

DISTRICT OF CLEARWATER

CONSOLIDATED FOR CONVENIENCE ONLY

GOOD NEIGHBOUR BYLAW NO. 56

Amending Bylaws to Good Neighbour Bylaw No. 56

1. District of Clearwater Good Neighbour Bylaw No. 56, Amendment Bylaw No. 223, 2019
(Replace Section 4.1(f) – Public Works Manager) and replace Section 4.3 PENALTY

DISTRICT OF CLEARWATER
BYLAW NO. 56, 2010
GOOD NEIGHBOUR BYLAW

Being a bylaw to enhance the quality of life for the citizens of the District of Clearwater

WHEREAS the Council of the District of Clearwater desires to protect quality of life for its citizens, and endeavours to promote community pride and civic responsibility, and further strives to encourage good relationships between neighbours;

AND WHEREAS Section 64 of the *Community Charter*, authorizes the Council of a municipality to enact a variety of regulations governing the appearance and maintenance of real property;

NOW THEREFORE the Council of the District of Clearwater in an open meeting assembled enacts as follows:

CITATION

This bylaw may be cited for all purposes as “*District of Clearwater Good Neighbour Bylaw No.56, 2010*”.

PART I – INTERPRETATION

- 1.1 In this bylaw, words or phrases defined in the British Columbia *Interpretation Act*, *Motor Vehicle Act*, *Local Government Act*, *Community Charter*, or any successor legislation, shall have the same meaning when used in this Bylaw unless otherwise defined in the Bylaw.
- 1.2 Schedule “A” contains definitions of terms used in this Bylaw.
- 1.3 In this Bylaw, unless the context otherwise requires, the singular shall include the plural and the masculine includes the feminine gender.
- 1.4 The headings contained in this Bylaw are for convenience only and are not to be construed as defining, or in any way limiting, the scope or the intent of the provisions of this Bylaw.
- 1.5 If any part of this Bylaw is for any reason held invalid by any court of competent jurisdiction, the invalid portion shall be severed and the severance shall not affect the validity of the remainder.

PART II – GENERAL REGULATIONS

- 2.1 No person shall obstruct or interfere with a Bylaw Compliance Officer in the exercise of his duties.
- 2.2 A Bylaw Compliance Officer shall have the right to enter upon the property of any owner or occupant at all reasonable times and in a reasonable manner for the purposes of inspecting property and declaring whether the property is unsightly or otherwise not in compliance with the provisions of this Bylaw.

PART III – PROPERTY MAINTENANCE

- 3.1
 - (a) Part III of this Bylaw does not apply to farm operations conducted in accordance with normal farm practices under the *Farm Practices Protection (Right to Farm) Act*.
 - (b) Part III of this Bylaw does not apply to the orderly outdoor storage of goods and chattels when permitted by the District of Clearwater Zoning Bylaw.

REGULATIONS:

- 3.2 Except as permitted under Section 3.1 of this Bylaw, no owner or occupier of real property shall cause, suffer or permit:
 - (a) water, rubbish, noxious, offensive, or unwholesome matter to collect or accumulate on or around such real property;
 - (b) rubbish to overflow from or accumulate around any container situated on the real property;
 - (c) allow the real property to become or remain unsightly, or a risk to public health and safety;
 - (d) the accumulation of dead landscaping, vegetation, noxious weeds or other growths to occur or to remain on the real property; or
 - (e) in respect to real property for which a Building Permit has been issued by the District, cause or permit demolition waste, construction waste or trade waste to accumulate on the real property.

COMPLIANCE ORDERS:

- 3.3 If, in the opinion of the Bylaw Compliance Officer, the owner of real property or other responsible person fails to comply with a requirement of this Bylaw, the Bylaw Compliance Officer may issue an order requiring that the owner or other responsible person bring the real property into compliance with the provisions of this Bylaw within such time as the Bylaw Compliance Officer considers appropriate in the circumstances.

3.4 Service of an order referred to in Section 3.3 will be sufficient if a copy of the order is:

- (a) served personally or mailed by prepaid registered mail to the owner of the real property as shown on the current year's real property assessment roll; and
- (b) either posted on the real property or delivered or mailed by regular mail to the occupier of the real property.

3.5 Notice issued under Section 3.3 herein must state:

- (a) the civic address of the subject real property;
- (b) the legal description of the subject real property;
- (c) the particulars of the unsightly nature of the real property or other non-compliance with this Bylaw to be remedied;
- (d) that the unsightly nature of the property or other non-compliance with this Bylaw must be remedied within a reasonable time as established by Council policy.
- (e) that if the owner or occupant fails to comply with the notice, the District may, without further notice, proceed to carry out the work required, and the cost of such work will be added to the taxes of the real property, and the owner or occupant or both may be subjected to prosecution for an offence under this Bylaw.

3.6 Notice issued under Section 3.3 herein may give specific instructions to remedy the unsightly nature of the real property or other non-compliance with this Bylaw including, but not limited to, any one or more of the following directions:

- (a) remove unsightly accumulations of materials or rubbish from the real property;
- (b) remove rubbish from sidewalks and footpaths;
- (c) clean, stack or cover any material;
- (d) clear the real property of brush, trees, noxious weeds or other growths;
- (e) cut grass or weeds present on the real property;
- (f) prune trees or shrubs;
- (g) remove rubbish, or cut grass, weeds or other growth from adjacent boulevards or laneways;
- (h) otherwise remediate, maintain or repair the real property as specified in the notice, so as to bring it into compliance with this Bylaw.

- 3.7 Where the owner of real property or other responsible person fails to comply with the Bylaw Compliance Officer's compliance order within the time period specified in such notice, the District, by its workers or others, may at all reasonable times and in a reasonable manner, enter the real property and bring about such compliance at the cost of the defaulting owner or other responsible person. Such costs shall consist of all costs and expenses incurred by the District to achieve compliance with this Bylaw including, without limitation, administrative costs, costs to attend the property by District employees or its contractors and the costs of removal, clean up and disposal.
- 3.8 Where an owner of real property or other responsible person defaults in paying the cost referred to in Section 3.7 to the District within 30 days after receipt of a demand for payment from the District, the District may either recover from the owner or other responsible person, in any court of competent jurisdiction, the cost as a debt due to the District, or direct that the amount of the cost be added to the real property tax roll as a charge imposed in respect of work or service provided to the real property of the owner, and be collected in the same manner as property taxes, as allowed in Section 258(1) of the *Community Charter*.
- 3.9 Service of a demand for payment referred to in Section 3.8 will be sufficient if a copy of the demand is served personally or mailed by regular mail to the owner of the real property as shown on the current year's real property assessment roll.

PART IV - ENFORCEMENT AND PENALTY ENFORCEMENT

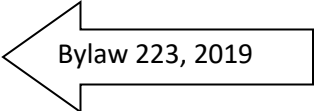
ENFORCEMENT:

- 4.1 Along with the Bylaw Compliance Officer, the following persons are hereby designated as authorized to enforce the provisions of this Bylaw:
- (a) The Chief Administrative Officer, or his designate
 - (b) The Building Inspector;
 - (c) The Fire Chief;
 - (d) The Deputy Fire Chief;
 - (e) An RCMP Officer,
 - (f) The Public Works Manager, or
 - (g) Other person directed by the Chief Administrative Officer, or his designate.
- 4.2 Any person named in Section 4.1 may enter upon property at all reasonable times to ascertain whether the provisions of this Bylaw are being observed.

OFFENCE:

- 4.3 *A person commits an offence and is subject to the penalties imposed by this Bylaw, the District of Clearwater Municipal Ticket Information Bylaw and the Offence Act if that person:*

- a) *contravenes a provision of this Bylaw;*



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- b) consents to, allows, or permits an act or thing to be done contrary to this Bylaw; or*
- c) neglects or refrains from doing anything required by a provision of this Bylaw.*

4.4 Where the offence is a continuing one, each day the offence continues shall be a separate offence.

REPEAT NUISANCE SERVICE CALLS

4.5 Where a member of the RCMP, a Bylaw Compliance Officer, or other District official is required to respond to a real property for:

- (a) more than one nuisance service call within a twenty-four (24) hour period; or
- (b) more than three nuisance service calls within a twelve (12) month period;

the owner of the real property shall be liable to pay an excessive nuisance abatement fee of \$100 per call.

4.6 Before imposing an excessive nuisance abatement fee, written notice shall first be provided to the owner of the real property:

- (a) describing in reasonable detail the nature of the nuisance conduct, activity or condition that occurred, or was maintained or permitted in, on or near the real property; and
- (b) advising the owner that excessive nuisance abatement fees will be imposed for each additional nuisance service call to the same real property and that the imposition of such fees is in addition to the District's right to seek other legal remedies or actions for abatement of the nuisance.

4.7 Excessive nuisance abatement fees shall be paid by the owner on receipt of an invoice from the District. If the amount of each invoice is not paid in full before the 31st day of December in the year received, on written notice to the owner, the amount shall be added to and form part of the taxes on the real property, as taxes in arrears.

4.8 An owner may, within 30 days of receipt of an invoice demanding payment of excessive nuisance abatement fees, require that Council reconsider the requirement to pay, or the amount of, the excessive nuisance abatement fees, at which time the owner of the real property shall have an opportunity to be heard by Council.

Read a FIRST TIME this 20th day of April 2010.

Public Information meeting held this 11th day of May 2010.

Read a SECOND TIME this 1st day of June 2010.

Read a THIRD TIME this 1st day of June 2010.

RECONSIDERED and FINALLY ADOPTED this 15th day of June 2010.

John Harwood, Mayor

Leslie Groulx, Corporate Administrator

Certified to be a true and correct copy of Bylaw No. 56, 2010, cited as "*District of Clearwater Good Neighbour Bylaw No. 56, 2010*" adopted by the Council of the District of Clearwater this 15th day of June 2010.

Leslie Groulx, Corporate Administrator

Bylaw No. 56, 2010 – Good Neighbour Bylaw

Schedule “A”

In this Bylaw:

“**accumulation**” means a build up, growth or collection, either scattered, amassed or piled, existing at the time of the inspection;

“**boulevard**” means that portion of highway between the curb lines or the lateral boundary lines of a road way and the adjoining property or between the curbs on median strips or islands, but does not include curbs, sidewalks, ditches or driveways;

“**Bylaw Compliance Officer**” means the person(s) duly appointed by Council as such, and shall include any peace officer;

“**container**” includes a dumpster, garbage can, garbage bin or other receptacle designed, intended or used to hold rubbish, discarded materials and debris;

“**Council**” means the Council of the District of Clearwater;

“**derelict vehicle**” means any vehicle or part thereof, propelled otherwise than by muscle power which:

- (a) is physically wrecked or disabled;
- (b) is not capable of operating under its own power in its present condition; and
- (c) does not have attached number plates for the current year pursuant to the regulations of the *Motor Vehicle Act* of the Province of British Columbia

“**District**” means the District of Clearwater or the area within the municipal boundaries as the context may require;

“**filth**” means foul or putrid matter;

“**graffiti**” means drawing, printing or writing scratched, sprayed, painted or scribbled on a wall, fence, or other surface, but does not include a sign for which a permit has been issued by the District;

“**grass**” shall include plants that are commonly known or referred to as grass.

“**lane**” means a public thoroughfare or way which affords only a secondary means of access to a lot at the side or rear;

“**noxious weed**” means any weed designated by regulation to be a noxious weed pursuant to the *British Columbia Weed Control Act*;

“**offensive matter**” means physical objects which are objectionable to the public;

“Peace Officer” has the same meaning as in the British Columbia *Interpretation Act* and includes a bylaw Compliance officer;

“person” includes a natural person, a company, corporation, partnership, firm, association, society, or party and the personal or other legal representatives of a person to whom the context can apply according to law;

“real property” means land, with or without improvements so affixed to the land as to make them in fact and in law, a part of the real property, and includes, as the context requires, individual premises located on the real property;

“rubbish”, in addition to its common dictionary meaning, shall include decaying or non-decaying solid and semi-solid wastes, including, but not limited to, both combustible and non-combustible wastes, such as paper, trash, refuse, cardboard, waste material, cans, glass, bedding, mattresses, crates, rags, barrels, boxes, lumber not neatly piled, scrap iron, tin and other metal, scrap, paving material, construction and demolition waste, derelict vehicles and other vessels, tires, machinery, mechanical or metal parts, discarded or dilapidated appliances, discarded or dilapidated furniture, ashes from fireplaces and on-site incinerators, yard clippings and brush, uncontained compost or manure piles, wood, dry vegetation, dirt, weeds, dead trees and branches, stumps, and piles of earth mixed with any of the above;

“street” means any highway, roadway, sidewalk, boulevard, place or right of way which the public is ordinarily entitled or may be permitted to use for the passage of vehicles or pedestrians and includes a structure located in any of those areas;

“unwholesome matter” means physical objects which are detrimental to the physical or mental well being of persons;

“unsightly”, in addition to its common dictionary meaning and regardless of the condition of other properties in the neighbourhood, shall include property having any one or more of the following characteristics:

- (i) the storage, location or accumulation visible to a person standing on a public highway or on nearby property, or in a building or structure situate on a public highway or nearby property, of filth, rubbish, graffiti or any other discarded materials;
- (ii) the untidy storage, location or placement of building materials on a site where construction is not taking place, except where they cannot be seen from a public highway or from nearby property, or from a building or structure situate on a public highway or nearby property;
- (iii) landscaping or vegetation that is dead or characterized by uncontrolled growth or lack of maintenance, or is damaged;
- (iv) any other similar conditions of disrepair, dilapidation, or deterioration.

“weed” means and shall include brush, trees, noxious weeds and other growth that is allowed to come to a state of causing, or about to cause, a nuisance and any vegetation that may by its root system, limbs, shoots or leaves intrude into a lane in a manner that may impact travel, construction, maintenance levels, longevity or esthetics of the said lane.