

**THE MUNICIPAL SERVICES COMMITTEE
WILL MEET ON
MONDAY, DECEMBER 11, 2017
Immediately following the Special Council Meeting at 5:30 P.M.
COUNCIL CHAMBERS, CITY HALL**

Mandate - To advise Council on a broad spectrum of issues related to departmental matters

CALL TO ORDER

1. AGENDA APPROVAL

2. MINUTES

- 2.1. Minutes of the Municipal Services Committee Meeting held
November 27, 2017 1 - 3

3. REPORTS

- 3.1. City of Victoria Tax Incentive Program 4 - 20

Council will recall that at the November 20, 2017 Council meeting staff were directed to obtain for Council consideration a copy of Victoria’s bylaw, which offers a substantial property tax break to commercial buildings with sprinkler systems and seismic upgrades.

Staff Recommendation:

That the Committee receive for information the City of Victoria’s Tax Incentive Program Description and Case Study regarding offsetting eligible seismic upgrading costs.

4. COUNCIL SUBMISSIONS

5. CORRESPONDENCE



6. UNFINISHED BUSINESS

6.1. Streets and Traffic Bylaw Amendment21 - 35

Council will recall that at the November 6, 2017 Council meeting the issue of Streets and Traffic Bylaw Amendment (cited as “Town of Ladysmith Streets and Traffic Bylaw 1998, No. 1309, Amendment Bylaw #5, 2017, No. 1941”) was referred to a future Municipal Services Committee meeting.

Staff Recommendation:

That the Committee recommend that Council determine if it wishes to proceed with Bylaw 1941, or amend Bylaw 1941, or not proceed with Bylaw 1941.

7. NEW BUSINESS

ADJOURNMENT

MINUTES OF A MEETING OF THE MUNICIPAL SERVICES COMMITTEE MONDAY, NOVEMBER 27, 2017 CALL TO ORDER 7:46 P.M. COUNCIL CHAMBERS, CITY HALL

COUNCIL MEMBERS PRESENT:

Councillor Rob Hutchins (Chair) Mayor Aaron Stone Councillor Cal Fradin Councillor Joe Friesenhan Councillor Carol Henderson Councillor Duck Paterson

COUNCIL MEMBERS ABSENT:

Councillor Steve Arnett

STAFF PRESENT:

Guillermo Ferrero Felicity Adams Joanna Winter Sue Bouma

CALL TO ORDER

Councillor Hutchins called this Meeting of the Municipal Services Committee to order at 7:46 p.m.

AGENDA APPROVAL

MS 2017-081

Moved and seconded:

That the agenda for this November 27, 2017 meeting of the Municipal Services Committee be approved as amended by the following:

- Remove item 7.1., "Discussion regarding Honours, Awards and Volunteer Appreciation" and refer to a closed meeting.

Motion carried.

MINUTES

MS 2017-082

Moved and seconded:

That the minutes of the Municipal Services Committee meeting held September 11, 2017 be approved.

Motion carried.



REPORTS

Consultation Results - Keeping of Backyard Hens

Council expressed appreciation for the consultation process regarding the topic of keeping backyard hens. They noted that the recommendations for a bylaw amendment would address the concerns expressed by the public.

Moved and seconded:

MS 2017-083

1. That the Committee recommend that Council introduce an amendment to Animal and Poultry Bylaw 1994, No. 1136 that would permit the raising of hens in backyards in appropriate residential zones in Ladysmith.

Motion defeated.

OPPOSED: Councillor Fradin, Councillor Friesenhan, Councillor Henderson, Councillor Paterson

Building Inspector's Report to September 30, 2017

Moved and seconded:

MS 2017-084

That the Committee receive the Building Inspector's Report for the months August to September 2017.

Motion carried.

Ladysmith Fire/Rescue Reports for July, August and September 2017

Moved and seconded:

MS 2017-085

That the Committee receive the Ladysmith Fire/Rescue Reports for the months July to September 2017.

Motion carried.

Coastal Animal Control Services Reports for July, August and September 2017

Moved and seconded:

MS 2017-086

That the Committee receive the Coastal Animal Control Services Reports for the months July to September 2017.

Motion carried.

COUNCIL SUBMISSIONS

Cowichan Region Smoke Free Task Force - Update (Councillor Paterson)

Moved and seconded:

MS 2017-087

That the Committee recommend that Council direct staff to prepare a Town of Ladysmith Smoking Regulation Bylaw.

Motion carried.

CORRESPONDENCE

Letter from the Prime Minister regarding the 30th Anniversary of the Ladysmith Festival of Lights

Moved and seconded:

MS 2017-088

That the Committee receive the letter from the Prime Minister congratulating the Festival of Lights and the community on the 30th Anniversary of the Ladysmith Festival of Lights.

Motion carried.

ADJOURNMENT

Moved and seconded:

MS 2017-089

That this meeting of the Municipal Services Committee adjourn at 8:07 p.m.

Motion carried.

CERTIFIED CORRECT:

Chair (Councillor R. Hutchins)

Corporate Officer (J. Winter)

Subject to Adoption

City of Victoria



Tax Incentive Program Description

- Case Studies

The City of Victoria is pleased to offer a Tax Incentive Program (TIP) to eligible owners of heritage designated commercial, industrial and institutional to offset seismic upgrading costs for the purposes of residential conversion of existing upper storeys or rehabilitation for uses other than residential.

Eligible property owners may apply under the TIP for design and construction of approved seismic upgrading work. Property owners may receive tax exemptions based on the annual property taxes for a period up to ten years to offset the cost of seismic upgrading. Specifics will be subject to negotiation and approval by the Victoria City Council.

Who Can Apply?

The City of Victoria's Tax Incentive Program is available to all private property owners of eligible commercial, industrial, and institutional heritage designated buildings city-wide.

Applications to the TIP may be made in conjunction with other available grant incentive programs; however, the TIP is not available for government-owned buildings.

What Work is Eligible?

Eligible seismic upgrading costs specific to the conversion of existing space to residential uses or for the rehabilitation of existing heritage designated buildings for uses other than residential, for example:

- Professional design and engineering reports, drawings, cost estimates, and specifications as required for the project.
- Seismic upgrading of building components, including Code upgrading, bracing of walls, floors, and roof systems, masonry reinforcement, affixing of cornices or other exterior architectural features to the building structure, etc.

Seismic upgrading should conform to the Standards and Guidelines for The Conservation of Historic Places in Canada. All proposed work must comply with:

- Existing Building Code requirements.
- City of Victoria permits and bylaws.
- Owners must obtain a Heritage Alteration Permit for all exterior work undertaken (where required).
- Standards and Guidelines for The Conservation of Historic Places in Canada available at www.historicplaces.ca

Application Checklist

Submissions must include:

- Cover letter indicating proposed seismic upgrading work, total seismic upgrading costs separate from the total project costs, amount and period of tax exemption requested.
- Completed application form.
- Minimum of two price quotes for each trade or portion of seismic work; relevant seismic upgrading costs must be clearly separated from other construction costs.
- Professional architectural/engineering drawings, photographs, and/or reports, etc. as necessary to accurately communicate the proposed work.

- Letter from professional structural engineer certifying seismic upgrading costs.
- Tax Incentive Application Forms

Approvals & Tax Exemption Procedures

1. **Make Application.** Applications are available by appointment from the Senior Heritage Planner at (250) 361-0289 for referral to appropriate approving authorities.
2. **Victoria Civic Heritage Trust Review.** The Victoria Civic Heritage Trust reviews applications at its monthly Architectural Conservation Committee (ACC) and Board of Director's meetings.
3. **Approval-in-Principle.** Following the Victoria Civic Heritage Trust review, the application is forwarded to City Council's Committee of the Whole for approval-in-principle. A draft bylaw will then be prepared by the City Solicitor.
4. **Final Approval.** The proposed Tax Exemption Bylaw requires a 2/3 majority vote by City Council for final approval. If the tax exemption is required for more than one year (maximum exemption period is ten years), a public notice must be published in at least two issues of the local newspaper 30 days prior to final adoption of the bylaw.
Applicants are strongly advised to wait until final adoption of the Tax Exemption Bylaw before commencing work.
5. **Tax Exemptions.** When work is finished, representatives of the City of Victoria and the Victoria Civic Heritage Trust will inspect the project to verify its completion. Property taxes, based on the cost of the seismic upgrading, or as agreed or approved, will be exempted by the B.C. Assessment Authority for the specified period of years.

Conditions

1. Residential accommodation created under this program must continue to be used for residential or live/work purposes for the duration of the tax exemption period.
2. A covenant identifying the term of the tax exemption must be registered on the land title and future strata titles.
3. Final costs of seismic upgrading will be verified by the Victoria Civic Heritage Trust.
4. The term of the tax exemption will commence in the year following the year in which a final occupancy permit is issued for the residential portion of the building. (This is due to provincial legislation governing the B.C. Assessment Authority, the agency responsible for implementing the exemption).

The City of Victoria and the Victoria Civic Heritage Trust reserve the right to decline approval of applications not in keeping with program guidelines.

Make Application

Based on seismic costs

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Victoria Civic Heritage Trust Review

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Approval-in-Principle

City Council Committee of the Whole

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Draft Bylaw

City Solicitor

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Final Council Approval and Adoption of Bylaw

Requires 2/3 majority vote

(Public notices may also be required)

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Work Completed and Inspected/Occupancy Permit Issued

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Taxes Exempted from Tax Roll

(For the year **FOLLOWING** the year in which the Occupancy Permit is issued)

The Victoria Civic Heritage Trust will assist with the review of applications. Applications with exterior alterations may require a Heritage Alteration Permit, which is a separate but coordinated approval procedure.

Term of Exemption

Projects eligible for the City of Victoria Tax Incentive Program will be subject to the following calculation:

$$\text{Term of exemption (\# of years)} = \frac{\text{Cost of seismic upgrading}}{\text{current taxes}}$$

Following project completion, the project will be exempt from property taxes for the specified number of years. The actual value of the exemption will be determined by the revised assessment determined by the B. C. Assessment Authority and the current year's tax rate for each year.

Example:

A building being proposed for rehabilitation needs \$200,000 worth of seismic upgrading. It currently pays \$20,000 per year in property taxes. The maximum eligible term of exemption, which City Council may approve, is therefore:

$$\begin{aligned} \text{Seismic Upgrade Cost } \$200,000 &= 10 \text{ Years} \\ \text{Current Annual Taxes } \$20,000 & \end{aligned}$$

The B. C. Assessment Authority provides an estimate of the increased property assessment resulting from the rehabilitation which results in a potential increase in annual taxes to \$42,000 per year.

The actual value of the exemption may amount to (estimate) \$42,000 x 10 years = \$420,000.



Total project Cost: \$408,891

Seismic Upgrading Cost : \$176,968

Incentives provided: \$25,000 Grant

Tax Exemption: 10 years

Residential Units: 2

**B.C. Produce Bldg.
529 Pandora Ave.**

Tax Incentive Program

Before-Rear Facade



Rehabilitated facade

Built in 1884 by Tye Chong, this building has had a long association with the Chinese Wholesale grocery trade. In 2000 the building was substantially rehabilitated by developer Wigmar Construction to provide 2 new residential suites on the second floor and new retail space on the ground level.



Typical Suite

**B.C. Produce Bldg.
529 Pandora Ave.**

Tax Incentive Program

TOWN OF LADYSMITH

BYLAW NO. 1625

A Bylaw to establish a revitalization tax exemption program.

WHEREAS the Council of the Town of Ladysmith may, for the purposes of maintaining our heritage theme and encouraging investment within the Downtown Core without triggering increased taxation, adopt a Bylaw pursuant to Section 226 of the *Community Charter* partially exempting eligible revitalized properties from taxation;

AND WHEREAS Council wishes to support the revitalization of the commercial and primarily commercial buildings in the Downtown Core and Downtown Mixed Use areas as defined in the Official Community Plan, as outlined in Schedule "A",

AND WHEREAS Council wishes to support the revitalization of the properties listed in the attached Schedule "B" by exempting such land and buildings from municipal property taxes calculated on the increase in assessed value, from the base year, due to the revitalization,

AND WHEREAS the properties indicated in the attached Schedule "B" are subject to a Covenant under Section 219 of the *Land Title Act* that relates to the conservation of heritage property;

AND WHEREAS pursuant to Section 226(5)(a)(iii) of the *Community Charter*, the Bylaw under Section 226 may provide that in certain circumstances the owner of the land must repay the taxes exempted under the Bylaw and the owner of the eligible property to which this Bylaw applies has consented to the inclusion of such a provision in the exemption agreement;

AND WHEREAS Section 227 of the *Community Charter* requires that notice be provided of the creation of such a revitalization tax exemption, and such notice has been provided;

NOW THEREFORE, in open meeting assembled, Council of the Town of Ladysmith **ENACTS AS FOLLOWS:**

1. This bylaw may be cited for all purposes as "*Town of Ladysmith Revitalization Tax Exemption Bylaw 2007, No. 1625*".

2. In this bylaw:

"Agreement" means a revitalization tax exemption agreement between the owner of a Parcel and the Town, in a format similar to the attached Schedule "C";

"Commercial" means commercial use as defined in the Town of Ladysmith Zoning Bylaw 1995, No. 1160 as amended, consolidated or replaced from time to time;

"Council" means the council of the Town of Ladysmith;

"Parcel" means a legal parcel within the Revitalization Area upon which an owner proposes a Project;

"Primarily Commercial" means a commercial activity occupies main floor, alternate use of remainder of building may be considered at Council's discretion;

"Project" means a revitalization project on a Parcel involving the construction of an alteration of an existing improvement;

"Revitalization Area" means the properties included in the Downtown Core and Downtown Mixed Use as defined in the Official Community Plan, as amended, consolidated or replaced from time to time, as shown on Schedule "A", which is attached to and forms part of this Bylaw;

“Tax Exemption” means a municipal revitalization tax exemption pursuant to a Tax Exemption Certificate;

“Tax Exemption Certificate” means a revitalization tax exemption certificate issued by the Town pursuant to this Bylaw and pursuant to the provisions of Section 226 of the *Community Charter*, in the form attached as Schedule “D”, which is attached to and forms part of this Bylaw.

3. There is hereby established a revitalization tax exemption program under section 226 of the *Community Charter* for the issuance of Tax Exemption Certificates for the Parcels.
4. The terms and conditions upon which a Tax Exemption Certificate may be issued are as set out in this Bylaw, in the Agreement and in the Tax Exemption Certificate.
5. The amount of the annual Tax Exemption shall be equal to the municipal taxes payable on the increase in the assessed value of improvements on the Property, due to the revitalization between:
 - (a) the year before the commencement of construction of the Project, and
 - (b) the year following the year in which the tax exemption certificate is issued,
 subject to the maximum aggregate exemption prescribed by the formula in section 226 (5) (b) of the *Community Charter*.
6. In order for a Project to be considered by Council for an Agreement the Project must, at a minimum, have a construction value of at least \$15,000 and the land use into which the Project is intended to fit must be one of the uses permitted in the Town of Ladysmith Zoning Bylaw 1995, No. 1160 as amended, consolidated or replaced from time to time.
7. Subject to early cancellation of the Certificate as per section 9:
 - (a) If the Certificate is issued before October 30th of the current year, then the Tax Exemption will be available for the following calendar year;
 - (b) The maximum term of the exemption shall be 10 years and shall be calculated as follows:

$$\text{Term of exemption (\# of years)} = \frac{\text{Cost of seismic/building code/sprinkler/façade upgrade}}{\text{Estimated increase in municipal taxes due to revitalization}}$$
8. If an owner wishes Council to consider entering into an Agreement with the owner, the owner must apply to the Director of Financial Services in writing and must submit the following with the application:
 - (a) a certificate that all taxes assessed and rates, charges and fees imposed on the Parcel have been paid, and, where taxes, rates or assessments are payable by instalments, that all instalments owing at the date of application have been paid;
 - (b) a completed written application in a form prescribed by the Town and available in the office of the Director of Financial Services or Manager of Development Services;
 - (c) a description of the Project;
 - (d) a certificate from the owner’s design professional in a form satisfactory to the Town’s Director of Financial Services certifying that the construction value of the Project will exceed \$15,000.00; and
 - (e) a fee in the amount prescribed by the Town of Ladysmith “Fees and Charges Bylaw 2007, #1626”, payable upon approval in principle of the Project.

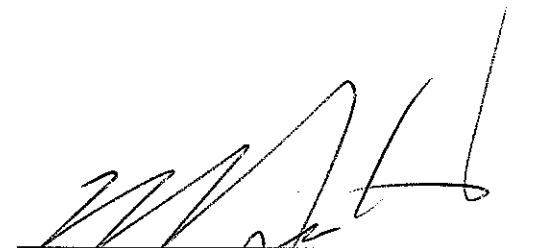
9. If, pursuant to the terms and conditions specified in the Agreement or the Certificate, the Certificate is cancelled, the owner of the property for which the certificate was issued will remit to the Town an amount equal to the value of the exemption received after the date of the cancellation of the certificate.
10. The Director of Financial Services for the Town or her designate is the designated municipal officer for the purpose of Section 226 (12) in the *Community Charter*.

READ A FIRST TIME on the 17th day of September, 2007

READ A SECOND TIME on the 17th day of September, 2007

READ A THIRD TIME on the 17th day of September, 2007

ADOPTED on the 15th day of October, 2007

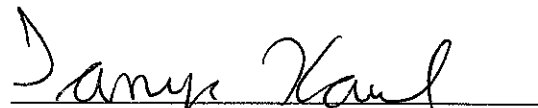


Mayor (R. Hutchins)



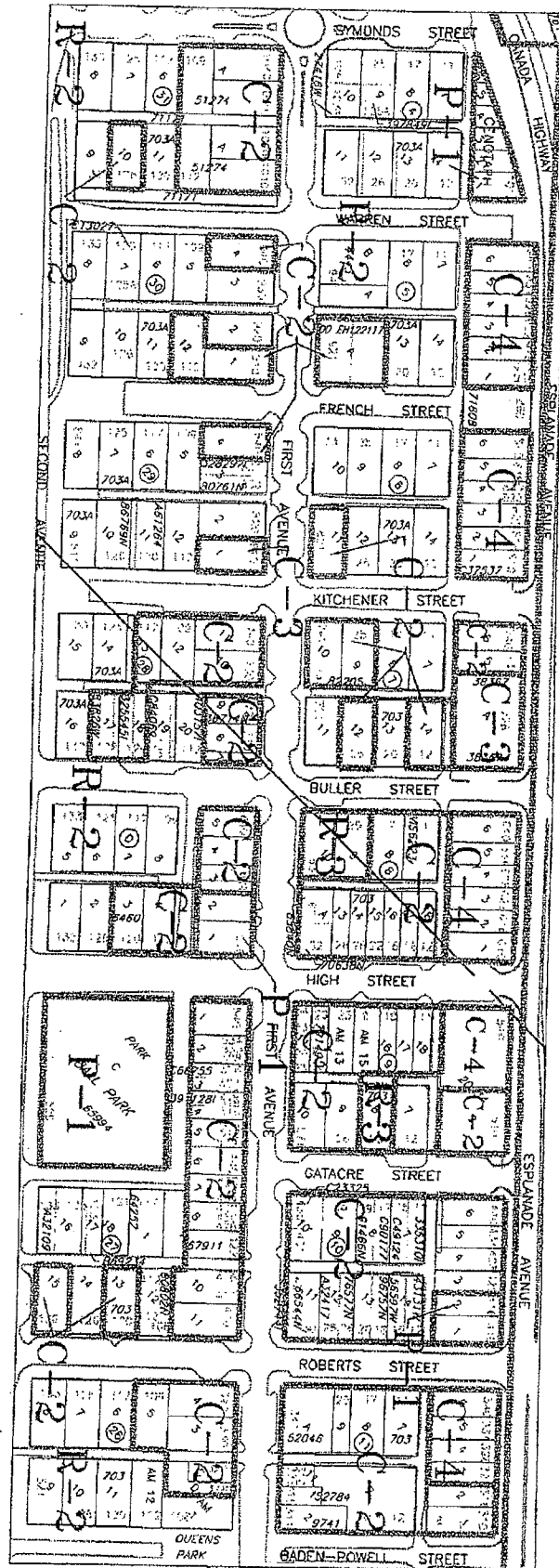
Acting Manager of Corporate Services (T. Kaul)

I hereby certify this to be a true and correct copy of "Town of Ladysmith Revitalization Tax Exemption Bylaw 2007, No. 1625".



Acting Manager of Corporate Services

Schedule "A"
 REVITALIZATION AREA



TOWN OF LADYSMITH BYLAW No. 1625
SCHEDULE "B"

PROPERTY DESCRIPTION		HERITAGE GOVERNANCE	2008	2009	2010
			ESTIMATE FOR AMOUNT OF TAX REVENUE FOREGONE BASED ON 2007	(2008 + 2%)	(2009 + 2%)
			MUNICIPAL REVENUE	MUNICIPAL REVENUE	MUNICIPAL REVENUE
Beantime Restaurant Owner of Property: Nordic Holdings Ltd	18 High St Lot 16, Blk 8, Plan 703 Folio 74.000	NO	\$ 306.17	\$ 312.29	\$ 318.54
Futureworks Consulting Inc	411 1st Ave & 30 Roberts St Lot 11, Blk 10, Plan 703 Folio 107.000	NO	\$ 1,944.56	\$ 1,983.45	\$ 2,023.12
J. Cochrane Bldg Corp	524 1st Ave Lot 3 & 4, Blk 27, Plan 703 Folio 201.000	NO	\$ 5,138.22	\$ 5,240.98	\$ 5,345.80
TOTALS			\$ 7,388.95	\$ 7,536.72	\$ 7,687.46

This is Schedule "B" attached to and forming part of
"Town of Ladysmith Revitalization Tax Exemption Bylaw 2007, No. 1625"

T. Kaut

Acting Manager of Corporate Services (T. Kaut)

REVITALIZATION TAX EXEMPTION AGREEMENT

THIS AGREEMENT dated for reference the __day of _____, 2007 is

BETWEEN:

(the "Property Owner")

AND:

TOWN OF LADYSMITH
410 Esplanade, PO Box 220
Ladysmith, BC
V9G 1A2

(the "Town")

GIVEN THAT:

- A. The Property Owner is the registered owner in fee simple of lands in the Town of Ladysmith at *[civic address]* legally described as *[legal description]* (the "Property");
- B. Council has established a revitalization tax exemption program in the downtown area as defined as the properties within the boundary of the downtown core. The boundary of the revitalization area is described as the area between Esplanade Avenue and Second Avenue from Symonds Street to Baden-Powell Street;
- C. Council's objective in providing the commercial properties within the boundary of the downtown core as a revitalization area is to maintain our heritage theme and encourage investment within the Downtown Core without triggering increased taxation; and
- D. The Property Owner proposes to alter an existing improvement on the Property as described in Schedule "A" to this Agreement (the "Project") and has applied to the Town to partake in the revitalization tax exemption program in respect of this Project and the Town has agreed to accept the Project under the program;

THIS AGREEMENT is evidence that in consideration of the promises exchanged below, the Property Owner and the Town covenant and agree each with the other as follows:

1. **The Project** – The Property Owner will use its best efforts to ensure that the Project is constructed, maintained, operated and used in a fashion that will be consistent with and will foster the objectives of the revitalization tax exemption program, and, without limiting the generality of the foregoing, the Property Owner covenants to use its best efforts to ensure that the Project will:

- (a)
- (b)
- (c)

2. **Operation and Maintenance of Project** – Throughout the term of the Tax Exemption the Property Owner must operate, repair and maintain the Project and will keep the Project in a state of good repair as a prudent owner would do.

3. **Revitalization Tax Exemption** – Subject to fulfillment of the conditions set out in this Agreement and in the Bylaw, the Town will issue a revitalization tax exemption certificate (the “Certificate”) to the Property Owner entitling the Property Owner to a property tax exemption in respect of the Property (the “Tax Exemption”) in an amount and for the calendar years set out in this Agreement. The Certificate will be in the form attached to this Agreement as Schedule “B”.

4. **Conditions** – The following conditions must be fulfilled before the Town will issue a Certificate to the Property Owner:

- (a) The Property Owner must provide the Town with a certificate from the Property Owner’s design professional (if applicable), in form and content satisfactory to the Town’s Director of Financial Services, certifying the actual cost to construct the completed Project.
- (b) All property taxes, business licenses, and user fees must be paid in full before approval in principle is given and throughout the term of the agreement.
- (c) The Property Owner must obtain a building permit from the Town for the Project and begin construction within one year of approval in principle;
- (d) The Property Owner must complete or cause to be completed construction of the Project in a good and workmanlike fashion and in strict accordance with the building permit and the plans and specifications attached hereto as Schedule “A” and the Project must be inspected by the Town building inspector and certified complete, by no later than two years following approval in principle;
- (e) The building alteration must be substantially underway within one year of the tax exemption approval in principle and completed within two years;

- (f) The completed Project must substantially satisfy the performance criteria set out in Schedule “C” hereto, as determined by the Town’s Manager of Development Services and Building Inspector;
- (g) Variations from the original construction plan, bylaw infractions or poor quality work may result in rescinding of the tax exemption approval;
- (h) In order to protect the interests of the community, a Heritage Conservation Covenant will be requested to be placed on the property to ensure the building’s long term protection and use. (Include if applicable) Although not required, Heritage designation will also be encouraged. An example of a Heritage Conservation Covenant is attached as Schedule “D”;
- (i) Any changes or upgrades made to the structure of the building due to the improvements must comply with the BC Building Code and the Town’s Sign and Canopy Bylaw. A complete guide to construction requirements for downtown development is available upon request;
- (j) Upon completion of the work, final inspection and confirmation of adherence to all bylaws and receipt of all final invoices, *registration of a heritage conservation covenant* (include if applicable) and completion of an exemption agreement, the tax exemption bylaw shall be adopted by Council. An exemption certificate will then be issued and forwarded to the BC Assessment Authority.

5. **Calculation of Revitalization Tax Exemption** – The amount of the tax exemption shall be equal to the Municipal taxes payable on the amount of any increase in the assessed value of improvements on the Property, due to the revitalization, between:

- (a) the year before commencement of construction of the Project, and
- (b) the year following the year in which the tax exemption certificate is issued.

6. **Maximum Revitalization Tax Exemption** - The maximum municipal tax exemption shall not exceed the total cost of the improvements or the increase in municipal taxes payable due to the revitalization.

7. **Term of Revitalization Tax Exemption** – Subject to early cancellation of the Certificate under section 10:

- (a) If the Certificate is issued before October 30th of the current year, then the Tax Exemption will be available for the following calendar year;

- (b) The maximum term of the exemption shall be 10 years and shall be calculated as follows:

$$\text{Term of exemption (\# of years)} = \frac{\text{Cost of seismic/building code/sprinkler/façade upgrade}}{\text{Estimated Increase in Municipal Taxes Due to Revitalization}}$$

8. **Compliance with Laws** – The Property Owner will construct the Project and, at all times during the term of the Tax Exemption, use and occupy the Property and the Project in compliance with all statutes, laws, regulations and orders of any authority having jurisdiction and, without limiting the generality of the foregoing, all federal, provincial, or municipal laws or statutes or bylaws, including all the rules, regulations, policies, guidelines, criteria or the like made under or pursuant to any such laws.

9. **Effect of Stratification** – If the Property Owner stratifies the Property under the *Strata Property Act* the Tax Exemption shall be prorated among the strata lots in accordance with the unit entitlement of each strata lot for:

- (a) The current and each subsequent tax year during the currency of this Agreement if the strata plan is accepted for registration at the Land Title Office before May 1; or
- (b) For the next calendar year and each subsequent tax year during the currency of this Agreement if the strata plan is accepted for registration at the Land Title Office after May 1.

10. **Cancellation** – The Town may in its discretion cancel the Certificate at any time:

- (a) On the written request of the Property Owner; or
- (b) Effective immediately upon delivery of a notice of cancellation to the Property Owner if at any time any of the conditions in the Exemption Certificate or the Exemption Agreement are not met.

11. **Repayment of Exempt Taxes** - During the term of the tax exemption bylaw, the tax exemption amount received by the owner must be repaid to the Town if the building is destroyed or altered without proper authorization from the Town (other than by a natural disaster), *or if the Heritage Conservation Covenant is rescinded by Council at the request of the owner*(include if applicable). In either of these circumstances, the exemption certificate will be cancelled. If such cancellation occurs, the owner of the property for which the certificate was issued will remit to the Town an amount equal to the total value of the exemption received.

12. **No Refund** – For greater certainty, under no circumstances will the Property Owner be entitled under or pursuant to this Agreement or under or pursuant to the revitalization tax exemption program to any cash credit, any carry forward tax exemption credit or any refund for any property taxes paid.

13. **Notices.** Any notice or other writing required or permitted to be given hereunder or for the purposes hereof to any party shall be sufficiently given if delivered by hand or posted on the Property, or if sent by prepaid registered mail (Express Post) or if transmitted by facsimile to such party:

- (i) in the case of a notice to the Town, at:

THE TOWN OF LADYSMITH
410 Esplanade, PO Box 220
Ladysmith, BC V9G 1A2

Attention:
Facsimile:

- (ii) in the case of a notice to the Property Owner, at:

Attention:
Facsimile:

or at such other address or addresses as the party to whom such notice or other writing is to be given shall have last notified the party giving the same in the manner provided in this section.

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 given 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. In this section, "Business Day" means any day other than Saturday, Sunday, any statutory holiday in the Province of British Columbia or any day on which banks generally are not open for business in Ladysmith, British Columbia.

14. **No Assignment** – The Property Owner may not assign its interest in this Agreement except to a subsequent owner in fee simple of the Property.

15. **Severance** - If any portion of this Agreement is held invalid by a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Agreement.

16. **Interpretation** - Wherever the singular or masculine 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 required.

17. **Further Assurances** - 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.

18. **Waiver** - Waiver by the Town of a default by the Property Owner shall be in writing and shall not be deemed to be a waiver of any subsequent or other default.

19. **Powers Preserved** - This Agreement does not

- (a) affect or limit the discretion, rights or powers of the Town under any enactment (as defined in the *Interpretation Act*, R.S.B.C. 1979, c.206, on the reference date of this Agreement) or at common law, including in relation to the use or subdivision of the Land;
- (b) affect or limit any enactment relating to the use or subdivision of the Property, or

- (c) relieve the Property Owner from complying with any enactment, including in relation to the use or subdivision of the Property, and without limitation shall not confer directly or indirectly any exemption or right of set-off from development cost charges, connection charges application fees, user fees or other rates, levies and charges payable under any bylaw of the Town.

20. **References** - Every reference to each party is deemed to include the heirs, executors, administrators, personal representatives, successors, assigns, servants, employees, agents, contractors, officers, licensees and invitees of such party, wherever the context so requires or allows.

21. **Enurement** - This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and permitted assigns.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the day and year first above written.

Signed, Sealed and Delivered by the
TOWN OF LADYSMITH by its
authorized signatories:

Mayor:

Manager of Corporate Services:

Signed, Sealed and Delivered by
by its authorized signatories:

Name:

Name:

REVITALIZATION TAX EXEMPTION CERTIFICATE

Section 226 of the *Community Charter*, SBC 2003, c. 26

In accordance with the Town of Ladysmith Revitalization Tax Exemption Bylaw No. 1625 and in accordance with the Revitalization Tax Exemption Agreement dated for reference the ___ day of ___, 20__ (the "Agreement") entered into between the Town of Ladysmith (the "Town") and _____ (the "Owner"), the registered owner(s) of the property described below, this certificate certifies that the Property (as defined below) is subject to a revitalization tax exemption in an amount equal to the amount of any increase in municipal property taxes which would otherwise be payable as a result of any increase in the assessed value of improvements on the Property, due to the revitalization, (as hereinafter defined) between [*the calendar year before the commencement of construction of the project*] and [*the calendar year following the calendar year in which this Certificate is issued*] (the "Tax Exemption"), subject to the maximum aggregate exemption prescribed by the formula in Section 226 (5) (b) of the *Community Charter*.

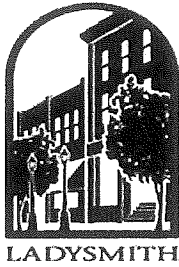
The Property to which the Tax Exemption applies is in the Town of Ladysmith and is legally described as: PID _____, Lot __, Block __, District Lot __, Plan _____ (the "Property").

The Tax Exemption is for the _ calendar years commencing with the year _____ and ending with the year _____.

The Tax Exemption is provided on the following conditions:

1. the Owner does not breach any covenant or condition in the Agreement and performs all obligations to be performed by the Owner set out in the Agreement;
2. the Owner has not sold all or any portion of his or her equitable or legal fee simple interest in the Property without the transferee taking an assignment of the Agreement, and agreeing to be bound by it;
3. the Owner, or a successor in title to the Owner, has not allowed the property taxes for the Property to go into arrears or to become delinquent;
4. the Owner, or a successor in title to the Owner, does not apply to amend the Ladysmith Zoning Bylaw 1160, as amended, consolidated or replaced from time to time, to rezone the Property from its _____ zoning to any other zone;
5. the Property is not put to any use that is not permitted in the Downtown Core.

If any of these conditions are not met then the Council of the Town of Ladysmith may cancel this Revitalization Tax Exemption Certificate. If such cancellation occurs, the owner of the property for which the certificate was issued will remit to the Town an amount equal to the value of the exemption received after the date of the cancellation of the certificate.



Town of Ladysmith

STAFF REPORT TO COUNCIL

From: Felicity Adams, Director of Development Services
Date: February 20, 2017
File No: 4020-20 Streets & Traffic Bylaw

RE: Streets and Traffic Bylaw - Recreational Vehicle Parking

RECOMMENDATION:

That Council direct staff to bring forward amendments to the "Town of Ladysmith Streets and Traffic Bylaw 1998, No. 1309" that would:

1. Limit the parking of large recreational vehicles (over 6.5m in length), including trailers, motorhomes and camper trucks on Town boulevards to a maximum of 72 hours which would match the current 72 hour time period limit on Town streets;
2. Amend the current bylaw language that restricts the parking of vehicles on Town streets to a maximum of 72 consecutive hours without the vehicle being moved to ensure that the bylaw meets the policy intent, such that "being moved" is described to mean a distance beyond the same one block area; and
3. Prohibit camping/sleeping overnight in all types of vehicles on Town streets and boulevards.

PURPOSE:

The purpose of this Report is to inform Council of the result of the staff review of the parking regulations in the Town in relation to the parking of large recreational vehicles (RV's) on Town streets and boulevards and to provide recommendations to amend the current regulations in response to public input on the long term storage of large RV's on Town streets and boulevards.

PREVIOUS COUNCIL DIRECTION

CS 2016-208

That Council direct staff to review the Streets and Traffic Bylaw in response to suggestions regarding long-term storage of non-commercial large trailers, campers and motorhomes on Town-owned property proposed by Robert Lawson in his correspondence dated April 26, 2016.

INTRODUCTION/BACKGROUND:

While this issue was initially raised with Council by a letter from a resident concerned about large RV's being parked on Town boulevards, Council should be aware that Bylaw Services dealt with 14 public complaints during 2016 that involved the parking of large RV's on Town streets and boulevards.

Staff have undertaken a review of the Town's current regulations for the parking of large RV's on the Town's streets and boulevards and have reviewed the street parking regulations for large RV's in a number of other island municipalities. A synopsis of this review attached as Appendix A.



The most significant findings of this research include:

- the vast majority of island municipalities do not allow any parking of vehicles on municipal boulevards;
- all of the municipalities surveyed limit the period of time that a vehicle of any type may be parked on public property with 72 hours being the longest amount of time allowed; and
- all of the municipalities surveyed prohibit overnight sleeping in vehicles of all types on public roads and boulevards.

SCOPE OF WORK:

The Streets and Traffic Bylaw would need to be amended to accomplish the recommended changes. **Appendix B** to this Report sets out the Town's current street and boulevard parking regulations for large RV's and highlights those regulations which staff recommends be amended. **Appendix C** sets out the details of the recommended amendments to the Streets and Traffic Bylaw which is a suggested balance between an outright prohibition of the parking of large RV's on Town boulevards and the current unlimited time period.

It should be noted that none of the proposed changes would affect the current parking regulations on boulevards for cars and light (non-commercial) trucks which is a common practice in Ladysmith, particularly in areas where the boulevard has not been improved.

In summary, three amendments are proposed:

1. Limit the parking of large recreational vehicles (over 6.5m in length), including trailers, motorhomes and camper trucks on Town boulevards to a maximum of 72 hours which would match the current 72 hour time period limit on Town streets;
2. Amend the current bylaw language that restricts the parking of vehicles on Town streets to a maximum of 72 consecutive hours without the vehicle being moved to ensure that the bylaw meets the policy intent, such that "being moved" is described to mean a distance beyond the same one block area; and
3. Prohibit camping/sleeping overnight in all types of vehicles on Town streets and boulevards.

ALTERNATIVES:

Council may decide to take no action; the current rules that allow long term storage (parking) of licensed large RV's on boulevards would continue. Council may also direct that a maximum period of time for large RV's to be parked on boulevards (or streets) be greater or less than the 72 hours recommended by staff.

Council may also decide to seek additional public input before considering any specific amendment to the current bylaw. The PlaceSpeak platform would be a tool that could be used to solicit input on this topic.

FINANCIAL IMPLICATIONS:

There are no financial implications to the implementation of the recommended action.

LEGAL IMPLICATIONS:

The recommended changes to the Streets and Traffic Bylaw fall within Council's authority to enact bylaws under the *Community Charter* and the *Motor Vehicle Act*.



CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Any change to parking regulations will have an impact on those persons who currently utilize the free no time limit parking that has been available up to the present time on Town boulevards. Such persons would need to make alternative arrangements for the long term storage of their large RV and may not be supportive of the recommended course of action.

It appears from observation that most RV owners are storing their RV on their own property or at a storage facility. The Zoning Bylaw regulates the storage of RVs on private property. Where single unit residential use is the principal use, one RV, not exceeding 11 metres in length, may be parked or stored in an unenclosed area on a parcel. Staff has contacted local providers of vehicle storage and has been advised that most available space is currently in use, but there are a few vacancies at facilities in Town (about 10% capacity or 7 spaces).

As stated above, Council may decide to seek public input on the impact of the proposed changes before considering any bylaw amendment.

If the recommended changes are enacted, public outreach and education regarding the amended regulations will be necessary to ensure compliance. It is proposed that information would be posted on the Town's website and social media outlets. An information note could also be placed on RVs observed by Town bylaw staff to not be in compliance. Most complaints would be dealt with on an education and voluntary compliance basis.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Legislative Services would be involved in processing the bylaw amendment, as well as assisting in the public outreach. The proposed changes have been reviewed by the Director of Infrastructure Services and Manager of Operations who are supportive of the approach.

RESOURCE IMPLICATIONS:

Successful implementation will require a public communications strategy and information available in both written handout and by electronic means. The Town's Bylaw Compliance Officer will be key in assisting to promote compliance with the changed regulations which is expected to require up to 15% of the assigned working hours (~2.5 hours/week) over the 6 month period following enactment of the recommended bylaw changes.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

N/A

ALIGNMENT WITH STRATEGIC PRIORITIES:

N/A

SUMMARY:

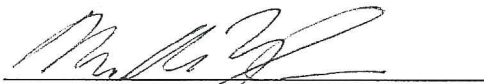
Addressing the concern of a number of residents regarding the long term parking/storage of large RV's on Town property will require amendments to the Town's Streets and Traffic Bylaw. Making such changes will bring the Town's regulations regarding the parking of large RV's into congruence with many Island municipalities. The proposed changes will not affect



the parking of cars or light trucks on Town boulevards as is permitted under the current regulations

Specifically, it is recommended that Council direct staff to bring forward amendments to the Streets and Traffic Bylaw that:

1. Limit the parking of large recreational vehicles (over 6.5m in length), including trailers, motorhomes and camper trucks on Town boulevards to a maximum of 72 hours which would match the current 72 hour time period limit on Town streets;
2. Amend the current bylaw language that restricts the parking of vehicles on Town streets to a maximum of 72 consecutive hours without the vehicle being moved to ensure that the bylaw meets the policy intent, such that "being moved" is described to mean a distance beyond the same one block area; and
3. Prohibit camping/sleeping overnight in all types of vehicles on Town streets and boulevards.



Report Author: Mark Hayden, Bylaw Compliance Officer

Reviewed By:



Felicity Adams, Director of Development Services

I concur with the recommendation.



For Guillermo Ferrero, City Manager

ATTACHMENTS:

- Appendix A: Parking regulations for RVs in various Vancouver Island municipalities
- Appendix B: Current parking regulations related to street and boulevard parking
- Appendix C: Proposed parking regulations related to street and boulevard parking

APPENDIX A

Parking Regulations for RV's in various Vancouver Island Municipalities

Municipality	Street Parking Regulations for RV's	Boulevard Parking Regulations for RV's
Ladysmith	Maximum 72 hours, Must be licensed/insured, No unattached trailers	Must be licensed/insured
Nanaimo	Maximum 72 hours, Must be licensed/insured, No unattached trailers	Not permitted
Lantzville	Maximum 72 hours, Must be licensed/insured, No unattached trailers	Not permitted
Langford	Maximum 72 hours in 1 City block, Must be licensed/insured, No unattached trailers	Not permitted on improved boulevards, otherwise, same rules as on street parking
Victoria	No overnight parking if owner of RV resides within the CRD borders, No unattached trailers, Must be licensed/insured	Not permitted
Parksville	Maximum of 2 hours if vehicle is over 6 metres in length, No unattached trailers, Must be licensed/insured	Not permitted
North Cowichan	Maximum 2 hrs. if vehicle is over 5500kg GVW or with a trailer, otherwise 24 hrs. maximum, No unattached trailers, Must be licensed/insured	Not permitted
Duncan	Must not park overnight If vehicle is over 8 metres long or 4500 kg GVW, otherwise 24 hrs. maximum, No unattached trailers, Must be licensed/insured	Not permitted

APPENDIX B

Current Ladysmith General Parking Regulations where no specific Requirements/Prohibitions are in place

	On Street Parking of Passenger Vehicles ¹	On Street parking of Trailers ²	On Street parking of Large RV's ³	Boulevard Parking of Passenger Vehicles ¹	Boulevard parking of Trailers ²	Boulevard parking of Large RV's ³
Time Limit on parking	Maximum 72 hrs. ⁴	Maximum 72 hrs. ⁴	Maximum 72 hrs. ⁴	None	None	None
Camping/sleeping Overnights permitted (Y/N)	Y	N	Y	Y	Y	Y
Vehicle must be licensed and insured under the Motor Vehicle Act	Y	Y	Y	Y	Y	Y
Other general restrictions	None	Must be attached to a tow vehicle	None	None	None	None

¹ For the purpose of this Table, "Passenger Vehicle" means any car or a light truck (pickup, van, etc.) with a 1 ton or lower rating

² For the purpose of this Table, "Trailer" includes any type of trailer – utility, boat, travel, etc.

³ For the purpose of this Table, "Large RV" means any recreational vehicle (including a travel trailer) that is more than 6.5 m (21' 4") in length

⁴ It should be noted that our current bylaw language (Section 32 of the Streets and Traffic Bylaw) is largely unenforceable because if the vehicle owner moves the vehicle as little as 1 foot forward or backwards from where it is parked, the 72 hour time limit starts over again making the regulation of little use except for marked (painted) on street parking spaces where moving to another space is required to restart the 72 hour time limit.

Note: Items highlighted by shading are proposed to be amended – see matrix of proposed changes – Appendix C

APPENDIX C

Proposed General Parking Regulations on Town Streets and Boulevards

	On Street Parking of Passenger Vehicles¹	On Street parking of Trailers²	On Street parking of large RV's³	Boulevard Parking of Passenger Vehicles¹	Boulevard parking of Trailers²	Boulevard parking of Large RV's³
Time Limit on parking	Maximum 72 hrs. ⁴	Maximum 72 hrs. ⁴	Maximum 72 hrs. ⁴	None	Maximum 72 hrs. ⁴ if a RV trailer ² over 6.5 m. Otherwise, None	Maximum 72 hrs. ⁴
Camping/sleeping Overnight permitted (Y/N)	N	N	N	N	N	N
Vehicle must be licensed and insured under the Motor Vehicle Act	Y	Y	Y	Y	Y	Y
Other general restrictions		Must be attached to a tow vehicle				

¹ For the purpose of this Table, "Passenger Vehicle" means any car or a light truck (pickup, van, etc.) with a 1 ton or lower rating

² For the purpose of this Table, "Trailer" includes any type of trailer – utility, boat, travel, etc.

³ For the purpose of this Table, "Large RV" means any recreational vehicle (including a travel trailer) that is more than 6.5 m (21' 4") in length.

⁴ The 72 hour time limit will be clarified (as has been done in other municipalities) to make it clear that a vehicle shall be deemed to be continuously parked for as long as it remains within the block in which it was originally parked.

Note: Changes to the current bylaw provisions are marked with shading.

STAFF REPORT TO COUNCIL

From: Joanna Winter, Manager of Legislative Services
 Meeting Date: November 6, 2017
 File No: 4020-20
 RE: **AMENDMENT TO STREETS AND TRAFFIC BYLAW – BOULEVARD PARKING**

RECOMMENDATION:

That Council:

1. Give first, second and third readings to Streets and Traffic Bylaw 1309, Amendment Bylaw #5, 2017. No. 1941; and
2. Direct staff to implement a public awareness campaign on the proposed changes to parking in the Town of Ladysmith.

PURPOSE:

The purpose of this staff report is to present amendments to Town of Ladysmith Streets and Traffic Bylaw 1309 for Council's consideration. The primary amendments are intended to regulate parking of larger recreational vehicles on Town boulevards, to clarify continuous parking, and to prohibit overnight sleeping in parked vehicles. These amendments were previously directed by Council. In addition, there are some housekeeping amendments as outlined elsewhere in this report.

PREVIOUS COUNCIL DIRECTION

Resolution	Meeting Date	Resolution Details
CS 2017-046	Feb-20-2017	That Council direct staff to bring forward amendments to "Town of Ladysmith Streets and Traffic Bylaw 1998, No. 1309" that would: <ol style="list-style-type: none"> 1. Limit the parking of large recreational vehicles (over 6.5m in length), including trailers, motorhomes and camper trucks on Town boulevards to a maximum of 72 hours which would match the current 72 hour time period limit on Town streets; 2. Amend the current bylaw language that restricts the parking of vehicles on Town streets to a maximum of 72 consecutive hours without the vehicle being moved to ensure that the bylaw meets the policy intent, such that "being moved" is described to mean a distance beyond the same one block area; and 3. Prohibit camping/sleeping overnight in all types of vehicles on Town streets and boulevards.
CS 2016-208	Jun-06-2016	That Council direct staff to review the Streets and Traffic Bylaw in response to suggestions regarding long-term storage of non-commercial large trailers, campers and motorhomes on Town-owned property proposed by Robert Lawson in his correspondence dated April 26, 2016.

INTRODUCTION/BACKGROUND:

In response to concerns expressed by citizens to Council and through bylaw infraction reporting, Council directed staff to propose amendments to the Streets and Traffic Bylaw to regulate parking on Town streets and boulevards, as noted above.

The Town's Bylaw Officer has worked with the Legislative Services Department to develop amendments to the Streets and Traffic Bylaw that will incorporate the direction provide by Council.

These include:

- An updated definition of 'boulevard' to remove reference to shoulders of roadways, for clarity
- An amendment to section 32 (parking) to add a reference to parking beyond the time limit designated by a traffic control device and prohibit moving a vehicle within the same block for the purpose of beginning the time period over and thereby extending the parking time limit
- A further amendment to section 32 (2) to prohibit moving of vehicles within the same block as a way of getting around the 72 hour time limit on parking
- An amendment to section 40(5) to prohibit overnight sleeping or camping on town streets and boulevards.
- A new section 67 that prohibits parking of recreational vehicles, boats, trailers and other vehicles longer than 6.5 metres on a Town boulevard for more than 72 hours
- Amendments to the terms 'Superintendent of Public Works' and 'Manager of Development Services' to reflect current staff position titles.

ALTERNATIVES:

Council can choose:

- Not to proceed Bylaw 1941
- To amend Bylaw 1941 to modify the proposed parking restrictions on recreational vehicles and sleeping/camping in vehicles.

FINANCIAL IMPLICATIONS:

N/A

LEGAL IMPLICATIONS:

Council will follow legislative requirements in considering and adopting Bylaw 1941.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

It is anticipated that those who currently park larger recreational vehicles, boats and trailers on Town boulevards may react negatively to this change in the bylaws. Others, who are concerned about using Town boulevards for longer-term parking of recreational vehicles, will likely be in favour of the proposed amendment bylaw. Other residents may

not realize that the Town-owned boulevard is actually not part of their own property. Staff will implement a communications and public education campaign to provide information and assistance.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Bylaw staff will be responsible for enforcement. Legislative Services staff will be responsible for public communications and education on the changes.

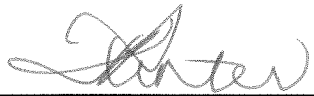
ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- | | |
|--|--|
| <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 type="checkbox"/> Local, Diverse Economy |
| <input checked="" type="checkbox"/> Not Applicable | |

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|--|--|
| <input type="checkbox"/> Employment & Tax Diversity | <input checked="" type="checkbox"/> Natural & Built Infrastructure |
| <input type="checkbox"/> Watershed Protection & Water Management | <input type="checkbox"/> Partnerships |
| <input type="checkbox"/> Communications & Engagement | <input type="checkbox"/> Not Applicable |

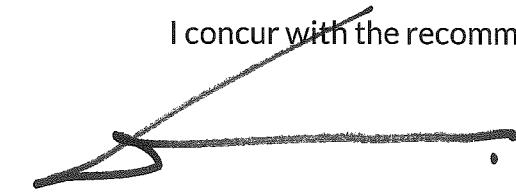
SUMMARY:



Joanna Winter, Manager of Legislative Services

October 29, 2017

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENTS:

TOWN OF LADYSMITH

BYLAW NO. 1941

A Bylaw to amend the Streets and Traffic Bylaw 1998, No. 1309 in order to regulate parking.

WHEREAS pursuant to the *Local Government Act*, the Municipal Council is empowered to amend the Streets and Traffic bylaw;

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

Amendment

1. Delete the definition of "*Boulevard*" and replace it with the following:

"*Boulevard*" means that portion of a highway between the curb lines or the lateral lines of a *roadway* and the adjoining property line and, in the case of a divided *highway*, that portion between the inside curbs and the lateral line of the roadways.

2. Delete the definition of the term "*Manager*" and replace it with the following:

"*Director of Development Services*" means the person appointed as Director of Development Services for the *Municipality* and includes his/her authorized deputy.

3. Delete each instance of the term of "*Manager*", and replace each instance with the term "*Director of Development Services*":

4. Delete the definition of the term "*Superintendent of Public Works*" and replace it with the following:

"*Director of Infrastructure Services*" means the person appointed as the Director of Infrastructure Services for the *Municipality* and includes his/her authorized deputy.

5. Delete each instance of the term "*Superintendent of Public Works*" and replace it with the with the term "*Director of Infrastructure Services*".

6. Amend section 32 to read as follows:

32. Notwithstanding any other provision of the Bylaw, no person shall *park a vehicle* on any *highway*

(1) beyond the time limit specified by the traffic control device.

(2) in the absence of a traffic control device, for more than seventy-two (72) hours continuously. For the purposes of this section, a vehicle shall be deemed continuously parked for as long as it remains within the public parking lot or on either side of the highway within the block in which it was originally parked.

7. Amend section 40(5) to read as follows:

40(5) No person shall occupy a *vehicle, trailer, camper* or boat parked on a *highway* or *boulevard* for the purpose of lodging, sleeping accommodation or a residence.

8. Add a new section 67 to read as follows:

67. No person shall park a recreational vehicle, boat or *trailer* greater than 6.5 metres in length on a *boulevard* for a period longer than 72 hours

9. Renumber section 67 to be section 68.

10. Replace Schedule "A" (Fine Schedule) with the attached Schedule "A".

Citation

11. This Bylaw may be cited for all purposes as "Town of Ladysmith Streets and Traffic Bylaw 1998, No. 1309, Amendment Bylaw #5, 2017, No. 1941".

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 (J. Winter)

Reviewed at a Previous Meeting

Bylaw 1309, Amending Bylaw #5, 2017, No. 1941

**SCHEDULE "A"
FINE SCHEDULE**

The indicated penalties for alleged offenses committed against this Bylaw are as follows:

SECTION	DESCRIPTION	FINE	
		WITHIN 30 DAYS	AFTER 30 DAYS
10(2)	Drive contrary to <i>traffic control device</i>	\$30.00	\$50.00
10(3)	Interfere with <i>traffic control device</i>	\$30.00	\$50.00
10(4)	Remove notice from <i>vehicle</i>	\$30.00	\$50.00
11(1)	Disobey <i>stop sign – stop line</i>	\$30.00	\$50.00
11(2)	Disobey <i>stop sign – crosswalk</i>	\$30.00	\$50.00
11(3)	Disobey <i>stop sign – no stop line/crosswalk</i>	\$30.00	\$50.00
12	Stunting	\$30.00	\$50.00
13	Unnecessary Noise	\$30.00	\$50.00
14	Racing	\$30.00	\$50.00
15	Careless driving	\$30.00	\$50.00
16	Driving over newly painted lines	\$30.00	\$50.00
28(1)	Pedestrian impede <i>traffic on highway</i>	\$20.00	\$35.00
28(2)	Pedestrian impede <i>traffic on sidewalk</i>	\$20.00	\$35.00
28(3)	Busking/Panhandling	\$20.00	\$35.00
29(2)(a)	Cyclist on a <i>sidewalk</i>	\$20.00	\$35.00
29(2)(b)	Cyclist improperly using <i>crosswalk</i>	\$20.00	\$35.00
29(2)(c)	Cyclist on left side of <i>roadway</i>	\$20.00	\$35.00
29(2)(d)	Cyclists riding abreast	\$20.00	\$35.00
29(2)(e)	Cyclist riding without using hands	\$20.00	\$35.00
29(2)(f)	Cyclist not astride seat	\$20.00	\$35.00
29(2)(g)	Cyclist with too many persons	\$20.00	\$35.00
29(2)(h)	Cyclist on <i>highway</i> where prohibited	\$20.00	\$35.00
29(2)(i)	Cyclist without safety helmet	\$20.00	\$35.00
29(3)	Child without safety helmet	\$20.00	\$35.00
29(4)	Cyclist off available bike path	\$20.00	\$35.00
29(5)	Cyclist attached to <i>vehicle</i>	\$20.00	\$35.00
29(6)	Cyclist - undue care on <i>highway</i>	\$20.00	\$35.00
29(7)	Cyclist without lights	\$20.00	\$35.00
29(8)	Play <i>vehicle</i> on roadway	\$20.00	\$35.00
29(9)	Skateboarding in downtown core	\$55.00	\$100.00
30(1)	Parked on left side of <i>roadway</i>	\$20.00	\$35.00
30(2)(a)	Left <i>vehicle</i> unsecured	\$20.00	\$35.00
30(2)(b)	Improper wheel position	\$20.00	\$35.00
30(3)	Parked obstructing free passage of <i>traffic</i>	\$20.00	\$35.00
30(4)	Improper <i>angle parking</i>	\$20.00	\$35.00
30(5)	No valid plates	\$20.00	\$35.00
31(1)	Parked on <i>sidewalk</i>	\$20.00	\$35.00
31(2)	Parked blocking <i>driveway</i>	\$20.00	\$35.00
31(3)	Parked in <i>intersection</i>	\$20.00	\$35.00
31(4)	Parked at fire hydrant	\$20.00	\$35.00
31(5)	Parked on a <i>crosswalk</i>	\$20.00	\$35.00
31(6)	Park within 15 metres of a <i>crosswalk</i>	\$20.00	\$35.00
31(7)	Park within 6 metres of a <i>traffic control device</i>	\$20.00	\$35.00
31(8)	Park within 15 metres of a railway track	\$20.00	\$35.00
31(9)(a)	Parked advertising for sale	\$20.00	\$35.00
31(9)(b)	Parked for repair or wrecking	\$20.00	\$35.00
31(9)(c)	Parked displaying signs	\$20.00	\$35.00
31(9)(d)	Parked selling goods	\$20.00	\$35.00
31(10)	Parked obstructing <i>traffic</i> at construction	\$20.00	\$35.00

SECTION	DESCRIPTION	FINE	
		WITHIN 30 DAYS	AFTER 30 DAYS
31(11)	Double <i>parked</i>	\$20.00	\$35.00
31(12)	Parked on a bridge or in a tunnel	\$20.00	\$35.00
31(13)	Parked contrary to <i>traffic control device</i>	\$20.00	\$35.00
31(14)	Parked block view of <i>traffic control device</i>	\$20.00	\$35.00
31(15)	Excessive <i>vehicle</i> length – <i>angle parking</i>	\$20.00	\$35.00
31(16)	Parked at bus stop	\$20.00	\$35.00
31(17)	Park within 9 metres of an <i>intersection</i>	\$20.00	\$35.00
32	Parked beyond time limit	\$20.00	\$35.00
33(1)	Parked too long in loading zone	\$20.00	\$35.00
33(2)	Parked too long in passenger zone	\$20.00	\$35.00
34	Parked in <i>disabled zone</i> without permit	\$20.00	\$35.00
36(3)	Disobey direction of a <i>peace officer</i>	\$50.00	\$75.00
37	Littering	\$50.00	\$75.00
38(1)	Abandon container or <i>vehicle</i>	\$75.00	\$100.00
39(1)	<i>Driver</i> fail to correctly state name	\$75.00	\$100.00
39(2)	Pedestrian fail to correctly state name	\$75.00	\$100.00
40(1)	Container without warning protection	\$75.00	\$100.00
40(2)	Place material on <i>roadway</i>	\$75.00	\$100.00
40(3)	Fail to remove material from <i>roadway</i>	\$75.00	\$100.00
40(4)	Interfere with warning protection	\$75.00	\$100.00
40(5)	Use <i>vehicle, trailer, camper</i> or boat for accommodation	\$30.00	\$50.00
40(6)	Interfere in parade or funeral procession	\$30.00	\$50.00
40(7)	Drive over fire hose	\$200.00	\$250.00
41	Fail to remove accident debris	\$30.00	\$50.00
42(1)	Unauthorized signs on <i>highway</i>	\$30.00	\$50.00
43(3)	Fail to comply with Regulations		
	- No oversize permit	\$75.00	\$100.00
	- Contrary to oversize permit	\$75.00	\$100.00
	- Wheels and tires	\$75.00	\$100.00
	- Weighing of <i>vehicles</i>	\$75.00	\$100.00
	- No overload permit	\$75.00	\$100.00
	- Contrary to overload permit	\$75.00	\$100.00
	- Fail to secure load as required	\$75.00	\$100.00
	- Misuse of overload or oversize permit	\$75.00	\$100.00
	- No axles permit	\$75.00	\$100.00
	- Contrary to axles permit	\$75.00	\$100.00
	- Overweight on towing dolly	\$75.00	\$100.00
	- No pilot car as required	\$75.00	\$100.00
	- No flags or lamps as required	\$75.00	\$100.00
45	Fail to obtain <i>highway</i> use permit	\$75.00	\$100.00
46(1)	<i>Heavy Truck</i> off <i>truck route</i>	\$100.00	\$150.00
46(2)	<i>Heavy Truck</i> on no <i>Heavy Truck</i> route	\$100.00	\$150.00
47(1)	<i>Heavy Truck</i> parked in <i>residential district</i>	\$75.00	\$100.00
47(2)(a)	Commercial <i>trailer parked</i> with no motive power unit attached	\$75.00	\$100.00
47(2)(b)	Non-commercial <i>trailer parked</i> with no motive power unit attached	\$20.00	\$35.00
47(3)	Excessive <i>vehicle</i> length in a <i>lane</i>	\$20.00	\$35.00
47(4)	<i>Vehicle</i> over 5,000 kg after hours	\$35.00	\$50.00
47(5)	Commercial <i>truck</i> after hours on the <i>highway</i>	\$75.00	\$100.00
47(6)	Dangerous goods on <i>highway</i>	\$75.00	\$100.00
48(1)	<i>Heavy Truck</i> operating after hours	\$100.00	\$150.00
49	Drive contrary to order of <i>Superintendent of Public Works</i>	\$75.00	\$100.00
50(1)(a)	Exceed licensed gross <i>vehicle</i> weight		**
50(1)(b)	Exceed axle weight permitted		**
50(1)(c)(i)	Exceed load dimensions		**
50(1)(c)(ii)	Exceed <i>vehicle</i> dimensions		**
50(1)(d)	Non-conforming distance between axles		**

SECTION	DESCRIPTION	FINE	
		WITHIN 30 DAYS	AFTER 30 DAYS
52	ATV not insured or equipped as required	\$30.00	\$50.00
53	Snowmobile on <i>highway</i> without permit	\$30.00	\$50.00
54	No lights on ATV when required	\$30.00	\$50.00
55(1)	Careless operation of ATV	\$30.00	\$50.00
55(2)	Operate ATV in planting area	\$30.00	\$50.00
55(3)	Operate ATV on sidewalk	\$30.00	\$50.00
55(4)	Operate ATV on railroad right-of-way	\$30.00	\$50.00
55(5)	ATV on private property without permission	\$30.00	\$50.00
55(6)	Operate ATV harassing wildlife	\$30.00	\$50.00
55(7)	Operate ATV in environmentally sensitive area	\$75.00	\$100.00
56	Operate ATV without helmet	\$30.00	\$50.00
67	RV over 6.5 m. parked on boulevard beyond time limit	\$30.00	\$50.00

NOTE: ** Refer to Section 51(2) for penalties

Reviewed at a Previous Meeting