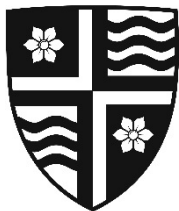


Township of  
**Langley**



Est. 1873

## REPORT TO MAYOR AND COUNCIL

**PRESENTED:** MAY 29, 2017 - REGULAR EVENING MEETING  
**FROM:** COMMUNITY DEVELOPMENT DIVISION  
**SUBJECT:** BYLAW NOTICE ENFORCEMENT BYLAW AMENDMENT  
(STREAMSIDE PROTECTION AND ENHANCEMENT)

**REPORT:** 17-55  
**FILE:** BA00010

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### RECOMMENDATION:

**That** Council give first, second and third reading to Bylaw Notice Enforcement Bylaw 2008 No. 4703 Amendment Bylaw 2017 No. 5257.

### EXECUTIVE SUMMARY:

For Township staff to be able to enforce the requirements of the Langley Official Community Plan Bylaw 1979 No. 1842 (OCP) Schedule 3 ("Streamside Protection and Enhancement"), and issue tickets for non-compliance, an offence and fine amount must be set out in Township of Langley Bylaw Notice Enforcement Bylaw 2008 No. 4703 (the "Bylaw"). The Bylaw is currently silent with respect to an offence and fines for contravention of OCP Schedule 3. An amendment to the Bylaw is therefore required to allow for issuance of a ticket for non-compliance.

A maximum ticket amount of \$500 is recommended, as proposed within the Bylaw, which is consistent with Township's other environment related penalties under the Township *Erosion and Sediment Control Bylaw 2006 No. 4381* and *Watercourse Protection Bylaw 1991 No. 3110*, as well as penalties for development in streamside areas in adjacent municipalities.

### PURPOSE:

To seek Council's approval for amendments to the Bylaw Notice Enforcement Bylaw No. 4703 to incorporate penalties for enforcement of streamside protection provisions of Township of Langley Official Community Plan Bylaw 1979 No. 1842.

**BACKGROUND:**

The Official Community Plan (OCP) Schedule 3 designates "Streamside Protection and Enhancement Development Permit Areas" (SPEAs) where necessary precautions are undertaken so that fisheries, wildlife, trees, water resources, soils, recreation and archaeological values, property and human safety in these areas are adequately protected and enhanced, and development impacts are efficiently and properly mitigated. OCP Schedule 3 requirements apply to development and activities on lands not located in the Agriculture Land Reserve.

When development and activities have taken place contrary to OCP Schedule 3, staff pursue voluntary compliance with outcomes including restoration of the SPEA to the pre-impact condition, permanent protection of the SPEA through registration of restrictive covenant, or fencing of the SPEA boundary to prevent encroachment. In such cases, SPEA restoration works are pursued in a timely manner to ensure SPEA functions are promptly restored and long-term SPEA impacts minimized.

**DISCUSSION:**

To date, voluntary compliance has been effective and stronger enforcement action (e.g. fines) to achieve compliance has not been necessary. However, should stronger enforcement be required, the only option available to the Township is pursuit of a summary conviction in court. In staff's opinion, court action is resource intensive and does not support timely restoration of the SPEA. A more effective and responsive enforcement approach would be issuance of a ticket in accordance with the Bylaw Notice Enforcement Bylaw (the "Bylaw").

Staff note that Section 5.1 of OCP Schedule 3 allows for issuance of a ticket in accordance with the Bylaw; however, for Township staff to issue a ticket an offence and fine amount must be set out in the Bylaw. The Bylaw is currently silent with respect to OCP Schedule 3. To provide staff with the ability to issue tickets, staff has proposed the offence and fine amount as set out in Schedule A of the *Bylaw Notice Enforcement Amendment Bylaw 2017 No. 5257*. Staff propose a \$500 ticket amount which is consistent with Township's other environment related penalties under the Township *Erosion and Sediment Control Bylaw 2006 No. 4381* and *Watercourse Protection Bylaw 1991 No. 3110*, as well as penalties for development in streamside areas in adjacent municipalities (e.g. City of Abbotsford). Staff recommends that Council give first, second and third readings to Bylaw No. 5257.

Respectfully submitted,

Rod Shead  
ENVIRONMENTAL COORDINATOR II  
for  
COMMUNITY DEVELOPMENT DIVISION

**THE CORPORATION OF THE TOWNSHIP OF LANGLEY**

**BYLAW NOTICE ENFORCEMENT BYLAW 2008 NO. 4703**

**AMENDMENT (STREAMSIDE PROTECTION AND ENHANCEMENT)  
BYLAW 2017 NO. 5257**

**EXPLANATORY NOTE**

Bylaw 2017 No. 5257 amends Bylaw Notice Enforcement Bylaw 2008 No. 4703 by providing provisions relating to Schedule 3 (Development Permit Areas: Streamside Protection and Enhancement) of the Langley Official Community Plan Bylaw 1979 No. 1842.

**THE CORPORATION OF THE TOWNSHIP OF LANGLEY**  
**BYLAW NOTICE ENFORCEMENT BYLAW 2008 NO. 4703**  
**AMENDMENT (STREAMSIDE PROTECTION AND ENHANCEMENT)**  
**BYLAW 2017 NO. 5257**

WHEREAS it is deemed necessary and desirable to amend Bylaw Notice Enforcement Bylaw 2008 No. 4703;

NOW THEREFORE, the Municipal Council of the Corporation of the Township of Langley, in Open Meeting Assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as "Bylaw Notice Enforcement Bylaw 2008 No. 4703 Amendment (Streamside Protection and Enhancement) Bylaw 2017 No. 5257".
2. The "Bylaw Notice Enforcement Bylaw 2008 No. 4703", as amended, is further amended by adding the following page to Schedule A:

**Schedule 3 (Development Permit Areas: Streamside Protection and Enhancement) of the Langley Official Community Plan Bylaw 1979 No. 1842**

<b>Column 1 Offence</b>	<b>Column 2 Bylaw Section</b>	<b>Column 3 Fine</b>
• Development within Protected Area without a Permit	4.3	\$500

READ A FIRST TIME the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

READ A SECOND TIME the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

READ A THIRD TIME the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

RECONSIDERED AND ADOPTED the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_ Mayor \_\_\_\_\_ Township Clerk