjourned at 8:04 PM

X

Chair (T. Richards)

RECEIVED:

X

Corporate Office (D.Smith)

DRAFT

STAFF REPORT TO COUNCIL

Report Prepared By: Jake Belobaba, Director of Development Services
Meeting Date: May 4, 2021
File No: 6750-80
Re: **New Film Regulations**

RECOMMENDATION:

That Council:

1. Having considered s. 475 of the *Local Government Act*, and in particular the matters set out in subsections (2)(a) and (b), resolve that :
 - a. the Stz'uminus First Nation is the only entity that is appropriate to consult in connection with "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.62) 2021, No. 2047";
 - b. consultation should be early but need not be ongoing;
 - c. the consultation process described in the staff report to Council dated May 4, 2021 is sufficient in respect to the proposed Official Community Plan amendment; and
 - d. staff be directed to refer "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.62) 2021, No. 2047" to the Stz'uminus First Nation as set out in resolution 1 a) for consultation in the manner described in the May 4, 2021 staff report to Council;
2. Give first and second reading to "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.62) 2021, No. 2047";
3. Consider "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.62) 2021, No. 2047" in conjunction with the Town's Financial Plan, the Town's Liquid Waste Management Plan, and the Cowichan Valley Regional District Solid Waste Management Plan, pursuant to section 477(3) of the *Local Government Act*;
4. Direct staff to refer "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.62) 2021, No. 2047" to School District 68 pursuant to section 476 of the *Local Government Act*;
5. Give first, second and third reading to "Film Bylaw 2021, No. 2045";
6. Give first, second and third reading to "Town of Ladysmith Fees and Charges Bylaw 2008, No.1644, Amendment Bylaw 2021, No. 2050";
7. Give first, second and third reading to "Noise Suppression Bylaw 2003, No. 1478, Amendment Bylaw 2021, No. 2046";
8. Give first, second and third reading to "Filming Reserve Bylaw 2021, No. 2071";

9. Give first, second and third reading to “Building and Plumbing Bylaw 1994, No. 1119, Amendment Bylaw 2021, No. 2048”;
10. Give first and second reading to “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.31) 2021, No. 2049”; and
11. Direct staff to proceed with scheduling and notification of a Public Hearing for “Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.62) 2021, No. 2047” and “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.31) 2021, No. 2049”.

EXECUTIVE SUMMARY:

“Film Bylaw 2021, No. 2045” and consequential bylaw amendments are being presented to Council for formal consideration following review by the Committee of the Whole September of 2020, and referral to the Chamber of Commerce, Downtown Business Association, Film Cowichan and Vancouver Island North Film Commission (INFilm). The proposed regulations are intended to support filming in Ladysmith and address issues with the Town’s existing Film Production Policy identified by staff and stakeholders. The proposed regulations have been modified to reflect feedback from stakeholders and the bylaws have been given legal review .

PREVIOUS COUNCIL DIRECTION:

Resolution	Meeting Date	Resolution Details
CW 2020-038	09/08/2020	That the Committee direct staff to refer proposed “Town of Ladysmith Film Bylaw, 2020, No. 2045” to the Ladysmith Chamber of Commerce, Ladysmith Downtown Business Association, Film Cowichan and Vancouver Island North Film Commission (INFilm) for review and comment prior to formal consideration by Council.
CS 2012-371	12/03/2012	It was moved, seconded and carried that the proposed changes to the Film Production Policy as outlined in the staff report dated November 13, 2012 be referred to the Ladysmith Chamber of Commerce and the Ladysmith Downtown Business Association for their consideration and comment.

INTRODUCTION/BACKGROUND:

Filming is a \$3.2 Billion industry in BC, and Ladysmith has been fortunate to have been the setting for a number of film productions. Unique features of the Town, especially the downtown, have made Ladysmith a filming location for a number of movies and television shows, including ‘Sonic the Hedgehog’, ‘Pup Academy’ and most recently ‘Resident Alien’. The Town’s Economic Development Strategy, completed in 2018, highlights filming as an important component of the local and regional economy.

The Town’s current Film Production Policy is over 20 years old. In 2011 and 2012, consultation occurred with the Ladysmith Downtown Business Association (LDBA), the Ladysmith Chamber of Commerce, industry representatives and other stakeholders regarding filming. Council endorsed changes to the policy, which has been on the Development Services work plan since January of 2019.

Recent film productions in Ladysmith have provided opportunities to identify improvements to the Town’s filming regulations. “Debriefs” of these productions have occurred amongst staff as well as conversations with stakeholders and the film industry. Staff were drafting the proposed film bylaw when

Resident Alien was filming in Ladysmith and this opportunity was used to inform the bylaws attached to this report.

Drafts of the proposed bylaws were presented to the Committee of the Whole on September 8, 2020 and on December 3, 2020, Council directed staff to forward the proposed regulations to the Ladysmith Chamber of Commerce, the Ladysmith Downtown Business Association (LDBA), Film Cowichan and INFilm for comment. All of these organizations commented on the proposed regulations. In the case of INFilm, the regulations were forwarded to stakeholders representing different film industry sectors (e.g. TV, film, documentary etc). Comments from these stakeholders were compiled and summarized by INFilm and sent to the Town.

A detailed breakdown of the main elements of the proposed regulations is provided in the September 8, 2020 staff report to the Committee of the Whole. Overall, the basic requirements of the regulations remain the same, with only minor adjustments needed to accommodate the most recent round of stakeholder feedback and legal review.

FEEDBACK RECEIVED AND AMENDMENTS

The table below summarizes the feedback received from the referral process, changes to the proposed regulations made in response, and staff comments. With the exception of fees, no feedback was received that warranted changes to the consequential amendments. A new reserve bylaw has been drafted in response to the feedback from the LDBA as outlined below.

Issue	Stakeholder Comments	Resulting changes to proposed regulations	Staff comments
Application deadlines	<p>Film industry stakeholders suggested that application deadlines were too onerous especially for small productions like TV commercials.</p> <p>Conversely, business stakeholders suggested the deadlines do not provide sufficient time for business/resident notification.</p>	<p>Application deadlines have been changed from ten to five business days prior to filming.</p> <p>Notifying the Town prior to application is still recommended with a 20 day recommended notification for larger more complex filming applications.</p> <p>Caveats have been added to remind applicants that it may be difficult for the Town to accommodate filming on short notice and that film companies that apply within short timeframes do so at their own risk.</p>	<p>Industry stakeholders noted that larger productions can typically provide more advance notice to the Town and staff have found that scouts and location managers for larger productions will typically contact the Town in advance of making an application.</p> <p>With improvements to the Town's film regulations and procedures, staff can process applications faster and work with film companies to provide as much public notice as possible.</p> <p>The regulations do not preclude public notification prior to making an application and more disruptive applications now require consent from adjacent property owners and tenants.</p>

Issue	Stakeholder Comments	Resulting changes to proposed regulations	Staff comments
			<p>Subsequently, the regulations place more emphasis on notification than the actual application date.</p> <p>For smaller productions with less impact, film permit processing times can be much faster as they require much less staff time, notification and Town resources.</p> <p>The caveats in the policy reflect that, as with any industry, the film industry bears responsibility for allocating adequate time for notification and local approvals. Staff are confident that this “earlier-the-better”, approach will serve as a suitable compromise between the needs of affected stakeholders and the film industry.</p>
Timing of Notice	<p>Like application deadlines, Film industry stakeholders wanted shorter notification periods whereas some business stakeholders wanted longer notification periods.</p> <p>Notably, film industry stakeholders expressed no objections to the new property owner/tenant consent requirement.</p>	<p>The guidelines have been amended to require notice to be delivered a minimum of three days prior to filming. However, a clause has been added allowing staff to require longer notice periods for larger or more disruptive productions.</p>	<p>The revised guidelines allow staff to assess the overall impact of filming on a case-by-case basis and require longer notification periods for larger more complex productions (which have longer lead times and more resources).</p> <p>Because owner/tenant consent for significant (and specific) disruptions is now a requirement, the amount of notice/engagement will be directly proportional to the impact for each business or resident—i.e. film companies must obtain consent from significantly affected residents and businesses, whereas residents and businesses in the general vicinity of filming will be given notice.</p>

Issue	Stakeholder Comments	Resulting changes to proposed regulations	Staff comments
Method of Notice	Film industry stakeholders were concerned about requirements for newspaper and mail notification. These forms of notice are difficult to achieve due to timing, legal and operational concerns.	Requirements for newspaper and mail delivery have been removed. However, in-person delivery is still required.	Staff see no issue with eliminating newspaper and mail notification. In-person delivery is faster, more practical, personal ¹ and effective.
Fees	<p>Almost all of the industry stakeholders and the Chamber of Commerce felt fees were too high.</p> <p>Industry stakeholders recommended tiered fees based on production size and type and recommended that the fees for documentaries, travel/tourism promotions and student filming be lowered or eliminated.</p> <p>Industry stakeholders also felt that fees for late changes to film permit applications were unreasonable.</p>	<p>The proposed fee structure has been changed to reduce the overall permit application fees significantly. There is no fee for student productions or filming that promotes Ladysmith as a travel destination. Fees for documentaries have been reduced.</p> <p>The fee structure has also been changed to reflect the size of the production, with smaller productions paying less than larger ones.</p> <p>With the general reductions in permit fees, staff revisited fees for facilities to ensure a “cost-recovery” approach. This is described in great detail under ‘Financial Implications’</p>	Eliminating or reducing fees for certain productions is highly advantageous to the Town and better reflects the actual cost of processing a permit for any given application. Fees for the use of Town lands and facilities for filming will still be at a cost-recovery rate that reflects the impacts of filming at these facilities.
Use of bylaw and flexibility of regulations	Some industry stakeholders felt that a film “bylaw” as opposed to a film “policy” would result in inflexible regulations. Additionally comments were made relating to specific wording throughout the regulations relating to the flexibility of the regulations.	<p>Wording throughout the regulations has been revisited with a number of terms and clauses changed to use more flexible language. The standard insurance agreement and license of use are no longer schedules to the bylaw, and can be edited on an as-needed basis (Attachments G and H of this report)</p> <p>Staff do not recommend replacing the bylaw in favour of a policy.</p>	<p>Further revisions to the bylaw and guidelines have increased flexibility.</p> <p>Certain requested features of the Town’s regulations can only be executed by bylaw (e.g. delegation, fines, towing etc.)</p> <p>Additionally, staff confirmed with the Town’s legal counsel that flexibility cannot be achieved simply by selecting a policy over a bylaw as it is the actual wording of the</p>

¹ Notice is often delivered by film company staff, which provides an opportunity for residents and business to speak directly with a representative of the film company.

Issue	Stakeholder Comments	Resulting changes to proposed regulations	Staff comments
			document—not the type—that creates flexibility. Terms like “should”, “recommended”, “may” etc. are used throughout and most of the regulations are contained in “guidelines” which form a separate schedule to the bylaw. These specific drafting techniques, and standard interpretation principles are what creates the necessary flexibility in the regulations.
Terminology	Stakeholders drew attention to the use of terms like “Location Manager” and their meaning in the film industry. Though defined in the regulations, use of these terms in the previous drafts caused confusion as to the meaning and requirements of the bylaw.	Certain terms like “location manager” have been changed to reflect terminology and practices in the film industry.	These changes do not alter the requirements of the regulations. They simply reconcile municipal terminology with industry terminology to make it easier for members of the film industry to interpret the regulations.
Stunts and Firearms	<p>Industry stakeholders expressed concerns about regulations related to “stunts” and firearms commenting on the RCMP /fire department approval process. Film industry stakeholders noted that the industry typically defines stunts to include low-risk activities (like lighting a cigarette) and that RCMP or Fire Department Approval for these activities may be excessive.</p> <p>One comment alluded to RCMP approval not being needed for the use of replica firearms. These comments preceded the introduction of Bill C-21.</p>	<p>The RCMP/Fire Department section of the regulations have been reworded to eliminate references to certain activities and focus more on potential hazards and demands on the Town’s emergency services.</p> <p>Staff note that Bill C-21 proposes to prohibit certain types of replica firearms and staff are unclear how this will apply to the film industry. Subsequently, clauses in the regulations contain “flags” that the use of replica firearms <i>may</i> require RCMP approval allowing the regulations to be congruent with whatever specific rules that may result from the approval of Bill C-21.</p>	These changes do not affect RCMP/Fire Department oversight over filming, nor do they prevent the Town from addressing potential safety concerns.
Community Funding	The LDBA has suggested that film companies could be required to make	The proposed reserve bylaw, will set aside a small portion of filming fees and any	The reserve program will help film companies create goodwill within the

Issue	Stakeholder Comments	Resulting changes to proposed regulations	Staff comments
	contributions to a reserve fund to create goodwill within the community and to create a fund to support the community. This was suggested as an alternative to previous suggestions that the Town play a role in determining business compensation paid by film companies to affected businesses ² .	voluntary contributions made by film companies. The reserve can be used for community improvements or to promote Ladysmith as a filming destination. The filming regulations have also been amended to encourage film companies to make voluntary contributions to the reserve and to work with and support local organizations.	community and is supported by staff.
Vehicle tags and contact info	Concerns were expressed from some industry stakeholders about providing contact information for the location manager (e.g., on vehicle tags) with preference expressed for providing contact information for the production company instead.	The regulations have been amended to require vehicle identification to include the number for the production company or vehicle operator.	Staff see no issues with this change. The purpose of the vehicle identification rule is simply to allow members of the public to be able to contact someone quickly if the vehicle has been parked in a way that is problematic.
Revocation of Permits	The Chamber of Commerce identified a clause in the bylaw that suggested the Town could revoke a film permit arbitrarily.	Revocation clauses have been amended to be clear that a film permit will be revoked only in the event of a contravention or emergency.	Staff see no issues with this change as it was flagged during legal review also
Defining consultation requirements and impacts	The Chamber of Commerce raised concerns about guidelines prohibiting undue impacts and requiring reasonable efforts to obtain property owner/tenant consent in certain circumstances. The chamber expressed concern about how terms like “impact” and “reasonable” would be defined and interpreted.	No changes to the regulations are recommended, however standard forms and processes are being developed that will assist in these interpretations.	New application package and submittal requirements will require film productions to clearly document their potential impacts and consultation with affected businesses and residents prior to application review. Subsequently, it will be clear to the Town if the filming proposal and notification is appropriate and the Town can require corrective action or deny the permit as necessary. No concerns were raised by the Town’s lawyer during the legal review about how these clauses of the bylaw would be

² It was determined that the Town would not be able to play such a role as it would constitute an aid to business which is prohibited under the *Community Charter*

Issue	Stakeholder Comments	Resulting changes to proposed regulations	Staff comments
			interpreted.

ALTERNATIVES:

Council can choose to:

1. Not consider the proposed bylaws.
2. Amend one or more of the proposed bylaws and give further readings as amended.
3. Refer the proposed bylaws back to staff for further review as specified by Council.

FINANCIAL IMPLICATIONS:

The proposed fee structure is expected to cover all of the costs of providing works and services to film productions (e.g., work on municipal infrastructure undertaken by public works crews) and offset any lost revenue from filming (e.g., from renting out recreation facilities). The average cost of processing permit applications is expected to be recovered from proposed application fees.

With the requested fee reductions for permit application fees, staff revisited certain fees, specifically recreation facility fees, to ensure fees for using these facilities reflected the true cost to the Town. Minor adjustments to certain fees were made to ensure filming reflected the appropriate “commercial rate”. Fees for filming use of certain recreational facilities is higher than the standard commercial rate, where filming tends to have an increased impact or higher maintenance cost. For example, the fee for using a sports field for filming is \$51/day higher than the commercial rate because filming use of sports fields tends to involve coverings, vehicle parking and heavy foot traffic, which creates an increased maintenance burden for the turf.

The proposed reserve bylaw will generate only modest reserves from the 2% contribution from permit fees. However, voluntary contributions to the reserve from larger productions could be substantial, as larger productions often wish to make community contributions. Under section 189 of the *Community Charter*, money in a reserve fund must only be used for the purposes for which the reserve was established. Under the proposed bylaw, reserve funds can be used for:

- Community improvements, including amenity and infrastructure improvements in areas where filming typically occurs or that generally support filming in Ladysmith.
- Marketing Ladysmith as a filming destination.
- Staff and consulting costs directly related to attracting and supporting the film industry in Ladysmith.

If additional uses for the reserve funds are desired, Council may wish to amend the reserve bylaw to add to the list above (see alternatives 2 & 3 above).

LEGAL IMPLICATIONS:

All of the proposed bylaws have been given a legal review and some revisions have been made as a result. These changes include:

1. Rewording sections to clearly demonstrate compliance with rules relating to delegating authority in the *Community Charter*.
2. Clearer parameters on how certain requirements will be imposed and decisions will be rendered related to permit issuance, fees, reports and communications plans.

3. Several changes to ensure compliance with Provincial legislation.
4. Changes throughout the bylaws to make them clearer and easier to understand.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

The proposed filming regulations have been developed with input from the film industry, businesses and residents. A public hearing is required for OCP Amendment Bylaw 2074 and Zoning Amendment Bylaw 2049 (which requires newspaper notification). The hearing provides an additional opportunity for members of the public to comment on the proposed regulations.

Section 475 of the *Local Government Act* requires Council, when considering an amendment to the OCP, to provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected. To meet this obligation, Council must specifically consider whether consultation should be “early and ongoing”, and specifically consider whether consultation is required with:

1. The Board of the Cowichan Valley Regional District.
2. The Board of the Regional District of Nanaimo.
3. The Council of the District of North Cowichan.
4. First Nations, including the Stz’uminus First Nation, Hul’qumi’num Treaty Group and the Snuneymuxw First Nation.
5. The Board of School District 68.
6. The Provincial and Federal Governments and their agencies.

The Naut’sa Mawt Community Accord and Memorandum of Understanding between the Town and Stz’uminus First Nation require the Town to refer all OCP amendments to the Stz’uminus First Nation for comment.

Similarly, section 476 of the *Local Government Act* requires the Town to refer the proposed OCP amendment to School District 68 for comments related to the impact on school facilities.

As the proposed OCP amendments are a minor amendment to the development permit section of the OCP that relate to the temporary use of public land for filming, staff see little potential impact on the list of consultees above. For these reasons, staff are recommending that only the required referrals to Stz’uminus First Nation and School Board be carried out and that no further consultation pursuant to section 475 of the *Local Government Act* is required.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Proposed bylaws were referred to Town departments and the RCMP for comment and have been amended to reflect interdepartmental needs.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|--|--|
| <input type="checkbox"/> Complete Community Land Use | <input type="checkbox"/> Low Impact Transportation |
| <input type="checkbox"/> Green Buildings | <input type="checkbox"/> Multi-Use Landscapes |
| <input type="checkbox"/> Innovative Infrastructure | <input type="checkbox"/> Local Food Systems |
| <input type="checkbox"/> Healthy Community | <input checked="" type="checkbox"/> Local, Diverse Economy |
| <input type="checkbox"/> Not Applicable | |

ALIGNMENT WITH STRATEGIC PRIORITIES:

- ☐ Infrastructure ☒ Economy
☐ Community ☐ Not Applicable
☐ Waterfront

I approve the report and recommendations.

Allison McCarrick, Chief Administrative Officer

ATTACHMENTS:

- Attachment A: Proposed Film Bylaw No. 2045
- Attachment B: Proposed Fees and Charges Amendment Bylaw No. 2050
- Attachment C: Proposed Noise Suppression Amendment Bylaw No. 2046
- Attachment D: Proposed Filming Reserve Bylaw No. 2071
- Attachment E: Proposed Zoning Amendment Bylaw No. 2049
- Attachment F: Proposed OCP Amendment Bylaw No. 2047
- Attachment G: Proposed Building Amendment Bylaw No. 2048
- Attachment H: License of use agreement template
- Attachment I: Standard insurance certificate

TOWN OF LADYSMITH

BYLAW NO. 2045

A bylaw to regulate film production activities in the Town of Ladysmith

The Council of the Town of Ladysmith, in open meeting assembled enacts as follows:

Interpretation

1. In this Bylaw, unless the context otherwise requires:

- a) “emergency” means a present or imminent event or circumstance, inside or outside the boundaries of the Town, that requires prompt action or resources of the Town to prevent death, injury, damage to public infrastructure, environmental damage, disruption of essential services or social or economic losses;
- b) “essential service” means services vital to the health, well-being and essential needs of residents and includes health care providers, pharmacies and government offices;
- c) "Film Coordinator" means the Director of Development Services, the Director of Infrastructure Services, the Corporate Officer, the Director of Financial Services the Director of Parks, Recreation and Culture or the Chief Administrative Officer
- d) "Filming Guidelines" means the guidelines for filming attached to and forming part of this Bylaw as Schedule "A";
- e) “film crew” means any person, other than a Town employee or Royal Canadian Mounted Police (RCMP) officer, employed by or otherwise providing services to the film company including contractors, actors, directors and production assistants;
- f) “filming” means the production of a television show, movie, commercial or similar media and any activities incidental to such production, but excludes filming for the purposes of journalism or personal use;
- g) “firearm” means a firearm as defined in the *Criminal Code* [R.S.C., 1985, c. C-46] as amended;
- h) “highway” means a highway as defined under the *Transportation Act* [SBC 2004] Chapter 44 as amended;
- i) “local liaison” means a representative of the film company who has been given the authority by the film company to coordinate film activities, work with the Town on behalf of the film company, and pause, alter or stop filming activities if requested to do so by the Town;
- j) “municipal property” means any land owned or otherwise controlled by the Town, and includes highways, sidewalks, parks, statutory rights of ways, easements and property leased by the Town;
- k) “professional engineer” means a professional engineer as defined by the *Engineers and*

Geoscientists Act of BC [RSBC 1996] Chapter 116, as amended;

- l) "set" means, in the context of locations where filming occurs, any area where filming and related activities are taking place and includes vehicle parking, "circuses", storage and staging areas;
- m) "student film" means a film production undertaken by one or more students enrolled in an accredited educational institution that is produced primarily for academic use as a requirement of the educational institution's curriculum;
- n) "traffic control device" has the same meaning as in "Town of Ladysmith Streets & Traffic Bylaw 1998, No. 1309", as amended or replaced from time to time; and
- o) "travel-tourism film" means a film production intended to promote Ladysmith as a tourism destination.

Film Permits

- 2. Any person proposing to carry out filming on:
 - a) municipal property; or
 - b) subject to section 124(13) of the *Motor Vehicle Act* [RSBC 1996] Chapter 318 as amended, any portion of the Trans-Canada Highway that is within the boundaries of the Town; must apply for and be granted a valid film permit.
- 3. Filming occurring entirely on private property does not require a film permit, however, any person proposing to carry out such filming shall notify the Town's Bylaw Department, the Town's Fire Department and RCMP if filming will involve special effects, firearms or pyrotechnics.
- 4. Film permit applications must be submitted to the Film Coordinator.
- 5. A film permit application shall be in the form prescribed by the Film Coordinator and must include the supporting documentation and attachments specified from time to time by the Film Coordinator necessary to determine whether the application complies with the requirements of this Bylaw.
- 6. Where an application for a film permit is for filming on fee simple municipal property, a Licence of Use is required in the form prescribed by the Film Coordinator from time to time.
- 7. Where the film permit application has met the requirements of this bylaw, including the Filming Guidelines, the Film Coordinator is delegated the authority to:
 - a) approve the application for a film permit;
 - b) approve the application for a film permit conditions to at the sole cost of the applicant :
 - i) lessen the impacts of filming on the community, such as off-site highway closures, traffic control and parking restrictions; and
 - ii) lessen the impacts of filming on the provision or alteration of municipal services;
 - c) enter into a Licence of Use for filming on fee simple municipal property;
 - d) enter into agreements with the film company pertaining to copyrights and the use of recordings;
 - e) in order to facilitate filming, place traffic control devices to give notice that parking is prohibited;
 - f) tow or otherwise remove vehicles and other items from municipal property to facilitate filming; and

- g) authorize the provision of works and services provided by the Town.
- 8. Film companies must comply with the requirements of this bylaw, and any other applicable bylaw of the Town and all applicable statutes, regulations, rules, codes, and all orders of a federal, provincial or local government authorities having jurisdiction. The Town reserves the right to revoke a film permit in the event of a contravention of this bylaw including the attached guidelines, or any other applicable bylaw, statute or regulation.
- 9. The Town reserves the right to revoke a film permit or otherwise shut down filming, without notice, in the event of an emergency. The Town is not responsible for any loss or damages incurred by the film company resulting from an emergency shut down.
- 10. A film production that is applying for, or issued a film permit must comply with the requirements in the Filming Guidelines attached to this bylaw as "Schedule A".

FEES AND BONDS

- 11. Fees for services and facilities provided by the Town are payable pursuant to "Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644".
- 12. The Film Company is required to pay for all direct costs incurred by the Town for the use of its land, facilities and services, including labour costs calculated in accordance with "Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644".
- 13. Labour costs associated with services provided by the Town shall be calculated in accordance with "Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644".
- 14. Where in the opinion of the Film Coordinator filming may result in damages to public infrastructure, the environment or municipal assets or create an unsafe condition, the Film Coordinator may require a deposit, equal to 125% of estimated costs of repairing any damage or correcting the unsafe condition.
- 15. Film permit application fees are payable at the time of application for a film permit and are non-refundable. For all other fees, the estimated fee must be paid in advance, and the film company will be will be refunded for any unused services.
- 16. Any quotes provided by the Town for services provided by the Town are non-binding. The Town reserves the right to charge for its actual costs, as calculated in accordance with this bylaw and the "Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644".

Enforcement

- 17. The Film Coordinator may suspend or cancel a film permit where the permit holder has failed to comply with the terms and conditions of the film permit or provisions of this bylaw.
- 18. A person who contravenes, violates or fails to comply with any provision of this bylaw, or who suffers or permits any act or thing to be done in contravention or violation of this bylaw, or who fails to do anything required by this bylaw, commits an offence and shall be liable upon conviction to a fine of not more than ten thousand dollars (\$10,000.00) and not less than two hundred dollars (\$200.00) the

cost of prosecution and any other penalty or order imposed pursuant to the *Community Charter* [SBC 2003] Chapter 26 as amended or the *Offence Act* [RSBC 1996] Chapter 338, as amended. Each day that an offence against the bylaw continues or exists shall be deemed to be a separate and distinct offence.

Severability

19. If any part, section, subsection, clause or subclause of this bylaw is, for any reason held to be invalid by the court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.

Citation

20. This bylaw may be cited as "Film Bylaw 2021, No. 2045".

READ A FIRST TIME	on the	day of	2021
READ A SECOND TIME	on the	day of	2021
READ A THIRD TIME	on the	day of	2021
ADOPTED	on the	day of	2021

Mayor (A. Stone)

Corporate Officer (D. Smith)

SCHEDULE "A"

Town of Ladysmith Filming Guidelines

Purpose

The purpose of these guidelines is to ensure filming in Ladysmith supports the film industry without unduly burdening the community, or creating unnecessary safety or environmental risks. Compliance with these guidelines is necessary to obtain and maintain a film permit.

Background

Ladysmith's unique character and amenities make the community an excellent location for filming. When properly managed, film productions bring economic benefits to the Town and surrounding region. Ladysmith prides itself on its ability to provide a world-class venue for filming through small-town resourcefulness and hospitality. Film companies are expected to plan and carry out filming activities accordingly.

These guidelines were developed with the intention of balancing the needs of the film companies with those of residents. They were developed considering processes and rules from other local governments in BC, the experiences of the Town during past film productions and the unique needs of the community. Subsequently, many requirements in these guidelines are unique to Ladysmith and are necessary to ensure film productions are accepted and welcomed into the community. By understanding and following these guidelines, film companies can expect efficient, high-quality service from the Town and the support and excitement of the community.

Interpretation

For the purposes of these Guidelines, any reference to "film company" includes a reference to any person who has obtained or has applied to obtain a film permit.

Guidelines

Permit applications

1. A film permit application must be submitted to the Development Services Department a minimum of five business days prior to filming.
2. All film companies should notify the Film Coordinator of filming proposals as soon as possible. As a small community, it can be difficult for Ladysmith to accommodate film productions on short notice. Large productions, or productions requiring extensive use of Town facilities and resources, should notify the Film Coordinator at least 20 days in advance of filming.

General Requirements

3. Filming must not:
 - a. compromise the safety of participants or the public;
 - b. pose a risk to the environment;
 - c. unreasonably disrupt essential services; or
 - d. unreasonably disrupt municipal services, or special events.

4. Filming must not generate undue negative impacts on residents and businesses, such as service disruptions, extended highway or public parking closures or noise and other nuisances.
5. As a condition of any permit issued under this bylaw, the film company is responsible for:
 - a. maintaining filming areas in a clean condition;
 - b. any required cleanup and restoration following filming;
 - c. the cost of correcting any damage or unsafe condition directly resulting from filming;
 - d. the cost of repairing or replacing any damaged or missing Town equipment resulting from filming; and
 - e. ensuring the professional and appropriate conduct of the film crew.
6. Filming must generate a zero net increase in costs to the Town. All services provided to the film company by the Town before, during and after filming will be provided on a cost recovery basis. All costs incurred by the Town as a result of filming will be charged to the film company.

Firearms and pyrotechnics

7. Filming involving pyrotechnics or similar fire risks may require the approval of the Ladysmith Fire Department.
8. The use of firearms or replica firearms, may require the written approval of the RCMP.
9. Where in the opinion of the Film Coordinator potential emergencies arising from filming activities may exceed the capabilities of the Town's emergency services, the film company will be required to provide an emergency response plan and additional emergency response resources, at their cost, and to the satisfaction of the Film Coordinator.

Highway, parking and sidewalk closures and traffic control

10. A traffic management plan approved by the Film Coordinator is required for any filming that will include:
 - a. full or partial closure to vehicle traffic on any highway within the Town; or
 - b. vehicle traffic control on any highway within the Town.
11. Traffic control services are not provided by the Town. Where filming will include highway closures or traffic control, the film company must provide certified traffic control technicians in accordance with an approved traffic management plan at the film company's cost.
12. Filming affecting traffic along the Trans-Canada Highway requires approval of the Ministry of Transportation and Infrastructure (MOTI). The film company must obtain MOTI approval and submit MOTI authorization prior to issuance of a film permit.
13. Filming affecting public transit requires the approval of appropriate transit authorities including the Province, Regional District of Nanaimo and the Cowichan Valley Regional District. The film company must obtain transit authority approval and submit transit authority authorization prior to issuance of a film permit.
14. Filming must not obstruct access by emergency vehicles. Sets and equipment on a highway must

facilitate emergency access or alternative access must be arranged and provided in advance. The Town reserves the right to damage, destroy or move any set or filming equipment, reopen a highway closed for filming or otherwise halt or disrupt filming in the provision of emergency services and bears no responsibility for any resulting cost incurred by the film company.

15. Highway closures must not disrupt essential services. A film company may be required to provide, at their cost, alternative service arrangements or written endorsement from the essential service provider.
16. A film permit may require traffic control or highway closures in excess of those requested by the film company to be provided at the film company's cost.

Structures and building alterations

17. Temporary structures or buildings will not require a building permit, development permit or rezoning. Temporary alterations to existing buildings or structures may require a building permit pursuant to the Town's building bylaw, but will not require a development permit or rezoning.
18. Where Guideline 17 exempts a temporary building or structure from the requirement to obtain a building permit that would otherwise be required under the "Ladysmith Building and Plumbing Bylaw 1994, No. 1119" as amended, the Film Coordinator may require written assurances from a professional engineer that the works will be designed and constructed in accordance with good engineering practice, are safe for the use intended and do not pose a risk to users, occupants or the public
19. To promote environmental sustainability and good will from local residents and businesses, film companies are encouraged to incorporate set features that create a lasting benefit to the Town such as new awnings, building paint, signage, street furniture and parks and playground equipment. Set features of this type will be subject to the following requirements:
 - a. Where additional permits are required (e.g. building permit or development permit) the film company may submit these applications, together with the required fees and property owner authorization, in conjunction with a film permit application.
 - b. To expedite filming, the Town may issue a film permit authorizing these works as temporary works under Guideline 17 while additional permits are under review. The Town may issue additional permits to the property owner after filming has ceased. If no additional permits are issued, the film company must remove the works.
 - c. The Town may require a deposit when a film permit is issued to cover fees payable when additional permits are issued (e.g. development cost charges, landscape bonds etc.) or for demolition costs if additional permits cannot be issued.

Public Notification

20. Where in the opinion of the Film Coordinator, filming is expected to result in extensive or lengthy disruptions to residents and businesses, the Film Coordinator may require a film company to prepare a joint communications plan with the Town.

21. The film company must make reasonable efforts to obtain written consent of affected property owners and tenants if filming will:

- a. block any pedestrian or vehicle access or egress serving private property such as a driveway or door;
- b. block, interfere with or render unusable any feature intended to provide access or egress to private property for persons with disabilities;
- c. create a nuisance on private property as defined in "Ladysmith Nuisance Abatement Bylaw 2015, No. 1893" As amended.; or
- d. disconnect or disrupt electrical, water, gas, telephone, internet, solid waste collection, transit, sewer or similar services to private property.

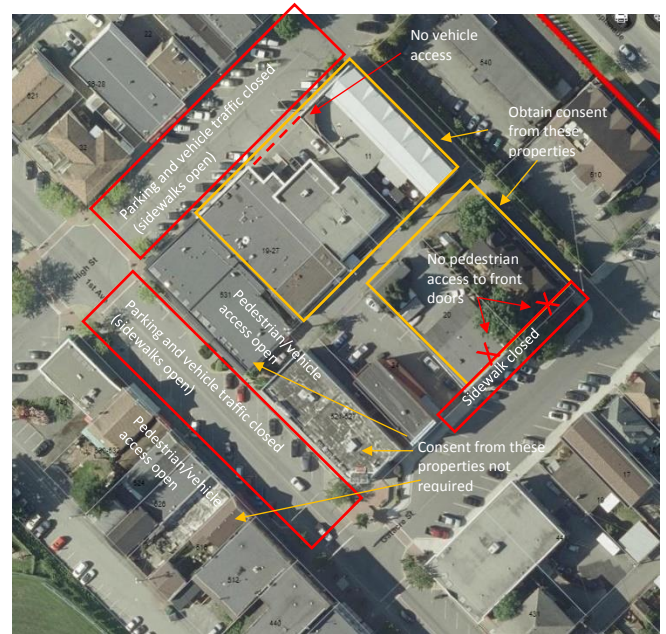


Figure 1: Example of when owner consent is required

22. The Film Coordinator may issue a film permit if the film company is unable to obtain consent under Guideline 21 if, in the opinion of the Film Coordinator, all reasonable attempts to obtain consent were made and impacts to property owners and tenants have been adequately addressed or are negligible.

23. It is recommended that, prior to filming, film companies notify the Ladysmith Downtown Business Association (if filming in the downtown) and the Ladysmith Chamber of Commerce and make a presentation to Council.

24. The film company is responsible to provide public notification, to the satisfaction of the Film Coordinator, as follows:

- a. Written notice must be delivered to all adjoining tenants and owners where any highway, parking or sidewalk fronting their property will be closed for filming activities.
- b. Filming involving the closure or extensive use of municipal property open to the public, other than a highway, requires signage posted at all commonly-used public entrances or other conspicuous locations.
- c. For an intensive or lengthy disruption to a neighbourhood, the Film Coordinator will require written notification to all properties within 60 meters of areas where filming is occurring.
- d. All notifications and signage shall include:
 - i. the name of the film company;
 - ii. the name, phone number and email address of the film company; and
 - iii. the date(s) and time(s) the film company will be working in the area with a brief description of what the activity and the impacts will be on those receiving the notice.

- e. Written notification shall be delivered and signage shall be posted no less than three days prior to filming. For an intensive or lengthy disruption to a neighbourhood, the Film Coordinator may require notification to be delivered more than three days prior to filming.

Local Liaison

- 25. The film company must designate a local liaison.
- 26. The local liaison must:
 - a. provide to the Film Coordinator an email address and mobile phone number where the local liaison can be reached during filming;
 - b. be within Ladysmith and available by mobile phone during filming, setup and tear down; and
 - c. be available for site meetings or inspections that may be required by the Town to complete its review of the application or in an emergency.
- 27. The Town reserves the right to provide the contact number for the local liaison to members of the public with questions or concerns about filming activities.

Vehicles and Mobile Equipment

- 28. All vehicles and equipment used by the film company must display a clearly visible sign or tag with the name of the film company and the name and phone number of either the film company or the operator of the equipment or vehicle.
- 29. Vehicles parked on highways open to the public must be parked pursuant to the Town's bylaws and the *Motor Vehicle Act*. The Town reserves the right to ticket or tow vehicles that have been parked contrary to the conditions Town bylaws, including in areas that have been marked with traffic control devices pursuant to section 8(e) of the Film Bylaw.

Towing

- 30. The Film Coordinator may authorize the towing of vehicles left on municipal property when filming is scheduled to occur provided that:
 - a. the film company has posted notice prior to filming, indicating that vehicles may be towed; and
 - b. the costs of towing, impound and other fees will be covered by the film company.

Works and Services on Municipal Property and Assets

- 31. Unless otherwise approved by the Film Coordinator, works on municipal property, assets and infrastructure, such as sign and street furniture removal and snow removal must be done by Town work crews at the cost of the film company.
- 32. A film permit application must include a list of works under Guideline 31. The Town will determine staffing and equipment requirements or authorize the film company to complete the works.
- 33. If Town employees will be present on the set, the film company must account for the presence of

Town staff in its workplace health and safety plan and the Town may request a copy of the film company's workplace health and safety plan.

Community Contributions

34. Film companies are encouraged to work with and support local not-for-profits, impacted residents and businesses and business associations to create goodwill within the community. The Film Coordinator can provide lists of organizations that can support filming in the community.
35. A portion of film permit fees will be deposited into the Town of Ladysmith's Filming Reserve Bylaw. Funds from this reserve are used to attract and promote filming in Ladysmith. Film companies may also make voluntary contributions to this reserve.

Insurance and Indemnification

36. A film permit shall contain an indemnification clause indemnifying and saving harmless the Town from all claims, arising from in connection with the film production.
37. A film permit must be signed by an authorized representative of the film company.
38. The film company must provide proof of insurance with a minimum coverage limit of \$5,000,000 Commercial General Liability insurance against third party claims for bodily injury, death, property, and loss of use.
39. For higher risk filming activities the Film Coordinator may require, higher coverage.
40. All required insurance policies must include:
 - a. a cross liability clause;
 - b. an additional insured endorsement naming the Town of Ladysmith, its elected officials,, employees, officers, agents and volunteers as "Additional Insured" with respect to liability arising out of the activities conducted by or on behalf of the named insured; and
 - c. 15 days written notice for cancellation or any material change that will reduce the coverage of the policy.
41. Prior to the issuance of a film permit the film company must provide:
 - a. a completed copy of the Town's Standard Insurance Certificate as prescribed by the Film Coordinator from time to time; and
 - b. proof of current WorkSafe BC registration and coverage.

TOWN OF LADYSMITH

BYLAW NO. 2050

A Bylaw to amend "Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644"

The Council of the Town of Ladysmith in open meeting assembled enacts that "Town of Ladysmith Fees and Charges Bylaw 2008, No. 1644" is amended as follows:

1. Add a new Schedule 4 "Filming Fees" as attached to this bylaw.

Citation

2. This bylaw may be cited for all purposes as "Town of Ladysmith Fees and Charges Bylaw 2008, No.1644, Amendment Bylaw 2021, No. 2050".

READ A FIRST TIME	on the	day of	,
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ADOPTED	on the	day of	,

Mayor (A. Stone)

Corporate Officer (D. Smith)

**SCHEDULE 4
FILMING FEES**

"TOWN OF LADYSMITH FEES AND CHARGES BYLAW 2008, NO. 1644"

Permit Processing and Application Fees	
Travel-tourism Film Permit	No charge
Student Film Permit	No charge
Documentary Film Permit	\$500
All other Film Permit applications based on film crew size:	
less than 10	\$300
11- 50	\$ 750
51- 99	\$1,000
100 +	\$1,500
Labour Costs	
Unionized staff*	Rate payable under collective agreement and employment contracts + 15%
Exempt staff*	Rate payable under employment contract + 15%
RCMP	Applicable overtime rate
* Labour costs directly related to permit processing are included in permit fees	
Parking Lots/Spaces	
On-street parking spaces	\$3.00/space/day
Off-street parking spaces	\$5.00/space/day
Equipment Rates	Equal to annual equipment charge out rates
Parks and Recreation Facilities	
Sports field or ball diamond	\$225/day
Other parkland	\$0.10/m ² /day
Trail	
Requires full closure to public	\$200/day
Does not require full closure to public	No charge
Playground, picnic shelter, outdoor sports court, horseshoe pitch, community garden or similar	\$75/day
Outdoor washroom, concession, change room or similar	\$14/day
Outdoor water park	\$100/hour
Aggie Hall	\$90/hour or \$247/day
Transfer Beach Park Amphitheatre	\$500/day
Frank Jameson Community Centre	
Gymnasium	\$60/hour or \$460/day
Meeting room or change room	\$25/hour/room or \$100/day/room
Lower program room	\$53/hour or \$212/day
Lower rec room	\$53/hour or \$462/day
Pool	\$147/pool/hour
Miscellaneous Municipal Lands and Facilities	
Undeveloped land or road allowance	\$0.08/m ² /day
Building space	\$0.52/m ² of floor area/day
Developed road allowance (e.g. sidewalk, tread way, lane)	No charge

TOWN OF LADYSMITH

BYLAW NO. 2046

A Bylaw to amend "Noise Suppression Bylaw 2003, No. 1478"

The Council of the Town of Ladysmith in open meeting assembled enacts that "Noise Suppression Bylaw 2003, No. 1478" is amended as follows:

1. Section 12 (Exempt Noise) is amended by adding the following item:

"m) Any sound or noise authorized by a filming permit issued under "Town of Ladysmith Film Bylaw 2021, No. 2045"."

Citation

2. This bylaw may be cited for all purposes as Town of Ladysmith "Noise Suppression Bylaw 2003, No. 1478, Amendment Bylaw 2021, No. 2046".

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ADOPTED	on the	day of	,

Mayor (A. Stone)

Corporate Officer (D. Smith)

TOWN OF LADYSMITH

BYLAW NO. 2071

A Bylaw to establish a reserve fund to promote filming in Ladysmith

The Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. A reserve fund is established under the provisions of the *Community Charter* [SBC 2003] Chapter 26 as amended, to be known as the "Filming Reserve Fund".
2. Voluntary community contributions from the film industry shall be deposited into this reserve unless such contributions are expressly provided for another purpose.
3. Two (2) percent of all filming permit fees shall be deposited to this reserve.
4. Money set aside until required to be used, may be invested in the manner provided by the *Community Charter* [SBC 2003] Chapter 26 as amended.
5. Money set aside and any interest earned thereon shall be expended solely for:
 - a. Promoting Ladysmith as a destination for filming including marketing costs, and payments to local, regional, provincial, national or international organizations that promote Ladysmith as a filming destination;
 - b. Community improvements, including amenity and infrastructure improvements in areas where filming typically occurs;
 - c. Community improvements, including amenity and infrastructure improvements that support filming in Ladysmith; or
 - d. Staff and consulting costs directly related to attracting and supporting the film industry in Ladysmith.
6. This bylaw may be cited for all purposes as "Filming Reserve Bylaw 2021, No. 2071".

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ADOPTED	on the	day of	,

Mayor (A. Stone)

Corporate Officer (D. Smith)

TOWN OF LADYSMITH

BYLAW NO. 2049

A Bylaw to amend "Town of Ladysmith Zoning Bylaw 2014, No. 1860"

The Council of the Town of Ladysmith in open meeting assembled enacts that "Town of Ladysmith Zoning Bylaw 2014, No. 1860" is amended as follows:

1. Part 6 (Specific Use Regulations) is amended by adding the following:

"6.1(f). The temporary use of land and temporary structures for the purposes of filming for which a valid film permit has been issued pursuant to "Town of Ladysmith Film Bylaw 2021, No. 2045".

Citation

2. This bylaw may be cited for all purposes as "Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No.31) 2021, No. 2049".

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ADOPTED	on the	day of	,

Mayor (A. Stone)

Corporate Officer (D. Smith)

TOWN OF LADYSMITH

BYLAW NO. 2047

A Bylaw to amend "Official Community Plan Bylaw 2003, No. 1488"

The Council of the Town of Ladysmith in open meeting assembled enacts that "Official Community Plan Bylaw 2003, No. 1488" is amended as follows:

1. Section 4 ('Exemptions') of Schedule A.1 (Development Permit Areas) is amended by adding the following item:

"(m) temporary works or structures, including temporary alterations to the exterior of a building, for the purposes of filming for which a valid film permit has been issued pursuant to Town of Ladysmith "Film Bylaw 2021, No. 2045".

Citation

2. This bylaw may be cited for all purposes as "Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No.62) 2021, No. 2047".

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Mayor (A. Stone)

Corporate Officer (D. Smith)

TOWN OF LADYSMITH

BYLAW NO. 2048

A Bylaw to amend "Building and Plumbing Bylaw 1994, No. 1119"

The Council of the Town of Ladysmith in open meeting assembled enacts that "Building and Plumbing Bylaw 1994, No. 1119" is amended as follows:

1. Section 3.8 is amended by adding the following:

"3.8.4 No permit shall be required for temporary construction for the purposes of filming for which a valid film permit has been issued pursuant to "Town of Ladysmith Film Bylaw 2021, No. 2045"."

CITATION

2. This bylaw may be cited for all purposes as "Building and Plumbing Bylaw 1994, No. 1119, Amendment Bylaw 2021, No. 2048".

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READ A THIRD TIME	on the	day of	,
ADOPTED	on the	day of	,

Mayor (A. Stone)

Corporate Officer (D. Smith)

License of Use

THIS AGREEMENT dated for reference the __ day of ____ 20__

BETWEEN:

"[Enter Name of Film Company]" (hereinafter called the "Licensee")

AND:

The Town of Ladysmith, a municipal corporation, having offices at 410 Esplanade, PO Box 220 Ladysmith, B.C. V9G 1A2

(hereinafter called the "Town")

GIVEN THAT:

- A. The Town is the registered owner or tenant of those certain lands and premises situate, lying and being in the Cowichan Valley Regional District in the Province of British Columbia, more particularly known and described as:

"[Enter Legal Description(s) for all filming locations]" (the "Land").

- B. The Licensee wishes to use, occupy and pass through an area of the Land as outlined as in Film Permit Number _____ issued by the Town for the purposes of filming a motion picture movie (the "Event").
- C. The Town has agreed that the Licensee may use and occupy the Land for the purposes and on the terms and conditions herein set forth.

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the premises and covenants contained herein and sum of \$10.00 now paid by the Licensee to the Town, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

Grant of License

- 1) The Town, on the terms and conditions set forth herein, grants to the Licensee the non-exclusive right and licence (the "Licence") to:
 - a) Enter onto and use the Film Production Area for the purposes of filming a motion picture movie for only the Licensee and its permitted assigns and their servants, agents and invitees.
 - b) Enter onto the Land for the sole purpose of accessing the Film Production Area for only the Licensee and its permitted assigns and their servants, agents and invitees.
 - c) This Agreement does not grant any interest in the Land to the Licensee.
- 2) Term - This Licence shall commence on the __ day of ____ , 20_ (the "Commencement Date"), and shall terminate on the __ day of ____ , 20_ unless terminated on an earlier date by the Town or by the Licensee pursuant to section 6 herein.

- 3) Licence of Use Fee - The Licensee shall pay the Town \$ ____ per day per property/film location plus GST) in return for the right to use the Lands under this Licence. The Licence of Use Fee shall be payable at the time of execution of this Licence.
- 4) Taxes - The Licensee must pay all taxes, rates, duties and assessments whatsoever, whether federal, provincial, municipal or otherwise charged upon the Licensee or the Municipality as a result of the Licensee's occupation of or use of the Land . Without in any way restricting the generality of the foregoing, the Licensee must pay to the Municipality G.S.T. on the Licence of Use Fee.
- 5) Security - The Licensee shall provide refundable security "the Security" in the amount of \$ ____ , as directed by the Town.

Termination

- 6) The Licence may be cancelled or terminated despite any rule of law or equity to the contrary in accordance with any of the following provisions:
 - a) if the Licensee defaults in the observance or performance of any of the terms and conditions contained in this Licence and the Licensee fails to cure such default(s) within 30 days after written notice from the Town, then the Town will be entitled to terminate the Licence without limiting the Town 's other remedies at law or at equity;
 - b) if the default under subsection (a) reasonably requires more time to rectify or cure than 30 days, the Licensee will be deemed to have complied with the rectification or curing of it if the Licensee commences rectifying or curing the default within 30 days after notice from the Town and diligently completes same as soon thereafter as is reasonably practical;
 - c) the Licensee will be entitled to terminate this Licence for any or no reason at any time;
 - d) the Town will be entitled to terminate this Licence at its sole discretion, for any or no reason and at any time upon giving 1 month written notice to the Licensee.

All of the Licensee's obligations under this Licence that are outstanding on the date that this Licence is terminated will survive the termination of this Agreement. For certainty, the Licensee's obligations to release and indemnify the Town shall survive the termination of this Agreement, but only in respect of events occurring before termination of this Agreement.

Powers

- 7) Subject to the section 8, for the purposes of the Licence herein, the Licensee and its servants, agents and invitees shall have the right to:
 - a) use the Film Production Area;
 - b) have access to and from the Film Production Area by the Land at any and all times;
 - c) bring onto and take through the Land all materials and vehicles that must be transported through the Land to the Film Production Area; and
 - d) with the exception of clearing, cutting or removing live trees, clear the Land and keep it clear of anything which might in the opinion of the Licensee, acting reasonably, constitute an obstruction to the use of the Land by the Licensee.

Town and Public Access

- 8) The Town will at all times have a priority right to use and occupy any portion or all of the Land, without notice, in order to:
- a) access other portions of the Land; or
 - b) carry out any public service or responsibility that requires use of or access to the Land.

Public access will be maintained through the Film Production Area, although it is recognized that temporary closures may be required from time to time. Signage noting the Film Production Area and impacts on the public shall be erected at the start of the access road to the film production area.

No Other Improvements

- 9) The Licensee will not, without the prior written consent of the Town, construct, install, affix, place or store or permit the construction, installation, affixing, placing or storage of any buildings, structures, works, improvements, fencing, material or chattels or anything of any nature or kind including, without limitation, the parking or storage of vehicles on any part of the Land.

Use

- 10) The Land will be used by the Licensee solely for the purpose to pass and repass over and through the Land, on foot or by vehicle for the purpose of preparing for and carrying out the production of a motion picture movie.
- 11) The Licensee acknowledges and agrees that, by granting this Agreement, the Town is not accepting any responsibility for the Licensee's use of the Land. The Licensee shall use best efforts to cause a minimum of obstruction and inconvenience in the Land.

Site Clean-up

- 12) Upon termination of this Licence:
- a) the Licensee must clean up the Land and remove any or all of the Licensee's buildings, structures, or improvements from the Land, unless the Town consents otherwise;
 - b) the Licensee shall arrange for an inspection by the Town of the Land prior to the Event starting and within 30 days of the Event being completed to ensure the site has been cleaned up to the satisfaction of the Town;
 - c) should the site be found not to be cleaned up to the satisfaction of the Town, the Town shall inform the Licensee in writing of the deficiencies and the Licensee shall have 30 days to remedy the deficiencies; and
 - d) the Town has the right to remedy any deficiencies remaining beyond the 30 days and use any security required under section 4 of this Agreement to recover the cost of remedying the deficiencies, plus a 15% administration fee. In the event that security was not collected by the Town, the Town reserves the right to charge the Licensee.

No Damage to Infrastructure

- 13) The Licensee agrees to not damage, modify or foul any existing infrastructure such as but not limited to culverts, cross-ditches, waterbars, ditches, bridges or signage. Should damage, modification or fouling occur, the Licensee shall have 30 days to remedy the deficiencies. The Town has the right to remedy any deficiencies remaining beyond the 30 days. and charge the Licensee the cost of remedying the deficiencies plus a 15% administration fee or use any security required under section 5 of this Agreement to recover the Town's costs.

No Waste or Nuisance

- 14) The Licensee will not commit or allow any willful or voluntary waste or destruction of the Land, or do anything that may become a nuisance or annoyance to other occupiers of the Land or adjoining lands. The Licensee will not stockpile or burn any materials on the Land

Parking

- 15) The Licensee will not permit parking of the Licensee's vehicles on Town roads adjacent to the Land without first having received authorization from the Town.

Compliance with Laws

- 16) The Licensee will at all times during the currency of this Licence use the Land in compliance with all statutes, laws, regulations and orders of any authority having jurisdiction and, without limiting the generality of the foregoing, Town of Ladysmith Film Bylaw 2020 No. 2045 and the permit granted to the Licensee pursuant to that Bylaw, and all federal, provincial, or local government laws or statutes or bylaws, including all the rules, regulations, policies, guidelines, criteria or the like made under or pursuant to any such laws.

Assignment

- 17) Except as expressly set out herein, the rights granted to the Licensee under this Agreement may not be sublicensed, assigned, or otherwise transferred. The Licensee may assign its interest under this Licence with the prior written consent of the Town, such consent not to be unreasonably withheld or delayed.

Risk

- 18) The Licensee accepts the Land on an as-is basis and agrees that it will use the Land at its own risk, and that the Town will not be liable in respect of any loss of life, personal injury, damage to property or loss of property suffered by the Licensee, its servants, agents, or invitees arising out of this Agreement or its or their use and occupation of the Land.

Builders Lien Act

- 19) If any claim of lien over the Land is made under the Builders Lien Act for work performed on or materials supplied to the Land at the Licensee's request, on the Licensee's behalf, or with the Licensee's permission, the Licensee will immediately take all steps necessary to have the lien discharged, unless the claim of lien is being contested in good faith by the Licensee and the Licensee has taken the steps necessary to ensure that the claim of lien will not subject the License Area or any interest of the Town's under this Agreement to sale or forfeiture.

Indemnity

- 20) The Licensee shall release, discharge, indemnify and save harmless the Town, its officers, directors, elected officials, employees and agents from and against any and all losses, claims, costs, expenses, damages and liabilities, causes of action, suits and judgments including all costs of defending or denying the same, and all costs of investigation, monitoring, remedial response, removal, restoration or permit acquisition and including all solicitor's fees and disbursements in connection therewith which at any time may be paid or incurred by or claimed against the Town, its officers, directors, elected officials, employees, agents and invitees arising, directly or indirectly, out of:

- a) the uses of the Licensee under this Licence;
- b) a breach by the Licensee of any of the covenants contained in this Licence;
- c) any wrongful act or neglect of the Licensee on or about the Land;
- d) any damage to property related to the Licensee's use and occupancy of the Land; or

- e) the death of or injury to any person arising out of or in any way connected with, directly or indirectly, the Licensee's use and occupancy of the Land.

This section does not apply to liabilities, damages, costs, claims, suits or actions arising out of the gross negligence or wilful misconduct of the Town, its agents, servants, employees or contractors.

Insurance

- 21) The Licensee shall obtain and keep in force throughout the existence of the Licence a policy of comprehensive general liability insurance naming the Town as an additional insured and protecting the Town and the Licensee (without any rights of cross-claim or subrogation against the Town) against claims by any person, including any member of the public using the Lands, for personal injury, death, property loss or damage, and third party liability or public liability claims arising from any accident or occurrence on the Lands or other loss relating to the Licensee's use of the Lands to an amount of not less than Five Million (\$5,000,000.00) Dollars per occurrence (the "Insurance Policy").
- a) The Insurance Policy shall provide that it is not terminable or alterable without the giving of 15 days' written notice to the Town.
 - b) At the time of execution of this Licence, the Licensee shall deliver to the Town a copy of the insurance Policy or an insurance binder or note evidencing that the Licensee has obtained the Insurance Policy on the terms set out herein.
 - c) At any time during the Term of this Licence the Town may require the Licensee to provide evidence to it that the Insurance Policy is valid and in full effect.
 - d) The deductible on the policy of insurance must not be more than Five Thousand (\$5,000.00) Dollars.

Environmental Matters

- 22) For the purpose of this Part:
- a) "Environmental Law" means all federal, provincial, municipal or local laws, statutes or ordinances relating to environmental matters, including all rules, regulations, policies, guidelines, criteria or the like promulgated under or pursuant to any such laws;
 - b) "Hazardous Substance" means a contaminant, pollutant, dangerous good, waste, toxic substance, special waste or hazardous substance as defined in or pursuant to any Environmental Law;
 - c) "Notice" means any citation, directive, order, claim, litigation, investigation, proceedings, judgment, letter or other communication, written or oral, actual or threatened, from any person, including any governmental agency;
 - d) "Permit" means any authorization, permit licence, approval or administrative consent issued pursuant to Environmental Law.
- 23) The Licensee will conduct its business and operation on the Land in compliance with all Environmental Laws and all Permits.
- 24) The Licensee will notify the Town of the occurrence of any of the following and will provide the Town with copies of all relevant documentation:
- a) a release of a Hazardous Substance on the Land, except as is authorized under Environmental Law;

- b) the receipt by the Licensee of a Notice from any governmental agency of non-compliance pursuant to any Environmental Law, including a Notice of non-compliance respecting a Permit in connection with the Land;
 - c) the receipt by the Licensee of a notice of a claim by a third party relating to environmental concerns in connection with the Land; or
 - d) the receipt by the Licensee of information that indicates that Hazardous Substances are present in or on the Land.
- 25) The Licensee will not permit the storage, treatment or disposal of Hazardous Substances on the Land.
- 26) The Licensee will conduct such investigations, searches, testing, drilling and sampling ("Investigations") as may at any time be required by the Town where any reasonable evidence exists that the Licensee's use or occupation of the Land pursuant to this Licence may be introducing or increasing the existence of any Hazardous Substance on the Land. If the Licensee does not complete the Investigations to the satisfaction of the Town, the Town may take any actions necessary to complete the Investigations, the cost of which actions will be borne by the Licensee.
- 27) If Hazardous Substances are present on or in the Land as a result of the Licensee's use or occupation of the Land pursuant to this Licence, the Licensee will take all necessary action, at the cost of the Licensee to remediate the Land to a level acceptable to the Town and to governmental authorities having jurisdiction.
- 28) Prior to the termination of this Licence, the Licensee will conduct all Investigations required by the Town where any reasonable evidence exists that the Licensee's use or occupation of the Land pursuant to this Licence has introduced or increased the existence of any Hazardous Substance on or in the Land. The Licensee will provide the result of the Investigations to the Town. Where any Hazardous Substance is found on or in the Land as a result of the Licensee's use or occupation of the Land pursuant to this Licence, the Licensee will take all necessary action, at the cost of the Licensee, to remediate the Land to a level acceptable to the Town and to governmental authorities having jurisdiction.
- 29) The Licensee will provide to the Town satisfactory documentary evidence that all Permits are valid and in good standing as requested by the Town from time to time.
- 30) The Licensee will indemnify and save harmless the Town, its elected officials, officers, employees, agents and others from and against any and all losses, claims, costs, expenses, damages and liabilities, including all costs of defending or denying the same, and all costs of investigation, monitoring, remedial response, removal, restoration or permit acquisition and including all solicitor's fees and disbursements in connection therewith which at any time may be paid or incurred by or claimed against the Town, its elected officials, officers, employees, agents and others arising, directly or indirectly, out of:
- a) the Licensee's use or occupancy of the Land which results in the presence, release or increase of any Hazardous Substance on or off-site of the Land;
 - b) any reasonable action taken by the Town with respect to the existence of or remediation for any such Hazardous Substance on or off-site of the Land; or
 - c) any reasonable action taken by the Town in compliance with any Notice of any governmental authority with respect to the existence of any such Hazardous Substance on or off-site of the Land.
- 31) Notwithstanding anything else in this Licence, the Licensee shall have no liability relating to contamination resulting solely from the Town's use of the Land nor shall the Licensee be required to remediate any environmental concerns which may result solely from the Town's use of the Land

Notice

- 32) Any notice or other writing required or permitted to be given to any party shall be sufficiently given if delivered by hand, or if sent by prepaid courier or if transmitted by email to such party: in the case of a notice to the Licensee, at:

"[Enter Film company contact information]"

in the case of a notice to the Town, at:

Town of Ladysmith
410 Esplanade PO Box 220 Ladysmith, B.C. V9G 1A2
Attention: "[Enter Contact Name]"
Email: info@ladysmith.ca

Any notice or other writing sent in compliance with this section shall be deemed to have been given and received on the day it is so delivered unless that day is not a business day, in which case the notice shall be deemed to have been given and received on the next day that is a business day.

Town May Take Action

- 33) If the Licensee fails to do any matter required of them under this Agreement, the Town is entitled to take all such actions on the Licensee's behalf and at the Licensee's cost as are reasonably necessary to rectify the Licensee's failure, in addition to the Town's ability to draw on any security required pursuant to the Agreement.
- 34) The Town is in no circumstance liable for not taking such action or its manner of doing so, provided that the Town acts reasonably.
- 35) The Licensee shall pay to the Town the costs the Town incurs pursuant to this provision forthwith upon receipt of an invoice including a 15% administration fee.

General

- 36) This Agreement will enure to the benefit of and be binding upon the Licensee and its successors, administrators and approved assigns and upon the Town and its successors, administrators and assigns.
- 37) Every reference to each party is deemed to include the heirs, executors, administrators, corporate successors, servants, employees, agents, contractors, officers, licensees and invitees of such party, wherever the context so requires or permits.
- 38) Wherever the singular or masculine or neuter is used in this Agreement, the same shall be construed as meaning the plural, the feminine or body corporate where the context or the parties thereto so require.
- 39) Any Schedules attached to this Agreement form part of this Agreement.
- 40) This Agreement constitutes the entire Agreement between the parties and no understanding or agreement, oral or otherwise, exists between the parties with respect to the subject matter of this Agreement except as expressly set out in this Agreement, and this Agreement may not be modified except by subsequent agreement in writing between the parties.
- 41) Time is of the essence of this Agreement.

- 42) The section headings have been inserted for reference only and do not define, limit, alter or enlarge the meaning of any provision of this Agreement.
- 43) The Licensee's use of the Land will under all circumstances be viewed as a licence only and will not create nor be deemed to create any property interest in favour of the Licensee in the Land.
- 44) If any section, subsection, sentence, clause or phrase in this Agreement is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion is to be severed and the decision that it is invalid does not affect the validity of the remainder of this Agreement, the parties hereby agreeing that they would have entered into the Agreement without the severed portion.
- 45) The parties hereto shall execute and do all such further deeds, acts, things and assurances that may be reasonably required to carry out the intent of this Agreement.
- 46) This Agreement shall be governed by and construed in accordance with the laws of the Province of British Columbia.
- 47) This Agreement may be executed in separate counter parts, each of which will be an original and all of which taken together shall constitute one and the same contract, and any Party hereto may execute this Agreement by signing any such counterpart. Any party may deliver an executed counterpart signature page to this Agreement by facsimile transmission or by email in PDF format.

IN WITNESS WHEREOF the parties have executed this Agreement as of the date first above written.

Town of Ladysmith
by its authorized signatories:

Mayor

Corporate Officer

"[Enter Film Company Name]")
By its authorized signatories)

Authorized Signatory)

Name)

Authorized Signatory)

Name

Standard Insurance Certificate

Insurance coverage is required as a condition of a film permit. The film company's **insurer must complete this document, and attach the film company's certificate of insurance**

Name of Insured film company:	
Name of production:	
Insurer Address:	
Insurer Telephone:	Email:
Name of Insurer:	
Policy Number:	
Effective Date:	Expiry Date:

The undersigned confirms that the following coverages have been affected through the policy noted above for the duration of the activity:

- Comprehensive General Liability Insurance in the minimum amount of \$5,000,000 per occurrence covering bodily injury, death and/or damage to or destruction of property including loss of use thereof, arising from the above Named Insured activities. Such insurance to include Broad Form Property Damage, Blanket Contractual Liability, and Cross Liability or Severability of Interest Clause as defined below.
- The Town of Ladysmith and/or their officers, agents, employees and volunteers are added as Additional Insureds but solely with respect to the liability which arises out of the activities of the Named Insured.
- The Town of Ladysmith to receive 15 days prior written notice of cancellation or material change. Thirty days written notice is required on Certificates evidencing annual blanket insurance coverage.
- Cross Liability or Severability of Interest Clause: The Policy shall protect each Insured in the same manner and to the same extent as though a separate Policy had been issued to each but nothing herein shall operate to increase the Insurer's liability as set forth elsewhere in this Policy beyond the amount or amounts for which the Insurer would be liable if there had been only one Insured. Any breach of a condition of this Policy by any Insured shall not affect the protection given by this Policy to any other Insured.

Name of Insurer: _____

Signature of Authorized Representative: _____

Name of Authorized Representative (please print): _____

BYLAW NO. 2072

The Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. Schedule "A" attached hereto and made part of the bylaw is hereby adopted and shall be the Financial Plan for the Town of Ladysmith for the five years ending December 31, 2025.
2. Schedule "B" attached hereto and made part of the bylaw is hereby adopted and shall be the statement of objectives and policies for the Town of Ladysmith for the five years ending December 31, 2025.

3. The “Town of Ladysmith Financial Plan Bylaw 2020, No. 2036” in its entirety is hereby repealed.

4. This bylaw may be cited for all purposes as “Financial Plan Bylaw 2021, No. 2072”.

READ A FIRST TIME on the	day of	2021
READ A SECOND TIME on the	day of	2021
READ A THIRD TIME on the	day of	2021
ADOPTED on the	day of	2021

Mayor (A. Stone)

Corporate Officer (D. Smith)

SCHEDULE "A"

2021 – 2025 Financial Plan

	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>
REVENUES:					
Revenue From Property Tax Values	8,920,626	9,334,950	9,626,991	9,851,599	10,648,629
Revenue From Grants In Lieu	163,080	165,752	165,806	165,832	165,859
Revenue From Parcel Taxes	3,077,480	3,111,382	3,151,832	3,168,012	3,184,192
Revenue From Fees & Charges	4,929,712	5,242,428	5,258,742	5,300,394	5,343,141
Revenue From Other Sources	30,633,699	1,314,938	967,108	1,457,108	1,419,908
	47,724,597	19,169,450	19,170,479	19,942,945	20,761,729
EXPENSES:					
General Operating Expense	11,571,193	11,411,104	11,663,633	11,862,720	12,067,417
Sanitary Sewer Operating Expenses	1,919,929	1,624,237	1,651,931	1,680,157	1,708,929
Water Operating Expenses	2,292,921	1,813,679	1,842,749	1,872,355	1,902,510
Interest Payments	643,609	643,609	649,609	659,609	949,609
Amortization	3,872,923	3,950,381	4,029,389	3,646,612	3,719,544
Annual Surplus/Deficit	27,424,022	(273,560)	(666,832)	221,492	413,720
Add back:					
Amortization	3,872,923	3,950,381	4,029,389	3,646,612	3,719,544
Capital Expenditures					
General Capital	19,252,839	4,607,012	2,159,700	11,980,404	2,411,200
Sanitary Sewer Capital	905,915	2,503,000	410,000	1,440,000	580,000
Water Capital	24,409,031	905,000	610,000	890,000	1,070,000
Proceeds from New Debt	(6,200,000)	(1,150,000)	0	(10,400,000)	(30,000)
Principal Payments	989,107	989,107	1,961,622	1,000,107	1,302,467
Transfers from Reserves	(2,668,639)	(2,630,562)	(459,397)	(117,750)	(738,679)
Transfer to (from) Own Funds	(5,391,308)	(1,546,736)	(1,319,368)	(924,657)	(461,724)
Financial Plan Balance	-	-	-	-	-

SCHEDULE "B"

Town of Ladysmith 2021 – 2025 Financial Plan Statement of Objectives and Policies

In accordance with the *Community Charter* [SBC 2003] Chapter 26 as amended, the Town of Ladysmith (Town) is required to include in the Five Year Financial Plan, objectives and policies regarding each of the following:

1. The proportion of total revenue that comes from each of the funding sources described in the *Community Charter* [SBC 2003] Chapter 26 as amended,;
2. The distribution of property taxes among the property classes, and
3. The use of permissive tax exemptions.

Funding Sources

Table 1 shows the proportion of total revenue proposed to be raised from each funding source in 2021. Council currently has no specific policy surrounding the proportion of total revenue to come from each funding source. Property taxes form the greatest proportion of revenue. As a revenue source, property taxation offers a number of advantages, for example, it is simple to administer and it is fairly easy for residents to understand. It offers a stable and reliable source of revenue for services that are difficult or undesirable to fund on a user-pay basis. These include services such as general administration, fire protection, police services, bylaw enforcement and street lighting.

User fees and charges form a large portion of planned revenue. Many services can be measured and charged on a user-pay basis. Services where fees and charges can be easily administered include water and sewer usage, building permits, business licenses, and sale of services - these are charged on a user-pay basis. User fees attempt to apportion the value of a service to those who use the service.

Objective

- The Town will increase the proportion of revenue that is received from user fees and charges until the fees and charges more closely meet the costs incurred to provide the services.

Policies

- The Town will review all user fee levels to ensure they are adequately meeting both the capital and delivery costs of the service.
- Water and Sanitary Sewer Rates will be reviewed to ensure that appropriate user fees are charged, rather than taxation, to lessen the burden on its limited property tax base.
- Borrowing will be considered when a capital project will provide benefits to taxpayers over a long period.

- Pursuant to Council's direction, the Town will build a reserve to fund major capital projects. A minimum of 10% prior year's municipal tax levy will be transferred to General Capital projects.

Table 1: Sources of Revenue

Revenue Source	Dollar (\$)	Percent (%)
Property value taxes	8,920,626	14%
Grants in Lieu	163,080	0%
Parcel Taxes	3,077,480	5%
User fees & charges	4,929,712	8%
Other Sources	2,347,579	4%
Borrowing	6,200,000	10%
Grants	28,286,120	45%
DCCs & Reserves	2,668,639	4%
Own Funds	6,395,566	10%

Distribution of Property Tax Rates

Table 2 outlines the distribution of property taxes among the property classes. The residential property class provides the largest proportion of property tax revenue. This is appropriate as this class also forms the largest portion of the assessment base and consumes the majority of Town services.

Objectives

- The amount of taxes to be collected from each of the classes will be reviewed each year.

Policies

- Supplement, where possible, revenues from user fees and charges to help to offset the burden on the entire property tax base.
- Continue to maintain and encourage economic development initiatives designed to attract more light industry, retail and commercial businesses to invest in the community.
- Align the distribution of tax rates among the property classes with the social and economic goals of the community, particularly to encourage economic and environmental sustainability opportunities.
- Regularly review and compare the Town's distributions of tax burden relative to other municipalities in British Columbia.

Table 2: Distribution of 2021 Property Tax Rates

	2021
Property Class	% of Total Property Taxation
Residential (1)	73.01%
Utilities (2)	0.54%
Supportive Housing (3)	0.00%
Major Industry (4)	11.83%
Light Industry (5)	0.86%
Business and Other (6)	13.51%
Managed Forest Land (7)	0.00%
Recreation/Non-profit (8)	0.24%
Farmland (9)	0.01%
Total	100.00%

Permissive Tax Exemptions

The Town provides permissive tax exemptions. The Permissive Tax Exemption Bylaws 2020, No. 2052 and No. 2053, adopted on October 20, 2020 and as amended, contain a list of properties exempt from taxation for 2021. Some of the eligibility criteria for permissive tax exemptions include the following:

- The tax exemption must demonstrate benefit to the community and residents of the Town by enhancing the quality of life (economically, socially and culturally) within the community.
- The goals, policies and principles of the organization receiving the exemption must not be inconsistent or in conflict with those of the Town.
- The organization receiving the exemption must be a registered non-profit society, as the support of the municipality will not be used for commercial and private gain.
- Permissive tax exemptions will be considered in conjunction with:
 - (a) other assistance being provided by the Town;
 - (b) the potential demands for Town services or infrastructure arising from the property; and
 - (c) the amount of revenue that the Town will lose if the exemption is granted.

Objective

- The Town will continue to provide permissive tax exemptions to some non-profit societies. The Town has also expanded its offering of permissive tax exemptions to include revitalization tax exemptions. It also intends to offer permissive tax exemptions targeted at green development for the purposes of encouraging development that will meet our *Climate Action Charter* commitments.

Policies

- Continue the use of the revitalization tax exemption for economic revitalization in order to encourage the commercial and industrial redevelopment of specific areas.

Table 3: Utilization of Reserves, Development Cost Charges and Surplus for 2021

Source	% of Total	Dollar Value
Development Cost Charges - Roads	8%	750,120
Development Cost Charges - Parks	3%	268,125
Development Cost Charges - Sewer	1%	83,375
Development Cost Charges - Water	1%	81,000
Cemetery Care Fund	0%	1,950
Gas Tax Funds	16%	1,486,019
Carry-forward reserve	40%	3,629,417
Safe-restart funds	3%	267,088
Surplus & Appropriated Equity	17%	1,540,575
Real Property Reserve	11%	958,486
Total		\$9,066,155

TOWN OF LADYSMITH

BYLAW NO. 2073

A Bylaw for the levying of rates for Municipal, Library, Hospital and Regional District purposes for the year 2021

The Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. Definitions

In this Bylaw, the following words, terms or phrases shall have the respective meaning assigned to them:

“City Hall”	means the Town of Ladysmith City Hall located at 410 Esplanade, Ladysmith, BC with a mailing address of Box 220, Ladysmith BC V9G1A2.
“Collector”	means the person duly appointed as such from time to time by Council, and their designate.
“Alternative Municipal Tax Collection Scheme”	means the scheme for the payment of taxes established under sections 3, 4, and 5.2 of this bylaw.

2. Tax Rates

The following rates are hereby imposed and levied for the year 2021:

- 2.1 For lawful general purposes of the Town of Ladysmith on the value of land and improvements taxable for general municipal purposes, the tax rates shown in column ‘A’ of Schedule “A”, attached to and forming part of this Bylaw;
- 2.2 For lawful general purposes of the Town of Ladysmith on the value of land and improvements taxable for Library purposes, the tax rates shown in column ‘B’ of Schedule “A”, attached to and forming part of this Bylaw;
- 2.3 For purposes of the Cowichan Valley Regional District on the value of land and improvements taxable for Regional Hospital District purposes, the tax rates shown in column ‘C’ of Schedule “A”, attached to and forming part of this Bylaw; and
- 2.4 For purposes of the Cowichan Valley Regional Hospital District on the value of land and improvements taxable for Regional Hospital District purposes, the tax rates shown in column ‘D’ of Schedule “A”, attached to and forming part of this Bylaw.

3. Alternative Municipal Tax Collection Scheme

- 3.1 Unless section 3.3 applies, the rates and taxes imposed under this Bylaw are due and shall be paid on or before the 2nd day of July, 2021.
- 3.2 An owner may elect to pay the rates and taxes imposed under this Bylaw in accordance with the Alternative Municipal Tax Collection Scheme by providing written notice of that election to the Collector at their office at City Hall, Ladysmith, BC on or before the 15th day of June, 2021.
- 3.3 An owner may elect to pay the rates and taxes imposed under this Bylaw in accordance with the General Tax Collection scheme established in the *Community Charter* [SBC 2003] Chapter 26 as amended, by providing written notice of that election to the Collector at their office at City Hall, Ladysmith, BC on or before the 15th day of June, 2021.
- 3.4 If an owner does not make an election under Section 3.2 or 3.3, the Alternative Municipal Tax Collection Scheme applies to the rate and taxes payable by that owner.

4. Penalties – Alternative Municipal Tax Collection Scheme

- 4.1 Upon the 3rd day of July, 2021, or as soon thereafter as is practicable, the Collector shall add to the unpaid balance of the current year's taxes two (2) percent of the amount unpaid as of the 2nd day of July, 2021.
- 4.2 Upon the 16th day of September, 2021, or as soon thereafter as is practicable, the Collector shall add to the unpaid balance of the current year's taxes an additional eight (8) percent of the amount unpaid as of the 15th day of September, 2021.

5. Supplementary Tax Rolls

- 5.1 Upon receipt of a Supplementary Tax Roll from BC Assessment, the Collector shall levy taxes in accordance with the rates specified in Schedule "A" of the Bylaw according to the taxable values as shown on the Supplementary Tax Rolls.
- 5.2 For each Supplementary Tax Roll, where the Alternative Municipal Tax Collection Scheme applies, the Collector shall add penalties to the unpaid amounts as follows:
 - a) Where Supplementary Tax Notices are sent before the 1st day of June, 2021, penalties shall be added as set out in Section 4 of this Bylaw.
 - b) Where Supplementary Tax Notices are sent on or after the 13th day of August, 2021, ten (10) percent shall be added on any amount unpaid after thirty (30) days.

Citation

6. This Bylaw may be cited for all purposes as "Tax Rates Bylaw 2021, No. 2073".

READ A FIRST TIME on the day of ,

READ A SECOND TIME on the day of ,

READ A THIRD TIME on the day of ,

ADOPTED on the day of ,

Mayor (A. Stone)

Corporate Officer (D. Smith)

SCHEDULE "A"
"Tax Rates Bylaw 2021, No.2073"

Tax Rates (Dollars of Tax per \$1,000 Net Taxable Value)

PROPERTY CLASS		<u>A</u> General Municipal	<u>B</u> Library	<u>C</u> Cowichan Valley Regional District	<u>D</u> Cowichan Valley Regional Hospital District
1	Residential	3.6068	0.1722	0.7640	0.4838
2	Utilities	28.6466	1.3674	2.6740	1.6933
3	Supportive Housing	3.6068	0.1722	0.7640	0.4838
4	Major Industry	90.3175	4.3112	2.5976	1.6448
5	Light Industry	11.2285	0.5360	2.5976	1.6448
6	Business/Other	11.4588	0.5470	1.8718	1.1853
7	Managed Forest	28.3497	1.3533	2.2920	1.4514
8	Rec Non Profit	2.0745	0.0990	0.7640	0.4838
9	Farm	34.1497	1.6301	0.7640	0.4838

TOWN OF LADYSMITH

BYLAW NO. 2074

A Bylaw to impose a water parcel tax on owners of land in the Town of Ladysmith

The Council of the Town of Ladysmith in open meeting assembled enacts as follows:

Definitions

1. In this Bylaw, the following words or terms shall have the respective meaning assigned to them:

"Parcel"	means any lot, block or other area of land in which real property is held, or into which it is subdivided, as identified in the 2021 Revised Assessment Roll and all amendments thereto.
"Group of Parcels"	means where a building or improvement is constructed over more than one parcel of land, those parcels, if contiguous, may be dealt with by the Assessor as one parcel and be assessed accordingly.

Levy

2. A parcel tax shall be levied annually against each parcel or group of parcels of land within the Town of Ladysmith which is capable of being connected to the water system of the Town, or which is deemed to abut on the said water system.
3. The annual water parcel tax shall be in the amount of Four Hundred and Fifty Nine Dollars (\$459.00) per parcel or group of parcels.
4. The water parcel tax imposed by this bylaw on each parcel of land shall be shown by the Collector on the real property tax roll, and the payment of the parcel tax shall be made in the same manner, on or before the same dates, as other real property taxes.
5. The water parcel tax shall have the same rights and remedies as other real property taxes
6. Every parcel tax assessment roll and every revision thereof shall be considered and dealt with by a Parcel Tax Roll Review Panel appointed pursuant to the provisions of the *Community Charter* [SBC 2003] Chapter 26, as amended.

7. "Water Parcel Tax Bylaw 2020, No. 2038" is hereby repealed.

8. This bylaw may be cited as "Water Parcel Tax Bylaw 2021, No. 2074".

ADOPTED on the _____ day of _____ 2021

Corporate Officer (D. Smith)

TOWN OF LADYSMITH

BYLAW NO. 2075

A Bylaw to impose a sewer parcel tax on owners of land in the Town of Ladysmith

The Council of the Town of Ladysmith in open meeting assembled enacts as follows:

Definitions

1. In this Bylaw, the following words or terms shall have the respective meaning assigned to them:

"Parcel"	Means any lot, block or other area of land in which real property is held, or into which it is subdivided, as identified in the 2021 Revised Assessment Roll and all amendments thereto.
"Group of Parcels"	Means where a building or improvement is constructed over more than one parcel of land, those parcels, if contiguous, may be dealt with by the Assessor as one parcel and be assessed accordingly.

Levy

2. A parcel tax shall be levied annually against each parcel or group of parcels of land within the Town of Ladysmith which is capable of being connected to the sewer system of the Town, or which is deemed to abut on the said sewer system.
3. The annual sewer parcel tax shall be in the amount of Three Hundred Fifty Dollars (\$350.00) per parcel or group of parcels.
4. The sewer parcel tax imposed by this bylaw on each parcel of land shall be shown by the Collector on the real property tax roll, and the payment of the parcel tax shall be made in the same manner, on or before the same dates, as other real property taxes.
5. The sewer parcel tax shall have the same rights and remedies as other real property taxes
6. Every parcel tax assessment roll and every revision thereof shall be considered and dealt with by a Parcel Tax Roll Review Panel appointed pursuant to the provisions of the *Community Charter* [SBC 2003] Chapter 26, as amended.

7. "Sewer Parcel Tax Bylaw 2020, No. 2039" is hereby repealed.

8. This bylaw may be cited as "Sewer Parcel Tax Bylaw 2021, No. 2075".

ADOPTED on the _____ day of _____ 2021

Corporate Officer (D. Smith)

BYLAW STATUS SHEET
May 4, 2021

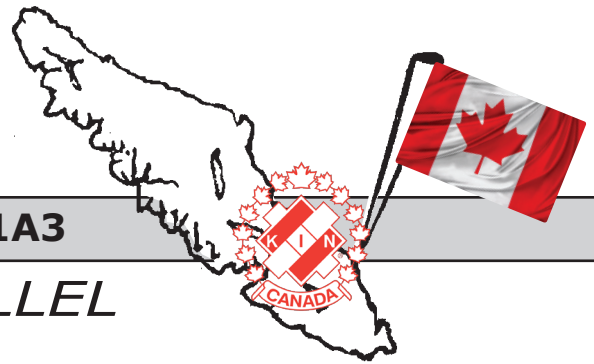
		Status
2060	Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 63) 2021, No. 2060 (670 Farrell Road)	First and second readings, March 16, 2021. Public hearing, and third reading April 6, 2021.
2061	Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 33) 2021, No. 2061 (670 Farrell Road)	First and second readings, March 16, 2021. Public hearing and third reading April 6, 2021. MOT approval required prior to adoption.
2062	Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 64) 2021, No. 2062 (201 and 203 Dogwood Drive)	First and second readings March 2, 2021. Public hearing and third reading April 6, 2021.
2063	Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 34) 2021, No. 2063 (201and 203 Dogwood Drive)	First and second readings, March 2, 2021. Public hearing and third reading April 6, 2021. MOT approval required prior to adoption.
2064	Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 35) 2021, No. 2064 (630 Farrell Rd)	First and second readings, April 20, 2021. Public hearing required.
2066	Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw (No. 36) 2021, No. 2066 (336 Belaire Street)	First and second readings March 16, 2021. Public hearing and third reading held April 20, 2021. MOT approval required prior to adoption.



Kin Canada
Kinsmen Club
of Ladysmith

P.O. Box 324, Ladysmith, B.C. V9G 1A3

ON THE 49TH PARALLEL



April 26, 2021

Mayor and Council
Town of Ladysmith
P.O. Box 220,
Ladysmith, B.C. V9G 1A2

Dear Mayor Stone and Council

The Ladysmith Kinsmen Club membes are requesting that the Town waive the starting time, for the Town's Noise Bylaw, when the club does the water connection for the new downtown public washrooms. The water line is located on the west side or First Ave. and the new public facility is located on the east side of the street.

David Stalker Excavating will be doing all the work and he's been requested, by the Town, if his company could do it on a Sunday to avoid, as much as possible, interuption for downtown businesses. He's in total agreement with this and in fact they would like to start at 6:00 am (that's morning) so that it would also be even less of an interuption.

They figure if they can start earlier then they hopefully have that part of the project competed by 10:00 am (still morning) and the impact on the public and businesses would be minimal. There will be traffic control and barricades to direct traffic around the site as well.

David Stalker Excavating is doing all this infrastructure work, for the Kinsmen, for free. Depending on weathr (and workload) the date to get it done will be either Sunday, May 9th or Sunday, May 16th. Once the date is firmed up we will notify the Town so that all area businesses can be made aware of this.

The washroom project is coming along quite well and the Kinsmen wish to thank the Town and employees for their help and guidance. The support from many local businesses and volunteer organizations has also been a huge plus and has helped to make this truly a community project.



We wish to thank council for taking the time to consider this request and we look forward to your favourable response. If you have any questions, or need further information, please contact me at anytime.

Take Care.

Sincerely

Duck Paterson
Project Chair, Ladysmith Kinsmen
250-246-0637 cell

TOWN OF LADYSMITH

BYLAW NO. 1478

A Bylaw for abatement and control of noise in the Town of Ladysmith

The Municipal Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

- a) **CONTINUOUS SOUND** means any sound occurring for a duration of more than 3 Minutes, or occurring continually, sporadically or erratically but totaling more than 3 minutes in any 15 minute period of time;
- b) **DECIBEL** means the ratio between levels of sound pressure expressed as 20 times the logarithm to the base of 10 of the said ratio;
- c) **DULY AUTHORIZED** means authorized by the Municipality;
- d) **FARM LAND** means land classified as a farm pursuant to the provisions of the *Assessment Act*;
- e) **HEAT PUMP** means a device which has the capability to transfer heat from the air outside a building or structure to the air inside a building or structure or vice versa, by means of a compressible refrigerant and includes an air conditioner, condenser, compressor, refrigeration unit and all equipment and devices accessory thereto;
- f) **MOTOR BOAT** means a vessel which is propelled by an internal combustion engine;
- g) **MUNICIPALITY** means the Town of Ladysmith
- h) **POINT OF RECEPTION** means:
 - .i any place on a parcel where sound originating from any source, other than a source on such parcel, is received; or
 - .ii any place on a highway sound is received;
- i) **QUIET ZONE** means any area of land or highway included within any zone under the provisions of the Zoning Bylaw of the Municipality in effect from time to time other than land in an Industrial Zone or Commercial Zone on which no residential dwelling units have been constructed;
- j) **SHOPPING CENTRE ZONE** means the C-2 and C-3 Zone in the area commonly referred to as "Coronation Square Mall" under the Zoning Bylaw of the Town of Ladysmith or any successor bylaw;
- k) **SOUND** means the oscillation in pressure, stress, particle displacement or particle velocity, in a medium with internal forces (i.e. elastic, viscous) or the super position of such propagated oscillations, which oscillations are capable of causing an auditory sensation;
- l) **SOUND LEVEL** is the average of the medians of 5 or more sets of lower and upper measurements of a series of A-weighted sound pressure levels read or recorded at a point of reception on a slow response of a sound level meter;
- m) **SOUND LEVEL METER** means a sound measuring device designated to meet the American National Standard A.N.S.I. S14-1971 or the C.S.A. Standard Z107.1-1973, as the same may exist from time to time and specifically shall include:

- .i Bruel and Kjaer – Sound Level Meter types 2205, 2208, 2213 and types 2203, 2204, 2206 and 2209, calibrated with a Bruel and Kjaer Sound Level Calibrator type 4230 or Pistophone type 4220;
 - .ii General Radio – Sound Level Meter model 156-B, 1511-C and model 1933 calibrated with a General Radio Sound Level Calibrator model 1562-A.
 - .iii Quest Electronics model 214 Sound Level Meter calibrated with a Quest Electronics Calibrator model CA-12.
- n) **STRUCTURE** means any construction, except a building, affixed to or sunk into land; includes fences and walls and excludes paved parking surfaces, on-grade patios and boats.
- o) **WATER PUMP** means a pump, which circulates water in a swimming pool or hot tub.
- p) **PERSONAL WATER CRAFT** means a vessel less than 4 m (13.1 ft.) in length, without a cockpit, propelled by equipment which includes an internal combustion engine and a jet pump and which is designed to be operated by a person sitting, standing or kneeling on the vessel.
- q) **MOTOR VEHICLE** means a vehicle, not run upon rails, that is designed to be self-propelled.
- r) **ROAD SURFACE** means gravel, asphalt, cement or material or any kind whatsoever placed upon any road, highway, bridge, viaduct, land or any way designed or intended for use by the general public for the passage of vehicles and every private place or passage-way to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited

2. **GENERAL PROHIBITION**

- a) No person shall make or cause to be made any noise or sound in or on a highway or elsewhere in the Municipality which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity thereof.
- b) No person shall shout, use a megaphone or make other noise in or at or on streets, wharves, docks, piers, railway stations, or other public places which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity thereof.

3. **PRIVATE PROPERTY**

No person, being the owner or occupier or being in possession or control of real property shall suffer or permit any person to make or cause to be made any noise or sound therein or thereon which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity thereof.

4. **ANIMALS**

No person shall harbour or keep any animal or bird which by causing frequent or loud noise disturbs the quiet, rest, enjoyment, comfort or convenience of the neighbourhood or of persons at or near the source of such noise or sound.

5. **DOGS**

- a) The sound made by a dog barking, howling or creating any kind of sound continually or sporadically or erratically for any period of time in excess of ten minutes is, in the opinion of Council, an objectionable noise.

- b) It shall be unlawful for any person to harbour or keep a dog, which shall make an objectionable noise by barking, howling or creating any kind of sound continually or sporadically or erratically for any period of time in excess of ten minutes.

6. MOTOR BOAT

- a) No person shall launch a motor boat from any lands in the Municipality or remove a motor boat from any body of water onto any lands within the Municipality if that motor boat is equipped with an exhaust system that permits the exhaust gases from the engine to be expelled directly into the air and without first passing through water, unless the motor boat is equipped with a muffling device that ensures that the exhaust gases from the engine are cooled and expelled without excessive noise.
- b) No person shall use or operate a motor boat anywhere in the Municipality if that motor boat is equipped with an exhaust system that permits the exhaust gases from the engine to be expelled directly into the air and without first passing through water, unless the motor boat is equipped with a muffling device which ensures that the exhaust gases from the engine are cooled and expelled without excessive noise.
- c) Notwithstanding anything contained in this bylaw to the contrary, the Council, may, by Resolution, grant a permit for a race or regatta and in such event any motor boat competing in such race or regatta may be exempted from the provisions of this bylaw.

6.1 PERSONAL WATER CRAFT

- a) The Council believes that the noises produced by the operation of personal water craft in front of Transfer Beach Park are objectionable and liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals and members of the public within 25 metres of Transfer Beach Park.
- b) No person shall make noise by operating a personal water craft within 25 metres of Transfer Beach Park.

7. HEAT PUMPS AND WATER PUMPS

- a) The Council is of the opinion that the operation of a heat pump or water pump resulting in a sound level at a point of reception located in a Quiet Zone in excess of 50 decibels between 7:00 a.m. and 10:00 p.m. on any day, or in excess of 45 decibels between 10:00 p.m. and 7:00 a.m. of the following day is objectionable and liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.
- b) No person shall emit or cause, suffer or permit the emission of sound from the operation of a heat pump or a water pump resulting in a sound level at a point of reception located in a Quiet Zone in excess of:
 - i. 50 decibels between 7:00 a.m. and 10:00 p.m. on any day, or
 - ii. 45 decibels between 10:00 p.m. and 7:00 a.m. of the following day.

7.1 ENGINE RETARDANT BRAKES

- a) The Council believes that the noise produced by the use of an engine retardant brake on a motor vehicle on any highway in the Town of Ladysmith is objectionable and liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals and members of the public.
- b) No person shall use an engine retardant brake while operating a motor vehicle on a highway in the Town of Ladysmith except to assist in stopping or slowing down the vehicle in an emergency.

8. SHOPPING CENTRES

- a) No person shall make, cause or permit to be made or caused continuous sound on any land within a Shopping Centre Zone, the sound level of which exceeds 58 decibels measured at a point of reception in a Quiet Zone any time between 9:00 a.m. and 10:00 p.m.
- b) Sections 2 and 3 of this bylaw shall not apply to any continuous sound made in a Shopping Centre Zone between 9:00 a.m. and 10:00 p.m. which does not exceed 58 decibels measured at a point of reception in a Quiet Zone.
- c) The provisions of Section 8 of this bylaw shall not apply to:
 - .i the sound emitted from a heat pump or water pump, or
 - .ii sounds caused by building or property maintenance or repair activities.

9. MOTOR VEHICLES

The following noises are, in the opinion of the Council of the Town of Ladysmith, objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public:

- (a) the squeal of a tire on a road surface made by a motor vehicle which is accelerating or changing direction;
- (b) a loud, roaring or explosive sound emitted by a motor vehicle;
- (c) the amplified sound of a radio, television, player or other sound playback device or amplification equipment, or the sound of a musical instrument, that emanates from a motor vehicle and can easily be heard by someone outside the motor vehicle;
- (d) the sound from vehicle-mounted sound amplification equipment which is continuously made for more than two (2) minutes at the same location;
- (e) the sound of an automobile security system which is made, either continuously or intermittently, for a period exceeding one minute, or the sound of an automobile security system, but not including its activation status signal, which is made more than three times in a 24-hour period.

No person shall make or cause to be made any objectionable noise set forth in Section 9 hereof.

No person shall operate a motor vehicle so as to cause a nuisance by noise there from.

No person shall use or operate a horn or other warning device on a motor vehicle for any purpose other than as an audible warning incidental to the safe operation of the motor vehicle.

The prohibitions contained in this section shall not apply to participants in a motor vehicle race or a parade provided such race or parade has first been approved by Town Council.

10. SOUND MEASUREMENT

A sound level measurement shall be sufficient for all purposes if it is carried out in accordance with the following:

- a) sound level measurements shall be taken with a sound level meter;
- b) sound levels shall be measured on the A-weighted network and the slow meter response;
- c) the sound level meter shall be complete with calibrator and windscreen and shall be operated in the following manner:

- i. Sound level meters shall be used and operated in accordance with manufacturer's instructions. The sound level meter shall be calibrated before and after readings have been taken.
- ii. When determining the sound level from a source, the ambient or background noise or sound level shall be established at the appropriate position and during the relevant period of time wherever possible before taking sound measurements from the source. No measurement shall be attempted if the difference is 3 decibels or less.
- iii. Sound measurements shall be made at a distance of approximately 10 feet from any wall, buildings or other reflecting structures, with the microphone appropriately oriented to eliminate as much as possible all reflected sound.

11. INTERPRETATION

Where any word or term or name or abbreviated word or abbreviated term or abbreviated name that is not defined in this bylaw, or where any technical standard or abbreviated technical standard that is not set out in this bylaw, is used in this bylaw, such word, term, name, abbreviated word, abbreviated term, abbreviated name, technical standard or abbreviated-technical standard shall be interpreted by reference to the definitions and technical standards last published by the Canadian Standards Association (C.S.A.), or by the American National Standards Institute (A.N.S.I.), or by the International Organization for Standardization (I.O.S.) or by the International Electro-Technical Commission (I.E.C.) or by the Society of Automotive Engineers (S.A.E.) or by the Machinery and Equipment Manufacturers' Association of Canada (M.E.M.A.C.) as the context of this bylaw and the case may require.

12. EXEMPT NOISE

The provisions of this bylaw shall not apply to:

- a) The use, in a reasonable manner, of any apparatus or mechanism for the amplification of the human voice or of music in a public park or square in connection with any duly authorized public meeting, public celebration or other public gathering.
- b) Any duly authorized parade or performance by a military or other band.
- c) Any vehicle or equipment of the Municipality, the Police Department or any other public body engaged in carrying out a public service or carrying out work in or on a highway, park or the Municipal Public Works Yard.
- d) The sounding of a horn or other signaling device on any vehicle, boat or train where such sounding is properly and necessarily used as a danger or warning signal.
- e) The erection, demolition, construction, reconstruction, altering or repairing of any building or other structure within the Municipality or the excavating of any street, highway, lane or any other land between the hours of 7:00 a.m. and 6:00 p.m. on each day except Sunday, or in the case of urgent necessity, at any other time during the week if such work is essential to the health, safety or protection of the public.
- f) Persons and their agents, servants and employees or independent contractors under contract therewith and their agents, servants, and employees who are engaged in work of an essential or emergency nature and being done for the primary purpose of ensuring the health, safety or welfare of the residents of the Municipality.
- g) The use of bells or chimes on churches or any public body.
- h) Any delivery or collection service between the hours of 6:00 a.m. and 9:00 p.m. on each day except Sunday and any statutory holiday in any commercial, industrial or public zone as defined in the Zoning Bylaws of the Municipality, and between the

hours of 7:00 a.m. and 9:00 p.m. on each day except Sunday and any statutory holiday in all other districts defined in the said Zoning Bylaw.

- i) Any sound or noise caused by a farming activity carried out in a reasonable manner on farmland between the hours of 7:00 a.m. and 9:00 p.m.
 - j) Any sound or noise caused by a farming activity carried out in a reasonable manner on farmland between the hours of 9:00 p.m. and 7:00 a.m. if:
 - .i in the circumstances it is essential that the activity take place during such hours;
 - .ii the activity must, in accordance with sound farming practice, take place between such hours.
 - k) The use of a lawnmower between the hours of 8:00 a.m. and 9:00 p.m. on any day.
 - l) Any sound or noise caused by blasting or the operation of drills, compressors or other equipment used to prepare land for blasting between the hours of 8:00 a.m. and 5:00 p.m. on each day except Sunday or a statutory holidays.
13. Notwithstanding anything else contained in this bylaw, delivery or collection services to or from the lands and premises described as:

Lots A&B, District Lot 43, Oyster Land District, Plan VIP 70526 (Coronation Square Shopping Centre)

shall be exempt from the provisions of this bylaw between the hours of 8:00 a.m. and 9:00 p.m. on each day except Sundays and statutory holidays and the exemption set out in Section 11(h) of this bylaw shall not apply to these lands and premises.

14. A Peace Officer or Bylaw Enforcement Officer, and any person duly authorized by the Municipality to measure sound levels are hereby authorized to enter, at any reasonable time, upon any property in order to ascertain whether the provisions of this bylaw are being obeyed.

15 **OFFENCE**

Any person who violates any provision of this bylaw is guilty of an offence and liable upon summary conviction to a fine of not less than \$100 or more than \$500 for a first offence and of not less than \$250 or more than \$1,000 for a second or subsequent offence. For the purposes of this Section, an offence shall be deemed to occur upon each day during or on which violation occurs or continues.

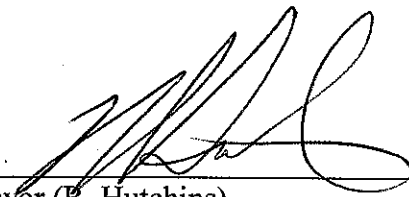
16 **REPEAL**

“Nuisance Regulation Bylaw 1993, No. 1094, Section 2(a)” and “Nuisance Regulation Bylaw 1993, No. 1094, Amendment Bylaw 1994, No. 1132” are hereby repealed.

17 **CITATION**

This Bylaw may be cited for all purposes as “NOISE SUPPRESSION BYLAW 2003, NO. 1478”.

READ A FIRST TIME on the	3 rd	day of	FEBRUARY, 2003
READ A SECOND TIME on the	3 rd	day of	FEBRUARY, 2003
READ A THIRD TIME on the	17 th	day of	FEBRUARY, 2003
ADOPTED on the	03 rd	day of	MARCH, 2003



Mayor (R. Hutchins)

Manager of Corporate Services (P. Durban)

I hereby certify this to be a true and correct
Copy of "Noise Suppression Bylaw 2003,
No. 1478".



Manager of Corporate Services