VILLAGE OF
VALEMOUNT

*Let the mountains move you*

# Village of Valemount

# Good Neighbour Bylaw

# No. 702, 2013

VILLAGE OF VALEMOUNT
GOOD NEIGHBOUR BYLAW NO. 702, 2013

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A Bylaw to prohibit unsightly premises, nuisances and other objectionable situations

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**WHEREAS** it is deemed necessary that a new Good Neighbour Bylaw be established for the Village of Valemount;

**NOW THEREFORE** the Council of the Village of Valemount, in open meeting assembled, pursuant to Sections 8(3) (h) and 64 of the *Community Charter* enacts as follows:

## 1. Title

1.1 This bylaw may be cited for all purposes as the "Village of Valemount Good Neighbour Bylaw No. 702, 2013."

## 2. Repeal

2.1 Bylaw No. 666, 2011, Good Neighbour Bylaw, and all amendments thereto, are hereby repealed.

## 3. Definitions

3.1 Refer to Schedule A of this bylaw.

## 4. General Provisions

4.1 No owner or occupier shall cause or permit noxious, offensive or unwholesome material to collect or accumulate on or around the property of that owner or occupier.

4.2 No owner or occupier shall allow their property to become or remain unsightly.

4.3 No person shall place graffiti in such manner as to be visible from a highway, public place or other property.

4.4 No person shall deposit or throw refuse or garbage on a highway, public place or property where there are no buildings or structures.

4.5 No owner or occupier shall cause or permit the storage or accumulation on the property of that owner or occupier of a derelict vehicle or parts or a derelict vehicle unless:

a. The Zoning Bylaw permits the use of auto wrecking or salvage yard on that property; or

b. The derelict vehicle or parts of a derelict vehicle are stored in a building or structure such that they are not visible from another property, highway or other public place.

4.6 Despite paragraph 4.5 (b), an owner or occupier is permitted to store up to two (2) derelict vehicles visible from another property, highway or other public place provided that the only reason the derelict vehicle is derelict is because it is unlicensed.

4.7 No owner or occupier shall cause or permit water to accumulate on the property of that owner or occupier.

4.8 No owner or occupier shall cause or permit unsanitary conditions to exist on the property of that owner or occupier.

4.9 No owner or occupier of a property shall allow any grasses or other weeds growing thereon to be in excess of 20.32 cm (8 inches) in height. The grasses or other weeds shall be cut and removed from the property, or cause to be cut down in such manner to prevent blowing.

4.10 No owner or occupier shall cause or permit noxious weeds to grow or accumulate on the property of that owner or occupier.

4.11 No owner or occupier shall cause or permit any trees or other growths that create a safety hazard to remain on the property of that owner or occupier.

4.12 No owner of a property shall cause, allow or permit a building or structure, or part of a building or structure, which is missing all or a portion of its surface, coverings or coating materials to be on the property unless the owner is in possession of a valid building permit in respect of the building or structure.

## 5. Requirements

5.1 Every owner and occupier shall remove, or cause to be removed, from such property all:

a. Noxious, offensive or unwholesome material;

b. Unsightly conditions;

c. Graffiti;

d. Derelict vehicles or parts of derelict vehicles;

e. Accumulations of water;

f. Unsanitary conditions;

g. Noxious weeds (see Schedule B);

h. Trees and other growths that create safety hazards; and

i. Building or structures which are missing all or a portion of its surface, coverings or coating materials (see Section 4.12).

## 6. Enforcement

6.1 Subject to the procedures prescribed in Section 16 of the *Community Charter*, a Bylaw Enforcement Officer is authorized to enter on and into property to inspect and determine whether all regulations, prohibitions and requirements of this Bylaw are being met.

6.2 Where a Bylaw Enforcement Officer determines that the regulations, prohibitions and requirements of this Bylaw are not being met with respect to a property, the Bylaw Enforcement Officer may issue a penalty, as per Section 7 of this Bylaw.

6.3 In the case of an emergency as per Section 16 (4) of the *Community Charter*, or if the owner or occupier of the property fails to comply with a penalty as per Section 7 of this Bylaw, the Village, by its employees, contractors or agents, may take action under Section 17 of the *Community Charter* to fulfill the requirements of the order and to recover the costs from the owner or occupier of the property.

## 7. Offense and Penalty

7.1 No person shall do any act or permit any act or thing to be done in contravention of this bylaw.

7.2 Every person who violates any provision of this bylaw, or who permits any act or thing to be done in contravention of this by-law, or who fails to do any act or thing required by this by-law, shall be deemed to have committed an offence against this by-law and:

a. Shall be liable to any conditions set out in the Village of Valemount Bylaw Notice Enforcement and Dispute Adjudication System Bylaw; or

b. Shall be liable, upon summary conviction, to the penalties provided under the Offence Act; or

c. Any combination of the above.

7.3 Each day that an offence against this bylaw continues may be deemed a separate and distinct offence.

7.4 Any penalty imposed pursuant to this bylaw shall be in addition to, and not in substitution for, any other penalty or remedy imposed pursuant to any other applicable statute, law or legislation.

## 8 Severability

8.1 If any portion of this bylaw is declared ultra vires by the Court of Competent Jurisdiction, that portion shall be deemed to be severed from the bylaw to the extent that the remainder of the bylaw shall continue in full force and effect.

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| Read a First Time this | 13th day of August, 2013 |
| Read a Second Time this | 13th day of August, 2013 |
| Read a Third Time this | 24th day of September, 2013 |
| Reconsidered and Adopted this | 8th day of October, 2013 |

Mayor, Andru McCracken

Corporate Officer, Anne Yanciw

Certified to be a true copy of the Bylaw 702,2013 as adopted by Council Resolution 375/13, dated 8th day of Oct, 2013.

## Schedule A: Definitions

In this Bylaw, unless the context otherwise requires:

"Bylaw Enforcement Officer" means a person designated as a Bylaw Enforcement Officer, as per the Village of Valemount Bylaw Notice Enforcement and Dispute Adjudication System Bylaw, which may change from time to time;

"Council" means the Mayor and Council for the Village of Valemount;

"Derelict Vehicle" means a motor vehicle which is any one or more of the following:

a. Physically wrecked or disabled;
b. Not capable of operating under its own power;
c. Not displaying a current and valid license plate in accordance with the Motor Vehicle Act;

"Graffiti" means drawing, printing, or writing that is etched, scratched, sprayed, painted or scribbled on a wall or surface, but does not include a sign for which a permit has been issued by the Village;

"Highway" means any highway, street, road or public alleyway;

"Junk" means old metal, glass, paper, wood, or other material which may be usable again in some fashion;

"Motor Vehicle" means a vehicle, not on rails, that is designated to be self propelled;

"Motor Vehicle Act" means the Motor Vehicle Act RSBC, 1996 Chapter 18;

"Noxious Weeds" means (See Schedule B of this Bylaw);

"Noxious, offensive or unwholesome material" includes all manner of refuse or garbage; discarded or disused items; junk, filth, unused or dismantled aircraft, electronic devices, trailers, boats, vessels, machinery, mechanical or metal parts, glass or plastic bottles, tin cans or other metal containers, glass pipes, dilapidated furniture, inoperative appliances, derelict vehicles and other similar things; unused wood or wood products, excluding seasoned untreated wood or manufactured products cut in lengths and properly stored for use as fuel in solid fuel burning appliances;

"Occupier" means any person who occupies the property, or who is qualified to maintain an action for trespass in respect of the property, or who is in possession of the property under lease, license, agreement for sale or other agreement with the owner of the property;

"Owner" means any person in relation to property who is the registered owner of an estate in fee simple, the tenant for life under a registered life estate, or the registered holder of the last registered agreement for sale;

"Property" means real property consisting of land only or land and improvements, and includes a portion of real property occupied separately by the owner or an occupier;

"Village" means the Village of Valemount;

"Zoning Bylaw" means the current Village of Valemount Zoning Bylaw that may change from time to time.

Schedule B: Noxious weeds include the list below and any weed that is included within the most recent list of invasive weed species that are covered under the Northwest Invasive Plant Council Weed Control 50/50 Program.

| Common Name | Latin Name | Common Name | Latin Name |
|---|---|---|---|
| Baby's Breath | *Gypsophila paniculata* | Knapweed, diffuse | *Centaurea diffusa* |
| Bluebur, Western | *Lappula echinata* | Knapweed, spotted | *Centaurea stoebe,(syn. C. Maculosa & C. biebersteinii* |
| Blue Buttons | *Centaurea cyanus* | Knotweeds | *Fallopia & Polygonum sp.* |
| Bluet | *Centaurea montana* | Lamb's Quarter | *Chenopodium spp.* |
| Blueweed | *Echium vulgare* | Loosestrife | *Lythrum spp.* |
| Broom | *Cytisus scoparius* | Medic, black | *Medicago lupulina* |
| Buckwheat, wild | *Polygonum convolvulus* | Mullein | *Verbascum thapsus* |
| Bugloss, small | *Lycopsis arvensis* | Mustard Hedge | *Sisymbrium officinale* |
| Burdock, common | *Arctium minus* | Mustard, dog | *Erucastrum gallicum* |
| Campion, bladder | *Silene cucubalus* | Mustard, tumble | *Sisymbrium spp.* |
| Catchfly, night flowering | *Silene noctiflora* | Mustard, wild | *Sinapis arvensis* |
| Chamomile, scentless | *Matricaria maritima* | Pineapple Weed | *Matricaria matricarioides* |
| Chicory | *Cichorium intybus* | Policeman's helmet or Himalayan balsam | *Impatiens glanulifera* |
| Cockle, white | *Lychnis alba* | Primrose, evening | *Oenothera biennis* |
| Comfrey | *Symphytum officinal L.* | Ragwort, tansy | *Senecio jacobaea* |
| Daisy, oxeye | *Chrysanthemum leucanthemum* | Scabious, field or blue buttons | *Knautia arvensis* |
| Dock, curled | *Rumex crispus* | Spurge leafy | *Euphorbia esula* |
| Eyebright | *Euphrasia nemorosa* | St. John's-wort | *Hypericum perforatum* |
| Fleabane, Canadian | *Conyza canadensis* | Stinkweed or pennycress | *Thlaspi arvense* |
| Goat's Beard | *Tragopogon spp.* | Sulphur cinquefoil | *Potentilla recta* |
| Gorse | *Ulex europaeus* | Tansy, common | *Tanacetum vulgare* |
| Groundsel, common | *Senecio vulgaris* | Tarweed | *Madia glomerata* |
| Hair bittercress | *Cardamine hirsuta* | Thistle, bull | *Cirsium vulgare* |
| Hawksbeard, narrowleaf | *Crepis tectorum* | Thistle, Canada | *Cirsium arvense* |
| Hawkweeds | *Hieracium spp.* | Thistle, marsh plume | *Cirsium palustre* |
| Hemp-nettle | *Galeopsis tetrahit* | Thistle, nodding | *Carduus nutans* |
| Himalayan blackberry | *Rubuis discolor* | Thistle, plumeless | *Carduus acanthoides* |
| Hoary alyssum | *Berteroa incana* | Thistle, Russian | *Salsola Kali* |
| Hop Clover | *Trifolium agrarium* | Thistle, sow | *Sonchus spp.* |
| Hound's Tongue | *Cynoglossum officinale* | Toadflax | *Linaria dalmatica* |
| Iris, yellow flag | *Iris pseudacorus* | Vetch, tufted | *Viccia cracca* |
| Knapweed, black, brown & greater | *Centaurea nigra, jacea & scabiosa* | Wormwood or absinthium | *Artemisia absinthium* |
| | | Yellow archangel | *Lamium galeobdolon* |