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TOWN OF SIDNEY
BYLAW NO. 2239
(CONSOLIDATED)

Amendment Bylaws incorporated as listed at the end of the document

A BYLAW TO PROVIDE FOR THE ENFORCEMENT OF BYLAWS BY BYLAW NOTICE ENFORCEMENT

WHEREAS the *Community Charter* authorizes Council to designate bylaws which may be enforced by means of a form of ticket, and to designate enforcement officers for the purpose of enforcing bylaws by means of a prescribed form of ticket; and

AND WHEREAS the *Community Charter* authorizes Council to designate an offence against a bylaw by means of a word or expression on a ticket and to set fines for contraventions of designated bylaws;

NOW THEREFORE the Council of the Town of Sidney, in open meeting assembled, enacts as follows:

Citation

1. This bylaw may be cited as the Town of Sidney "**Bylaw Notice Enforcement Bylaw No. 2239**".

Definitions

2. In this Bylaw:

Act means the *Local Government Bylaw Notice Enforcement Act*;

Town means the Town of Sidney; and

Registry means the Town of Sidney Bylaw Notice Adjudication Registry established by this Bylaw.

Terms

3. The terms in this Bylaw have the same meaning as the terms defined in the Act.

Bylaw Contraventions

4. The bylaws and bylaw contraventions designated in Schedule C attached hereto and forming part of this Bylaw may be dealt with by bylaw notice.
5. The bylaws listed in Schedule C to this bylaw may be enforced by means of a ticket in the form prescribed for the purpose of Section 260.2.b.1 of the *Community Charter*.

6. The persons appointed to the job positions or titles listed in Section 19 of this bylaw are designated as bylaw enforcement officers pursuant to Section 264(b) of the *Community Charter* for the purpose of enforcing the bylaws listed in Schedules C.

Offence and Penalty

7. The words or expressions set forth in column 1, Description, of Schedule C to this bylaw designate the offence committed under the bylaw section number appearing in column 2, Section.
8. The amounts appearing in column 3, Penalty, of Schedule C to this bylaw are the fines set pursuant to Part 2 Section 6 of the Act for the corresponding offences designated in column 1, Description.
9. The penalty for a contravention referred to in Section C shall be as follows:
 - a. Subject to subsection 9.b. and 9.c., the penalty amount set out in column 3 of Schedule C.
 - b. If received by the Town within 14 days of the person receiving or being presumed to have received the bylaw notice, the early payment reduced amount set out in column 4 of Schedule C.
 - c. If more than 28 days after the person received or is presumed to have received the bylaw notice, the late payment penalty amount set out in column 5 of Schedule C.

Period for Paying a Disputed Notice

10. A person who receives a bylaw notice must, within 14 days of the date on which the person received or is presumed to have received the bylaw notice:
 - a. pay the penalty, or
 - b. request dispute adjudication,by filling in the appropriate portion of the bylaw notice indicating either a payment or a dispute and delivering it, either in person during regular office hours, by mail, or by email to the Town's Municipal Hall, 2440 Sidney Avenue, Sidney, BC V8L 1Y7.
11. A person may pay the indicated penalty later than 14 days after receiving the bylaw notice, but the bylaw notice may no longer be disputed after 14 days of receipt. If payment is made after 28 days of receiving the bylaw notice, a surcharge for late payment will apply, in accordance with Section 9.c.,
12. Where a person was not served personally with a bylaw notice and advises the Town, in accordance with the requirements of Section 25 of the Act, that they did not receive a copy of the original bylaw notice, the time limits for responding to a bylaw notice under Sections 9, 10 and 11 of this Bylaw do not begin to run until a copy of the bylaw notice is delivered to them in accordance with the Act.

Bylaw Notice Dispute Adjudication Registry

13. The Registry, located at the Town's Municipal Hall, 2440 Sidney Avenue, Sidney, BC V8L 1Y7, is established as a bylaw notice dispute adjudication system in accordance with the Act to resolve disputes in relation to bylaw notices.

14. Every person who is unsuccessful in a dispute adjudication in relation to a bylaw notice under the dispute adjudication system established under Section 13 must pay the Town an additional fee of \$25 for the purpose of the Town recovering partial costs of administration of the bylaw notice dispute adjudication system.

Screening Officers

15. The position of screening officer is hereby established.
16. The positions designated as screening officers are listed in Schedule B, attached to and forming part of this Bylaw. The Town reserves the right to assign a screening officer based on familiarity with the subject matter of the infraction.

Powers, Duties and Functions of Screening Officers

17. The powers, duties and functions of screening officers are set out in the Act and include the following:
 - a. Where requested by the person against whom a contravention is alleged, communicate information respecting the nature of the contravention, the provision of the bylaw contravened, the facts on which the contravention allegation is based, the penalty for a contravention, the opportunity to enter into a compliance agreement, the opportunity to proceed to the bylaw notice dispute adjudication system, and the fee or fees payable in relation to the bylaw notice dispute adjudication system;
 - b. To communicate with any or all of the following for the purposes of performing their functions under this Bylaw or the Act:
 - i. the person against whom a contravention is alleged or their representative;
 - ii. the officer issuing the bylaw notice;
 - iii. the complainant or their representative;
 - iv. the Town's staff, including a review of the Town's records, regarding the disputant's history of bylaw compliance.
 - c. To negotiate and enter into a compliance agreement substantially in the format as set out in Schedule A of this Bylaw.
 - d. To cancel bylaw notices in accordance with the Act or Town policies and guidelines.
18. The maximum term of a compliance agreement is one (1) year.

Bylaw Enforcement Officers

19. Persons acting as any of the following are hereby designated as bylaw enforcement officers for the purposes of this Bylaw and the Act:
 - a. Members of the Royal Canadian Mounted Police; and
 - b. Bylaw Enforcement Officers, Building Officials, Animal Control Officers, Fire Inspectors or other persons acting in another capacity on behalf of the Town for the purpose of enforcement of one or more of its bylaws.

Form of Bylaw Notice

20. The Town may from time to time establish the form or forms of the bylaw notice, provided the notice complies with Section 9 of the Act.

Severability

21. If any portion of this Bylaw is held to be invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this Bylaw is deemed to have been adopted with the severed section, subsection, paragraph, subparagraph, clause or phrase, and such invalidity shall not affect the validity of the remaining portions of this Bylaw.

Read a first time the 18th day of July, 2022.

Read a second time the 18th day of July, 2022.

Read a third time the 18th day of July, 2022.

Adopted the 15th day of August, 2022.

MAYOR

CORPORATE OFFICER

Schedule A

Compliance Agreement

Pursuant to Town of Sidney Bylaw Notice Enforcement Bylaw No. 2239

I, _____ of _____,
(Name) (Address)

acknowledge receipt of Bylaw Notice(s) # _____, and wish to enter into this compliance agreement whereby I agree to fulfil the conditions below, in exchange for a reduced penalty which shall be at the discretion of the Town of Sidney's screening officer.

Specifically, I agree to pay the reduced penalty of \$ _____ on or before _____. I further agree to comply with the following terms and conditions of this Agreement:

1. On or before _____ I will; _____

_____;

And

2. On or before _____ I will; _____

_____.

I understand that this agreement is binding for one year from the date of this agreement.

I also understand that if I breach a term of this agreement, or fail to observe or perform the above terms and conditions, the Town of Sidney's screening officer may rescind this agreement.

I understand that if this agreement is rescinded, I will have 14 days to dispute the screening officer's decision, and that if I do not dispute the decision within that time, the full penalty stated in the Bylaw Notice(s) of \$ _____ will be immediately due and subject to all fees and penalties as if the Bylaw Notice was not disputed.

Signature of Bylaw Notice Recipient

Signature of Screening Officer

Date

Date

Schedule B**Screening Officers**

The persons acting in the following positions are appointed as screening officers in accordance with Section 16 of this Bylaw:

1. Director of Engineering
2. Director of Finance
3. Senior Manager, Current Planning
4. Senior Manager, Long Range Planning
5. Fire Chief

Schedule C

Designated Bylaw Contraventions and Penalties

Building Regulation Bylaw, No. 2016

Description	Section	Penalty	Early Payment Reduced	Late Payment Penalty
Obstruct Authorized Personnel	2.2.3	\$260.00	\$200.00	\$315.00
Deviation from approved plans	3.4.10 (e)	\$390.00	\$300.00	\$470.00
Work without a Permit	3.6.1	\$500.00	\$400.00	N/A
No Plumbing Permit	3.6.1	\$260.00	\$200.00	\$315.00
Unsafe Condition	3.6.2	\$500.00	N/A	N/A
Excavation of Public Property without Permission	3.6.3	\$500.00	N/A	N/A
Deviation from CMP	3.6.6	\$500.00	N/A	N/A
Failure to maintain Backflow Prevention Device	5.3.8	\$130.00	\$100.00	\$160.00
Occupy building without occupancy permit	6.3.2	\$390.00	\$300.00	\$470.00
Failing to Comply with Stop Work Order	9.1.2	\$390.00	\$300.00	\$470.00

Zoning Bylaw, No. 2015

Description	Section	Penalty	Early Payment Reduced	Late Payment Penalty
Non-conforming use	1.1.5	\$260.00	\$200.00	\$315.00
Non-conforming secondary suite	1.1.5	\$260.00	\$200.00	\$315.00

Non-conforming lot coverage	1.1.5	\$260.00	\$200.00	\$315.00
Structure encroaching into setback	1.1.5	\$260.00	\$200.00	\$315.00
Illegal Short Term Rental	1.1.5	\$500.00	N/A	N/A

Fire Regulation Bylaw, No. 2087

Description	Section	Penalty	Early Payment Reduced	Late Payment Penalty
Obstructing a Fire Hydrant	28	\$260.00	\$200.00	\$315.00
Fail to provide fire vehicle access	28	\$390.00	\$300.00	\$470.00
Tamper/ Reset/ Silence fire protection equipment	29	\$500.00	N/A	N/A
Drive over fire department hoses	30	\$260.00	\$200.00	\$315.00
Obstructing entry	31, 34, 35	\$390.00	\$300.00	\$470.00
Submitting false information	32	\$500.00	N/A	N/A
Fail to secure building	37	\$390.00	\$300.00	\$470.00
Exceeding maximum occupant load	38 (a)	\$260.00	\$200.00	\$315.00
Fail to provide exit hardware on doors	38 (b)	\$390.00	\$300.00	\$470.00
Fail to provide emergency lighting	38 (c)	\$390.00	\$300.00	\$470.00
Fail to provide exits	38 (c)	\$390.00	\$300.00	\$470.00
Fail to maintain extinguishers	38 (d)	\$200.00	\$150.00	\$240.00
Fail to maintain fire alarm system	38 (e)	\$500.00	N/A	N/A
Fail to maintain automatic fire extinguishing system	38 (e)	\$500.00	N/A	N/A

Fail to maintain private fire hydrant	38 (f)	\$500.00	N/A	N/A
Fail to maintain commercial kitchen venting	38 (g)	\$390.00	\$300.00	\$470.00
Allow a premise to operate without fire separation	38 (h)	\$390.00	\$300.00	\$470.00
Allow a fire hazard to exist	38 (i)	\$200.00	\$150.00	\$240.00
Fail to maintain access to fire department connection	38 (j)	\$390.00	\$100.00	\$470.00
Unauthorized use of a fire hydrant	38 (k)	\$200.00	\$150.00	\$240.00
Operate without fire safety plan	38 (l)	\$390.00	\$300.00	\$470.00
Prohibited Burning	39	\$325.00	\$250.00	\$390.00

Fireworks Regulation Bylaw No. 1924

Description	Section	Penalty	Early Payment Reduced	Late Payment Penalty
Sale of Fireworks	3/1	\$500.00	N/A	N/A
Possession of Fireworks Without Permit	3/2	\$260.00	\$200.00	\$315.00
Possession of Fireworks Contrary to Permit	3/3	\$130.00	\$100.00	\$160.00
Possession of Pyrotechnics Without Permit	3/4	\$130.00	\$100.00	\$160.00
Possession of Pyrotechnics Contrary to Permit	3/5	\$260.00	\$200.00	\$315.00
Unsafe Use of Fireworks or Pyrotechnics	3/6	\$260.00	\$200.00	\$315.00
Possession of Firecrackers	3/7	\$130.00	\$100.00	\$160.00

Use of Pyrotechnics Contrary to Fire Safety Plan	8/1(c)	\$130.00	\$100.00	\$160.00
Use of Fireworks or Pyrotechnics Without Supervision	8/1(d)	\$130.00	\$100.00	\$160.00
Obstruction of Enforcement Officer	11/1	\$325.00	\$250.00	\$390.00

Business License & Business Regulation Bylaw No. 2119

Description	Section	Penalty	Early Payment Reduced	Late Payment Penalty
Operate without Business License	3.2	\$260.00	\$200.00	\$315.00
Advertise without Business License	3.2	\$130.00	\$100.00	\$160.00
Contravention of Business License terms	8.6	\$260.00	\$200.00	\$315.00

Noise Control Bylaw No. 1689

Description	Section	Penalty	Early Payment Reduced	Late Payment Penalty
Noise which disturbs	2 (a)	\$390.00	\$300.00	\$470.00
Allowing noise which disturbs	2 (b)	\$390.00	\$300.00	\$470.00
Persons playing amplified sound	2 (c)	\$200.00	\$150.00	\$240.00
Keeping animal that disturbs the neighbourhood	2 (e)	\$130.00	\$100.00	\$160.00
Unlawful use of a chain saw	2 (g)	\$130.00	\$100.00	\$160.00
Loading or unloading in residential area between 9PM and 7AM	2 (h)	\$130.00	\$100.00	\$160.00

Objectionable noise from a motor vehicle	3 (a) (1)	\$130.00	\$100.00	\$160.00
Construction noise when not permitted	4 (a)	\$390.00	\$300.00	\$470.00
Construction noise on Sunday	4 (b)	\$390.00	\$300.00	\$470.00

Tree Preservation Bylaw No. 2138

Description	Section	Penalty	Early Payment Reduced	Late Payment Penalty
Remove or Damage Protected Tree	6.1	\$500.00	\$400.00	N/A
Prune Protected Tree	6.4	\$500.00	\$400.00	N/A
Damage Protected Tree	6.5	\$500.00	\$400.00	N/A
Fail To Give Notice	7	\$500.00	\$400.00	N/A

Animal License & Control Bylaw No. 1965

Description	Section	Penalty	Early Payment Reduced	Late Payment Penalty
Failure to provide proper care for animals	Part IV, Sections 4	\$130.00	\$100.00	\$160.00
Keeping animal hitched	Part IV, Sections 4 (d)	\$130.00	\$100.00	\$160.00
Confining animal in unventilated enclosed space	Part IV, Sections 4 (f)	\$130.00	\$100.00	\$160.00
Confining animal by hitching for extended period	Part IV, Section 4 (j)	\$130.00	\$100.00	\$160.00
Dog at large without leash	Part IV, Section 4.1(a)	\$100.00	\$75.00	\$120.00
Failing to Pick-Up Excrement	Part IV, Section 4.1(d)	\$65.00	\$50.00	\$80.00

Dog at large without leash in park	Part IV, Section 4.1(e)	\$100.00	\$75.00	\$120.00
Noisy Dog	Part IV, Section 4.1(f)	\$130.00	\$100.00	\$160.00
Dangerous Dog – not muzzled	Part IV, Section 4.2(a)	\$260.00	\$200.00	\$315.00
Dangerous Dog – not confined	Part IV, Section 4.2(b)	\$260.00	\$200.00	\$315.00
Failing to notify Pound Keeper of move with Dangerous Dog	Part IV, Section 4.2(c)	\$130.00	\$100.00	\$160.00
Unlicensed Dog	Part IV, Section 4.3(a)	\$65.00	\$50.00	\$80.00
Harbouring more than four (4) Dogs	Part IV, Section 4.3(c)	\$65.00	\$50.00	\$80.00
Harbouring more than four (4) Cats	Part IV, Section 4.4(b)	\$65.00	\$50.00	\$80.00
Harbouring farm animals, poultry or rabbits	Part V, Section 5(b)	\$65.00	\$50.00	\$80.00
Harbouring bees on property under 750 sq.m.	Part V, Section 5.1(a)	\$65.00	\$50.00	\$80.00
Harbouring more than two (2) beehives	Part V, Section 5.1(b)	\$65.00	\$50.00	\$80.00
Feeding wildlife	Part VI, Section 6.0	\$65.00	\$50.00	\$80.00
Obstructing or Interfering with the Pound Keeper	Part VII, Section 7.2	\$260.00	\$200.00	\$315.00

Parks Bylaw No. 1688

Description	Section	Penalty	Early Payment Reduced	Late Payment Penalty
Damage Vegetation in Park or Boulevard	2	\$260.00	\$200.00	\$315.00
Damage Structure in	2	\$195.00	\$150.00	\$235.00

Park or Boulevard				
Sell anything in Park without permission	5	\$100.00	\$75.00	\$120.00
Discard burning substance on the ground in any Park	6	\$100.00	\$75.00	\$120.00
Obstruct use and enjoyment of Park	11	\$100.00	\$75.00	\$120.00
Erect, construct or build anything in Park or Boulevard	12	\$260.00	\$200.00	\$315.00
Breach overnight shelter conditions	12.1	\$260.00	\$200.00	\$315.00
Enter, occupy, or remain in permanent structure or facility	12.2	\$260.00	\$200.00	\$315.00
Breach qualifying occupant conditions	13.1	\$260.00	\$200.00	\$315.00
Wash or clean boat or vehicle in Park or Boulevard	15	\$100.00	\$75.00	\$120.00
Post, paint or distribute advertisement in Park	16	\$100.00	\$75.00	\$120.00
Deposit litter in Parks, Beaches or adjacent waters	19 (f)	\$130.00	\$100.00	\$160.00
Light a fire in Park or on beach	19 (g)	\$130.00	\$100.00	\$160.00
Consuming or carrying unsealed alcohol	19 (h)	\$100.00	\$75.00	\$120.00
Operate power saw or wood cutting device on beach	19 (i)	\$100.00	\$75.00	\$120.00

Illegally drive or ride in Park or Boulevard	20	\$100.00	\$75.00	\$120.00
Deposit or remove material in Park	21 (c)	\$260.00	\$200.00	\$315.00
Launch boat over 9.75 meters	21 (d)	\$100.00	\$75.00	\$120.00
Park vehicle contrary to signs	21 (e)	\$65.00	\$50.00	\$80.00
Park vehicle without boat trailer attached	21 (f)	\$65.00	\$50.00	\$80.00
Launch boat without paying fees	21 (g)	\$65.00	\$50.00	\$80.00
Illegally Launch Commercial Boat or Barge	21 (h)	\$260.00	\$200.00	\$315.00

Sidewalk Café Regulations and Licensing Bylaw No. 2177

Description	Section	Penalty	Early Payment Reduced	Late Payment Penalty
Operate Sidewalk Café Without License	3.1	\$420.00	\$300.00	\$500.00
Fail to Keep Sidewalk Clean	6.5 (b)	\$420.00	\$300.00	\$500.00
Fail to maintain insurance	6.5 (g)	\$420.00	\$300.00	\$500.00

Sign Bylaw No. 2058

Description	Section	Penalty	Early Payment Reduced	Late Payment Penalty
Sign displayed except as permitted	4.1	\$130.00	\$100.00	\$160.00
Locating sign off permitted premises	4.3	\$130.00	\$100.00	\$160.00
Signs obstructing fire exits	5.4	\$130.00	\$100.00	\$160.00

Signs obstructing windows or vents	5.5	\$130.00	\$100.00	\$160.00
Sign located on public property	8.11.a	\$130.00	\$100.00	\$160.00
Sandwich board sign exceeding permitted dimensions	8.11.b	\$130.00	\$100.00	\$160.00
Sandwich board sign exceeding two advertising faces	8.11.c	\$130.00	\$100.00	\$160.00

Watercourse and Drainage Regulation Bylaw, No. 1318

Description	Section	Penalty	Early Payment Reduced	Late Payment Penalty
Foul, obstruct, or impede flow of watercourse	4	\$260.00	\$200.00	\$315.00
Enclose open watercourse in drain or culvert	5	\$260.00	\$200.00	\$315.00
Discharge waste into watercourse	7(a)	\$500.00	\$400.00	N/A
Failure to maintain stormwater facility	8(c)	\$260.00	\$200.00	\$315.00
Failure to maintain oil and grease interceptor	9(c)	\$260.00	\$200.00	\$315.00

Off-Street Parking and Loading Bylaw No. 2140

Description	Section	Penalty	Early Payment Reduced	Late Payment Penalty
More than one uninsured vehicle	4.2	\$260.00	\$200.00	\$315.00
Commercial vehicle parked	4.3	\$260.00	\$200.00	\$315.00

on Residential property				
Non-conforming parking area	4.8	\$260.00	\$200.00	\$315.00

Security Alarm Bylaw No. 1241

Description	Section	Penalty	Early Payment Reduced	Late Payment Penalty
Install or place security system without permit	3.1	\$260.00	\$200.00	\$315.00
Use security alarm system without permit	3.2	\$260.00	\$200.00	\$315.00
Alarm system that generates sound for over five minutes	8	\$130.00	\$100.00	\$160.00
Four or more false alarms within 24 hour period	9	\$130.00	\$100.00	\$160.00
Four or more false alarms within 12 month period	12	\$100.00	\$80.00	\$120.00

Unsightly Premises Bylaw No. 2100

Description	Section	Penalty	Early Payment Reduced	Late Payment Penalty
Unsightly Property	2.1	\$390.00	\$300.00	\$470.00
Graffiti or Marking of Public Spaces	2.3	\$325.00	\$250.00	\$390.00
Cause or Permit rubbish to accumulate around premise	2.5	\$130.00	\$100.00	\$160.00
Household garbage not in receptacle	2.6	\$130.00	\$100.00	\$160.00
Building or structure missing surface material	2.8	\$130.00	\$100.00	\$160.00

Discard rubbish on public or private property	2.9	\$130.00	\$100.00	\$160.00
Obstructing a Bylaw Officer	3.2	\$400.00	\$320.00	\$500.00
Fail to prevent or remove noxious or destructive insects	4.3	\$260.00	\$200.00	\$315.00

Official Community Plan Bylaw No. 2240

Description	Section	Penalty	Early Payment Reduced	Late Payment Penalty
Contravention of approved DP	27	\$500.00	N/A	N/A
Work without an approved DP	27	\$500.00	N/A	N/A

Horsedrawn Sightseeing Vehicle Regulations Bylaw No. 1116

Description	Section	Penalty	Early Payment Reduced	Late Payment Penalty
Operate without business license	3 (a)	\$260.00	\$200.00	\$315.00
Carry passenger without insurance	3 (c.ii)	\$260.00	\$200.00	\$315.00
Drive vehicle without valid license	3 (d)	\$130.00	\$100.00	\$160.00
Vehicle not properly maintained	3 (e)	\$130.00	\$100.00	\$160.00
Fail to remove excrement within 15 minutes	3 (f)	\$130.00	\$100.00	\$160.00
Fail to wash street in loading area stand	3 (g)	\$130.00	\$100.00	\$160.00
Keeping horse overnight within Town boundary	3 (i)	\$130.00	\$100.00	\$160.00
Operate outside permitted area	3 (i)	\$130.00	\$100.00	\$160.00

Operate outside permitted time	3 (k)	\$130.00	\$100.00	\$160.00
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Single Use Plastics Bylaw No. 2231

Description	Section	Penalty		Early Payment Reduced	Late Payment Penalty
Plastic Checkout Bag	3.1	1 st Offence	\$120.00	\$100.00	\$145.00
		2 nd Offence	\$220.00	\$200.00	\$265.00
		3 or more Offences	\$320.00	\$300.00	\$385.00
Failure to charge paper bag fee	3.2 (b)(i)	1 st Offence	\$120.00	\$100.00	\$145.00
		2 nd Offence	\$220.00	\$200.00	\$265.00
		3 or more Offences	\$320.00	\$300.00	\$385.00
Failure to charge reusable bag fee	3.2 (b)(ii)	1 st Offence	\$120.00	\$100.00	\$145.00
		2 nd Offence	\$220.00	\$200.00	\$265.00
		3 or more Offences	\$320.00	\$300.00	\$385.00
Food in Foam Container	3.3	1 st Offence	\$120.00	\$100.00	\$145.00
		2 nd Offence	\$220.00	\$200.00	\$265.00
		3 or more Offences	\$320.00	\$300.00	\$385.00
Distribution of plastic straws or plastic stir stick	3.4	1 st Offence	\$120.00	\$100.00	\$145.00
		2 nd Offence	\$220.00	\$200.00	\$265.00
		3 or more Offences	\$320.00	\$300.00	\$385.00