RDOS Area "D" Service & Boundary Study
Fact Sheets
November 2021

BYLAW ENFORCEMENT SERVICES

➢ What service is provided?

Bylaw Enforcement
Area "D" has established regulatory bylaws and service areas for:

- dog control;
- untidy and unsightly premises;
- noise control; and,
- electoral area planning.

Each of these services includes a bylaw enforcement component. Bylaw enforcement staff respond to contraventions of these bylaws and services, primarily on a complaint basis, guided by RDOS enforcement policies. Bylaw enforcement is therefore not a separate service, but rather a component of several services.

On its website, the RDOS notes that "the goal of any proactive Bylaw Enforcement program is not to penalize residents but rather to achieve voluntary compliance with reasonable standards through increased public education and awareness of our regulations and the rationale for them." The website also notes that a new Bylaw Enforcement Procedures Policy was adopted in 2018 to provide direction and consistency to staff, elected officials, and members of the public on how bylaw enforcement complaints will be processed. The policy states that the RDOS relies primarily on written citizen complaints as a means of enforcing regulatory bylaws, and that the RDOS has no duty to take enforcement action with respect to every contravention of every bylaw that may be occurring within its jurisdiction, allowing discretion based on need and urgency.

Enforcement of bylaws, policies and regulations in service areas other than the four services referenced above, is generally done by RDOS staff who deliver the service, such as building inspectors for the Building Bylaw. Bylaw enforcement staff are typically only involved in services other than those mentioned above when fines are issued.

Dog Control
Dog control is a service that regulates the licensing and control of dogs. In addition to enforcement and education, the service includes shelter operations for impounded or dangerous dogs. A shelter is provided in Penticton and Oliver.

Untidy and Unsightly Premises
Untidy and unsightly premises service includes regulations to address issues related to the collection of garbage, water and other materials on properties as well as noxious weeds, graffiti and safety hazards from natural materials. The policy for triggering bylaw enforcement for this service within Area "D" is that a property must be referenced by three unrelated complainants from within the Electoral Area. As noted for all RDOS untidy/unsightly premises services, all complaints must be in writing and filed on the appropriate form. Due to the challenges in enforcement with these issues, complainants must be willing to appear as a witness in the event the matter proceeds to enforcement through the courts.

Noise Control
Noise control regulates noises that disturb neighbours, including the operation of equipment, idling of certain vehicles and barking dogs. Noise control is provided to six of the nine electoral areas. Bylaw 1527.01 indicates that no person shall cause or permit to be cause, any noise in Electoral Area "D" that disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood. The bylaw also notes exceptions,

including acceptable days/times for operating equipment.

Electoral Area Planning

The majority of bylaw enforcement activity involves the enforcement of the RDOS land use regulations (zoning bylaws) that are part of the Electoral Area Planning service. Bylaw enforcement is only one component of the broader service of Electoral Area Planning. The scope and costs of that service are detailed in a separate *Planning & Building Services Fact Sheet*. All land use related complaints must be in writing and signed, and while contact information for the complainant must be provided, it is kept confidential to protect the identity of the complainant. There are no criteria as to who may lodge a complaint for land use infractions.

➢ Who makes decisions?

The full RDOS Board of Directors makes decisions regarding the bylaw enforcement budget, policy and procedures, and decisions concerning legal action to be pursued. Decisions specific to electoral area planning (e.g., approval of new land use and zoning bylaws) are made by the group of directors that participate in this service. In the case of electoral area planning, all nine electoral areas participate.

Bylaws related to dog control, noise and untidy premises are approved the entire Board, with unweighted voting, because they represent regulatory services.

➢ Who delivers the service?

RDOS Development Services department manages all bylaw enforcement and dog control matters. Bylaw enforcement staff includes one full-time coordinator and one clerk. A temporary bylaw coordinator was added for 6-month term to assist with workload. The RDOS contracts the delivery of bylaw enforcement fieldwork and dog control through two separate contracts. Currently, both contracts are held by South Okanagan Security Services.

The RDOS utilizes the Town of Oliver Animal Shelter and the City of Penticton Animal Shelter to house dogs as required. The shelters, and operation of them, are provided by the respective municipalities through contracts. The SPCA and other rescue agencies provide adoption services for unclaimed dogs.

➢ What is spent by the RDOS on the service?

The cost of the individual services is summarized in Figure 1, including the following:

- 2021 budgeted cost of the bylaw enforcement service;
- 2021 budgeted cost of the dog control service (all participating areas);
- 2021 budgeted cost of the untidy and unsightly premises service (just areas “D” and “I”);
- 2021 budgeted cost of the noise control (combined total for Areas “D,” “F” and “I”).

It is important to note that while the cost of the bylaw enforcement service is included in the chart ($271,721), the bylaw enforcement budget is recovered (funded) from the electoral area planning service, dog control, as well as untidy and unsightly premises and noise control service budgets from each of the participating areas. The bylaw enforcement budget is therefore already accounted for in the *Planning & Building Services Fact Sheet*, as well as other service budgets shown here. The amount shown in Figure 1 is therefore not in addition to the costs already referenced in other service budgets.

Figure 1
Cost of Services
2021

Service Component	Cost[1]
Bylaw Enforcement[2]	$169,435
Dog Control[3]	$117,075
Area "D" & "I" Unsightly/Untidy Premises	$52,312
Area "D" & "F" Noise Control	$5,531

1 Cost estimates are from adopted 2021 budget figures

2 Bylaw Enforcement budget includes $20,825 of Dog Control budget, plus all of the untidy and noise bylaw amounts

3 Dog Control cost is for 8 Electoral Areas, not just Area "D."

Costs associated specifically with the dog control service are largely for contracted services ($96,000), shelter rentals ($17,000) and bylaw enforcement ($27,707). The untidy premises and noise bylaw costs are comprised primarily of enforcement and contract costs, with some administration. The untidy premises service also has legal fees as an expense.

➢ How are the costs recovered?

As noted above, the of bylaw enforcement expenses are recovered from the electoral area planning and the combined unsightly/untidy premises service. These two services account for about 80% of the bylaw enforcement revenues. The remainder are recovered through dog control and noise control. Taxpayers therefore contribute through property taxes to bylaw enforcement, but the amounts are recovered through the requisitions for these other services.

The costs of the dog control service were recovered primarily through property taxes levied on land and improvements, combined with the enforcement ($6,000) and impound ($1,000) fees as well as licensing revenue ($20,000). Typically property taxes account for approximately 80 per cent of service costs, and enforcement and licensing revenues raise the remainder.

Costs for untidy and unsightly premises and noise control services are raised through property taxes levied on land and improvements. The Area "D" unsightly/untidy premise service has an operating reserve fund, which totaled $7,894 at the end of 2020. There are no operational reserve funds associated with the dog control and noise control services.

➢ What is the cost to a typical residence?

In 2021, residences throughout Area "D" assessed at $450,000, paid $23.78 in property taxes toward dog control, untidy premises and noise control services. Figure 2 summarizes the cost impact on a typical residence. The property tax contribution that residents make to electoral area planning services (which includes some bylaw enforcement) is accounted for in the separate *Planning & Building Services Fact Sheet*, and is not reiterated here, as not to double count the contribution.

Figure 2
Cost Impact on Typical Residence
2021

Service	Tax Req.[1]	Res. Rate	Owing[2]
Dog Control[3]	$27,760	0.0205	$9.23
Area "D" Unsightly Premises[3]	$32,692	0.0242	$10.88
Area "D" Noise Bylaw[3]	$4,326	0.0081	$3.67
Total			**$23.78**

1 Tax requisition & owing amount excludes 5.25% Surveyor of Taxes fee

2 Impact is calculated on a home assessed at $450,000

3 Tax requisition amount is for Area "D" only

➢ What impact would incorporation have on these services?

If any part of Area "D" were to be incorporated, the new municipality would assume the responsibility for enforcing its own bylaws. The municipal Council would therefore be the governing or decision-making authority that could choose to create new a new enforcement policy and procedures, or could adopt one the same as, or similar to that used in RDOS. How actively the municipality wanted to pursue enforcement, and the service level, would be up to the local municipal Council to determine. It is worth noting that local governments are not legally required to enforce their bylaws. This is true for both regional districts and municipalities. Any Council would also become responsible for determining when a bylaw enforcement issue should be pursued in court. Currently that decision would be made by the RDOS Board.

Service delivery of bylaw enforcement could be done by staff hired by the municipality to enforce their own bylaws, or some municipalities choose to contract that service to the regional district, to achieve economies of scale, or just due to the fact that their bylaw enforcement might not warrant full-time staff members.

The cost of the service would depend upon the service level provided. There is no obvious reason,

as a result of incorporation, that the cost for a similar service level would be any different for the incorporated area. As with the RDOS service, bylaw enforcement costs are typically recovered through a combination of taxes, as well as tickets/fine revenues.

One change that would occur in the event of an incorporation is that the new municipality would have the authority to regulate businesses. Generally regional districts do not have the ability to regulate businesses or require business licences. Business licences provide a source of revenue, but only as a means of supporting a service that requires monitoring and inspections, as well as the creation and enforcement of regulations. Many municipalities find that business licencing can be an effective tool to enforce regulations supported by the community.