



FONVCA AGENDA THURSDAY July 15th 2004

Place: DNV Hall 355 W. Queens Rd V7N 2K6

Time: 7:00-9:00pm

Chair: Eric Andersen Blueridge Community Association – 604-929-6849 andersen@sagafc.com

1. Order/content of Agenda

2. Adoption of Minutes of June 17th

3. Old Business

3.1 Northlands – Final (?) update on court proceedings.

3.2 Citizens Assembly –letter requesting additional meeting on North Shore sent.

3.3 Recycling Tender – request for contract details via FOI - Brian

3.4 Capilano Suspension Bridge Liability Issues – verbal follow-up by Brian

3.5 Edgemont Liquor Store – the community had its say on July 6 – but will it make a difference?

3.6 Sale of Parkland goes to public hearing.

- Brian's letter
<http://www.fonvca.org/agendas/jul2004/park.pdf>
- Mayor & Muri absent, Nixon in conflict

3.7 Graffiti – Brian's letter
(<http://www.fonvca.org/agendas/jul2004/graffiti-b.pdf>) . To be discussed by council July 19?

4. Correspondence Issues

4.1 Business arising from regular emails -

attached lists ~46 new letters submitted –
June 14/2004 – July 11/2004 contained in a complete list since Nov/2002 but only for those subjects with recent entries.

- RAV → dead → dead → alive
- Seniors housing at 100 blk West Queens
- Crist Harassment Case

4.2 Non-Posted letters

None this period.

5. New Business

Council and other District issues.

5.1 New Fire Bylaw – exceeds authority by requiring upgrades to existing homes? See section 13(a) of http://www.dnv.org/upload/pdocsdocuments/9mzp01!.htm#_Toc75577421

5.2 Streamside setback rules being changed by province.

<http://www.fonvca.org/agendas/jul2004/setback.pdf>

5.3 2003 Reporting Requirements

- only \$5m of \$30m in salaries listed
- Section 98 of Community Charter not met?

5.4 Chaos Theory of Transportation – Part 2

See <http://www.fonvca.org/agendas/jul2004/chaos2.pdf> -Eric

5.5 By-Election – recent developments.

6. Any Other Business

6.1 - Legal issues to think about-

Requirement that council not base decisions on new information not available for comment by public has some interesting wrinkles. – Corrie on a case involving a grocery store(C1A) → RS4 and taxes.

7. Chairperson & Date of next meeting.

August 19th /2004

Attachments

*List of Email to FONVCA of last 19 months - **BUT ONLY FOR SUBJECTS WITH NEW ENTRIES**

OUTSTANDING FUTURE FONVCA ITEMS

- Council: Cat Regulation Bylaw
- Council: Snow removal for single family homes bylaw
- Council: Securing of vehicle load bylaw
- Council: Review of Zoning Bylaw
- Council: Taxicab regulations bylaw
- Council: District-wide OCP
- Council: Street-ends opening to Waterfront

Correspondence Ordered by Subject

* means since new emails
17 May 2004 →
13 June 2004

Only subjects with new
entries are listed - ordered ~
by volume since 18 Nov/2002

5 Year Financial Plans / Public
Input / Reserve Funds / Budget
/Fees

Ernie_Crist_25dec2002.pdf
Corrie_Kost_31dec2002.pdf
Elizabeth_James_8jan2003.pdf
Ernie_Crist_6feb2003.pdf
Ernie_Crist_14feb2003b.pdf
Ernie_Crist_22mar2003.pdf
Ernie_Crist_24mar2003.pdf
Brian_Platts_7apr2003.pdf
Elizabeth_James_8apr2003.pdf
Corrie_Kost_22apr2003.pdf
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Ernie_Crist_8may2003.pdf
Corrie_Kost_25jun2003.pdf
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Corrie_Kost_31aug2003.pdf
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Brian_Platts_17sep2003.pdf
Don_Bell_17sep2003.pdf
Ernie_Crist_14oct2003b.pdf
John_Harvey_22nov2003.pdf
Ernie_Crist_7dec2003.pdf
Ernie_Crist_9dec2003a.pdf
Ernie_Crist_6jan2004.pdf
Ernie_Crist_11jan2004.pdf
* Ernie_Crist_20jun2004.pdf

Recreation Commission /
Shared Services Agreement

Ernie_Crist_1mar2003.pdf
Ernie_Crist_14mar2003c.pdf
Ernie_Crist_23jun2003c.pdf
Ernie_Crist_15sep2003c.pdf
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Brian_Platts_28mar2004.pdf
Ernie_Crist_21may2004c.pdf
Brian_Platts_10jun2004.pdf
Ernie_Crist_10jun2004a.pdf
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Ernie_Crist_10jun2004b.pdf
* Ernie_Crist_23jun2004.pdf

On Council Motions /
Procedures / Freedom of
Speech / Ombudsman

Ernie_Crist_19nov2002.pdf
Ernie_Crist_11dec2002.pdf
Ernie_Crist_15dec2002.pdf
Ernie_Crist_19dec2002.pdf

Ernie_Crist_21dec2002.pdf
John_Hunter_14jan2003.pdf
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Elizabeth_James_17jun2003.pdf
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* Ernie_Crist_4jul2004.pdf
* Ernie_Crist_7jul2004.pdf
* Ernie_Crist_7jul2004c.pdf

TRANSLINK / Transportation
/ RAV / Fuel Taxes /GVRD

Dan_Ellis_9jan2003.pdf
Elizabeth_James_3feb2003.pdf
Maureen_Bragg_4feb2003.pdf
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Mountain biking/Parking issue

Ernie_Crist_5jun2003.pdf
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* Monica_Craver_4jul2004.pdf

- * Lyle_Craver_5jul2004.pdf
- * Monica_Craver_6jul2004.pdf
- * Monica_Craver_7jul2004.pdf

Health Care / LGH

- Ernie_Crist_30jan2003b.pdf
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- * Ernie_Crist_21jun2004.pdf
- * Elizabeth_James_23jun2004b.pdf
- * Ernie_Crist_23jun2004b.pdf

District Elections

- Ernie_Crist_24nov2002.pdf
- * Ernie_Crist_7jul2004b.pdf

Affordable / Seniors Housing

- Ernie_Crist_19dec2002b.pdf
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- * Darren_Parachoniak_22jun2004.pdf
- * Lee_Gainer_22jun2004.pdf
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- * Ernie_Crist_22jun2004.pdf
- * Allan_DeJong_23jun2004.pdf
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- * Ernie_Crist_24jun2004.pdf
- * Allan_DeJong_7jul2004.pdf

Tax Exemptions / Canlan

- Elizabeth_James_6mar2003.pdf
- Ernie_Crist_1mar2003b.pdf
- Ernie_Crist_3mar2003.pdf
- Ernie_Crist_4mar2003.pdf
- Agnes_Hilsen_4mar2003.pdf
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- Bill_Tracey_5may2003.pdf
- Corrie_Kost_23jun2003.pdf
- Ernie_Crist_25jun2003c.pdf
- Elizabeth_James_26nov2003.pdf
- * Ernie_Crist_18jun2004b.pdf

District Taxes /BC Assessment Authority / Home Owners Grant

- Ernie_Crist_7jan2003.pdf
- Ernie_Crist_1jul2003.pdf
- Ernie_Crist_21jul2003.pdf
- Corrie_Kost_8nov2003.pdf
- Brian_Platts_10jan2004.pdf
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- Ernie_Crist_1may2004c.pdf
- Ernie_Crist_31may2004b.pdf
- Ernie_Crist_9jun2004.pdf
- Ernie_Crist_12jun2004c.pdf
- * Ernie_Crist_19jun2004.pdf

Council Ethics / Conflict of Interest

- Ernie_Crist_22oct2003d.pdf
- Ernie_Crist_17nov2003.pdf
- Ernie_Crist_9dec2003d.pdf
- Brian_Platts_16dec2003.pdf
- Eric_Andersen_16dec2003.pdf
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- Ernie_Crist_8mar2004.pdf
- Ernie_Crist_12mar2004.pdf
- Ernie_Crist_22mar2004b.pdf
- * Ernie_Crist_17jun2004.pdf

Forest Fires /Park Trails /Bike Trails & Lanes

- John_Fair_25apr2003.pdf
- Ernie_Crist_4aug2003b.pdf
- Elizabeth_James_8aug2003.pdf
- Elizabeth_James_22aug2003.pdf
- Ernie_Crist_13feb2004.pdf
- John_Fair_29feb2004.pdf
- John_Fair_24mar2004.pdf
- * Ernie_Crist_11jul2004b.pdf

Council & Staff Expenses & Policies

- * Ernie_Crist_17jun2004b.pdf
- * Ernie_Crist_19jun2004b.pdf

Park Protection / Park & Tilford Gardens

- Ernie_Crist_27jan2004b.pdf
- Ernie_Crist_30jan2004b.pdf
- Ernie_Crist_13feb2004c.pdf
- * Brian_Platts_19jun2004.pdf

Federal Politics

- Ernie_Crist_12jun2004.pdf
- * Ernie_Crist_27jun2004.pdf

Newspaper delivery / Contracts

- * Cathy_Adams_19jun2004.pdf
- * Ernie_Crist_2jul2004.pdf

FONVCA

Minutes of June 17th 2004

Attendees:

Maureen Bragg(Chair)	Save Lynn Canyon Park
David Knee	Norgate Park C.A.
John Miller	Lower Capilano R.A.
Brian Platts	Edgemont C.A.
Diana Belhouse	Delbrook C.A
Ron Polly	Hamilton/Fell C.A.
Corrie Kost	Edgemont C.A.
Hugh Murray	Lower Capilano C.A
Cathy Adams	Lions Gate N.A..
Eric Andersen	Blueridge C.A.
Vall Moller	Lions Gate N.A.

Meeting started 7:12pm

1. ORDER/CONTENT OF AGENDA

- 6.2 Jim Pattison development of old Dave Buck site –Ron
- 6.3 Shopping Carts
- 6.4 Graffiti2
- 6.5 Sale of park land
- 6.6 Street and Traffic Bylaw 7125
- 6.7 All candidates meeting

2. ADOPTION OF MINUTES

Moved/seconded by David Knee / John Miller - correction that John Hunter is from Seymour C.A. – not a guest. Carried that the minutes of May 20th 2004 be adopted.

3. OLD BUSINESS

3.1 Northlands: Brian updated the group that the sentencing will be on June 28th.

3.2 Citizen's Assembly Meetings:

Brian had sent a letter to Citizens Assembly Meeting requesting an additional meeting as the one held at the Quay Hotel was fully booked. There would be no more meetings.

3.3 Recycling Tender. Brian to follow up on obtaining a copy of the new recycle contract. **ACTION**

3.4 Capilano Suspension Bridge Liability Issue;

Brian got a response to his letter (<http://www.fonvca.org/agendas/jun2004/liab.pdf>) from Mr. Bydwell (<http://www.fonvca.org/agendas/jun2004/liab-r.pdf>) . Brian to follow up with further questions.

4. CORRESPONDENCE ISSUES

4.1 Business arising from regular emails –

- 44 new e-mails to June 13th.
The following issues were discussed
- a. Recreation (de)commissioning
 - b. Harassment – Councillor Crist
 - c. Liquor Stores.

d. District Taxes

4.2 Non-posted e-mails – None

5. NEW BUSINESS

5.1 Liquor Stores

Large number of local residents believe that the Edgemont Village proposed location is highly inappropriate and that there was a lack of adequate public process. Community Charter does give new powers to regulate hours.

5.2 BC Sprawl Report. Some felt that the report was seriously flawed in that it was impractical for the real world.

5.3 Annual Reporting Requirements. The DNV does not appear to adhere to the reporting requirements. Corrie handed out the published West Vancouver requirements as provided for under section 98 of the Community Charter.

5.4 Chaos Theory of Transportation. Corrie handed out a thought provoking report (<http://www.fonvca.org/agendas/jun2004/traffic.pdf>) and spoke about reality and impact of the new District Street and Traffic Bylaw.

5.5 Should the Mayor have resigned? – Many points of view were expressed on the topic of Mayors running for other political offices and when it is appropriate to resign.

6. ANY OTHER BUSINESS

6.1 “Under Legal Issues to think about” Despite the requirement to increase the number of councillors from 6 to 8, Delta has received Ministerial approval to waive that requirement despite that the electorate was not consulted for the last 25 years on this issue. The DNV council also wants to avoid asking their electorate.

6.2 Jim Pattison development of old Dave Buck site - Ron updated us on application for change of zoning and requested each Community Association write a letter of neighbourhood concerns. A public meeting will be held in July –despite many being on vacation. **ACTION**

6.3 Shopping Carts. District has a policy - when notified it will pick up carts and return to owners for \$10.00 - Dave will request District to include the contact person and tel# in District Dialogue. **ACTION**

6.4 Graffiti - There is currently no District policy – to, for example, force merchants to keep their properties graffiti free. Brian will write to Mayor & Council requesting they create a policy for graffiti similar to N. Van City. **ACTION**

6.5 Sale of Parkland - District proposing to sell green space to owner who has encroachments to regularize their property - **everyone was opposed to this** and agreed with the PNEAC opinion on this issue. In addition to FONVCA sending a letter (<http://www.fonvca.org/agendas/jul2004/park.pdf>) , it was suggested that the Community Associations express their concerns quickly as this will be discussed at the June 21st Council meeting.

6.6 Street and Traffic Bylaw – dealt with in 5.4

6.7 All Candidates Meeting – There will be a Federal Election all candidates meeting held at Capilano Highland Church June 24th starting at 7:30pm

7. CHAIR AND DATE OF NEXT MEETING

Chair will be Eric Andersen – Blueridge Community Association. 7:00 p.m. Thursday July 15th 2004 at District Hall

Meeting adjourned approximately 9:40pm.

COPY

To: Mayor and Council

From: Agnes Hilsen
Municipal Clerk

SUBJECT: By-Election Process

Further to the discussion at last night's meeting with respect to Mayor Bell's election as member of Parliament for North Vancouver, the purpose of this memo is to provide Council with additional information regarding the by-election process.

1. A by-election must be held if the person holding the office resigns from office.
2. A council may decide that a by-election is not to be held if all the following Circumstances apply:
 - (a) the vacancy occurs after January 1 in the year of a general local election that will fill the office;
 - (b) the vacancy is not in an office elected on the basis of a neighbourhood constituency;
 - (c) the number of remaining council members is at least one greater than the quorum for the council, as set under 129(1) of the Community Charter.
3. As soon as reasonably possible after a vacancy occurs (a resignation is submitted) for which an election is to be held, Council must appoint a chief election officer for the election.
4. The chief election officer will set a general voting day for the election, which must be on a Saturday within 80 days of the date of the appointment of the chief Election officer. In determining the date of a by-election, it is important to consider a date that would avoid election advertising falling during the summer months.
5. A current member of a local government may not be nominated for a by-election for another office in the same local government unless the person resigns from office within 14 days after the day on which the chief election officer is appointed. It is during this 14 day time period, usually referred to as the "Councillor resignation clock" that any members of Council wishing to resign to seek the office of Mayor must do so in order to avoid a second by-election and its resultant costs.
6. If the number of members of a local government is reduced to less than a

Quorum, the Minister of CAWS may either

- a. Order that the remaining members of the local government constitute a quorum until persons are elected and take office to fill the vacancies, or
 - b. Appoint qualified persons to fill the vacancies until persons are elected and take office to fill them.
7. A person elected in a by-election holds office until the end of the term of the office in respect of which the election was held (in this case until the 2005 General Local Election).
8. The Size of Council issue will need to be addressed prior to a by-election since it is likely that, if Council wishes to maintain the number of Councillors at six in the 2005 election, a referendum on this question will be required along with the by-election.
9. I have indicated that a by-election to elect a Mayor, Councillor(s) (assuming one or more Council members resign to seek election as Mayor) and a referendum on the size of Council would likely cost at least \$100,000. This figure will need to be reviewed carefully in the next few weeks before being confirmed, since there are cost-savings that are achievable during General Local Elections that will not be available for a by-election (e.g. Lower Mainland municipalities share in the cost of printing of ballots and technical support for voting machines).

If you have any questions in this regard, please don't hesitate to call me at 604 990 2207.

“Agnes Hilsen” Municipal Clerk

Part 3: Division 2 – Arrangements for Elections

— General local elections every 3 years

- 36. (1) Elections for the mayor and all councillors of each municipality and elections for the electoral area directors of each regional district, to be known collectively as a general local election, must be held in the year 1993 and in every third year after that.
- (2) General voting day for a general local election must be the third Saturday of November in the year of the election.

RS1979-290-37; 1993-54-10.

— Municipal elections at large unless on a neighbourhood constituency basis

Sep 23/98

- 36.1 (1) Unless a bylaw under subsection (2) applies, every council member must be elected from the municipality at large.
- (2) A council may, by bylaw, provide that all or some of the councillors be elected on a neighbourhood constituency basis.
- (3) A bylaw under subsection (2) must establish the areas that are to be neighbourhood constituencies and provide for an orderly transition to election on this basis.
- (4) The authority under subsection (2) applies despite the letters patent of the municipality, but a bylaw under that subsection must be approved by the Lieutenant Governor in Council before it is adopted.
- (5) If a neighbourhood constituency is established,
- (a) the only persons who may vote as electors of the neighbourhood constituency are
- (i) resident electors of the municipality who meet the qualifications of section 50 in relation to the area of the neighbourhood constituency, and
- (ii) non-resident property electors of the municipality who meet the qualifications of section 51 in relation to the area of the neighbourhood constituency, and
- (b) except as permitted at an additional general voting or a special voting opportunity, the electors of the neighbourhood constituency may only vote on general voting day at the voting places for that neighbourhood constituency.
- (6) The notice of election under section 77 for an election on the basis of a neighbourhood constituency must include the following additional information:
- (a) the boundaries of the neighbourhood constituency;
- (b) the voting place on general voting day for the neighbourhood constituency;
- (c) a description of the qualifications established by subsection (5) (a) that entitle an elector to vote for a council member to represent the neighbourhood constituency.

1998-34-10.

— By-elections

- Jan 01/04 37. (1) Subject to this section, an election must be held to fill a vacancy in an elected local government office that occurs in any of the following circumstances:
- (a) the person elected or appointed to the office dies before taking office;
- (b) the office is declared vacant on an application under section 143 [*application to court*], or a candidate affected by the application renounces claim to the office under subsection (9) of that section;
- (c) the person holding the office dies;
- (d) the person holding the office resigns from office;
- (e) the office becomes vacant under Division 7 [*Disqualification*] of Part 4 of the *Community Charter* as it applies in relation to that office.
- Jan 01/04 (2) A local government may decide that a by-election is not to be held if the vacancy occurs after July 1 in the year of a general local election that will fill the office.
- Jan 01/04 (3) In addition to the authority under subsection (2), a council may decide that a by-election is not to be held if all the following circumstances apply:
- (a) the vacancy occurs after January 1 in the year of a general local election that will fill the office;
- (b) the vacancy is not in an office elected on the basis of a neighbourhood constituency;
- (c) the number of remaining council members is at least one greater than the quorum for the council, as set under section 129 (1) [*quorum for conducting business*] of the *Community Charter*.
- (4) As soon as reasonably possible after a vacancy occurs for which an election under this section is to be held, the local government must appoint a chief election officer for the election.
- (5) The chief election officer must set a general voting day for the election, which must be on a Saturday no later than 80 days after the date the chief election officer was appointed.
- (6) If the number of members of a local government is reduced to less than a quorum, the minister may either
- (a) order that the remaining members of the local government constitute a quorum until persons are elected and take office to fill the vacancies, or
- (b) appoint qualified persons to fill the vacancies until persons are elected and take office to fill them.
- Jan 01/04 (7) A person elected in a by-election holds office until the end of the term of the office in respect of which the election was held.
RS1979-290-38; 1993-54-10; 1998-34-11; 1999-37-10; 2003-52-174.

— Minister's order for election to be conducted

- 38. (1) If an election is not held or a vacant office is not otherwise filled as required by or under this Act, the minister may
- (a) set a general voting day for the election, appoint a chief election officer and otherwise arrange for the election to be conducted, or
- Sep 23/98 (b) order the designated local government officer to arrange for the election to be conducted.
- (2) If considered necessary in relation to an election under subsection (1), the minister may make orders to provide for the conduct of the election and for the governing of the municipality or regional district until the candidates elected in that election take office, including orders that provide for exceptions to provisions of this Act and regulations or bylaws under this Act.
- (3) The general voting day for an election under this section must be on a Saturday set by the minister or by the chief election officer in accordance with the directions of the minister.
RS1979-290-39; 1993-54-10; 1998-34-12.

Election bylaws

-
- Jan 01/04 39. (1) Unless otherwise provided, in order for a bylaw under
 - (a) this Part,
 - (b) section 551 [*regulation of signs and advertising*], or
 - (c) section 8 (4) [*fundamental powers - signs and advertising*] of the *Community Charter*
 to apply in relation to a general local election, the bylaw must be adopted at least 8 weeks before the first day of the nomination period of the general local election.
- (2) Unless otherwise provided, in order for a bylaw referred to in subsection (1) to apply in relation to an election under section 37, the bylaw must be adopted at least 6 weeks before the first day of the nomination period for the election.

RS1979-290-40; 1993-54-10; 1999-37-11; 2003-52-175.

Costs of elections

- Sep 23/98 40. (1) The costs of an election, including the costs of registration of electors for the election, are the responsibility of the municipality or regional district for which the election is held unless otherwise agreed.
- Sep 23/98 (2) The costs of an election may be shared under an agreement between the local government and another local government, the council of the City of Vancouver or a board of school trustees for the conduct of the election by one party for the other or in conjunction with an election of the other.
- (3) A local government that is a party to an agreement under subsection (2) may, by bylaw, provide that the bylaws of the other party respecting elections apply to elections conducted under the agreement.
- (4) An agreement referred to in subsection (2) may provide for a party to conduct only some of the election proceedings for or in conjunction with the other party.
- (5) An election to which an agreement referred to in subsection (4) applies is valid despite the agreement and any bylaws in relation to it having the effect of creating differences in election proceedings between different parts of the jurisdiction for which an election is held.
- (6) Without limiting subsection (4), an agreement referred to in that subsection may allow a local government to restrict the persons who may vote at the election proceedings conducted under the agreement to the persons who are entitled to be registered as electors in relation to a specified part of the jurisdiction for which the election is held.
- (7) If a restriction under subsection (6) applies, on any day on which an advance voting opportunity conducted under the agreement is open to electors of only part of the jurisdiction, an advance voting opportunity must be open to all electors of the jurisdiction on the same day.
- (8) So long as any required advance voting opportunities are provided, no bylaw is necessary for an advance voting opportunity required by subsection (7), and the voting opportunity may be held at the place and for the voting hours established by the chief election officer.
- (9) The chief election officer must give notice of a voting opportunity to which subsection (8) applies in any manner the chief election officer considers appropriate, including in the notice the date, place and voting hours for the voting opportunity.

RS1979-290-41; 1993-54-10; 1994-52-49; 1998-34-13.

— Appointment of election officials

- 41. (1) For the purposes of conducting an election, the local government must appoint a chief
— election officer and a deputy chief election officer.
- (2) The chief election officer must appoint election officials required for the
— administration and conduct of the election.
- (3) Without limiting the generality of subsection (2), the chief election officer must
— appoint the following:
- (a) presiding election officials for election proceedings where the chief election
— officer is not acting as presiding election official;
- (b) election officials to act as alternate presiding election officials for election
— proceedings;
- (c) election officials required to assist the presiding election official at election
— proceedings.
- (4) The chief election officer may delegate the authority under subsection (3) (c) to the
— presiding election official for the election proceedings.
- (5) The chief election officer may appoint peace officers as election officials to assist
— presiding election officials in fulfilling their duty to maintain peace and order at the
— election proceedings for which they are responsible.
- (6) If an election official is absent or unable to act, a person appointed under this section
— as deputy or alternate for the official must perform the duties and has the powers of the
— official.
- (7) A candidate, candidate representative or financial agent may not be appointed as an
— election official.
- (8) Before assuming duties, an election official must make a solemn declaration that the
— person
- (a) will faithfully and impartially fulfill the duties of the position to which the
— election official is appointed,
- (b) has not received and will not accept any inducement to perform the duties of the
— position otherwise than impartially and in accordance with this Act or to
— otherwise subvert the election,
- (c) will preserve the secrecy of the ballot in accordance with section 113, and
- (d) is not and will not become a candidate, candidate representative or financial
— agent while holding the position of an election official.

RS1979-290-42; 1993-54-10.

— Chief election officer duties and powers

- 42. (1) In addition to all other duties established by this Part, the chief election officer must do
— the following:
- (a) ensure that a sufficient number of ballots are prepared for an election by voting;
- (b) ensure that each voting place is supplied with sufficient numbers of ballots, ballot
— boxes and voting books and has an area that may be used as a voting
— compartment;
- (c) take all reasonable precautions to ensure that a person does not vote more than
— once in an election;
- (d) do all other things necessary for the conduct of an election in accordance with
— this Part and any regulations and bylaws under this Part.
- (2) In addition to all other powers given by this Part, the chief election officer may do one
— or more of the following:
- (a) exercise any power conferred on a presiding election official in relation to the
— election proceedings for which the presiding election official is responsible;
- (b) take solemn declarations where these are required by this Part;
- (c) as an exception to the restrictions on where an elector may vote when municipal
— voting divisions are established, authorize an election official to vote at the
— voting place at which the official is working;
- (d) delegate the chief election officer's duties and powers to other election officials,
— subject to any restrictions or conditions specified by the chief election officer;
- (e) apply to the minister for an order under section 155.

RS1979-290-43; 1993-54-10.

— Presiding election official
— duties and powers

- 43. (1) In addition to other responsibilities established by this Part, a presiding election
— official for election proceedings must
- (a) ensure, so far as possible, that this Part and regulations and bylaws under it are
— being complied with, and
 - (b) take all reasonable precautions to keep the ballots and ballot boxes secure from
— persons not entitled to have access to them.
- (2) In addition to other powers conferred by this Part, a presiding election official may
- (a) take solemn declarations required by this Part in relation to the election
— proceedings for which the presiding election official is responsible, and
 - (b) if section 153 (4) (c) or (d) is being contravened, enter on the property where the
— materials that are the subject of the contravention are located and remove or
— cover them or otherwise obscure them from view, or authorize another person to
— do so.

RS1979-290-44; 1993-54-10.

CHAPTER # 323

LOCAL GOVERNMENT ACT

Part 3: Division 2 – Arrangements for Elections



top news home news business opinion feature sports world news

... .. opinion

Keeping death off our holiday roads

2004-02-04 06:57:31

The Spring Festival holiday is over. People are still basking in memories of their joyful moments, and businesses are busy counting their ample profits, thanks to the sales boom.

However, death list compiled by the traffic department constitutes a sharp contrast to the cheerful festive memories.

Between January 7 and 28, the peak traffic period for the lunar new year holiday, a total of 46 major road traffic accidents with a death toll of more than five people each occurred, leaving 390 people dead and 509 injured, according to the latest statistics from the Ministry of Public Security.

This is a dramatic increase over the figures for last year's holiday - a 100 per cent increase in the number of accidents, 111 per cent increase in the number of deaths, and 121 per cent increase in the number of injuries.

The statistics are a chilling reminder of the seriousness of traffic safety problems.

Some attribute the increasing number of road accidents and deaths to the increasing numbers of people driving home during the festival. It makes sense.

Estimates put the traffic flow over the festival period at 1.9 billion person times, of which 1.77 billion person times involved travelling by road at some point.

With such a heavy traffic flow, it seems unrealistic to expect zero casualties. r5But closer study of these cases reveals many of the accidents could have been avoided.

Data from public security departments indicates that driver negligence was the major cause of traffic accidents, including such things as exceeding speed limits and overloading of vehicles.

Farming vehicles often turned out to be killers when they were misused as passenger carriers.

Other killers include overcrowded long-distance passenger buses and private car owners driving while under the apparent influence of alcohol.

So it is reasonable to say people's lack of attention to safety caused many of the tragedies.

To cope with the traditional high frequency of traffic accidents during the Spring Festival period, public security departments nationwide have in fact intensified their efforts in traffic management and taken a series of precautionary measures.

In addition to stricter scrutiny by the traffic authorities, people's awareness of safety and willingness to obey traffic regulations are also key factors in promoting safety.

China has topped the world in road accidents since the late 1980s when the annual death toll exceeded 50,000 for the first time, and since then the statistics have maintained a strong upward trend. The annual death toll has exceeded 100,000 in the past several years.

The economic boom has led to a rocketing number of vehicles in China. By the end of last year there were more than 96 million motor vehicles travelling China's roads, including 24 million automobiles.

People's awareness of traffic safety and driving courtesy, however, has apparently failed to keep pace.

The traffic pressure during Spring Festivals cannot be significantly relieved in a short period of time. On the other hand, the number of vehicles will continue to climb.

All of these factors will tend to exacerbate the traffic situation.

To minimize casualties, the only way out is to improve traffic management, and more importantly, to enhance people's awareness of the importance of safe and courteous driving habits.

(China Daily 02/04/2004 page6)


Subject: Graffiti**Date:** Sun, 11 Jul 2004 15:24:30 -0700**From:** Brian Platts <bplatts@shaw.ca>**To:** Don Bell <don_bell@dnv.org>, Alan Nixon <alan_nixon@dnv.org>, Ernie Crist <ernie_crist@dnv.org>, Janice Harris <janice_harris@dnv.org>, Lisa Muri <lisa_muri@dnv.org>, Maureen McKeon Holmes <Maureen_McKeonHolmes@dnv.org>, Richard Walton <rwalton@dnv.org>, NVD Council <dnvcouncil@dnv.org>, James Ridge <James_Ridge@dnv.org>, Gord Tomlinson <gord.tomlinson@rcmp-grc.gc.ca>**CC:** FONVCA <fonvca@fonvca.org>

Mayor & Council:

At the June 17th, 2004 meeting of the Federation of NV Community Associations, the issue of graffiti was raised for discussion. It was felt by a number of members that the problem of graffiti is on the increase, particularly in the larger commercial and light industrial areas of the District. It has been well-documented in a number of cities that when graffiti is allowed to proliferate, citizens feel less safe and criminal activity tends to follow. The City of NV addressed the problem with a Bylaw that makes property owners responsible for removing graffiti from their buildings (see the attached Word file). FONVCA respectfully requests that Council instruct staff to draft a similar bylaw to assist the community in combating the problem of graffiti in NV District.

Yours Truly,
Brian Platts

Federation of NV Community Association

 Graffiti Bylaw 6696.doc	Name: Graffiti Bylaw 6696.doc Type: WINWORD File (application/msword) Encoding: base64 Download Status: Not downloaded with message
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BYLAW NO. 6696

A Bylaw to prevent unsightliness of property by prohibiting the placement of graffiti and requiring that property be kept free of graffiti.

The Council of The Corporation of the City of North Vancouver, in open meeting assembled, enacts as follows:

CITATION

1. This Bylaw may be cited as "**The City of North Vancouver Graffiti Bylaw, 1995, No. 6696**".
2. Definitions

In this Bylaw, unless the context otherwise requires:

"Bylaw Enforcement Officer" shall mean the person, or persons, appointed to the position having that name by the Council of the Municipality, and include a Building Inspector of the municipality.

"City" shall mean the geographic area of land within the boundaries of The City of North Vancouver.

"Council" shall mean the Council of The City of North Vancouver.

"Graffiti" shall mean one or more letters, symbols or marks, howsoever made, on any structure, place or thing, but does not include any of the following:

- a) a sign, public notice or traffic control mark authorized by the City Engineer;
- b) a sign authorized pursuant to The City of North Vancouver Sign Bylaw;
- c) a public notice authorized by a City bylaw, or by provincial or federal legislation;

"Municipality" shall mean The Corporation of the City of North Vancouver.

"Person" shall include a corporation, partnership or party and the personal or other legal representatives of a person to whom the context can apply according to law.

"Real property" means land with or without improvements so affixed to lands as to make them in fact and law a part of it.

PROHIBITIONS

- 3.1 No person shall place graffiti, or cause graffiti to be placed on, or displayed from, any wall, fence, structure or other thing in any street, public place or from real property adjacent to a street or public place.

REQUIREMENTS

- 4.1 Every owner, or occupier, of real property shall at all times keep any wall, fence, building, structure or thing that is located on such real property free of graffiti.

ORDER TO COMPLY

- 5.1 Where a person has failed to perform the obligations pursuant to the provisions of this Bylaw, the Bylaw Enforcement Officer may, in accordance with this Bylaw, issue to such person an Order to Comply with the requirements of this Bylaw in respect of which that person is in default.
- 5.2 An Order to Comply shall be given in Schedule "All attached to and forming a part of this Bylaw.
- 5.3 An Order to Comply shall be sufficiently served to an owner of real property when the Bylaw Enforcement Officer has:
- a) ascertained the registered owner in fee simple of the real property and his address from the last property assessment roll in the possession of the City and mailed a copy of the Order to Comply to such owner at the address so indicated on the assessment roll by prepaid certified mail; or
 - b) delivered a copy of the Order to Comply to the owner or an occupier of the real property, or by placing the Order to Comply in a mailbox, or other receptacle, for the receipt of mail on the real property; or
 - c) posted a copy of the Order to Comply on the real property.
- 5.4 Any time period set out in the Order to Comply shall be deemed to commence upon the notice having been duly served in accordance with the provisions of this Bylaw.
- 5.5 a) Upon receipt of an Order to Comply a person may appeal its issuance to the Council, who shall hear and determine the appeal and either confirm, amend or rescind the Order to Comply.

- b) Any such appeal shall be brought within fifteen (15) days of the date of issuance of the Order to Comply by giving notice in writing to the City Clerk of the City.
 - c) The time period specified within an Order to Comply shall be deemed to commence immediately upon the issuance of Council's decision on the appeal.
- 5.6
- a) If the obligations imposed by the terms of an Order to Comply in respect of a default under the provisions of the Bylaw are not performed within the time period set out, the City, by its employees and or its agents, may enter the real property and perform the obligations at the expense of the owners and occupiers of the real property.
 - b) The charges incurred by the City for work performed, if unpaid on December 31 of the year in which the work was performed, shall be added to and form part of the taxes payable on the real property as taxes in arrears.

COSTS

- 5.1 The Bylaw Enforcement Officer shall certify to the Treasurer all costs incurred by the City in performing or causing to be performed any obligations set out by the provisions of this Bylaw.
- 5.2 Upon receipt from the Bylaw Enforcement Officer of a certified record of the total costs incurred in any specific matter, the Treasurer shall demand payment thereof from the owner of the real property in which work was performed.

OFFENCES AND PENALTIES

- 6.1 Every person who:
- a) violates any provisions of the Bylaw; or
 - b) causes or suffers to permit any act or thing to be done in contravention, or in violation, of any of the provisions of the Bylaw; or
 - c) neglects or refrains from doing anything required to be done by any of the provisions of this Bylaw, or

- d) fails to comply with an Order to Comply, direction or notice given under this Bylaw;

shall be deemed to be guilty upon summary conviction of an infraction of this Bylaw, and shall be liable to the penalties hereby imposed.

6.2 Each day that an infraction is permitted to exist shall constitute a separate offence.

6.3 Any person who is guilty of an infraction of this Bylaw is liable to a fine and penalty of not less than Five Hundred (\$500.00) Dollars and not more than Two Thousand (\$2,000.00) Dollars and to the cost of prosecution.

SEVERABILITY

7. If any provision of this Bylaw, or amendments thereto, should be found or determined to be invalid, illegal or unenforceable, it will be severable from the remainder of this Bylaw, and the remainder of this Bylaw shall be construed as if such invalid, illegal or unenforceable provision had been deleted therefrom.

READ a first time by the Council on the 5th day of June, 1995.

READ a second time by the Council on the 5th day of June, 1995.

READ a third time and passed by the Council on the 5th day of June, 1995.

RECONSIDERED and finally adopted by the Council, signed by the mayor and City Clerk, and sealed with the Corporate Seal on the 19th day of June, 1995.

Signed by: Mayor John E. Loucks

Signed by: Bruce A. Hawkshaw, City Clerk

SCHEDULE 'A'

THE CORPORATION OF THE CITY OF NORTH VANCOUVER

GRAFFITI BYLAW NO. 6696

ORDER TO COMPLY

TO:

RE: Property at:
Legal Description:

Complaints have been received regarding:

Investigation discloses the following:
The above constitutes an offence under the Graffiti Bylaw
No. 6696, Section _____

You are hereby ordered to:

Failure to comply may result in:

- a) The Municipality proceeding in accordance with the default provisions of Section <> of the said bylaw (see reverse side)

and/or

- b) The Municipality proceeding in accordance with Section <> of the said bylaw, the offence section (see reverse side).

Questions regarding this order may be directed to:

Yours truly,

Bylaw Enforcement Officer

Upon receipt of an Order to Comply, a person may appeal its issuance to the Council who shall hear and determine the appeal and either confirm, amend or rescind the Order to comply.

- a) Any such appeal shall be brought within fifteen (15) days of the date of issuance of the Order to Comply by giving notice in writing to the City Clerk of the City.
 - b) the time period specified within an Order to Comply shall be deemed to commence immediately upon the issuance of Council's decision on the appeal.
- 4.6 If the obligations imposed by the terms of an Order to Comply in respect of a default under the provisions of the Bylaw are not performed within the time period set out, the City, by its employees and or its agents, may enter the real property and perform the obligations at the expense of the owners and occupiers of the real property.
- a) The charges incurred by the City for work performed, if unpaid on December 31 of the year in which the work was performed, shall be added to that and form part of the taxes payable on the real property as taxes in arrears.

OFFENCES AND PENALTIES

- 6.1 Every person who:
- a) violates any provisions of the Bylaw; or
 - b) causes or suffers to permit any act or thing to be done in contravention of, or in violation of, any provisions of the Bylaw; or
 - c) neglects or refrains from doing anything required to be done by any of the provisions of this Bylaw; or
 - d) fails to comply with an Order to Comply, direction or notice given under this Bylaw;
- shall be deemed to be guilty upon summary conviction of an infraction of this Bylaw, and shall be liable to the penalties hereby imposed.
- 6.2 Each day that an infraction is permitted to exist shall constitute a separate offence.
- 6.3 Any person who is guilty of an infraction of this Bylaw is liable to a fine and penalty of not less than Five Hundred (\$500.00) Dollars and not more than Two Thousand (\$2,000.00) Dollars, and to the cost of prosecution.

Subject: Council Agenda Item #5 Sale of Greenbelt Land Adjacent to 588 Elstree Place

Date: Sat, 19 Jun 2004 15:21:25 -0700

From: Brian Platts <bplatts@shaw.ca>

To: Maureen McKeon Holmes <Maureen_McKeonHolmes@dnv.org>, Alan Nixon <alan_nixon@dnv.org>, Ernie Crist <ernie_crist@dnv.org>, Janice Harris <janice_harris@dnv.org>, Lisa Muri <lisa_muri@dnv.org>, Richard Walton <rwalton@dnv.org>, NVD Council <dnvcouncil@dnv.org>

CC: James Ridge <James_Ridge@dnv.org>, Kevin Bell <sonbel@shaw.ca>, cagebc@yahoo.com

Mayor & Council:

At the June 17, 2004 meeting of the Federation of NV Community Associations, a discussion took place over the concept of selling parkland, portions of public greenbelts or various rights-of-ways to private interests. This discussion was precipitated by the proposed sale of greenbelt land to 588 Elstree Place.

While FONVCA does not wish to comment on the details of any particular situation, we do however unanimously support the motion of the Parks & Natural Environment Committee that "*strongly recommends that no District of North Vancouver parkland, greenbelt land, street or trail right-of-ways or other rights-of-way be sold to those who encroach, occupy or take over such lands.*"

In addition to the above, FONVCA is disturbed that the title of agenda item #5 makes no mention that Natural Parkland is potentially being sold. For the public to see the item as part of the agenda published in the District Dialogue, they would have no idea that a "*Rezoning Application Regarding Mission Creek Greenbelt and Adjacent Pool Encroachment*" involved the sale of Natural Parkland. Indeed, it gives one the false impression the item is merely a housekeeping matter. If the item does move forward to a Public Hearing, then FONVCA respectfully suggests that the public notification makes very clear what is at stake.

Sincerely,

Brian Platts

Federation of NV Community Associations



Rule change threatens B.C. streams

Saturday, July 03, 2004

Apparently the B.C. government is about to change the Streambed

Protection Regulation under the Fisheries Act to allow development closer than 30 metres to the edge

While some compensations would have to be made, ultimately final decisions on individual sites

Habitat destruction along streambeds is already of huge concern in this province. I wonder what sort of compensation would be acceptable for destroying more fish habitat (money perhaps?).

What will happen in very pro-development municipalities? Revenue through development is a very

If you have concerns about this change, notify not only the B.C. government, but also the federal

Once this regulation is changed there is no turning back.

CLOSE WINDOW

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