



**DISTRICT OF HOUSTON
BYLAW NO. 1114, 2021**

A bylaw to regulate, prohibit, and impose in relation to the abatement of nuisances.

WHEREAS, Council for the District of Houston desires to protect its citizens from objectionable situations that harm a high quality of life within the municipality;

AND WHEREAS, Council for the District of Houston desires to promote a sense of civic responsibility and good relations among neighbors;

AND WHEREAS, Council for the District of Houston desires to promote the integrity of public spaces within the municipality which can be enjoyed by all citizens;

AND WHEREAS, Council for the District of Houston deems it necessary to regulate, prohibit, and impose requirements regarding nuisances and noise;

NOW THEREFORE, the Council of the District of Houston, in an open meeting assembled, hereby enacts as follows:

PART 1 – INTERPRETATION & APPLICATION

Definitions

1. In this bylaw:

- (1) **Bylaw Administrator** means the Director of Protective Services or Chief Administrative Officer.
- (2) **Commercial Area** means any real property designated pursuant to the provisions of the *Development Bylaw* as C1 Core Commercial or C2 Service Commercial.
- (3) **Construction Noise** includes
 - (a) the erection, alteration, repair, relocation, dismantling, demolition, and removal of a building;
 - (b) structural maintenance, power-washing, painting, land clearing, earth moving, grading, excavating, the laying of pipe and conduit, street or road building and repair, concrete placement, and the installation or removal of construction equipment, components, and materials in any form or for any purpose;
 - (c) any work being done in connection with any of the work listed in this bylaw under section 1(3)(a) and 1(3)(b).
- (4) **Council** means the Council of the *District*.
- (5) **Derelict Vehicle** means any vehicle or part of a vehicle that is either
 - (a) physically wrecked or disabled; or
 - (b) not capable of operating under its own power.

- (6) **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.
- (7) **District** means the District of Houston.
- (8) **Development Bylaw** means *Development Bylaw No. 1040, 2013*, as amended.
- (9) **Graffiti** includes an inscription, drawing, writing, picture, message, slogan, symbol, or mark, made on any structure that is not authorized by the *Development Bylaw* or any other *District* bylaw.
- (10) **Inspector** means:
 - (a) the Director of Protective Services;
 - (b) a building inspector;
 - (c) a member of the RCMP;
 - (d) a Bylaw Enforcement Officer; or
 - (e) the deputy of a person referred to in this Section (9) (a) through (d).
- (11) **Neighboring Property** means any real property that is contiguous, adjacent, adjoining, or opposite of a property.
- (12) **Noise** includes any sound which is liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public.
- (13) **Nuisance** means
 - (a) An activity or omission that interferes with a person's use, enjoyment, and comfort of their land; or
 - (b) any activity or omission which unreasonably obstructs or causes inconvenience or damage to a segment of the public in the exercise of rights common to all members of the public.
- (14) **Nuisance Service Call** means a response by the *District* to abate any activity, conduct, or condition which constitutes a *Nuisance* under the provisions of this bylaw.
- (15) **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.

- (16) **RCMP** means the Royal Canadian Mounted Police, when providing municipal policing services within the *District*.
- (17) **Residential Area** means the real property designated pursuant to the provisions of the *Development Bylaw* as A2 Rural Residential, R1 One Family Residential, R2 Two Family Residential, R3 Manufactured Home Park, or R4 Multi-family Residential.
- (18) **Street** means any highway, roadway, sidewalk, boulevard, lane, or any other way which the public is ordinarily entitled or permitted to use for the passage of vehicles or pedestrians but does not include a private right-of-way on private property.

Severability

- 2. 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.

Delegation of Authority – Administrator

- 3. The *Bylaw Administrator* may administer this bylaw.

Delegation of Authority – Inspector

- 4. An *Inspector* may enforce this bylaw, including by initiating an action authorized under Section 25 of this bylaw.

Entry onto Property

- 5. Subject to the provisions of the Community Charter, an Inspector may enter on or into any real property or premises to ascertain compliance with the provisions of this bylaw.

Compliance

- 6. Compliance with this bylaw does not excuse an owner or any person from the requirement to comply with all other municipal bylaws, statutes, regulations, codes, and laws.

Exemptions

- 7. This bylaw does not apply to
 - (1) police, fire, or other emergency personnel in the course of their official duties;
 - (2) *District* officers, employees, or contractors in the course of their official duties;
 - (3) normal farm practices on farm operations in accordance with the *Farm Practices Protection (Right to Farm) Act RSBC 1996 Chapter 131*, as amended;
 - (4) a person making emergency infrastructure repairs necessary for the preservation and protection of life, health, or property;
 - (5) the regular operation of a licensed business within an area zoned for that permitted use in accordance with the *Development Bylaw*;
 - (6) normal snow clearing operations;
 - (7) security or fire alarms; and
 - (8) public events for which a special events permit has been issued in accordance with the *Events Regulations Bylaw No. 1053, 2014*, as amended.

PART 2 – REGULATIONS

General Nuisance Prohibition

8. A person must not do or cause any act which constitutes a *nuisance*.

General Property Nuisance Prohibition

9. An owner or occupier of real property must not permit any act or thing to be done which constitutes a *nuisance* on that real property.

Unsightly Premises Prohibition

10. An owner or occupier of real property must not allow their property to become or remain unsightly by causing or permitting the following conditions to exist:

- (1) the storage or accumulation of *discarded material*;
- (2) all brush, noxious weeds, or other growths 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;
- (3) the placement, storage, or accumulation of construction materials or debris on a site where construction is not taking place;
- (4) *graffiti* on a building, fence, wall, or other structure; or
- (5) a fence or part of a fence in a derelict condition characterized by a lack of maintenance and repair.

Air Pollution Prohibition

11. An owner or occupier of real property must not make, cause, or the excessive emission of smoke, dust, gas, sparks, ash, soot, cinders, fumes, or other effluvia into the atmosphere.

Derelict Vehicles Prohibition

12. An owner or occupier of real property must not cause or permit to be caused the accumulation of *derelict vehicles* on their property.

Public Nuisances

13. A person must not do or cause any act which constitutes a *nuisance* on any *public space* or *street*, including:

- (1) smoking tobacco, cannabis, or any other substance;
- (2) placing *graffiti* on walls, fences, or any other surfaces;
- (3) fighting or engaging in other physical confrontations;
- (4) impeding or obstructing the free movement of other people or vehicles;
- (5) urinating or defecating, except in a facility designed for that purpose; or
- (6) littering.

General Noise Prohibitions

14. A person must not make, cause, or permit to be caused the following types of *noise*:

- (1) *noise* which can be heard in proximity to sleeping facilities;
- (2) *noise* with a duration of more than 30 minutes; or
- (3) *noise* that is repetitive in nature.

Quiet Hours

15. A person must not cause a *noise* during the following Quiet Hours:

- (1) 10:00 PM to 7:00 AM on Monday to Friday in *Residential Areas*;
- (2) 11:30 PM to 8:00 AM on Saturdays and Sundays in *Residential Areas*; and
- (3) 1:00 AM to 8:00 AM on all days in *Commercial Areas*.

Property Quiet Hours

16. An owner or occupier of real property must not cause or permit such property to make *noise* during designated Quiet Hours under this bylaw.

Construction Noise

17. Except a person granted an exemption under Section 18 of this bylaw, a person must not make any *construction noise* during the following hours:

- (1) 8:00 PM to 7:00 AM on Monday to Saturday; and
- (2) 6:00 PM to 10:00 AM on Sundays.

Application for Exemption from Construction Noise Restrictions

18. A person may apply to the *Bylaw Administrator* for an exemption from Section 17 of this bylaw by submitting an application for exemption on the form provided from time to time by the *District*.

Exemption Review Process

19. Within ten (10) days of receipt of an application authorized under Section 18 of this bylaw, a *Bylaw Administrator* may either:

- (1) deny the application for an exemption and state reasons in writing; or
- (2) determine the terms of an exemption for a specific period in writing.

Appeal of Exemption Request Decision

20. A person may appeal a decision made under Section 19 by submitting a request to the Corporate Officer within five (5) days of receiving the decision, which will be heard by Council as a delegation made in accordance with *Council Procedures Bylaw No. 1081, 2016*, as amended.

PART 3 – NUISANCE ABATEMENT & COST RECOVERY

Requirement to Abate Nuisance

21. A person, including any owner or occupier of real property, who causes a *nuisance* or permits any real property that they own or occupy to be used to cause a *nuisance* must abate or cause to be abated the activity or thing which causes the *nuisance*.

Order for Nuisance Abatement

22. If a person fails to abate or fails to cause to be abated an activity or thing that causes a *nuisance*, the *Council* may, by resolution, issue an order directing that the owner or occupier abate or cause to be abated the *nuisance*.

Request for Order Reconsideration

23. A person who is issued an order under Section 22 may request from a *bylaw administer* an opportunity to be heard by *Council* to request reconsideration of the order, within ten (10) days of the order being issued.

Notice of Order Requirements

24. In accordance with the provisions of the *Community Charter*, the *District's* notice of an order under Section 22 of this bylaw must state:

- (1) the details of the *nuisance*;
- (2) the sections of this bylaw that are being violated by the person receiving the notice;
- (3) that the *nuisance* must cease and the date of which non-compliance with this bylaw must be remedied;
- (4) that the person to which the order is issued may request reconsideration of the order by *Council* within ten (10) days of the date of the order;
- (5) that if the person to which the notice is issued fails to abate or cause to be abated the *nuisance* before the date of which non-compliance with this bylaw must be remedied the *District* may abate or cause to be abated the *nuisance* at cost of the owner or occupier of the property from which the *nuisance* emanates; and
- (6) that the *District* may impose *nuisance* abatement fees in addition to seeking other legal remedies or actions for abatement of the *nuisance*.

Delivery of Notice

25. Notice of an order made under Section 22 of this bylaw must be served personally by an *Inspector* or sent by registered mail from the *District* to the person whom the notice is issued.

District may Abate Nuisance

26. If a person who is subject to an order under Section 22 fails to abate or cause to be abated the activity causing the *nuisance* within the specified date for compliance, the *District* may abate or cause to be abated the activity which causes the *nuisance* in accordance with the *Community Charter*.

Nuisance Property Designation

27. If there are three (3) or more *nuisance service call* responses at the same property within a twelve (12) month period, *Council* may, by resolution, designate a real property as a nuisance property.

Repeat Nuisance Service Call Fees

28. *Council* may, by resolution, impose a fee for repeat *nuisance service calls* to a designated nuisance property.

Notice of Nuisance Property Designation

29. 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.

Notice of Repeat Nuisance Service Call Fees

30. The *District's* notice of the imposition of a fee under Section 28 of this bylaw must state:

- (1) the details of the *nuisance*;
- (2) the sections of this bylaw that are being violated by the person receiving the notice;
- (3) that the *nuisance* or *nuisances* must cease;
- (4) the civic address and legal description of the property to which *nuisance service call* fees may be applied;
- (5) that if the person to which the notice is issued fails to comply with the notice, the *District* will impose *nuisance 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
- (6) 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*.

Delivery of Repeat Nuisance Service Calls Notice

31. The *District's* notice required under Section 29 must be served personally by an *Inspector* or sent by registered mail to the person to which the notice is issued.

Cost Imposition

32. The *District* may impose the costs of abating a *nuisance* in accordance with this bylaw on one or more of the following persons:

- (1) the person causing the *nuisance*;
- (2) the occupier of land from which the *nuisance* emanates; or
- (3) the owner of land from which the *nuisance* emanates.

Cost Recovery

33. The *District* may recover the costs imposed under this bylaw in accordance with:

- (1) the *Community Charter*, as a debt due and recoverable in a court of competent jurisdiction;
- (2) the *Community Charter*, as a special charge against the property; or
- (3) in any other manner authorized by law.

Calculation of Fees

34. The costs recoverable by the *District* for a *nuisance service call* under this bylaw will be determined and calculated pursuant to the provisions of *Comprehensive Fees and Charges Bylaw No. 1094, 2017*, as amended.

PART 4 – ENFORCEMENT & OFFENCES

Obstruction of Inspector

35. A person must not obstruct or interfere with an *Inspector* lawfully exercising the authority conferred on the *Inspector* under this bylaw.

Violations

36. A person who violates or permits any act or thing to be done in violation of any of the provisions of this bylaw commits an offence against this bylaw.

Separate Offences

37. Each day that any violation, contravention, or breach of this bylaw continues to exist will be deemed a separate offence against this bylaw.

Fines

38. A person who commits an offence against this bylaw is liable for a fine of up to \$50,000.00 for each offence.

PART 5 – IMPLEMENTATION & CITATION

Amendments

39. *Development Bylaw No. 1040, 2013* is amended by:

- (1) repealing Division 22;
- (2) repealing Division 23; and
- (3) repealing Division 24.

40. *Municipal Ticketing Information System Implementation Bylaw No. 1060, 2014* is amended by:

- (1) substituting Schedule B2 with Appendix A of this bylaw; and
- (2) repealing Schedule B3.

41. Schedule A5 in the *Comprehensive Fees and Charges Bylaw No. 1094, 2017* is amended by inserting the following section after section 5 of Schedule A5:

6. Nuisance Abatement and Exemption – Bylaw No. 1114, 2020

a) Nuisance Abatement	per staff attendance	\$50.00 + Actual Cost
	per vehicle usage	Actual Cost + 10%
b) Repeat Service Call	per attendance	\$30.00
c) Request for Exemption	per application	\$30.00

Citation

42. This bylaw may be cited for all purposes as "Nuisance Bylaw No. 1114, 2021".

READ A FIRST TIME THIS 2nd DAY OF February 2021

READ A SECOND TIME THIS 16th DAY OF February 2021

READ A THIRD TIME THIS 16th DAY OF February 2021

ADOPTED THIS 2nd DAY OF March 2021



SHANE BRIENEN
MAYOR



DUNCAN MALKINSON
CORPORATE OFFICER

APPENDIX A

Schedule B2: Nuisance Bylaw No. 1114, 2021

Municipal Ticketing Information System Implementation Bylaw No. 1060, 2014

Column 1 Designated Expression	Column 2 Section	Column 3 Fine
Causing a Nuisance	8	\$100.00
Causing a Property Nuisance	9	\$150.00
Unsightly Premises – Discarded Materials	10 (1)	\$150.00
Unsightly Premises – Brush, Weeds, & Growth	10 (2)	\$150.00
Unsightly Premises – Construction Materials	10 (3)	\$150.00
Unsightly Premises – Graffiti on Property	10 (4)	\$150.00
Unsightly Premises – Derelict Fences	10 (5)	\$150.00
Air Contamination in Residential or Commercial Areas	11	\$150.00
Accumulation of Derelict Vehicles	12	\$100 + \$25 per vehicle (Max. \$1000)
Public Nuisances – Smoking	13 (1)	\$150.00
Public Nuisances – Placement of Graffiti	13 (2)	\$150.00
Public Nuisances – Physical Confrontations	13 (3)	\$150.00
Public Nuisances – Obstruction of Movement	13 (4)	\$150.00
Public Nuisances – Urination or Defecation	13 (5)	\$150.00
Public Nuisances – Littering	13 (6)	\$150.00
Producing Noise next to Sleeping Facilities	14 (1)	\$150.00
Producing Noise for longer than 30 Minutes	14 (2)	\$150.00
Producing Repetitive Noise	14 (3)	\$150.00
Breach of Residential Quiet Hours (Weekdays)	15 (1)	\$150.00
Breach of Residential Quiet Hours (Weekends)	15 (2)	\$100.00
Breach of Commercial Quiet Hours	15 (3)	\$100.00
Property Noise during Quiet Hours	16	\$150.00
Breach of Construction Quiet Hours	17 (1) or 17 (2)	\$200.00
Obstruction of Inspector	35	\$1000.00