

CITY OF NANAIMO

BYLAW NO. 2700

A BYLAW TO PROVIDE FOR THE APPOINTMENT
OF BYLAW ENFORCEMENT OFFICERS

WHEREAS Council may pursuant to Section 29 of the Police Act appoint Bylaw Enforcement Officers and specify their functions, duties, powers and immunities;

AND WHEREAS Council deems it expedient to establish position(s) of Bylaw Enforcement Officer(s) for the purposes of enforcing the municipality's bylaws;

AND WHEREAS Sections 308-312, 750, and 751, of the Municipal Act generally provide for enforcement, offences and prosecutions of municipal bylaws;

THEREFORE the Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

Title:

1. This Bylaw may be cited for all purposes as "BYLAW ENFORCEMENT BYLAW 1984 NO. 2700".

Interpretation:

2. In this Bylaw unless the context otherwise requires:

"Bylaw" means any adopted enactment of City Council, pursuant to powers delegated to it by the Legislature, the intent of which is to regulate property and conduct of persons in a certain way within the municipality.

"Bylaw Enforcement Officer" means a person or persons appointed from time-to-time by resolution of City Council pursuant to Section 29 of the Police Act, the purpose of which is to enforce regulatory bylaws of the municipality.

Appointment:

3. (1) Council hereby establishes the position(s) of Bylaw Enforcement Officer(s).
- (2) Council may from time-to-time appoint, by resolution, Bylaw Enforcement Officer(s).

Specific Duties:

4. Without restricting the generality of Section 2, a Bylaw Enforcement Officer shall:
 - (1) Receive, attend and investigate complaints from the general public with regards to alleged violations of bylaws;
 - (2) Carry out patrols of the City to detect violations of bylaws and bring to the attention of the violators, by way of either written or verbal warnings, that they are liable for prosecution in respect of such violations;
 - (3) Where necessary, issue tickets, prepare necessary court documents for the laying of an information and appear at court proceedings as required;
 - (4) Receive and handle general inquiries regarding bylaws of the City and their application; and
 - (5) Serve notices where required.

Right of Entry:

5. A Bylaw Enforcement Officer may enter, at all reasonable times, on any property in the City subject to the regulations of Council, to ascertain whether the City's bylaws, resolutions, regulations or directions are being observed.

Warning Notice and Order:

6. (1) For the purpose of informing any owner or occupier of real, private or personal property within the City of any violation of the bylaws of the City by such owner or occupier, a Bylaw Enforcement Officer may cause a notice of such violation to be served on such owner or occupier and may in the same notice require such owner or occupier to comply with the bylaws of the City within a specified period of time.
- (2) Any notice authorized to be served on any person pursuant to this Bylaw shall be deemed to be sufficiently served/delivered,
 - (a) if mailed by registered mail addressed to such person, at any government post office in the Province of British Columbia and the notice shall be deemed to be received by such person either when receipt of the registered letter is acknowledged by him or when the registered letter is returned to the City by reason of such person refusing to accept delivery of same;
 - (b) if delivered by hand to such person or deposited in a place usually reserved for the reception of mail at such person's premises or affixed to a prominent portion of such person's premises and the notice shall be deemed to have been received by such person at the time of delivery, deposit or posting of such notice.
 - (c) by affixing such notice to such person's motor vehicle.
- (3) Nothing herein shall be deemed as requiring the City to issue and serve a Notice of Violation of any of the bylaws of the City on any person as a condition precedent to the City instituting legal proceedings in respect of the violation or causing an information to be laid in respect thereof.

Oath:

7. Every Bylaw Enforcement Officer before assuming such position, shall take Oath of Affirmations of Office and in such form and manner as may be prescribed in the regulations passed pursuant to Section 49 of the Police Act.

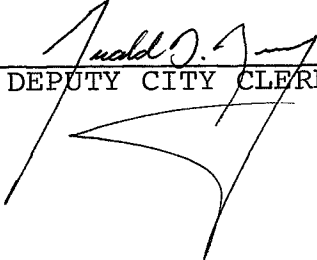
Grammatical:

8. In this Bylaw the masculine includes the feminine and vice versa wherever the context or the parties so require.

PASSED FIRST, SECOND AND THIRD READINGS 1984-MAR-19.

ADOPTED 1984-APR-02.


M A Y O R


DEPUTY CITY CLERK