

BYLAW OFFENCE APPEALS

Department:	<u>Corporate and Legislative</u>	Policy No.:	<u>ADM-013</u>
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Approved Date:	<u></u>	Amendment:	<u>9 August 2017</u>
Meeting No.:	<u></u>	Meeting No.:	<u></u>

POLICY PURPOSE

The purpose of this policy is to provide opportunity for the public to appeal a Municipal Ticket (MTI) and ensure that Bylaw Officers are acting in accordance with Bylaws set out by the Village of Pemberton.

POLICY

All individuals that wish to appeal an MTI must submit a completed Bylaw Offence Appeal (BOA) to the Village of Pemberton within fourteen (14) calendar days of ticket issuance.

Appeals must be submitted on the Village of Pemberton Bylaw Offence Appeal Form either in person, by mail, fax, or electronic form, if available.

Appeals received will be date and time stamped by reception and forwarded to the Bylaw Officer promptly.

If an applicant has received one or more warnings or tickets for the same offence which they are appealing, the applicant is not eligible for a cancellation or courtesy pardon.

If the applicant wishes to further pursue the dispute, the ticket will be forwarded to Provincial Court by the Village for a court date at the expense of the applicant.

Review Panel

The Review Panel will consist of the senior management team.

The Review Panel will assess the circumstances and mark the decision reached on the “Office Use Only” section of the Bylaw Offence Appeal Form. Additional comments may be attached as necessary. A member of the Review Panel must sign and date the BOA.

In the event that the senior management team is unable to meet within the allotted time frames, the applicant will not be penalized for any additional ticket costs.

Grounds for Cancellation or Courtesy Pardon of Ticket:

The cancellation or courtesy pardon of a ticket may be considered. The following circumstances are meant to act as guidelines only and are not intended as a finite list. Each Bylaw Offence Appeal is to be evaluated on its own individual circumstances.

Parking Offences:

- Medical emergency on the part of the vehicle owner or owner's immediate family.
- Mechanical difficulties rendered the owner unable to promptly move the vehicle when parked in a time-regulated area.
- Regulations were not clearly marked, i.e. signage was damaged or removed.

Noise Offences:

- Situation whereby temporary emergency measures were taken to prevent damage or loss of property or life.

Animal Control Offences:

- Extenuating circumstances, i.e. dog at large during medical or other emergency situation of owner or owner's family.

The following circumstances are NOT grounds for cancellation or courtesy pardons of a ticket:

- Personal knowledge of the applicant by members of the Review Panel.
- Claims of ignorance if regulations are clearly and visibly marked.
- Gifts, discounts, or otherwise preferential treatment of the members of the Review Panel by the applicant.

It is the responsibility of every individual/resident to be aware of and abide by any and all local, provincial, and federal legislation and all posted regulations.

PROCEDURE

To Appeal a Municipal Ticket (MTI)

A Bylaw Offence Appeal (BOA) Form must be submitted in person by mail, fax, or electronic form, if available within fourteen (14) days of receipt of original ticket.

Appeals will be date and time stamped by reception and forwarded to the Bylaw Officer promptly upon receipt.

The Bylaw Offence Appeal Form must be forwarded to the Review Panel within seven (7) days of receipt.

A Bylaw Offence Appeal is reviewed by the issuing Bylaw Officer. The issuing Bylaw Officer is required to provide supplemental documentation of the offence with the original MTI and submit to the Manager of Corporate and Legislative Services for review. The Manager of Corporate and Legislative Services will forward the reviewed appeal to the Executive Assistant for inclusion in the next scheduled Managers meeting.

Upon completion of the review, the BOA, along with the Review Panel's decision and comments, will be forwarded to the Bylaw Enforcement Officer. The Bylaw Enforcement Officer will prepare correspondence to be sent to the applicant at the address provided on the BOA within seven (7) days of the BOA being reviewed and a decision rendered by the Review Panel.