

## **DISTRICT OF SICAMOUS**

### **BYLAW NO. 1005, 2021**

A Bylaw to enhance the quality of life for the residents of Sicamous and promote civic responsibility.

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**WHEREAS** Council desires to protect quality of life for its citizens, promote civic responsibility, and encourage good relationships amongst neighbours;

**AND WHEREAS** Council desires to promote the integrity of public spaces within the municipality so that it may be enjoyed by residents and visitors;

**AND WHEREAS** pursuant to the *Community Charter*, Council may, by bylaw, regulate, prohibit, and impose requirements in relation to nuisances, noise, and unsanitary or unsightly conditions;

**AND WHEREAS** pursuant to the *Community Charter*, Council may, by bylaw, impose costs and recover costs of taking action in the event of a default by a person who fails to take action as lawfully directed;

**NOW THEREFORE** the Council of the District of Sicamous, in open meeting assembled, **ENACTS AS FOLLOWS:**

#### **PART 1 – INTERPRETATION & APPLICATION**

##### **Citation**

1. This bylaw may be cited as the “Good Neighbour Bylaw No. 1005, 2021”.

##### **Definitions**

2. In this bylaw, unless the context requires otherwise, the following terms are defined:

“**Accumulation**” means a collection, either built up, gathered, scattered, amassed, or piled, as the case may be.

“**Bylaw Administrator**” means:

- a. the Town Manager;
- b. the Corporate Officer
- c. the Development Services Manager
- d. a Bylaw Enforcement Officer;
- e. a Building Inspector;
- f. an R.C.M.P Member; or
- g. the designate of a person listed above.

**“Construction”** includes erection, location, repair, alteration, addition, demolition, installation, placement, removal, excavation, or relocation, of any building or structure or part thereof, and includes work done as part of, or serving, a building, structure, or development.

**“Council”** means the Council of the District of Sicamous.

**“Derelict Vehicle”** means any vehicle or part of a vehicle that is either physically wrecked or disabled or not capable of operating under its own power.

**“Discarded Material”** includes all manner of:

- a. garbage;
- b. junk;
- c. unused or dismantled trailers, boats, vessels, machinery, mechanical or metal parts;
- d. bottles;
- e. glass;
- f. brush piles;
- g. dilapidated furniture; or
- h. inoperative appliances.

**“District”** means the District of Sicamous.

**“Graffiti”** includes an inscription, drawing, writing, picture, message, slogan, symbol, or mark made on any structure that has not received authorization of the District.

**“Neighbouring Property”** means any real property that is contiguous, adjacent, adjoining or opposite of a property.

**“Noise”** includes any sound that is liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public.

**“Noxious Weed”** means any weed designated as such under the *Weed Control Act* and includes the seeds of the noxious weed.

**“Nuisance”** includes:

- a) a building or structure, an erection of any kind, or a similar matter or thing;
- b) a natural or artificial opening in the ground or similar matter or thing;
- c) a drain, ditch, watercourse, pond, surface water or similar matter or thing; or
- d) a matter of thing that is in or about any matter or thing referred to above.

**“Occupier”** means a person who is in physical possession of the premise or has responsibility for, and control over, the condition of the premise, the activities on the premise and the persons allowed to enter onto the premise.

**“Owner”** in respect of real property means the registered owner as defined in the *Community Charter*.

**“Public Space”** means any real property or portions of real property to which the public is ordinarily invited or permitted to be in or on, such as the grounds of public facilities or buildings, transit shelters or bus stops, parking lots, sidewalks, parks, playgrounds and roadways.

**“Residential Area”** means the real property designated for residential use pursuant to the provisions of the District’s Zoning Bylaw as amended or replaced from time to time.

**“Service Call”** means a response by the District to abate any activity, conduct, or condition which constitutes a nuisance including unsightly conditions under the provisions of this bylaw.

**“Unsightly”** means, in addition to its common dictionary meaning and regardless of the condition of other properties in the neighbourhood, real property having any one or more of the following characteristics:

- a) the accumulation of junk, filth, litter, brush, discarded materials, refuse, rubbish, garbage, yard waste and/or derelict vehicles;
- b) unsanitary conditions;
- c) the accumulation of building material on a property other than premises licensed under the Business License Bylaw, unless the owner or occupier of the property is in possession of a valid Building Permit or the accumulation is stored in a covered building.
- d) fences that are dilapidated, broken or otherwise in disrepair;
- e) uncontrolled growth or significant lack of maintenance of brush, noxious weeds or other growth which because of their condition are likely to spread to or become a nuisance to other land in the vicinity, or which are so unkempt as to be unsightly to the owners or occupiers of nearby property;
- f) the condition or appearance of a structure, building, or of real property, or parts thereof, that is characterized by graffiti, holes, breaks, rot, crumbling, cracking, peeling, rusting, or any other evidence of physical decay or neglect or excessive use, or excessive lack of maintenance;
- g) any condition which may provide food or habitat to vermin; or
- h) any other similar conditions of disrepair, dilapidation, and deterioration.

**“Vermin”** any animal that may damage buildings or structures, spread filth, or spread disease including but not limited to Mouse, Rat, Chipmunk, Squirrel, Raccoon, Rabbit, and Skunk.

### **Administration & Enforcement**

3. The Bylaw Administrator may administer and enforce this bylaw, including initiating an action authorized in this bylaw.
4. Subject to the provisions of the *Community Charter*, the Bylaw Administrator may enter on or into any real property or premise to ascertain compliance with the provisions of this bylaw.

5. A person must not obstruct or interfere with the Bylaw Administrator lawfully exercising their authority conferred on the Bylaw Administrator under this bylaw.
6. A person who violates any provision of this bylaw, or who permits any act or thing to be done in violation of any of the provisions of this bylaw commits an offence against this bylaw.
7. Each day that any violation, contravention, or breach of this bylaw continues to exist will be deemed a separate offence against this bylaw.
8. The Bylaw Administrator may enforce the provisions of this bylaw by:
  - a. serving a ticket onto a person who commits an offence in accordance with Ticket Information Utilization Bylaw No. 77, 1992, as amended; or
  - b. initiating an action authorized by the *Community Charter*.
9. A person who commits an offence against this bylaw is liable for a fine of up to \$50,000 for each offence in accordance with the *Offence Act*.
10. Compliance with this bylaw does not excuse a person from the requirement to comply with all other municipal bylaws, statutes, regulations, codes and laws.
11. This bylaw does not apply to:
  - a. police, fire or other emergency personnel in the course of their official duties;
  - b. District officers, employees, or contractors in the course of their official duties;
  - c. normal farm practices on farm operations in accordance with the *Farm Practices Protection (Right to Farm) Act*;
  - d. a person making emergency repairs necessary for the preservation and protection of life, health or property;
  - e. bells or chimes for the announcing of public worship services;
  - f. normal street sweeping or snow clearing operations;
  - g. security or fire alarms;
  - h. any public event for recreational or entertainment purposes for which the Bylaw Administrator has provided written approval; or
  - i. any works for which the District or Bylaw Administrator has provided written approval.
12. If any part, section or other portion of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, that part, section or portion will be severed from this bylaw and will not affect the validity of the remaining portions of this bylaw.

## **PART 2 – UNSIGHTLY PREMISES & MAINTENANCE STANDARDS**

### **Unsightly Premises**

13. An owner or occupier of property must not cause, permit, suffer, or allow the property to become or remain unsightly or permit any act or thing to be done which constitutes a nuisance on that property.
14. Without limiting the generality of the foregoing, in respect of property for which a Building Permit has been issued by the District, a person must not cause, permit, or allow demolition waste, construction waste, or trade waste to accumulate on the property.

### **Property Maintenance Standards**

15. An owner must ensure that all buildings and their structural components are maintained in good repair and in a manner that provides sufficient structural integrity so as to safely sustain its own weight and any additional loads and influences that it may be subjected to through normal use.
16. Without limiting the generality of the foregoing, an owner must ensure all building components including but not limited to foundations, walls, other supporting members, projections, awnings, exterior wall facings, decorative features, stairways, balconies, porches, landings, roofing, soffit, eavestrough or downspouts are:
  - a. in good repair and free from excessive wear;
  - b. free from loose or unsecured objects and materials; and
  - c. maintained in a manner to prevent deterioration or decay.

## **PART 3 – NOISE**

### **General Noise Regulations**

17. A person must not make or cause, or permit to be made or caused, any noise in or on a private property or in a public place that unreasonably disturbs the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the vicinity.
18. An owner or occupier of property within the District must not allow or permit the property to be used in such a manner that noise or sound that occurs on or emanates from the property unreasonably disturbs the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the vicinity.

### **Construction Noise**

19. A person must not on a Monday to Saturday before 07:00 hours or after 20:00 hours, engage or permit construction in such a manner as to create noise that disturbs the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the vicinity.

20. A person must not on a Sunday before 10:00 hours or after 16:00 hours, engage or permit construction in such a manner as to create noise that disturbs the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the vicinity.
21. Where it is impossible or impractical to comply with the foregoing, a person may request that the Bylaw Administrator provide written approval to carry on the work that is found to be necessary.

#### **PART 4 – NUISANCE ABATEMENT & COST RECOVERY**

22. An owner or occupier of property who allows a property to become or remain unsightly or permit any act or thing to be done which constitutes a nuisance on that property must abate the activity or thing which causes the property to become or remain unsightly or which causes a nuisance.
23. If a person fails to abate an activity or thing that causes a property to become or remain unsightly or which causes a nuisance, Council may, by resolution, issue an order directing that owner or occupier abate the unsightly property or nuisance in accordance with the *Community Charter*.
24. If there are three (3) or more service call responses to address an unsightly property or nuisance at the same property within a twelve (12) month period, Council may, by resolution, designate a property as a nuisance property.
25. Council may, by resolution, impose a fee for repeat service calls to a designated nuisance property.
26. If a property is designated as a nuisance property by Council, notice of the designation will be issued to the owner or occupier of the real property within 15 days of receiving the nuisance property designation.
27. The District's notice of the imposition of a fee under Section 30 of this bylaw must state:
  - a. the details of the nuisance or unsightly premise;
  - b. the sections of this bylaw that are being violated by the person receiving the notice;
  - c. that the unsightly condition of the property or nuisance must cease;
  - d. the civic address and legal description of the property to which service call fees may be applied;
  - e. that if the person to which the notice is issued fails to comply with the notice, the District will impose service call fees for each additional nuisance service call response to the same person, owner, or occupier within the twenty-four (24) month period following the date the notice was issued; and
  - f. that the imposition of the nuisance service call fees is in addition to the District's right to seek other legal remedies or actions for abatement of the nuisance.

28. The District's notice required under Section 32 must be served personally by a Bylaw Administrator or sent by registered mail to the person to which the notice is issued.
29. The District may recover the costs imposed under this bylaw in accordance with:
  - a. the person causing the nuisance;
  - b. the occupier of land from which the nuisance emanates; or
  - c. the owner of land from which the nuisance emanates.
30. The costs recoverable by the District for a service call under this bylaw will be determined and calculated pursuant to the provisions of the District's Fees and Charges Bylaw No. 740, 2009, as amended.

## **PART 6 – IMPLEMENTATION**

### **Repeal**

31. Unsightly Premises Bylaw No. 257, 1997 is hereby repealed.
32. Noise Bylaw No. 968, 2019 is hereby repealed.

### **Amendments**

33. Ticket Information Utilization Bylaw No. 77, 1992 is amended by:
  - a. repealing Schedule 3; and
  - b. substituting Schedule 2 with the Schedule 2 attached to and forming part of this bylaw.
34. The Fees and Charges Bylaw No. 740, 2009 is amended by inserting the following section after section (j) in Part 2 – Administrative Fees of Schedule A:

**“(k) Nuisance Properties**

Nuisance Property Repeat Service Calls	\$50.00 per attendance”
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READ a first time this 12<sup>th</sup> day of May, 2021.

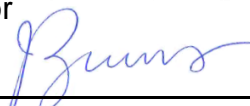
READ a second time this 12<sup>th</sup> day of May, 2021.

READ a third time this 12<sup>th</sup> day of May, 2021.

ADOPTED this 26<sup>th</sup> day of May, 2021.



\_\_\_\_\_  
Mayor



\_\_\_\_\_  
Corporate Officer

## Schedule 2

Good Neighbour Bylaw No. 1005, 2021 (as amended)

<b>Offence</b>	<b>Section(s)</b>	<b>First Offence</b>	<b>Second Offence</b>	<b>Third and Subsequent Offences</b>
Obstruction of a Bylaw Administrator	5	\$500	-	-
Permit unsightly property or nuisance	13	\$250	\$500	\$1,000
Permit accumulation of demolition waste, construction waste, or trade waste	14	\$250	\$500	\$1,000
Failure to ensure building and structural components in good repair	15	\$250	\$500	\$1,000
Failure to maintain building components	16	\$250	\$500	\$1,000
Cause unreasonable noise on private property or in public place	17	\$100	\$250	\$500
Permit unreasonable noise from property	18	\$100	\$250	\$500
Construction Noise after-hours	19 & 20	\$100	\$250	\$500

Second, Third, and Subsequent Offences may be ticketed as such if the subsequent offence occurs within 180 days following the date of the initial fine.