

**CORPORATION OF THE CITY OF COURTENAY
COUNCIL MEETING AGENDA**

DATE: September 8, 2014
PLACE: City Hall Council Chambers
TIME: 4:00 p.m.

1.00 ADOPTION OF MINUTES

1. Adopt September 2, 2014 Regular Council meeting minutes

2.00 INTRODUCTION OF LATE ITEMS

3.00 DELEGATIONS

- 1 1. Immigrant Welcome Society – Local Immigration Partnerships Program

4.00 STAFF REPORTS/PRESENTATIONS

Pg #

(a) Community Services

(b) CAO and Legislative Services

- 3 1. Gladstone Brewing Co. Lounge Endorsement

(c) Development Services

(d) Financial Services

(e) Engineering and Operations

5.00 EXTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

- 7 1. UBCM Convention Provincial Government Staff Meetings

6.00 INTERNAL REPORTS AND CORRESPONDENCE FOR INFORMATION

**7.00 REPORTS/UPDATES FROM COUNCIL MEMBERS INCLUDING REPORTS
FROM COMMITTEES**

8.00 RESOLUTIONS OF COUNCIL

9.00 UNFINISHED BUSINESS

10.00 NOTICE OF MOTION

11.00 NEW BUSINESS

- 9 1. Meeting with Parliamentary Secretary Jordon Sturdy regarding community transportation infrastructure

12.00 BYLAWS

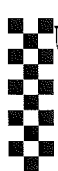
For Third Reading and Final Adoption

- 11 1. “Zoning Amendment No. 2798, 2014”
(To rezone the property located at 425 Back Road from R-1 to R-1S to allow a secondary suite)

For Final Adoption

- 13 1. “Tax Exemption 2015 Bylaw No. 2799, 2014”
17 2. “Churches Tax Exemption 2015 Bylaw No. 2800, 2014”
19 3. “2015-2019 Tax Exemption Bylaw No. 2801, 2014”
21 4. “2012-2021 Tax Exemption Bylaw No. 2802, 2014”
23 5. “Prevention of Public Nuisances Bylaw No. 2804, 2804”

13.00 ADJOURNMENT



*Delegation
Sept 3*

Experts in immigrant services since 1992

July 27, 2014

John Ward
Director of Legislative Services
City of Courtenay

Fax: 250-334-4241

Dear Mr. Ward;

The Immigrant Welcome Centre has been helping newcomers settle in the region since 1992. Building working partnerships within the communities we serve has been a big part of our success. We would like the opportunity to update Courtenay City Council on current immigrant issues and to introduce our Local Immigrant Partnerships initiative.

Preferred date of presentation: September 8th
Presenter: Rachel Blaney Executive Director
Topic: Immigrant issues and the Local Immigrant Partnership initiative.
Action Requested: Consider participation in the Local Immigrant Partnership Council
Length of Presentation: 10 minutes
Format: Power Point

Please contact me at 250-830-0171 or ann.mcleod@immigrantwelcome.ca to confirm the presentation or make arrangements for an alternate date.

Sincerely,

Ann McLeod
Community Connections Worker



To: Council
From: Chief Administrative Officer
Subject: Gladstone Brewery Co. Lounge Endorsement

File No.: 4320-20
Date: September 8, 2014

PURPOSE:

The purpose of the report is to recommend postponement of a Council resolution to the Liquor Control and Licencing Branch (LCLB) relating to the application by the Gladstone Brewing Company for a Brewery Lounge Endorsement.

CAO RECOMMENDATIONS:

That based on the September 8, 2014 staff report, "Gladstone Brewery Co. Lounge Endorsement", Council approve Option 1 and postpone the consideration of a final resolution to the Liquor Control and Licencing Branch to allow the Gladstone Brewing Company the opportunity to address the concerns expressed by the Downtown Courtenay Business Improvement District (DCBIA) regarding the Brewery Lounge Endorsement.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

Gladstone Brewing Company is requesting a Brewery Lounge Endorsement. At its regular meeting held August 18, 2014 Council passed the following resolution:

"That based on the August 18, 2014 staff report, "Gladstone Brewing Co. Lounge Endorsement", Council approve Option 1 and direct staff to publish notice for two consecutive weeks in a local newspaper and post on the City's website requesting input on the proposed Brewery Lounge Endorsement for Council consideration at the regular meeting scheduled for September 8, 2014; and

That the Downtown Courtenay Business Improvement District (DCBIA) be specially requested to provide comments regarding the application.

DISCUSSION:

Notice was published as directed by Council. No submissions were received from the public. Comments from the DCBIA are attached.

The DCBIA has expressed concerns regarding the lack of concrete arrangements for provision of food, and the plans by the applicant to have a “food truck” on site.

According to the LCLB, brewery lounges are not required to cook food on site; however they are required to make satisfactory arrangements to have food available for their patrons. In addition, according to the City’s business licence bylaw, mobile restaurants (food trucks) are not permitted to park or stop for longer than fifteen (15) minutes at one specific location.

If the applicant is unable to secure the provision of food to the satisfaction of the City and the DCBIA, the staff recommendation to Council would be to not support the issuance of the brewery lounge endorsement.

If Council passed a resolution to not support the issuance of the lounge endorsement, the LCLB has indicated that they would respect this resolution and deny the application. The applicant would not be able to re-apply for a period of two years.

Staff recommend giving the applicant an opportunity to address the concerns of the DCBIA prior to making a recommendation to Council. A negative resolution by Council would no doubt have serious consequences to the business plan of the brewery.

Staff have confirmed with the LCLB that this is a prudent course of action, and would be willing to grant an extension of the 90 day statutory local government comment period if required.

FINANCIAL IMPLICATIONS:

No further costs are anticipated.

ADMINISTRATIVE IMPLICATIONS:

Administration of liquor licence amendments is included in the general statutory duties of the Legislative Services Department work plan. This application consumed approximately 8 hours of staff time including report drafting, legislative research and preparation of notices.

STRATEGIC PLAN & PRIORITIES REFERENCE:

Statutory in nature.

OFFICIAL COMMUNITY PLAN REFERENCE:

Not referenced.

REGIONAL GROWTH STRATEGY REFERENCE:

Not referenced.

CITIZEN/PUBLIC ENGAGEMENT:

Public notice was published, and no public submissions were received.

OPTIONS:

- Option 1: Postpone the consideration of a final resolution to the Liquor Control and Licencing Branch to allow the Gladstone Brewing Company the opportunity to address the concerns of the Downtown Courtenay Business Improvement District (DCBIA). *(Recommended)*
- Option 2: Not recommend approval of the liquor licence amendment.
- Option 3: Opt out of the process.

Prepared by:

A handwritten signature in black ink, appearing to read 'J. Ward'.

John Ward, CMC
Director of Legislative Services

Attachments:

1. Response from the DCBIA

DOWNTOWN
COURTENAY

Downtown Courtenay Business Improvement Association

PRESIDENT

Deana Simkin
Billy D's Pub & Bistro
250-334-8811

VICE-PRESIDENT

Jenny Deters
Rattan Plus
250-650-2338

TREASURER

Alana Pearson
MNP
778-225-7246

RECORDING SECRETARY

Lorna Hughes
Carderos coffee & Tea
250-338-2519

DIRECTORS

Christine Wilson
The Butcher Block Meats
250-338-1412

Colin Wilson
Dr. Colin Wilson, Chiropractor
250-898-8683

Jason McMahon
Sock Soiree
250-334-1992

Jorden Marshall
Hot Chocolates and
Cakebread Bakery
250-338-8211

Mark Middleton
CV Echo
250-334-4722

Vicky Weber
Velvet Underground Hair Group
250-897-1800

EXECUTIVE DIRECTOR

Kim Stubblefield
250-703-3790
info@downtowncourtenay.com

September 4, 2014

City of Courtenay
830 Cliffe Avenue
Courtenay, BC V9N 2J7

Attention: John Ward, Director of Legislative Services

Dear Mr. Ward:

Re: Gladstone Brewery – Lounge Endorsement

Thank you for the opportunity for the Downtown Courtenay Business Improvement Association (DCBIA) to provide comments regarding the Gladstone Brewery Lounge Endorsement application.

The DCBIA fully supports new business in the downtown core; our vision is to be a celebrated destination & the regional centre for business, culture, services, dining & amenities. We are excited about the prospect of having a tourist attraction, such as a brewery in our downtown, which has proven to be successful in other tourist destinations.

The DCBIA however does have concerns with Gladstone Brewery's lounge endorsement. With several established food service businesses who pay DCBIA levies in the downtown, our membership has shown some objection to outside food trucks being brought into the area, who do not pay the levy, but reap the rewards of a downtown location. And without a concrete agreement with any food establishment in downtown, Gladstone Brewery has limited means to serving food to their patrons. The DCBIA would like to see a higher level of commitment & investment from Gladstone Brewery by building the facility to provide their own food for their patrons.

The DCBIA is excited for a brewery such as Gladstone Brewery to join our downtown. We wish them all the success in becoming a thriving and lucrative business.

Sincerely,



Deana Simkin, President
Downtown Courtenay Business Improvement Association

#203 – 580 Duncan Ave.
Courtenay, BC
V9N 2M7

www.downtowncourtenay.com



for info

August 14, 2014
Ref: 503759

All Municipalities with RCMP Municipal Policing Services

Dear Mayors:

Re: Provincial government staff meetings at this year's UBCM convention

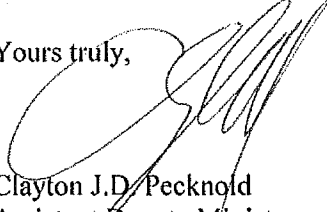
As you are likely aware, the 2014 Union of British Columbia Municipalities (UBCM) Convention will take place in Whistler from September 22, 2014 to September 26, 2014 at the Whistler Conference Centre. I am pleased to advise that, once again, senior staff from Police Services Division (PSD), Ministry of Justice will be in attendance and available to meet with Convention delegates to discuss issues or concerns with respect to policing in your municipality.

The Provincial Appointment Book has already been issued to local government delegates. Delegate meetings with provincial government staff will take place Tuesday through Thursday, (September 23, 2014 through to September 25, 2014) and will be held in the Cheakamus Room at the Hilton Hotel. If you have a delegate(s) attending the UBCM Convention and would like to have a meeting with PSD staff to discuss policing in your community, please send a meeting request via email to: CSCD.UBCM.MeetingRequests@gov.bc.ca.

The deadline for advance meeting requests is August 29, 2014. After this date, however, delegates may also make meeting requests at the Convention through the Provincial Appointments Desk on Monday, September 22, 2014 and Tuesday, September 23, 2014. Please note that meeting requests made in advance are preferable, as this will ensure that PSD staff are prepared to answer your questions and allow for more fulsome discussion.

For further information about the 2014 UBCM Convention, including registering delegate(s), please see the UBCM website at: http://www.ubcm.ca/EN/main/convention/2014_Convention.html or contact the UBCM Richmond office at (604) 270-8226.

Yours truly,


Clayton J.D. Pecknold
Assistant Deputy Minister
and Director of Police Services
Policing and Security Branch

Ministry of Justice

Policing and Security Branch

Mailing Address:
PO Box 9285 Stn Prov Govt
Victoria BC V8W 9J7

Telephone: 250 387-1100
Facsimile: 250 356-7747
Website: www.gov.bc.ca/pssg

NEW BUSINESS

Ward, John

Subject: FW: Meeting Request - Mayor Larry

From: Scriver, Stacy TRAN:EX [mailto:Stacy.Scriver@gov.bc.ca]

Sent: August-20-14 10:00 AM

To: Jangula, Larry

Subject: Meeting Request - Mayor Larry

Good Morning,

I'm emailing today on behalf of our Minister's office to set up a meeting.

During September, Parliamentary Secretary Jordan Sturdy will be touring Vancouver Island discussing opportunities and ideas dealing with community transportation infrastructure. The input received during these important meetings will help shape the public discussion going forward as we prioritize the future transportation improvements for Vancouver Island, under the umbrella of our new 10-year plan for the entire province.

We are looking to invite you to a meeting with Parliamentary Secretary Jordan Sturdy and staff on September 11th at 11:30am in Comox.

Look forward to hearing from you.

Thank you,

Stacy Scriver

Executive Administrative Assistant

Infrastructure & Major Projects

Ministry of Transportation & Infrastructure

Ph: 250-387-7671 | Fax: 250-387-6431

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2798

A bylaw to amend Zoning Bylaw No. 2500, 2007

The Council of the Corporation of the City of Courtenay in open meeting assembled enacts as follows:

1. This bylaw may be cited for all purposes as **“Zoning Amendment Bylaw No. 2798, 2014”**.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
 - (a) by rezoning Lot 2, Section 14 AND 15, Comox District, Plan 22261, as shown in bold outlined on Attachment A which is attached hereto and forms part of this bylaw, from Residential One Zone (R-1) to Residential One S Zone (R-1S);
 - (b) That Zoning Bylaw No. 2500, 2007, Schedule No. 8 be amended accordingly.
3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 18th day of August, 2014

Read a second time this 18th day of August, 2014

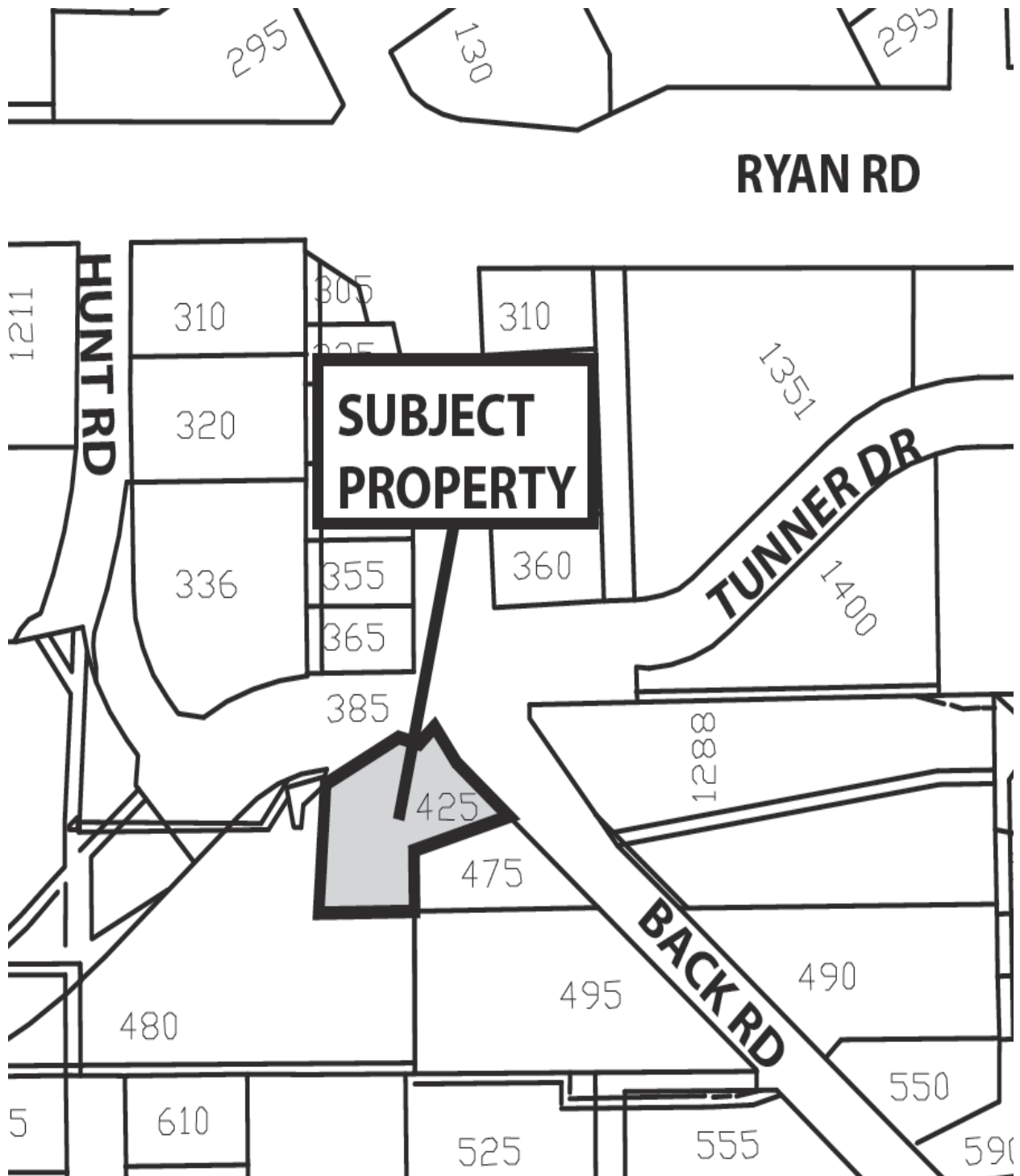
Considered at a Public Hearing this 2nd day of September, 2014

Read a third time this _____ day of _____, 2014

Finally passed and adopted this day of , 2014

Mayor

Director of Legislative Services



THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2799

A bylaw to exempt certain lands and improvements from taxation for the year 2015

WHEREAS the Council of the Corporation of the City of Courtenay deems that land and improvements described herein meet the qualifications of Section 224 of the *Community Charter*;

NOW THEREFORE the Council of the Corporation of the City of Courtenay in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as "**Tax Exemption 2015 Bylaw No. 2799, 2014**".
2. The following properties are hereby exempt from taxation for land and improvements to the extent indicated for the year 2015:

| FOLIO | LEGAL DESCRIPTION | CIVIC ADDRESS | REGISTERED OWNER/LESSEE | PERCENTAGE EXEMPTION |
|-------------------------------|--|--|--|--|
| 49.000 | LOT 41, SECTION 61, CD, PLAN 311 | 280 – 4 TH STREET | EUREKA SUPPORT SOCIETY | 100% |
| 122.000 | LOT 1, PLAN 40587 | 367 CLIFFE AVENUE | ROYAL CANADIAN LEGION | 100% |
| 1650.000 | LOT 16, PLAN 5618 | 101 ISLAND HIGHWAY | | |
| 163.000 164.000 165.000 | LOTS 14, 17, 18, 21, 22 SECTION 61, CD, PLAN 1517 | 237 – 3 RD STREET 243 – 3 RD STREET 255 – 3 RD STREET | COMOX VALLEY CHILD DEVELOPMENT ASSOCIATION | 100% |
| 348.000 | LOT 15, SECTION 61, CD, PLAN 4906 | 543 – 6 TH STREET | ALANO CLUB OF COURTENAY | 100% |
| 400.000 | LOT 15, SECTION 61, CD, PLAN 18979 | A1-310 8 TH STREET | CITY OF COURTENAY | 100% OF THE ASSESSMENT ALLOCATED TO THE SPACE LEASED BY THE LEASEE |
| 513.000 | LOT A, DL 127, CD, PLAN 7719 | 755 HARMSTON AVENUE | OLD CHURCH THEATRE SOCIETY | 100% |
| 540.000 | LOT 20, DL 127, CD, PLAN 1464 | 785 – 6 TH STREET | COMOX VALLEY PREGNANCY CARE CENTRE | 100% |
| 750.020 | LOT 1, DL 127, CD, PLAN VIP62285 | 641 MENZIES AVENUE | COMOX VALLEY RECOVERY CENTRE SOCIETY | 100% |

| FOLIO | LEGAL DESCRIPTION | CIVIC ADDRESS | REGISTERED OWNER/LESSEE | PERCENTAGE EXEMPTION |
|----------------------------------|--|---|--|----------------------|
| 828.000 | LOT 12, BLOCK 1, SECTION 69, CD, PLAN 480 | 367 – 11 TH STREET | COMOX VALLEY BOYS AND GIRLS CLUB | 100% |
| 1037.000 | LOTS 1 AND 2, SECTION 41, CD, PLAN 3930 | 1415 CLIFFE AVENUE | COMOX VALLEY FAMILY SERVICES ASSOCIATION | 100% |
| 1494.000 1494.010 1494.050 | LOT A, SECTION 6 AND 8, CD, PLAN 35008 LOT 1 AND 2, SECTION 6 AND 8, CD, PLAN 2849, EXCEPT PLAN 35008 | 2450 BACK ROAD 2470 BACK ROAD | GLACIER VIEW LODGE SOCIETY | 100% |
| 1960.300 | LOT A PLAN 15464 | SANDPIPER DRIVE | THE NATURE TRUST OF BRITISH COLUMBIA | 100% |
| 2016.007 | LOT 7, PLAN 27200 | 1571 BURGESS ROAD | STEPPING STONES RECOVERY HOUSE FOR WOMEN (LEASE) | 100% |
| 2091.190 | STRATA LOT 1, DL 230, CD, STRATA PLAN VIS6598 | 2311 ROSEWALL CRESCENT | SALTWATER EDUCATION SOCIETY | 100% |
| 2154.012 | COMOX LAND DISTRICT, COURTENAY TRAIN STATION AND LAND | 899 CUMBERLAND ROAD | ISLAND CORRIDOR FOUNDATION | 100% |
| 2200.044 | LOT 3, DL 138, CD, PLAN 20288 | 2564 CUMBERLAND ROAD | COURTENAY & DISTRICT HISTORICAL SOCIETY IN TRUST | 100% |
| 3200.072 | LOT A, SECTION 18, CD, PLAN 12735 | 4835 HEADQUARTERS RD | COMOX VALLEY CURLING CLUB | 100% |
| 750.100 | LOT 1, PLAN VIP 62247 | 994 – 8 TH ST | ST JOHN THE DEVINE ABBEYFIELD HOUSE SOCIETY | 75% |
| 757.000 757.001 758.000 | LOT A, BLOCK 2, PLAN 1951 LOT A, BLOCK 2, PLAN 1951 EXCEPT PLAN 4288 & 4941 LOT A&B, PLAN 16907 | 1051 – 8 TH STREET 1061 – 8 TH STREET 635 PIDCOCK AVE | COMOX VALLEY KIWANIS VILLAGE SOCIETY | 75% |
| 1286.045 | LOT 8, BLOCK 3, PLAN 16252 | 534 – 19 TH STREET | L'ARCHE COMOX VALLEY | 75% |

| FOLIO | LEGAL DESCRIPTION | CIVIC ADDRESS | REGISTERED OWNER/LESSEE | PERCENTAGE EXEMPTION |
|----------|--|------------------------------|--|--|
| 34.000 | LOT 2, SECTION 61, CD, PLAN 20159 PID 003-698-254 | 231 6 TH STREET | COURTENAY ELKS' LODGE #60 OF THE BENEVOLENT AND PROTECTIVE ORDER OF THE ELKS' OF CANADA | 40% |
| 91.000 | LOT 92, SECTION 61, CD, PLAN 311 EXCEPT PLAN 66BL&1621R PID 006-037-577 | 576 ENGLAND AVENUE | COMOX VALLEY TRANSITION SOCIETY (LEASED FROM 0771375 BC LTD) | 40% OF THE ASSESSMENT ALLOCATED TO THE SPACE LEASED BY THE LEASEE |
| 166.000 | LOT 8 PLAN 2834 PID 003-451-941 | 267 3 RD STREET | COMOX VALLEY CHILD DEVELOPMENT ASSOCIATION | 40% |
| 459.000 | LOT B, PLAN 20211 PID 003-519-376 | 956 GRIEVE AVENUE | UPPER ISLAND WOMEN OF NATIVE ANCESTRY | 40% |
| 1516.004 | LOT 4, SECTION 14, CD, PLAN 30419 PID 000-150-541 | 464 PUNTLEDGE RD | CANADIAN RED CROSS SOCIETY (LEASED FROM 660511 BC LTD) | 40% OF THE ASSESSMENT ALLOCATED TO THE SPACE LEASED BY THE LEASEE |
| 1960.006 | LOT C, SECTION 67, CD, PLAN 33851 PID 000-217-158 | 2966 KILPATRICK AVE | AARON HOUSE MINISTRIES (LEASED FROM NOORT DEVELOPMENT LTD) | 40% OF THE ASSESSMENT ALLOCATED TO THE SPACE LEASED BY THE LEASEE |
| 2024.009 | LOT 2 PLAN VIP53672 PID 017-650-097 | 1755 13 TH STREET | HABITAT FOR HUMANITY VANCOUVER ISLAND NORTH SOCIETY | 40% OF THE ASSESSMENT ALLOCATED TO THE SPACE USED FOR ADMINISTRATION OFFICES |
| 3200.032 | LOT A, SECTION 18, CD, PLAN VIP 75369 PID 025-673-017 | 4729 HEADQUARTERS RD | YOUTH FOR CHRIST COMOX VALLEY | 40% OF THE ASSESSMENT – <i>EXCLUDING</i> CARETAKER RESIDENTIAL SPACE |

Read a first time this 18th day of August, 2014

Read a second time this 18th day of August, 2014

Read a third time this 18th day of August, 2014

Finally passed and adopted this day of

Mayor

Director of Legislative Services

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2800

A bylaw to exempt certain lands and improvements set apart for public worship, from taxation for the year 2015

WHEREAS the Council of the Corporation of the City of Courtenay deems that land and improvements described herein meet the qualifications of Section 220 of the *Community Charter*;

NOW THEREFORE the Council of the Corporation of the City of Courtenay in open meeting assembled enacts as follows:

1. This bylaw may be cited for all purposes as "**Churches Tax Exemption 2015 Bylaw No. 2800, 2014**".
2. Pursuant to Section 224(2)(a)(f)(g) of the *Community Charter*, the following properties on which a church hall or facility is situated, the land on which such a hall stands, the remaining area of land surrounding the building set apart for public worship, and the remaining area of land surrounding the exempted building, exempted hall, or both, are hereby exempted from taxation for land and improvements to the extent indicated for the year 2015 *except for that portion of the property used for residential or commercial purposes*:

| | FOLIO | LEGAL DESCRIPTION | CIVIC ADDRESS | REGISTERED OWNER | PERCENTAGE EXEMPTION |
|----|----------|--|---|--|---|
| 1. | 143.000 | LOT AM 11, SECTION 61, CD, PLAN 33854N | 467 – 4 TH STREET | GRACE BAPTIST CHURCH OF THE COMOX VALLEY | 100% |
| 2. | 313.100 | LOT 1, SECTION 62, CD, PLAN VIP 74608 | 591 – 5 TH STREET | ANGLICAN SYNOD DIOCESE OF B.C. | 100% |
| 3. | 336.000 | LOT 7, SECTION 61, CD, PLAN 4906 | 505 FITZGERALD AVENUE | CENTRAL EVANGELICAL FREE CHURCH | 100% |
| 4. | 341.000 | AMENDED LOT 1, PLAN 55886N, SECTION 61 CD, PLAN 4906 | 566 – 5 TH STREET | ELIM GOSPEL CHAPEL TRUSTEES | 100% |
| 5. | 342.000 | LOTS 3 & 4, BLOCK 6, CD, PLAN 472B | 576 – 5 TH STREET | ELIM GOSPEL CHAPEL TRUSTEES | 50.63% OF THE ASSESSED VALUE OF LAND ONLY |
| 6. | 346.000 | LOTS 10,11,12, AND 13, SECTION 61, CD, PLAN 4906 | 505 – 6 TH STREET | ST. GEORGES CHURCH | 100% |
| 7. | 618.220 | LOT 1, DL 118, CD, PLAN VIP 73074 | 2201 ROBERT LANG DRIVE | RIVER HEIGHTS CHURCH SOCIETY | 100% |
| 8. | 1074.050 | LOT A, PLAN 54316P, SECTION 41, CD, PLAN | 1580 FITZGERALD AVENUE 1590 FITZGERALD | GOVERNING COUNCIL SALVATION ARMY | 100% |

| | | | | | |
|-----|--------------|---|--------------------------------|---|---|
| | | 7449 | AVENUE | CANADA WEST | |
| | FOLIO | LEGAL DESCRIPTION | CIVIC ADDRESS | REGISTERED OWNER | PERCENTAGE EXEMPTION |
| 9. | 1166.000 | LOT A, PLAN 121193ER, SECTION 41, CD, FORMERLY LOTS 32 & 33, CD, PLAN 10725 | 771 – 17 TH STREET | TRUSTEES LUTHERAN CHURCH | 100% |
| 10. | 1211.004 | LOT 4, SECTION 68, CD, PLAN 14176 | 1814 FITZGERALD AVE | VALLEY UNITED PENTACOSTAL CHURCH OF BC | 100% |
| 11. | 1524.102 | LOT B, SECTION 15, CD, PLAN 54793 EXCEPT PLANS 14713, 36414, 51121 | 1599 TUNNER DRIVE | BISHOP OF VICTORIA, CHRIST THE KING CATHOLIC CHURCH | 100% |
| 12. | 1594.000 | LOT 16, SECTION 16, CD, PLAN 7037 EXCEPT PLAN 44368 | 1581 DINGWALL RD | TRUSTEES OF THE KINGDOM HALL OF JEHOVAH WITNESS | 100% |
| 13. | 1691.030 | LOT 1, SECTION 17, CD, PLAN VIP 79479 | 4660 HEADQUARTERS ROAD | SEVENTH DAY ADVENTIST CHURCH | 100% |
| 14. | 1691.044 | LOT 2, SECTION 17, CD, PLAN VIP 61425 | 4634 ISLAND HWY | ANGLICAN SYNOD DIOCESE OF BC | 100% |
| 15. | 1691.046 | LOT 3, SECTION 17, CD, PLAN VIP 61425 | 1514 DINGWALL ROAD | ANGLICAN SYNOD DIOCESE OF BC | 100% |
| 16. | 2005.000 | LOT 12, DL 96 & 230, CD, PLAN 1406 | 1901 – 20 TH STREET | LDS CHURCH | 100% EXCEPT THAT PART ASSESSED FOR SCHOOL USE |
| 17. | 2017.034 | LOT 1, DL 96, CD, PLAN VIP 59504 | 1640 BURGESS RD | FOURSQUARE GOSPEL CHURCH OF CANADA | 100% |
| 18. | 2200.088 | LOT A, PLAN 27596 | 2963 LAKE TRAIL ROAD | COURTENAY BAPTIST CHURCH | 100% |

Read a first time this 18th day of August, 2014

Read a second time this 18th day of August, 2014

Read a third time this 18th day of August, 2014

Finally passed and adopted this day of , 2014

Mayor

Director of Legislative Services

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2801

A bylaw to exempt certain lands and improvements from taxation for the years 2015 - 2019

WHEREAS the Council of the Corporation of the City of Courtenay deems that land and improvements described herein meet the qualifications of Section 224 of the *Community Charter*;

NOW THEREFORE the Council of the Corporation of the City of Courtenay in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as "**2015-2019 Tax Exemption Bylaw No. 2801, 2014**".
2. The following properties are hereby exempt from taxation for land and improvements to the extent indicated for the years 2015 to 2019:

| | FOLIO | LEGAL DESCRIPTION | CIVIC ADDRESS | REGISTERED OWNER | USE OF PROPERTY | PERCENTAGE EXEMPTION |
|----|----------|--|---|--|---|----------------------|
| 1. | 29.002 | LOT B, SECTION 61, CD, PLAN EPP15696 | 580 DUNCAN AVENUE | CITY OF COURTENAY | COMOX VALLEY CENTRE FOR THE ARTS | 100% |
| 2. | 63.000 | LOTS 1 & 2, SECTION 61, CD, PLAN 3189 LOTS 55, 58, 59, 60, 61, 62, SECTION 61, CD, PLAN 311 | 442 CLIFFE AVENUE | CITY OF COURTENAY | SID WILLIAMS THEATRE | 100% |
| 3. | 113.000 | LOTS 128, 129, 132, SECTION 61, CD, PLAN 472A EXCEPT THE NORTH WESTERLY 10 FT THEREOF | 207 – 4 TH STREET | CITY OF COURTENAY | COURTENAY & DISTRICT MUSEUM | 100% |
| 4. | 261.006 | LOT 1, DL 118, SECTION 61, CD, PLAN VIP88574 | 3 RD STREET – “MCPHEE MEADOWS” | CITY OF COURTENAY/ THE NATURE TRUST OF BC | ECOLOGICAL DONATION PRESERVATION OF HABITAT | 100% |
| 5. | 1200.000 | LOT 1, SECTION 68, CD, PLAN 15512 | 2040 CLIFFE AVENUE | CITY OF COURTENAY | COURTENAY MARINA | 100% |
| 6. | 1941.000 | LOT 1, SECTION 66, CD, PLAN 14942 & LOT A, PLAN 14521 EXCEPT THE BED OF THE COURTENAY RIVER | 100 – 20 TH STREET | CITY OF COURTENAY | COURTENAY AIRPARK | 100% |

| | FOLIO | LEGAL DESCRIPTION | CIVIC ADDRESS | REGISTERED OWNER | USE OF PROPERTY | PERCENTAGE EXEMPTION |
|----|----------|---|----------------|--|---|---|
| 7. | 2023.014 | LOT 1, SECTION 79, CD PLAN 8249, EXCEPT PLAN 8464, & EXC PCL A DD 666650 & EXC | 656 ARDEN ROAD | CITY OF COURTENAY/ THE NATURE TRUST OF BC | ECOLOGICAL PRESERVATION OF HABITAT/LEASED TO CITY | 100% |
| 8. | 2023.015 | LOT 1, SECTION 79, CD PLAN 8249, EXC PL 8464 & EXC PCL A DD 666650 & EXC PL 10254 | 656 ARDEN ROAD | CITY OF COURTENAY/ THE NATURE TRUST OF BC | ECOLOGICAL PRESERVATION OF HABITAT/LEASED TO CITY | 100% OF THE ASSESSED VALUE OF LAND DEDICATED TO ECOLOGICAL PRESERVATION |

3. The "2012-2016 Tax Exemption Bylaw No. 2690, 2011" is hereby repealed in its entirety.

Read a first time this 18th day of August, 2014

Read a second time this 18th day of August, 2014

Read a third time this 18th day of August, 2014

Finally passed and adopted this day of , 2014

Mayor

Director of Legislative Services

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2802

A bylaw to exempt certain lands and improvements from taxation for the years 2012 - 2021

WHEREAS the Council of the Corporation of the City of Courtenay deems that land and improvements described herein meet the qualifications of Section 224 of the *Community Charter*;

NOW THEREFORE the Council of the Corporation of the City of Courtenay in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as "**2012-2021 Tax Exemption Bylaw No. 2802, 2014**".
2. The following properties are hereby exempt from taxation for land and improvements to the extent indicated for the years 2012 to 2021:

| ITEM | FOLIO | LEGAL DESCRIPTION | CIVIC ADDRESS | REGISTERED OWNER/LESSEE | PERCENTAGE EXEMPTION |
|------|----------|--|---------------------|-------------------------------|-------------------------|
| 1. | 467.000 | PID 011-147-431 | RAILWAY CORRIDOR | ISLAND CORRIDOR FOUNDATION | 100% |
| 2. | 467.100 | PID 011-147-504 | RAILWAY CORRIDOR | ISLAND CORRIDOR FOUNDATION | 100% |
| 3. | 613.100 | PID 007-602-430 | RAILWAY CORRIDOR | ISLAND CORRIDOR FOUNDATION | 100% |
| 4. | 1012.205 | PID 024-488-208 | RAILWAY CORRIDOR | ISLAND CORRIDOR FOUNDATION | 100% |
| 5. | 2154.000 | PID 009-520-317 PID 024-478-539 PID 024-483-966 PID 011-147-555 | RAILWAY CORRIDOR | ISLAND CORRIDOR FOUNDATION | 100% |
| 6. | 2154.001 | PID 009-529-535 | RAILWAY CORRIDOR | ISLAND CORRIDOR FOUNDATION | 100% |
| 7. | 2154.003 | PID 011-078-189 | RAILWAY CORRIDOR | ISLAND CORRIDOR FOUNDATION | 100% |
| 8. | 2154.013 | LAND DIST 15 | RAILWAY CORRIDOR | ISLAND CORRIDOR FOUNDATION | 100% |

3. The "2012-2021 Tax Exemption Bylaw No. 2689, 2011" is hereby repealed in its entirety.

Read a first time this 18th day of August, 2014

Read a second time this 18th day of August, 2014

Read a third time this 18th day of August, 2014

Finally passed and adopted this day of , 2014

Mayor

Director of Legislative Services

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2804

A bylaw relating to nuisance and disturbances and to the care, maintenance and regulation of property within the City of Courtenay

NOW THEREFORE the Council of the City of Courtenay, in open meeting assembled, enacts as follows:

DEFINITION:

1. In this bylaw, unless the context otherwise requires:
 - (a) **Authorized Person**” includes the following:
 - (i) a member of the Royal Canadian Mounted Police;
 - (ii) a Bylaw Enforcement Officer;
 - (iii) the Director of Legislative Services and his duly authorized representatives;
 - (iv) any other peace officer.
 - (b) **“Boulevard”** means the area between the curb lines, the lateral lines or the shoulder of a roadway and the adjacent property line.
 - (c) **“City”** means the City of Courtenay.
 - (d) **“Continuous Noise”** means any noise continuing for a period of five minutes or more in any fifteen minute period.
 - (e) **“Graffiti”** means drawing, printing or writing scratched, sprayed, painted or scribbled on a wall or other surface, but does not include a sign for which a permit has been issued by the municipality.
 - (f) **“Independent Sound Consultant”** means a professional engineer, licenced to practice in the Province of British Columbia, with acoustical expertise.
 - (g) **“Intersection”** means the area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of the 2 highways which join one another at or approximately at right angles, or the area within which vehicles travelling on different highways joining at any other angle may come in conflict, and, for the purpose of this definition “highway does not include a lane or way less than 5 metres in width separating the rear property lines of parcels of land fronting on highways running more or less parallel to and on each side of the lane or way.

- (h) **“Noise”** includes any loud outcry, clamour, shouting, disturbance or movement or any sound that is loud or harsh or undesirable.
- (i) **“Noxious Weeds”** includes the plant *lythrum salicaria* (Purple Loosestrife) as well as weeds designated as noxious pursuant to the *Weed Control Act*.
- (j) **“Person”** includes any corporation, partnership or party and the personal or other legal representatives of a person, to whom the context can apply according to the law and also includes an owner, the agent of an owner, or the occupier of, or the holder of a purchaser’s interest in an Agreement for Sale, of any real or personal property within the City.
- (k) **“Real Property”** means land, with or without improvements so affixed to the land as to make them in fact and law a part of it.
- (l) **“Roadworthy”** means, when applied to motor vehicles, capable of normal physical operation.
- (m) **“Sidewalk”** means the area between the curb lines or lateral lines of a roadway and the adjacent property lines improved for use of pedestrians.
- (n) **“Unsightly”** includes dirt, gravel, bark mulch or refuse and all discarded, broken or useless items and without restricting the generality of the foregoing, includes old paper or wood products no longer in use or motor vehicles that are no longer roadworthy or parts thereof, and:
 - (i) The storage of building materials on a site where the owner or occupier of the property is not in possession of a valid City building permit.
 - (ii) The storage, cleaning, repairing or servicing of motor vehicles, hauling or construction equipment except where the same is carried out entirely within a building.
 - (iii) Accumulation on residential property of any goods or merchandise which is offered or intended to be offered for sale.

GRAFFITI, RUBBISH AND LITTER CONTROL

- 2. (a) No person shall cause or permit stagnant water, rubbish, or any noxious, offensive, or unwholesome matter or substance to collect, or accumulate on or around his real property.
- (b) No person shall deposit or throw bottles, broken glass, or other rubbish, in any open place within the City.
- (c) No person shall place graffiti on walls, fences or elsewhere on or adjacent to private property or a public place in the City.

UNSIGHTLY PREMISES

3. (a) No owner or occupier of real property shall allow such property to become or to remain unsightly by the accumulation thereon of any filth, discarded materials, rubbish or graffiti of any kind.
- (b) An owner or occupier of real property shall forthwith, upon receipt of notice given pursuant to this bylaw, remove all accumulation of filth, discarded materials, rubbish or graffiti.
- (c) Where an owner or occupier of real property fails to comply with a requirement for removal referred to in subsection (b) above, the City by its employees or other persons, at reasonable times and in a reasonable manner, shall enter on the property and effect the removal at the expense of the person who has failed to comply, and that where a person at whose expense removal is carried out does not pay the cost of removal on or before December 31st in the year that the removal was done, the cost shall be added to and form part of the taxes payable on the property as taxes in arrears.
- (d) It shall be a good and sufficient defence to any prosecution commenced for violations of paragraph 3(a) hereof, for an owner or occupier of any commercial real property to prove that the storage of materials or the accumulation and storage of unroadworthy motor vehicles or parts thereof, is an essential part of a legally licensed business carried on at that real property.

NOXIOUS WEEDS OR INSECT INFESTATION:

4. An owner or occupier of real property shall:
 - (i) keep such property clear of noxious weeds, wild grass and other untended growth; and
 - (ii) prevent infestation by caterpillars and other noxious or destructive insects, and clear such property of caterpillars and other noxious or destructive insects.

NOISE

5. (a) No person shall, make, cause or allow or permit to be made or caused, any noise or sounds in or on a highway or elsewhere in the City which disturb or tend to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of one or more persons in the vicinity.
- (b) No person shall, before 7:00 a.m. on any day from Monday to Saturday when such day is not a Statutory Holiday, or before 8:00 a.m. on any Sunday or Statutory Holiday, and after 10:00 p.m. on any day, construct, erect, reconstruct, alter, repair or demolish any building, structure or thing or excavate or fill in land

in any manner which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of persons in the vicinity.

- (c) No person shall, before 7:00 a.m. and after 10:00 p.m. on any day, use or operate any power gardening tool or other power tool or machine.
- (d) No person shall keep or harbour any animal or bird which disturbs or tends to disturb the peace, quiet, rest, enjoyment, comfort or convenience of the neighbourhood by its repeated making of noise.
- (e) No person shall feed pigeons on or about private property and no person shall keep pigeons.
- (f) No person shall play or operate any radio, stereophonic equipment, outdoor public address system or other instrument or apparatus for the production or amplification of sound either in or on private premises or any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity.
- (g) Where it is impossible or impractical to comply with this section, the Council may upon application, give written approval to carry on work that is found to be necessary during designated hours.

Responsibility for obtaining written approval lies with the person carrying on the work.

- (h) No person shall operate any outdoor public address system in the City without first having obtained permission in writing.
- (i) Section 5 does not apply to:
 - (i) any act of repair or maintenance being carried out by employees of contractors of the City, the Ministry of Transportation and Infrastructure or its contractors, or any public utility;
 - (ii) any duly authorized person operating an emergency vehicle or the sounding of a horn or other signaling device upon any vehicle, boat or train where such sounding is properly used as a danger or warning signal;
 - (iii) emergency repairs to buildings, which cannot reasonably be delayed to normal working hours;
 - (iv) the use of bells or chimes by churches, and the use of carillons where such carillons have been lawfully erected;

- (v) any garbage collection service between the hours of 7:00 a.m. and 8:00 p.m. on each day except Sunday;
 - (vi) any parade, procession, performance, concert, ceremony, gathering or meeting in or on any street, or public place, when duly authorized or permitted under the provisions of any bylaw, statute or ordinance in force in the City;
 - (vii) snow clearing; and
 - (viii) any person functioning within the limits imposed by a permit issued by the City, including a Special Event Permit.
6. No person shall create a nuisance to any person who contends their interest in property is affected, including the surrounding residents and general public, by reason of unsightliness, odour emission, dust, noise, smoke, or electrical interference.
7. It shall be a good and sufficient defence to any prosecution commenced for a violation of paragraph 5(b) and paragraph 6, hereof for an owner or occupier of any commercial establishment, including shopping malls, with areas provided for the parking of that general public with a total capacity in excess of 50 parking spaces to establish that:
- (a) The noise or sounds complained of were made in the course of snow clearing or dust clearing operations in the parking areas;
 - (b) That the snow clearing or dust cleaning operations were commenced as soon as practicable after the close of business for the day; and
 - (c) That the snow clearing or dust cleaning was conducted in such manner as to minimize the disturbance of the quiet, peace, rest, enjoyment, comfort or convenience of the inhabitants of neighbouring residential properties.

COMMERCIAL, INDUSTRIAL OR INSTITUTIONAL OPERATIONS

8. Every owner, occupier or operator of an industrial or commercial business or institutional operation which generates a Continuous Noise of a level that disturbs the occupants of the neighbourhood or persons in the vicinity shall, at the request of the City, supply the City with:
- (a) a report prepared by an Independent Sound Consultant recommending methods to abate the noise; and
 - (b) a letter of certification sealed by the Independent Sound Consultant that the recommended abatement methods have been fully implemented.

SIDEWALK CLEANLINESS

9. Every owner or occupier of real property within the City shall keep any sidewalk adjoining such real property in a proper state of cleanliness, and shall not place rubbish from the sidewalk onto any highway in the City.

ROOF SNOW REMOVAL

10. As owner or occupier of real property shall remove snow, ice and rubbish from any roof or other part of any structure therein adjacent to any portion of any highway if the snow, ice or rubbish constitutes a hazard to persons or property.

FENCES

11.
 - (a) In any zone, where an owner or occupier of property adjacent to a highway has erected a fence adjacent to that highway, the owner or occupier shall not allow that fence to fall into a state of disrepair.
 - (b) An owner or occupier of real property whose fence erected adjacent to a highway has fallen into a state of disrepair shall repair it forthwith upon a receipt of notice given pursuant to this bylaw.
 - (c) In every zone where the keeping of livestock is permitted, every owner or occupier of real property abutting upon any highway shall forthwith, upon receipt of notice given pursuant to this bylaw, erect fences along the boundary of that property abutting on the highway for the purpose of preventing his livestock from straying upon said highway.

BOULEVARDS/SIDEWALKS

12.
 - (a) No person shall willfully damage:
 - (i) any boulevard, trees, shrubs, plants, bushes or hedge adjacent to any highway;
 - (iii) anything erected or maintained adjacent to a highway for the purpose of lighting the highway; and
 - (iv) any fence erected or maintained adjacent to any highway.
13. Owners or occupiers of real property shall maintain boulevards to the following standards:
 - (a) keep free of noxious weeds;
 - (b) keep grass trimmed; and
 - (c) keep shrubs and trees from overhanging pedestrian walkways so as not to interfere with pedestrian and vehicular traffic.

VISION CLEARANCE

14. No person who owns or occupies real property located at any intersection, shall place or permit to be or grow any tree, shrub, plant, fence or other structure with horizontal dimension exceeding .46 metres (1.5 feet) within the triangular area formed by two intersecting lot lines and the line joining the points on such lot lines 2.4 metres (7.87 feet) from the point of intersection, between an elevation such that an eye 1 to 2.4 metres (3.28 feet to 7.87 feet) above the surface elevation of one road, cannot see an object 1 to 2.4 metres (3.28 feet to 7.87 feet) above the surface of the other road.

STREET SIGNS

15. No person shall remove, deface or damage any street name sign or any other sign or marker erected upon any highway by or at the direction of the City.

HAZARDOUS TREES AND SHRUBS

16. (a) If in the opinion of the City, any trees, hedges, bushes or shrubs growing or standing on any real property are:
 - (i) a hazard to the safety of persons;
 - (ii) likely to damage public property; or
 - (iii) seriously inconveniencing the public

the City may order such trees, hedges, bushes or shrubs to be trimmed, removed or cut down at the expense of the owners or occupiers of real property on which they grow or stand.

- (b) Before proceeding to exercise the powers conferred by subsection (a), the City shall give notice in writing, by registered mail or personal delivery to the most recent address shown on the current assessment roll requiring the owner or occupier of the lands to remove, cut down, or trim the trees, shrubs, hedges or bushes designated in the notice within fourteen (14) days from date thereof.
- (c) If the City is unable to serve the owner or occupier of real property with the notice under subsection (b), the City may apply to the Supreme Court for an order to serve the notice by substituted service.
- (d) If the person given notice does not take the required action within the time period referred to in subsection (b), the City by its employees or others, may enter the real property and effect that action at the expense of the person given notice.
- (e) If the person referred to in subsection (d) does not pay the costs of the action under that subsection on or before December 31 in the year in which the costs were incurred, the costs shall be added to and form part of the taxes payable on the real property as taxes in arrears.

HOUSE NUMBERING

17. All owners and occupiers of buildings shall display in a conspicuous place on the property on which the building is located, the street number assigned by the City to such building so that the same is readable from the highway.

DEMOLITION SITES

18. On any property where the demolition of any building or structure has taken place:
 - (a) all debris and material whether to be discarded or retained shall be removed forthwith;
 - (b) any basement or other excavation shall be filled in or covered over to lot grade level forthwith.

RIGHT OF ENTRY

19. An authorized person may at all reasonable times, enter upon any property in the City of Courtenay in order to ascertain whether the regulations contained within this bylaw are being obeyed.

NOTICES

20. Any notice to be given to this bylaw may be given by an authorized person and shall be sufficiently delivered if personally served upon a person apparently aged 16 years or more and apparently occupying the real property affected by such notice, or if sent to the owner of the real property by double registered mail to his address appearing upon the last revised assessment roll. All notices hereunder shall be in the form of a letter or shall be in such other forms as the Council may from time to time approve by resolution.

FAILURE TO COMPLY

21. If, after receipt of a notice hereunder excluding notification with regard to snow and ice, the work required to be performed by such notice remains either wholly or partially incomplete, the City may, by its workmen or by any other means it deems fit, enter upon the real property affected by such notice and perform or complete such work at the expense of the owner of such property. The cost incurred by the City in any exercise of its powers hereunder, shall, if not paid by the 31st day of December in the year in which they were incurred, be added to and form a part of the taxes payable in respect of that real property as taxes in arrears.

ENFORCEMENT AND PENALTIES

22. This Bylaw is designated under Section 264 of the *Community Charter* as a bylaw that may be enforced by means of a Municipal Ticket Information in the form prescribed.
23. Peace Officers, Bylaw Enforcement Officers, Building Inspectors and the Director of Legislative Services are designated to enforce this bylaw by means of a Municipal Ticket Information under Section 264 of the *Community Charter*.
24. A person or persons who contravenes, violates or fails to comply with any provision of this bylaw, or who suffer 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 \$10,000.00, the cost of prosecution and any other penalty or order imposed pursuant to the *Community Charter* (British Columbia) or the *Offence Act* (British Columbia) as amended from time to time. Each day that an offence against this bylaw continues or exists shall be deemed to be a separate and distinct offence.
25. If any section or provision of this bylaw is held to be invalid by a court of competent jurisdiction, the invalid portion shall be severed and the validity of the remainder of the bylaw shall not be affected.
26. This bylaw shall come into full force and effect upon final adoption.
27. Prevention of Public Nuisances Bylaw No. 1798, 1994 is hereby repealed.
28. This bylaw may be cited for all purposes as “Prevention of Public Nuisances Bylaw No. 2804, 2014.

Read first time on this 2nd day of September, 2014

Read a second time on this 2nd day of September, 2014

Read a third time on this 2nd day of September, 2014

Finally passed and adopted on this day of

Mayor

Director of Legislative Services

