

THE CORPORATION OF THE VILLAGE OF POUCE COUPE

BYLAW #588

PROPERTY MAINTENANCE & NOISE BYLAW

A bylaw of the Corporation of the Village of Pouce Coupe (hereinafter called "The Village") for the general improvement, maintenance and regulation of the Village of Pouce Coupe.

Whereas the Council of the Village, in open meeting assembled, enacts as follows:

DEFINITION

In this bylaw, unless the context otherwise requires:

- AUTHORIZED PERSON:** Shall include the following:
- A member of the Royal Canadian Mounted Police
 - Village Clerk
 - Village Foreman
 - A Building Inspector of the Village
 - Any other Peace Officer
- VILLAGE:** Means the Corporation of the Village of Pouce Coupe
- NOXIOUS WEEDS:** Means those weeds listed in the regulations of the Weed Control Act
- PERSON:** Includes any corporation, partnership or party and the heirs, executors, administrators, or other legal representatives of such person, to whom the context can apply according to the law and also includes the owner, his agent, or the occupier of, or the holder of a purchaser's interest in an Agreement for Sale of any real or personal property or premises within the Village.
- ROADWORTHY:** Means, when applied to motor vehicles, capable of normal physical operation.
- RUBBISH:** Includes all discarded, broken or useless items and without restricting the generality of the foregoing, shall include old paper or wood products no longer in use or motor vehicles that are no longer roadworthy or part thereof.
- UNSIGHTLY:** Shall mean repulsive to the sight or ugly, but without restricting the generality of the same, shall include:
- The storage of building materials on a site where construction is not taking place.
 - The storage or accumulation of motor vehicles that are not roadworthy or of parts thereof.
 - The storage, cleaning, repairing or servicing of trucks, hauling or construction equipment except where the same is carried out entirely within a building.

RUBBISH AND LITTER CONTROL

1. i) Everyone who causes or permits water, rubbish, or noxious, offensive, or unwholesome matter or substance to collect or accumulate around his premises, shall have contravened the provisions of this bylaw.

- ii) No person shall deposit or throw bottles, broken glass, paper, cardboard, or empty cartons, or other rubbish, trash or garbage in any open place within the Village.
- iii) No person shall deposit or throw garbage of any kind which includes tree limbs and grass clippings in any municipal ditch.

UNSIGHTLY PREMISES

- 2. i) Where, in the opinion of Council, premises within the Village are unsightly, the Council may notify the owners or occupiers of such real property, or their agents, that they shall be required to remove from their property any accumulation of filth, discarded materials, or rubbish of any kind, and in default of such removal, the Village, by its workmen and others, may enter and effect such removal at the expense of the person so defaulting and the Village shall thereafter bill the owner, occupier, or their agents, as the case may be, for the charges for so doing, and if these charges are unpaid on the thirty first day of December of the same year, they shall be added to and form part of the taxes payable in respect of the real property as taxes in arrears.
- ii) In any residential area, which area for the purpose of this section shall mean and include any Residential District as defined within the Village of Pouce Coupe Zoning Bylaw, the following conditions may constitute unsightly premises:
 - a) The accumulation or storage of any building materials, whether new, used or second-hand, on any site, or premises, where the owner or occupier of the premises is not in possession of a valid building permit.
 - b) The storage or accumulation of any goods or merchandise which is offered or intended to be offered for sale.
 - c) The storage, collection, or accumulation of any automobile wrecks, in whole or parts thereof, or any motor vehicle, or portion of a motor vehicle, which is not validly registered and licensed in accordance with the Motor Vehicle Act, or capable of motivation under its own power.
 - d) The accumulation of automobile or appliance parts or accessories.
 - e) The storage of solid fuels, such as wood, coke, or coal, where the amount of solid fuel so stored is in excess of one winter season's normal supply and is so stored in an unsightly and unseemly manner that it may be viewed from the adjoining properties.
 - f) The use of any property for the storage, repair, cleaning, maintenance, collection, or servicing of mechanical equipment such as bulldozers, graders, backhoes, loaders, cranes, or other similar heavy construction equipment.

OFFENSIVE GROWTH

- 3. Every owner or occupier of real property, including boulevard located in front of such real property, shall forthwith upon receipt of notice given pursuant to this bylaw clear such property of trees, brush, noxious weeds or other offensive growths.

INSECT INFESTATION

- 4. Every owner or occupier of real property, or their agents, shall prevent infestation by caterpillars or other noxious or destructive insects, and where such infestation has occurred,

the owner or occupier, or their agents, shall be required to clear such property of the caterpillars and other noxious or destructive insects; and in default of such effective destruction and clearing within a reasonable time, Council may give the responsible party a thirty day notice, after which if the infestation is not alleviated, the Village, by its workmen and others, may enter and effect such destruction and clearing at the expense of the person so defaulting, and the charges for so doing shall be billed by the Village to the person in default and if unpaid on the thirty first day of December in that year, shall be added to and form part of the taxes payable in respect of the real property as taxes in arrears.

SIDEWALK CLEANLINESS

5. It shall be the duty of any owner or occupant of any building fronting upon any street within the Village to keep the sidewalk in front of such building in a proper state of cleanliness, and no owner or occupant shall place the sweepings, ashes, mud, dirt, or other refuse from his premises on the public streets or alleys.

SIDEWALK SNOW REMOVAL

6. It shall be the duty of every owner or occupier of any real property within the Village to remove snow, ice, or rubbish from the sidewalks or foot paths, or any portion of them bordering on the real property owned or occupied by himself, and where snow and ice is allowed to accumulate upon a sidewalk or foot path after a snowfall, it shall be the duty of every owner or occupier of premises fronting on such sidewalks or foot paths before the hour of 11:00 a.m. the next day following the snowfall, or immediately upon being requested to do so by an authorized person, to remove such snow.

ROOF SNOW REMOVAL

7. It shall be the duty and responsibility of every owner or occupier of any real property to remove snow, ice or rubbish from the roof or other parts of any structure thereon adjacent to or abutting on any portion of any highway, immediately after such accumulation occurs, or when requested to do so by an authorized person.

PAVEMENT DAMAGE, HIGHWAY DAMAGE OR EXCAVATION

8. No person shall break, tear, remove, damage, or make any excavation in or under any highway, square, alley, lane, bridge, or sidewalk along or on any highway, by any means, for any purpose whatsoever, without the written permission of the Village Council, and every person who may be granted such permission shall be liable and responsible to replace, repair, re-lay or renew, as soon as possible thereafter, or immediately upon the order of the Village Clerk, and to the satisfaction of the Village Council, such sidewalk, highway, alley, lane square, or bridge which was in any way encumbered, broken, torn, or damaged by such person.
9. No person shall break, tear, remove, injure, damage, or encumber in any way, any pavement, sidewalk, curbing, gutter, or other road surface, on or along any highway, alley, square, lane, or bridge within the Village, by any means and everyone who causes such damage shall be liable for the damage so caused and shall be responsible for the cost of repairing such damage, in addition to any penalty assessed hereunder for contravening the provisions of this bylaw.

PUBLIC PROTECTION

10. Every person who may be granted a permit under Section 8 herein, shall erect and maintain a good and sufficient fence, railing, or barricade around every excavation made by him, in such a manner as to prevent accidents and shall place and keep upon such fence, railing, or barrier, suitable and sufficient lights during the night and shall take such further care and precautions as the Village Foreman may deem necessary and direct for the protection and safety of the public.

VILLAGE INDEMNITY

11. Every permit granted under Section 8 shall be required to indemnify and save harmless the Village against all damages or injuries which may occur to any property or persons and any actions in law which result as a consequence of such work.

CROSS-OVERS

12. Every owner or occupier of real property, or their agents, or any other person who shall in any way require to drive, pull, or propel any vehicle, motor vehicle, motor vehicle, motorcycle, implement of husbandry, or trailers, across any pavement, sidewalk or curbing and gutter for the purpose of entering his property or when leaving the travelled portion of the highway, or for any other reason, shall first construct across the pavement, sidewalk, and curbing and gutter, a sufficient protection sufficient to prevent the same from being injured in crossing such pavement, sidewalk, or curbing and gutter, and shall not obstruct the drainage of surface water on or in any ditch or highway with the Village.

CROSS-OVER DAMAGE

13. Every person who in any way damages any pavement, paved or unpaved sidewalk, or curbing and gutter while leaving the travelled portion of the highway shall be liable to the Village, and shall pay for the damages in the amount to be determined by the Village Clerk to repair such damage.

HIGHWAY CARE

14. The Village shall be responsible for the lighting, watering, or dust control of any portion of any highway within the Village, and no person shall light, water or treat any portion of any such highway without express permission of the Village Foreman.

BOULEVARD MAINTENANCE

15. The maintenance of any boulevard fronting onto private property shall be the sole responsibility of the developer or land owner.

BOULEVARD DAMAGE

16. i) It shall be unlawful, and contrary to the provisions of this bylaw for any person willfully to damage:
- a) any boulevard, or hedge adjacent to any highway;
 - b) anything erected or maintained adjacent to a highway for the purpose of lighting the highway;
- and every such person causing such damage shall be liable for the costs of repairing such damage in addition to any penalty assessed under this bylaw.
- ii) No person shall unduly damage a boulevard in any way, shape or form; or if necessary, the same person shall restore the boulevard to its original condition.

CARE OF TREES ETC.

17. i) The planting and care of shade or ornamental trees, shrubs, plants, and bushes upon any highway in the Village shall be under the control of the Village Foreman.
- ii) No person shall plant any tree, shrub, bush or plant; or remove, cut down, damage, or injure in any way any tree, shrub, bush, or plant or part thereof, that may be planted upon or adjacent to any highway within the Village, and every person causing such damage shall be liable for the costs of repairing such damage in addition to any penalty assessed hereunder, unless they have first obtained permission in writing from the Village Clerk to remove or cut down such tree, shrub, bush or plant.

TREE DAMAGE

18. Every person constructing, repairing, or paving any Village highway, or sidewalk or doing any work on the highways or sidewalks of this Village shall avoid damaging or removing any tree, shrub, bush or plant, in whole or in part while executing such work and if it is possible to perform such work without damaging or removing any tree, shrub, bush or plant, it shall be such person's duty to apply to the Village Council for instructions.

FENCES AND HEDGES

19. i) Fences and hedges adjacent to any highway shall not be higher than 1.5 meters (5 feet) from the ground and it shall be a minimum of 4.6 meters (15 feet) from the curb line in any direction.
- ii) No person shall erect or maintain any fence wholly or partially of barbed wire, (with the exception of security fences and in every zone where the keeping of livestock is permitted), nor shall any person erect any fence that is electrically charged or otherwise dangerous in any way, within the Village, and any such fence presently in existence shall be removed forthwith.

MANDATORY FENCING

20. Council may, where it is deemed necessary, direct the Village Clerk to notify the owners of any parcel of land abutting on any highway or any portion of any highway, that they shall be required to fence that part of the parcel abutting on the highway.

HIGHWAY NAMES

21. i) Council shall be responsible for the assigning of names and numbers to highways within the Village and for the placing of signs thereof.
- ii) Every person who erects, removes, defaces, or damages any such sign as aforesaid in any way whatsoever, shall be liable for an infraction of this bylaw.

HOUSE NUMBERING

22. The Village Clerk shall be responsible for assigning of numbers to houses, or buildings, and it shall be the responsibility of the owners or occupier of every house or buildings within the Village to place such assigned numbers in a conspicuous place, in such a manner that they shall be clearly visible from the highway upon which the house or building is situated.

PRIVATE HIGHWAYS

23. Every owner of a private highway shall maintain such highway in a clean, fit and safe state and shall affix suitable signs indicating that such highways are private thoroughfares.

PUBLIC UTILITIES - COUNCIL PERMISSION

24. i) No gas, electric light, telegraph, power, pipeline, telephone, or water company, motor bus, or electric trolley bus company, radio or television broadcasting company, or closed-circuit television company shall use the highways of the Village for the construction of the above mentioned utilities until they have first supplied the Village Office with complete plans and specifications of the proposed work or undertaking to be constructed, and have obtained the written permission of the Village Clerk which shall be subject to the approval of the Village Council.
- ii) All construction undertaken by any afore mentioned utility shall be in accordance with the bylaws of the Village and all applicable Provincial or Federal Statutes.

UTILITY CONTROL - VILLAGE COUNCIL

25. No person shall place or replace any poles, towers, structures, wires, pipes, pipelines, conduit, or tunnels and the like on, in, over, under or along any highway in the Village, unless the written permission of the Village Council has been obtained, and all work must be done in accordance with its instructions.

UTILITY REMOVAL

26. Where Council considers any poles, towers, wires, or structures to be dangerous to the public safety, Council may order their removal, by the person who erected them or is responsible for their maintenance.

WATERCOURSE CONTROL

27. It shall be unlawful, and contrary to the provisions of this bylaw for any person to foul, obstruct or impede the flow of any stream, creek, waterway, watercourse, waterworks, ditch, drain or sewer, whether or not the same are situate on private property.

EARTH REMOVAL

28. i) No person shall take up, or dig, or carry any of the earth, sand or gravel in or from any highway, sidewalk, alley, lane, square or from any real property owned by the Village within the Village, without the written permission of the Village Council.
- ii) No person shall remove any soil from any vacant lands within the Village, except where a building permit has been granted for the said land, without first having obtained a valid permit from the Village Clerk, which shall state thereon the quality and manner in which the soil is to be removed, and the necessary fee payable therefore.

DEFACING BUILDINGS

29. Every person who in any way removes, injures, damages, defaces, or disfigures any public or private buildings, wall, fence, hedge, railing, sign, monument, statue, post, telegraph, telephone, or electric pole, or other property in whole or in part owned or maintained within the Village by cutting, breaking, painting, or dabbling with paint or other substance, or billposting thereon, shall have contravened the provisions of this bylaw and shall be liable for the costs of repairing such damage in addition to any penalties assessed under the provisions of this bylaw.

INDECENT ADVERTISING

30. No person shall post, exhibit, or distribute any placards, play-bills, posters, advertising, writings or pictures; or write words, or make pictures or drawings which are indecent or may tend to corrupt or demoralize the public on walls, or fences, or elsewhere, on or adjacent to a highway or public place.

INCESSANT NOISES

31. i) No person shall between the hours of 10 o'clock in the evening and 6 o'clock of the following morning, make, cause or allow to permit to be made or caused, any noise or sounds in or on a highway or elsewhere in the Village which disturb, or tend to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighborhood, or of persons in the vicinity provided however that this paragraph shall not apply to:
- a) any act of repair or maintenance being carried out by employees or contractors of the Village, the Ministry of Highways or any public utility.
 - b) Any duly authorized person operating an emergency vehicle.
 - c) Any person functioning within the limits imposed by a permit issued by the Village Clerk or such other person he may designate.

Everyone who takes part in disturbing the quiet, rest, or comfort of the neighbourhood, shall have committed an infraction of this bylaw and may be prosecuted hereunder.

NOISE MAKING DEVICES

32. No person shall shout or use a megaphone or other noise making device in, or at, or on the streets or other public place of the Village, without having first obtained written permission from the Village.

AIR POLLUTION

33. No person being the owner or occupier of real property, or their agents, shall commit any act or condition of air pollution or discharge or allow the discharge into the atmosphere of dust, noxious gases caused by burning of plastics, rubber materials or other related products, or effluvia, or any other products of combustion to any extent, or degree that may be, or is liable to become, injurious to the health, comfort, property or welfare of any (one or more) of the residents or inhabitants of the Village.

WASTE REMOVAL

34. Every manufacturer or processor must dispose of the waste from their plants in a manner approved by the Village Council and Fire Chief, and no person shall construct, reconstruct, install, convert, alter, or add to any incinerator for the disposal of industrial or commercial scrap or waste material, refuse, rubbish, garbage, or any combination thereof, until an application including suitable plans and specifications have been filed with the Village Clerk and Fire Chief and a permit therefor has been issued by them.

DEFINITIONS

35. All applicable definitions contained with the Municipal Act, R.S.B.C., 1979, Chapter 290, or the Motor Vehicle Act, R.S.B.C., 1979, Chapter 288, may be applied to similar words or terms as used within the bylaw where appropriate or unless the context requires otherwise.

RIGHT OF ENTRY

36. i) The Village Foreman, or his representatives, shall have the right of entry at all reasonable times into any building or premises in order to inspect the same for the purposes of this bylaw, and to ascertain whether such regulations or directions are being obeyed.
- ii) Any person interfering with or obstructing the entry of the Village Foreman, or his representatives, into any building or premises shall be deemed guilty of a violation of this bylaw.

PERSONS LIABLE

37. Every person who violates any of the provisions of this bylaw, or who suffers or permit any act or thing to be done in contravention or violation of any of the provisions of this bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, or who does any act which violates any of the provisions of this bylaw, shall be deemed to be guilty of an infraction thereof, and liable to the penalty hereinafter provided.

PENALTIES

38. i) Any person who shall violate any of the provisions of this bylaw shall be liable to the following fines:

First Offence - \$ 25.00
 Second Offence - \$ 50.00
 Third Offence - \$100.00

39. This bylaw hereby repeals the Village of Pouce Coupe "Maintenance Bylaw No. 284, 439 and 482 and all amendments thereto.

40. This bylaw may be cited for all purposes as the "PROPERTY MAINTENANCE AND NOISE BYLAW NO. 588, 1991.

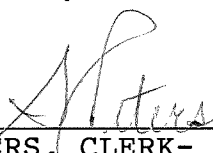
READ A FIRST TIME THIS 19th day of August, 1991.

READ A SECOND TIME THIS 19th day of August, 1991.

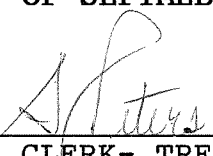
READ A THIRD TIME THIS 19th day of August, 1991.

RECONSIDERED and ADOPTED this 9th day of September, 1991.

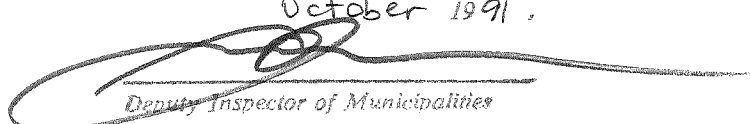

 JOSEPH L. JUDGE, MAYOR


 S. PETERS, CLERK- TREASURER

CERTIFIED A TRUE COPY OF "PROPERTY MAINTENANCE AND NOISE BYLAW NO. 588, 1991.
 ON 9TH DAY OF SEPTMEBER, 1991.


 S. PETERS, CLERK- TREASURER

A true copy of By-Law No. 588
 registered in the office of the Inspector
 of Municipalities this 25th day of
 October 1991.


 Deputy Inspector of Municipalities