

VILLAGE OF LUMBY

GOOD NEIGHBOUR BYLAW NO. 877, 2022

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Being a bylaw to enhance the quality of life for residents of the Village of Lumby

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**WHEREAS** section 8 of the *Community Charter* provides municipalities with fundamental powers to regulate, prohibit, and impose requirements in relation to public spaces, health and safety of persons and property, and the protection and enhancement of the well-being of its community, and other matters;

**AND WHEREAS** section 64 of the *Community Charter* provides municipalities with fundamental powers exercise authority in respect of nuisances, unsanitary conditions, waste and garbage, and other offensive activities;

**AND WHEREAS** the *Community Charter* permits municipalities to regulate private highways and lands adjacent thereto;

**AND WHEREAS** Council of the Village of Lumby has deemed it desirable to pass a bylaw regulating, prohibiting, and imposing requirements in relation to public spaces, nuisances, health and safety, and to enhance the well-being of its community;

**NOW THEREFORE** the Council of the Village of Lumby, in open meeting assembled enacts as follows:

**PART 1 – INTERPRETATION**

- 1.1 This Bylaw may be cited for all purposes as the “Village of Lumby Good Neighbour Bylaw No. 877, 2022”.
- 1.2 If any provision of this Bylaw is held to be invalid by a court of competent jurisdiction, the provision may be severed from the Bylaw and such invalidity shall not affect the validity of the remaining portions of this Bylaw.
- 1.3 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.
- 1.4 All schedules of this Bylaw are attached to and form part of this Bylaw and are enforceable in the same manner as this Bylaw.
- 1.5 If any provision or part of this Bylaw is declared by any court of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the illegal or inoperative portion shall be severed from the Bylaw and the balance of the Bylaw, or its

application in any circumstances, shall not be affected and shall continue to be in full force and effect.

1.6 The following bylaws are hereby repealed:

- (a) Village of Lumby *Good Neighbour Amendment Bylaw No. 873, 2022.*
- (b) *Village of Lumby Good Neighbour Bylaw No. 838, 2020.*

1.7 For further clarity, the following bylaws were previously repealed by the *Village of Lumby Good Neighbour Bylaw No. 838, 2020*:

- (a) Village of Lumby *Panhandling Bylaw No. 784, 2016.*
- (b) Village of Lumby *Fireworks Bylaw No. 668, 2007.*
- (c) Village of Lumby *Unsanitary Premises Bylaw 691-2008.*
- (d) Village of Lumby *Anti-Noise By-law Number 689-2008.*
- (e) Village of Lumby *Burning By-law No. 635-2005.*
- (f) Village of Lumby *Parks and Public Places Bylaw No. 669, 2007.*
- (g) Village of Lumby *Real Property Regulation By-law No. 213, 1977.*

## **PART 2 – DEFINITIONS**

In this Bylaw:

**Acceptable Fire Pit** means an outdoor receptacle used or intended to contain a fire, and which meets the following specifications:

- (a) a clearance of at least 3 metres is maintained between the nearest fire pit edge and any building, property line, standing timber, trees, or other combustible material;
- (b) the fire pit height measured from the surrounding grade to the top of the fire pit opening does not exceed 0.6 metres;
- (c) the fire pit opening measured between the widest points or outside edges does not exceed 1 metre in width or diameter;
- (d) the fire pit installation has enclosed sides made from brick, concrete, heavy gauge metal, or other non-combustible materials acceptable to the Fire Chief or Fire Inspector;
- (e) unless the fire pit is being used for cooking purposes, while in use the fire pit is covered by a spark arrestor mesh screen made of metal or other non-combustible material, and with openings of no larger 1.25 cm in width, and which in the opinion of the Fire Chief or Fire Inspector is sufficient to contain and reduce hazards from airborne sparks;
- (f) no flames in or from the fire pit exceed 1 metre in height.

**ATM or Automated Teller Machine** means a device capable of linking to a financial institution's account records to carry out financial transactions such as depositing or withdrawing funds, transferring funds between accounts, displaying account balances, and making from a person's financial account, but does not include any personal computer, tablet computer or mobile telephone or similar device capable of performing that function.

**Blast** means to use, set off, ignite, discharge or explode a firework or other explosive.

**Bow** includes any arrow or projectile used with or discharged by the bow.

**Building Bylaw** means *Village of Lumby Building Bylaw No. 834, 2019*, as amended from time to time, and including any successor thereto.

**Building Designate** means any person designated by the Village of Lumby to consider, process, and issue a Vacant Building Registration Permit under Part 10 of this Bylaw.

**Burnable Debris** means any material permitted to be burned in accordance with this Bylaw and other enactments written to regulate burning and to protect the environment, and includes:

- (a) wood material from the construction or demolition of buildings, provided the wood does not contain wood preservatives; and
- (b) subject to provincial requirements, wood material from sawmills or planning mills.

**Bus Stop** means an area on a street designated for the stopping of busses and may be delineated by benches, shelters, or signage indicating the location of the stop.

**Bylaw Enforcement Officer** means any person appointed or authorized by the Village for the purpose of enforcing the Village's bylaws, including this Bylaw, and includes any peace officer.

**Community Charter** means the *Community Charter*, [SBC 2003] C. 26.

**Controlled Substance** means a controlled substance as defined in Schedules I, II, or III of the *Controlled Drugs and Substances Act*, S.C. 1996, C. 19.

**Council** means the Council of the Village of Lumby.

**Derelict Structure** means any structure or combination of materials assembled at a fixed location to give support or shelter, including a building, framework, retaining wall, tent, reviewing stand, platform, bin, fence, sign, flagpole, or mast for radio antenna, which is run down, unused, decaying, dismantled, dilapidated, inoperable, unusable, in poor condition, or neglected, whether or not actually in use or intended to be used for shelter.

**Derelict Vehicle** means any vehicle as defined in the *Motor Vehicle Act*, RSBC 1996, c. 318, or part thereof, which:

- (a) is physically wrecked, disabled, or damaged;
- (b) is not capable of operating under its own power;
- (c) does not have attached license plates for the current year; or
- (d) has not been insured or licensed as required under the *Motor Vehicle Act*, RSBC 1996, c. 318 for a minimum of 90 days within the previous 12-month period.

**E-Cigarette** means any product or device containing an electronic or battery-powered heating element capable of vaporizing an E-Substance for inhalation or release into the air, whether or not the device resembles a cigarette, and includes vape pens and similar vaping materials.

**E-Substance** means a solid, liquid, or gas that, on being heated, produces a vapour for use in an E-Cigarette, regardless of whether the solid, liquid, or gas contains nicotine and includes vaping juices and e-liquids.

**Excessive Nuisance Abatement Fee** is a fee that a person is liable to pay to the Village under Part 11 of this bylaw and may include:

- (a) The costs and expenses of responding to a service call defined under Nuisance Abatement Fees in this Part,
- (b) the attendance fees prescribed in Schedule G of this bylaw, or
- (c) both a. and b.

**Filth, Discarded Materials, or Rubbish**, in addition to the common dictionary meanings of each of “Filth”, “Discarded Materials”, and “Rubbish”, and without limiting the generality of these terms, and whether or not accumulated with the intention of re-selling in the future, specifically includes:

- (a) the accumulation of wood, appliances, furniture, mattresses, motor vehicle parts, tires, construction materials, toys, recreational or sporting equipment, carpeting or any other materials or equipment whose placement on Property is not consistent with the intended normal use of the object and the Property, or the accumulation of such an item which due to its condition or state of disrepair is not useable for its normal intended use;
- (b) 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;
- (c) 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, wood, dry vegetation, dirt, weeds, dead trees and branches, stumps, and piles of earth mixed with any of the above;
- (d) noxious, offensive, harmful, or unwholesome matter;
- (e) any substance or physical object which is detrimental to the physical or mental well-being of persons.

**Fire Chief** means the person appointed by the RDNO as Chief of the Lumby and District Fire Department.

**Fire Inspector** means the person designated to perform the duties and responsibilities of a Fire Inspector on behalf of the Village.

**Firecracker** means a pyrotechnic device that explodes promptly when ignited and does not make any display or visible effect after the explosion, and does not include fireworks as defined under this Bylaw, but does not include any item classified as “low-hazard special purpose explosives”

or “high-hazard special purpose explosives” as defined by *Explosive Regulations, 2013* under the *Explosives Act RSC 1985 c. E-17*.

**Fireworks** means any fireworks classified as F.1 – “consumer fireworks”, or as F.2 – “display fireworks”, under *Explosive Regulations, 2013* pursuant to the *Explosives Act RSC 1985 c. E-17*.

**Fireworks Designate** means the person designated by the Village of Lumby to consider, process, and issue a Fireworks Permit under Part 4 of this Bylaw.

**Graffiti** means writing or pictures scratched, painted or drawn by any means on a wall, fence, building, or structure of any kind, or sidewalk or road, but does not include public art murals that may be approved by resolution of Council from time to time.

**Hazardous Objects** includes, without limiting the generality of that term, broken glass, hypodermic needles, and other objects or materials with sharp edges or capable of breaking or skin, and any other hazardous material.

**Homeless Person** means a person with no fixed address and no predictable residence to return to on a daily basis and no access to public shelter facilities.

**Incinerator** means a non-combustible structure or container used for the purpose of burning refuse other than plastic, and which:

- (a) has draft or smoke vents covered with heavy gauge metal screen with mesh openings of not less than 13 millimetres;
- (b) is ventilated in such a manner to preclude the escape of combustible materials, ash, and sparks; and
- (c) complies with all provincial enactments.

**Liquor** has the same meaning as in the *Liquor Control and Licensing Act*, [SBC 2015], C. 19.

**Manager of Operations** means the person appointed or designated as the Village’s Manager of Operations from time to time.

**Non-Burnable Debris** means any material that, whether or not it is combustible, will when burned release into the atmosphere dense or toxic smoke or air contaminants, and includes:

- (a) animal cadavers;
- (b) animal manure
- (c) chemicals and chemical containers
- (d) combustible material in automobiles and automobile bodies;
- (e) household waste or refuse;
- (f) non-wooden material;
- (g) paints and painting materials;
- (h) pathological, medical, or biological waste;
- (i) rubber or plastic or similar items, including any item coated with rubber or plastic;
- (j) tires;
- (k) toxic substances;

- (l) used or dirty lubrication or oils, including automotive or furnace oils;
- (m) oils, stains, and or similar products used to colour or stain or preserve wood, including woods containing those products;
- (n) toxic burning;
- (o) yard waste, including grass, leaves, branches, tree prunings, or any other debris likely to cause excess smoke.

**Nuisance**, without limiting its general meaning, includes anything that substantially and unreasonably interferes with or disturbs a person's use and enjoyment of that person's real property, or the surrounding neighbourhood, or a street, park, or public space, and without limiting the generality of the foregoing, specifically includes:

- (a) any building, structure or property that does not meet the standards set forth under Schedule C of this Bylaw;
- (b) a contravention of Part 10 of this Bylaw (Property Maintenance);
- (c) a contravention of Part 8 of this Bylaw (Noise) occurring on a particular property;
- (d) windows or doors of a building are boarded and the building is not ready or suitable for occupancy
- (e) a structure is a neighbourhood blight, which may include containing or displaying debris or broken windows;
- (f) a structure is neglected by its owner;
- (g) the structure displays significant paint peeling;
- (h) standing water on a property.

**Nuisance Abatement Fees** include costs and expenses incurred while by or on behalf of the Village while responding to a nuisance service call for the purpose of abating nuisance conduct, activity or condition, and include but are not limited to:

- (a) the cost of police and Village staff salaries, including benefits, pro-rated to the time actually spent by those individuals in responding to a nuisance service call and abating that conduct;
- (b) the cost of using police, fire and Village equipment and vehicles;
- (c) the administration costs incurred by the Village in responding to a nuisance service call and abating a nuisance; and
- (d) the cost of repairs to damaged Village equipment, vehicles or property.

**Occupant** or **Occupier**, when used with reference to real property, has the same meaning as under the *Community Charter*.

**Open Fire** means any fire which is not in an Incinerator and not a Public Park Site Fire, and includes grass fires, forest fires, brush fires, running fires, house and building and structure fires, wood scrap fires, ground thawing fires, and chattel fires.

**Owner**, when used with reference to real property, has the same meaning as under the *Community Charter*.

**Panhandle** means to beg for or to ask for money, donations, goods, or other things of value, whether verbally or in writing or by gesture (including by placement of a hat, musical instrument

case, or similar container), and whether the solicitation is for one's self or for the benefit of another person, but does not include:

- (a) any solicitations by or on behalf of not-for-profit philanthropic or charitable organizations, educational institutions, or religious institutions;
- (b) any solicitations by or on behalf of the Village.

**Park** means, in addition to its general meaning, means any property or area of land used or designated as a park by the Village, and includes property owned or held by, or leased or granted to the Village for that purpose, and includes lands to be used as a park by reason of a restrictive covenant or covenant on title or similar instrument, and also includes any lands designated as a park by a sign posted by the Village.

**Park Manager** means the person appointed or designated by Council as "Park Manager" or "Manager – Operation Services", or "Manager of Operations", as the case may be, and includes that person's deputy, and any person designated by Council to act in the manager's place.

**Peace Officer** includes a constable and a Bylaw Enforcement Officer.

**Property**, and **Premises**, and **Real Property** all mean, unless context requires otherwise, lands, any buildings or structures or improvements on the lands, and any individual premises located on the lands.

**Public Park Site Fire** means a fire on land owned or leased by the Village or its agents for recreational purposes, provided that fire is confined in either a non-combustible container supplied by the village, or a portable appliance set for the purpose of cooking food or generating heat or viewing pleasure, and fueled with wood, charcoal, natural gas, or propane.

**Public Place** means any place typically open or accessible to public, or to which members of the public are entitled or permitted to have access without payment, and includes without limitation any highway, park or campground, civic buildings, areas around civic buildings, and any lands or property owned by the Village, the Province of British Columbia, or the Government of Canada, and any improvement on those lands.

**Recreational Vehicle (or RV)** means a self-propelled vehicle or a trailer, primarily designed as temporary living quarters for recreational or travel use, and includes a motor home as defined under the *Motor Vehicle Act*, [RSBC 1996], C. 318.

**Sensitive Area** means:

- (a) Oval Park, located at 1785 Glencaird Street, Lumby;
- (b) Cedar Ridge Park, in the vicinity of Cedar Ridge Street, Lumby;
- (c) Fisher Park, located at 1980 Saddleview Avenue, Lumby;
- (d) anywhere on or within 10 metres of Salmon Trail.

**Smoke** or **Smoking** means the inhaling, exhaling, burning, vaping or carrying of a lighted cigarette, cigar, pipe, hookah, or other lighted smoking equipment used or intended to burn tobacco, cannabis, or any other weed or substance, and includes the use of an E-Cigarette or E-

Substance or similar vaporizer product, or other product which results in the exhaling of a vapor or mist or aerosol.

**Street** includes any public road, highway, bridge, lane, sidewalk, and other similar route normally open for the use of the public, but does not include private rights-of-way or easements.

**Temporary Shelter** means a tent, lean-to or other form of shelter that is temporary and portable, constructed from nylon, plastic, cardboard or other similar non-rigid material that covers an area of 10 square metres or less, and does not include wood frame or portable structures.

**Traffic Control Device** and **Traffic Control Signal**, have the same respective meanings as under the *Motor Vehicle Act*, [RSBC 1996], c. 318.

**Unightly**, addition to its common dictionary meaning, without limiting the generality of the term, and regardless of the condition of other properties in the neighbourhood, includes property having any one or more of the following characteristics:

- (a) the presence of graffiti, or the storage, location or accumulation of filth, discarded materials, or rubbish, on any property, visible to a person standing on a public highway or on any other property;
- (b) 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;
- (c) landscaping or vegetation that is dead or characterized by uncontrolled growth or lack of maintenance, or is damaged;
- (d) the presence of a Derelict Structure on a property;
- (e) the presence of a Derelict Vehicle on a property, unless that Derelict Vehicle is contained within a fully enclosed permanent building;
- (f) any other similar conditions of disrepair, dilapidation or deterioration.

**Vacant Building** means any building or structure which for a continuous period of more than 45 days in a consecutive 60-day day period is without lawful resident or occupant and which is not being put to a lawful commercial, residential, or industrial use.

**Vacant Building Registration Permit** means a permit issued by the Village in respect of a Vacant Building, pursuant to section 10.17 of this Bylaw.

**Vehicle** has the same meaning as “Motor Vehicle” in the *Motor Vehicle Act*, [RSBC 1996], c. 318.

**Village** means the Village of Lumby.

**Zoning Bylaw** means *Village of Lumby Zoning Bylaw No. 750, 2012*, as amended.

### **PART 3 – GENERAL REGULATIONS**

- 3.1 No person shall obstruct or interfere with a Bylaw Enforcement Officer in the exercise of his or her duties.
- 3.2 The Village, including its bylaw enforcement officers, peace officers, and others acting on behalf of the Village, 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.
- 3.3 No failure to enforce this Bylaw, nor any error, omission or other neglect in relation to any permit issued under this Bylaw, shall be interpreted as giving rise to any cause of action in favour of any person, or any duty of care owed to any person by the Village.

### **PART 4 – FIREWORKS AND FIRECRACKERS**

- 4.1 No person shall blast, discharge, sell, or offer for sale or disposal any firecrackers, fireworks, or similar incendiary devices within the Village, unless permitted to do so in accordance with this Bylaw.
- 4.2 No person may blast any firecrackers, fireworks, or other similar incendiary devices unless the Fireworks Designate has issued that person a Fireworks Permit pursuant to this Bylaw.
- 4.3 A person intending to obtain a Fireworks Permit must apply for a Fireworks Permit at least 14 days prior to the event where the fireworks, firecrackers, or similar incendiary devices are proposed to be discharged, must apply in the form appended as “Schedule A” to this Bylaw, and must include the information required by that form, and also:
  - (a) the name, address, and telephone number of the individual or organization who will discharge the fireworks, and, if different, the name and address and telephone number of the individual and organization on whose behalf the fireworks will be discharged;
  - (b) a non-refundable application fee of \$50.00;
  - (c) a description of the proposed event and fireworks discharge, including the date and time of the intended discharge, the site plan where the fireworks, firecrackers, or similar incendiary devices will be discharged, and any proposed steps to mitigate any possible fire or safety hazards from the fireworks display; and
  - (d) proof of \$2 million in liability insurance with the Village named as a third party insured.
- 4.4 The Fireworks Designate may issue a Fireworks Permit to the applicant if the applicant submits Fireworks Permit application which complies with the requirements of this Bylaw, and the Fireworks Designate is satisfied that the proposed fireworks display does not cause an undue hazard or nuisance to persons or property, and may impose any additional conditions or requirements the Fireworks Designate considers reasonably necessary.

- 4.5 Prior to granting or declining the application for a Fireworks Permit, the Fireworks Designate may require the applicant to provide further information in respect of the matters in paragraph 4.3, and may decline to issue the Fireworks Permit until satisfied by the information provided.
- 4.6 In addition to any other remedy available under this Bylaw or any other enactment, if a person possesses, sells, blasts, or discharges any fireworks, firecrackers, or similar incendiary devices without a Fireworks Permit under this Bylaw, the Fireworks Designate, and any Bylaw Enforcement Officer may:
- (a) require the fireworks, firecrackers, or similar incendiary devices to be surrendered; and
  - (b) seize, confiscate and dispose of the fireworks, firecrackers, or similar incendiary devices without compensation.

#### **Exceptions (Explosives and Fireworks)**

- 4.7 The blasting or discharge of fireworks or firecrackers or similar incendiary devices by the Village or its agents or employees for any event held by the Village, including the annual Halloween fireworks typically done by the Lumby and District Fire Dept., will be exempt from the requirements of Sections 4.1 through 4.6.

#### **PART 5 – FIREARMS & BOWS**

- 5.1 No person shall discharge any firearm or bow within the Village.

#### **Exemptions (Firearms and Bows)**

- 5.2 The prohibition in section 5.1 does not apply to:
- (a) peace officers or conservation officers authorized to discharge firearms in the line of duty;
  - (b) any member of any *bona fide* shooting club, while shooting at any range constituted for and used only for the practice of target shooting, including competitive shooting;
  - (c) any member of any military unit in or upon a range the purpose of drill or training, or otherwise in the course of that individual's ordinary duties with the military;
  - (d) individuals involved in an archery competition or practice hosted by a recognized and organized group or archery club which meets the safety standards set by the Federation of Canadian Archers;
  - (e) regular volleys at burial services, including authorized ceremonies associated with Remembrance Day; and
  - (f) any person holding a valid permit for the control of wildlife on public property;

provided that the person conducting the shooting shall do with due regard for the safety and security of other residents, visitors and occupants of the Village.

## **PART 6 – FIRES AND BURNING**

- 6.1 No person shall cause, create, permit, or suffer any Open Air Fire or any other fire to occur in the Village except in compliance with this Part and with any permit issued under this Part.
- 6.2 No person shall cause, create, permit or suffer any fire in the Village to burn Non-Burnable Debris, or to use a fuel other than dry wood, charcoal, natural gas, or propane
- 6.3 No permit shall be required to burn a fire that:
- (a) is burned in a domestic fireplace in or attached to a dwelling, provided no Non-Burnable Debris is burned, and the fireplace complies with the Building Code and all applicable enactments;
  - (b) is burned in the back yard of a property owned or occupied by the person burning the fire, provided that the fire is contained within an Acceptable Fire Pit;
  - (c) is used to cook food in a portable barbecue appliance;
  - (d) is burned within an Incinerator;
  - (e) is burned for the purpose of training, demonstration, or similar activities by or on behalf of the Lumby and District Fire Department;
  - (f) is a Public Park Site Fire, or other fire burned in an Acceptable Fire Pit burned to cook food or for recreational purposes, provided:
    - (i) the fire fuel is contained within the Acceptable Fire Pit and below the mesh screen;
    - (ii) a means of controlling or extinguishing the fire is easily accessible and available within reasonable distance from the fire;
    - (iii) a person over the age of 18 years of age is present while the fire is burning;
    - (iv) is burned within an Acceptable Fire Pit in a park or campground owned or approved by the Village; and
    - (v) the fire is not restricted by any provincial enactment, regulation, or declaration.
- 6.4 A person who wishes to burn an Open Air Fire must apply for and obtain a permit to do so at least one week prior to the date the Open Air Fire is scheduled to occur, which date may not be between May 1 and October 31 of any calendar year. For greater clarity, no Open Air Fire is permitted to occur on dates that fall on or between May 1 and October 31 of a calendar year.
- 6.5 An Application to burn an Open Air Fire must be made to the Manager of Operations in the form set out in Schedule B to this Bylaw, and must provide:
- (a) the name and address of each applicant and, if different, of the owners of the property on which the Open Air Fire is proposed to occur;
  - (b) the legal description and civic address of the property on which the Open Air Fire is proposed to occur;
  - (c) the period of time for which the permit is required;
  - (d) the precautions to be taken by the applicant to ensure the proposed Open Air Fire will remain under the applicant's control;
  - (e) the names and addresses of any other individuals anticipated to attend the Open Air Fire;

- (f) the signature of the applicant; and
  - (g) if the applicant is not an owner of the property on which the Open Air Fire is proposed to occur, the written consent of an owner of that property.
- 6.6 The Manager of Operations shall consider an application submitted under this Part and may, after consideration:
- (a) refuse to grant the permit;
  - (b) request further information from the applicant prior to granting the permit;
  - (c) grant a permit, including with any additional terms, conditions, or requirements the Fire Chief reasonably determines is appropriate to ensure safety; or
  - (d) determine that a permit is not required.
- 6.7 For greater clarity, and without limiting the generality or application of sections 6.4 or 6.6, a Manager of Operations may decline a permit under section 6.6 if, in the opinion of the Manager of Operations the proposed fire would constitute an undue hazard due to location, weather or environmental conditions, or any other reason.
- 6.8 If a permit under this part is approved, the applicant must pay to the Village a permit fee of \$50.00 on approval of the permit application and prior to the permit being issued to the applicant.
- 6.9 A permit issued under this part is not transferrable.
- 6.10 A permit issued under this part must specify the date and time the authorization to hold an Open Air Fire begins, and the date and time that authorization expires.
- 6.11 The Manager of Operations may, in writing, extend or modify the expiration date of a permit issued under this part if that permit has not yet expired.
- 6.12 A permit issued under this part, is issued on the terms and conditions specified in the permit.
- 6.13 A permit issued under this Part may be revoked by the Manager of Operations if any information in support of the permit application was untrue or inaccurate, or if the applicant fails to comply with any term or condition of the permit or this Bylaw, or if the permit was granted in error. Any such revocation must be made in writing and delivered to the address specified by the applicant on the permit application.
- 6.14 The Manager of Operations, the Fire Chief or designate, or a Fire Inspector, are all authorized to enforce this Part of this Bylaw, and Part 3 of this Bylaw applies to a Fire Chief or designate, and a Fire Inspector, when acting pursuant to this Part or the *Fire Services Act*, [RSBC 1996], C. 114, and to the Manager of Operations when acting pursuant to this Part.
- 6.15 The Manager of Operations, Fire Chief or designate, or a Fire Inspector, may, without limitation:
- (a) enter on property to inspect that property for conditions that may cause or increase the danger of a fire;

- (b) take measures to prevent and suppress fires, including the demolition of buildings and other structures to prevent the spread of fire;
- (c) require an owner or occupier of property to undertake any action necessary to remove or reduce any condition or thing which the Fire Chief or designate, or a Fire Inspector, considers to be a fire hazard, or which increases the risk or danger of a fire or damage from fire;

and may do so whether or not the action is taken in respect of a fire for which a permit has been issued, or for which no permit is required.

6.16 If a person:

- (a) is ordered by a Bylaw Enforcement Officer, the Manager of Operations, the Fire Chief or designate, or a Fire Inspector, to take measures or actions under section 6.15 of this Bylaw, and fails to do so;
- (b) causes, permits, or allows an Open Air Fire to occur without a permit under this part;
- (c) fails to follow the requirements and conditions of a permit issued under this part;
- (d) otherwise causes, permits, or allows any fire to occur in contravention of this Part, or a permit issued under it, or any emergency related to any fire;

the Bylaw Enforcement Officer, Manager of Operations, Fire Chief or designate, or Fire Inspector, may, without limitation, extinguish the fire or undertake any other the requirements imposed at the expense of that person, and the Village may invoice that person, and any owner of property on which the fire occurred, for all costs of doing so, including without limitation the cost of any emergency or non-emergency response from the Lumby and District Fire Department.

6.17 If the invoiced costs described in section 6.16 are not paid within 30 days of the invoice being delivered to the person charged, the Village may:

- (a) recover those expenses as a debt owed by that person to the Village; and
- (b) for any step taken or work done or services performed in respect of property, if the costs of doing so remain unpaid by December 31 of the year in which the requirement was fulfilled, treat the costs of doing so as unpaid property taxes owing against that property, to be collected in the same manner as unpaid property taxes owing against the property on which the work or services were provided.

## **PART 7 – PARKS AND PUBLIC SPACES**

7.1 This Part does not apply to any:

- (a) highway designated as an arterial highway under the *Transportation Act*, [SBC 2004], c. 44, or
- (b) any lands owned by the Province as a park or open space, and not leased to the Village.

7.2 Unless done by an employee or agent of the Village in the performance of his or her duties, or if authorized by the Village or Park Manager, no person shall in any park or other public place:

- (a) cut, destroy, damage, climb, break, remove or injure any tree, sapling, shrub, plant, turf, or flower.
- (b) plant any tree, sapling, shrub, plant, turf, or flower;
- (c) damage, destroy, break, remove, or deface any wall, fence, sign, traffic control device or signal, or other structure;
- (d) paint, write, place, or cause there to be any unauthorized writing or graffiti placed on any wall, fence or other structure;
- (e) build or install or cause to be built or installed any structure of any kind, including a temporary shelter, except when authorized by the Village or permitted by section 7.4 of this Bylaw;
- (f) undertake by any method or means of overnight accommodation, with or without a Temporary Shelter or other structure, except when authorized by the Village or permitted by section 7.4 of this Bylaw;
- (g) foul or pollute any fountain, beach, pool, spray park, pond, stream or other body of water;
- (h) obstruct the free use and enjoyment of any park by any other person, except as authorized by a valid and subsisting permit issued by the Village;
- (i) possess, set fire to, or discharge any fireworks, firecrackers, or other explosives without the written authorization from the Village;
- (j) make a fire or throw or place on the ground any lighted match, cigar, cigarette or other burning substance, except for the purpose of making a fire in Acceptable Fire Pit as permitted by this Bylaw;
- (k) cause or permit a motor vehicle or recreational vehicle to enter or remain in a park between sunset and sunrise, except when authorized by Bylaw;
- (l) cause or permit a motor vehicle or recreational vehicle to be parked in or on any area in a park, except in an established parking area or except if such vehicle is an emergency vehicle or municipal vehicle or authorized by the Village
- (m) use or operate any device in such a manner as to disturb the enjoyment of a park by other person;
- (n) possess liquor at any time except where is possessed pursuant to and in compliance with a licence under the *Liquor Control and Licensing Act*, and authorized by the Manager of Operations;
- (o) deposit, leave, discard or place litter, personal belongings, or debris of any kind, except within designated recycling or refuse receptacles;
- (p) deposit or leave any hazardous object or hazardous material, except in a receptacle authorized for those items;
- (q) conduct, any commercial activity or enterprise, or park or operate any food service trailer or truck, whether or not for profit, without a valid business license or other authorization by the Village;
- (r) park or station any vehicle which displays third party advertising of any kind, or which is equipped with a public address system;
- (s) place or display any work, character or sign or device designed to advertise any person, business, profession, group, association, event, article, thing, exhibition, matter, or other similar thing, except on a bulletin board provided for that purpose by the Village;
- (t) ride, herd, or drive any livestock;
- (u) cause or permit any animal to roam at large, create a nuisance, or injure another animal or individual;

- (v) possess, store, use, or transport any controlled substance, or any paraphernalia for doing so;
- (w) carry on any activity of a hazardous or unsafe nature which may cause injury, harm, or damage to a person, structure, animal, or other thing in a public place;
- (x) participate in a fight or similar physical confrontation, or engage in any related activity which causes a disturbance or nuisance;
- (y) smoke within any park, or within seven metres of any doorway, air intake, window, bus stop, or on or within 7 metres of the area known as Salmon Trail, or in any area where prohibited by a sign placed by the Village;
- (z) use obscene or profane language;
- (aa) play or practice the game of golf, or hit a ball with a golf club, except on a golf course;
- (bb) urinate or defecate or vomit in a public place, except in a toilet facility provided by or on behalf of the Village for that purpose, or if doing so was inevitable or unavoidable and the person had no reasonable opportunity to avoid doing so;
- (cc) dress or undress in a park or public place, except in a place specifically provided for that purpose;
- (dd) make or cause to be made any noise, vibration, odour, dust, illumination, or any other thing that is liable to create a nuisance or otherwise disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public;
- (ee) use or permit the use of equipment to amplify music, announcements or performances, unless authorized by a permit under this or another Bylaw;
- (ff) sleep overnight in or take up residence in a park, except as permitted by this Bylaw;
- (gg) cause, permit, or engage in any activity that is prohibited by a sign posted by the Village;
- (hh) sit or lie on a sidewalk unless in medical distress;

7.3 No person shall in any Public Place, or on private property while exposed to public view:

- (a) be nude or clad in a manner which offends against public decency and order;
- (b) engage in an indecent act, including masturbation; or
- (c) contravene any provision of the *Criminal Code*, R.S.C., 1985, c. C-46 concerning indecent acts, indecent exhibition, or public nudity.

#### **Temporary Homeless Shelter**

7.4 A homeless person may take up overnight accommodation, and may erect and occupy a temporary shelter in a park in the Village, between the hours of 7:00 p.m. and 9:00 a.m., provided that homeless person:

- (a) does not erect the Temporary Shelter, or occupy, or take up overnight accommodation, within 50 metres of any playground, community garden, sports field, tennis court, picnic shelter, gazebo, stage, water park, skate park, parking lot public washroom, ornamental garden, or horticultural display;
- (b) does not erect the Temporary Shelter, or occupy, or take up overnight accommodation, on or within 10 metres of an established trail or sidewalk;
- (c) does not erect the Temporary Shelter, or occupy, or take up overnight accommodation, within 5 meters of private property;
- (d) does not at any time erect the Temporary Shelter, or occupy, or take up overnight accommodation, within a Sensitive Area;

- (e) does not erect the Temporary Shelter, occupy, or take up overnight accommodation within 50 metres of any area of a park that has been designated for an event or activity under a valid and subsisting permit issued by the Village;
- (f) does not damage or alter Village property, including fencing, trees, shrubs, flowers, plantings, benches, or other municipal equipment or infrastructure;
- (g) does not leave any filth, discarded materials, or rubbish, or drug paraphernalia, or alcohol containers, or hazardous object, or any similar item;
- (h) by 9:00 am removes the Temporary Shelter completely, removes and does not leave possessions, debris, litter or any other article behind, and vacates the park;
- (i) does not obstruct a highway or interfere with the lawful use of a person or vehicle using a highway; and
- (j) does not obstruct a Village employee in the performance of his or her duty.

### **Restriction of Access**

7.5 A Bylaw Enforcement Officer, Peace Officer, or the Manager of Operations, may direct a person to leave a park or public place if that person is acting in contravention of this Bylaw or any other enactment, including any federal or provincial enactment governing the use of alcohol, controlled substances, or other intoxicants.

7.6 Any person directed to leave a park or public place under section 7.5 must proceed immediately to the nearest exit point, or must otherwise leave immediately.

7.7 If a person:

- (a) is found in possession of a controlled substance, controlled substance paraphernalia, alcohol, or other intoxicant while in a park or public space; or
- (b) has been convicted of a contravention of a provision under this Part; or
- (c) has been convicted of an offence involving that person being within a park or public place in the Village;

a Peace Officer, Bylaw Enforcement Officer, or the Manager of Operations may prohibit that person from accessing or entering a park or public place by issuing to that person a Prohibition Order in the form attached as Schedule B, which order will last for three months, or any lesser time specified on the face of the Prohibition Order.

### **Impoundment, Removal, and Sale**

7.8 Where a motor vehicle or personal chattel is:

- (a) unlawfully placed, standing, parked, or occupying any portion of any public place, highway, sidewalk, boulevard, or a parking space owned by the Village,
- (b) unlawfully placed, standing or parked contrary to the *Motor Vehicle Act*, or this Bylaw;
- (c) placed, standing, parked, or occupying, or otherwise in a position which causes it to interfere with or obstruct the Village, its emergency services, or their vehicles or equipment;
- (d) placed, standing, parked, or occupying, or otherwise in a position that causes it to obstruct or interfere with the normal flow of traffic on a highway or roadway;

- (e) placed, standing, parked, or occupying, or otherwise in a position that causes it to obstruct or interfere with the use of any Village building or facility;
- (f) in a position that causes it to interfere with the construction, improvement, maintenance, snow removal, alteration, repair, or other similar activities on or in a highway or roadway or park or public place;
- (g) apparently abandoned on a highway, roadway, park, or other public place; or
- (h) in the case of a vehicle, parked or stopped in a public place without having a current, valid, unexpired license;

a Bylaw Enforcement Officer, Peace Officer, or other person authorized by Council may:

- (i) move the vehicle or chattel, or require the owner or operator other person in charge of that vehicle or chattel to move it to a particular position or location; or
- (j) take the vehicle or chattel into custody and cause it to be seized, removed, taken, towed, stored, and impounded, as the case may be, in a suitable location for that purpose, and charge the owner of the vehicle or chattel:
  - (i) for any portion of the seizure, removal, taking, towing, storage, impounding, or detention conducted by a contractor engaged by the Village, the Village's actually-incurred costs in relation to that impounding or detention; and
  - (ii) otherwise, \$25 per seizure, removal, taking, towing, or impounding, and a further \$25 per day or portion of a day that the item continues to be detained or impounded.

7.9 If a vehicle or chattel is moved, impounded, towed, stored, or otherwise relocated pursuant to section 7.8((i)) or ((j)), all costs and charges associated with doing so shall constitute a debt owed to the Village by the owner of that thing, including in the case of a vehicle, the registered owner of the vehicle.

7.10 If the Village impounds or stores a vehicle or chattel pursuant to section 7.8((i)) or ((j)) of this Bylaw such that the item remains in the possession and control of the Village, the person wishing to recover the item must, prior to the vehicle or chattel being sold at auction or otherwise disposed of:

- (a) satisfy the Park Manager that the person is the owner of the vehicle or chattel to be recovered; and
- (b) pay to the Village the greater of \$100.00, or all costs described in section 7.9;

and if the owner of the vehicle or chattel:

- (c) refuses to pay;
- (d) cannot be identified after reasonable efforts; or
- (e) in the case of a vehicle has not recovered the vehicle within 30 days of receiving written notice from the Manager of Operations that the vehicle has been removed, detained or impounded pursuant to this Bylaw; or
- (f) in the case of a chattel, within 14 days of receiving written notice from the Manager of Operations that the vehicle has been removed, detained or impounded pursuant to this Bylaw.

then without limiting any other rights or remedies available to the Village, the Village may sell the vehicle or chattel by public auction, the cost of which shall be added to the amount owed by the owner of the item being sold.

7.11 If a vehicle or chattel is sold in accordance with section 7.10, the proceeds of sale must be distributed:

- (a) first, to the cost of the sale process;
- (b) second, to the fees, costs and expenses incurred by Village or its agents and owed to the Village under sections 7.9 and 7.10 of this Bylaw;
- (c) third, any surplus shall be held by the village to be returned to the owner of the items sold; and,
- (d) fourth, if the person entitled to any surplus cannot be reasonably located or does not claim the remaining funds for one year from the date of sale, then any remaining funds shall be paid to the general revenue of the Village.

7.12 Notwithstanding the other provisions in this section, if in the reasonable opinion of the Bylaw Enforcement Officer, Peace Officer, or Manager of Operations:

- (a) the vehicle or chattels detained or removed or impounded have an apparent market value of less than \$500.00, or
- (b) in circumstances in which the cost of detaining, impounding, and selling the vehicle or chattels by auction is likely to cost disproportionately more than the likely value to be realized from that auction process;

those articles may be disposed of by the Village at the expense of the owner and without being offered for sale.

## **PART 8 – NOISE REGULATIONS**

### **General Prohibitions**

8.1 No person shall make, cause to be made, permit, or continue to be made any noise or sound within the Village that disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, the public, or of any person within the neighbourhood or vicinity.

8.2 No owner or occupier of property shall cause, allow, or permit that property to be used in a manner so that noise or sound occurs on or is emitted from that property which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, the public, or of any person within the neighbourhood or vicinity.

### **Specific Prohibitions**

8.3 Without limiting the generality of sections 8.1 and 8.2:

- (a) no person shall play, or cause or permit or allow the operation of any radio, television, computer, speaker, stereophonic equipment, amplifier, voice amplification equipment, or similar equipment on or in any private property, or in any public place, in such a manner that the sound or noise generated from that equipment disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, the public, or of any person within the premises, neighbourhood, or vicinity;
- (b) no person shall own, keep, or harbor any animal or bird which by its barks or cries disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, the public, or of any person within the premises, neighbourhood, or vicinity;
- (c) no person shall operate a motor vehicle which, by its operation, engine, muffler, stereophonic system, or otherwise, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, the public, or of any person within the neighbourhood or vicinity;
- (d) no person shall load or unload any truck, motor vehicle, or trailer between the hours of 10:00 p.m. and 7:00 a.m.;
- (e) no person shall cause or permit a vehicle to idle in a residential area for more than 5 consecutive minutes, unless the idling is necessary due to an emergency, traffic congestion, weather conditions, mechanical difficulties, repair or similar activities, to prepare the vehicle for service, or in the course of loading/unloading the vehicle of goods or passengers;
- (f) no person shall operate any motorized landscaping or lawn-grooming equipment, including leaf-blowers, lawnmowers, riding mowers, chainsaws, or string trimmers, between the hours of 10:00 p.m. and 7:00 a.m.;
- (g) no person shall use or operate any mobile public address system unless authorized under this Bylaw, and any such use not authorized is deemed to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, the public, or of any person within the neighbourhood or vicinity;
- (h) no person shall undertake any construction, alteration, repair, demolition, or excavation of any building or property, or operate any machinery for that purpose, except that a person may undertake construction or repair work provided that activity does not cause noise or sound which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, the public, or of any person within the neighbourhood or vicinity;
- (i) no person may engage in a fight or confrontation or similar disturbance, whether in a public place or not, and any such activity is deemed to create a nuisance, and to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, the public, or of any person within the neighbourhood or vicinity;
- (j) no person may set off or use or operate or permit the operation or setting off of any firecrackers, fireworks, or similar incendiary devices, or explosives, or of any firearm, except as permitted by this Bylaw, and any such activity which does not comply with the requirements of this Bylaw is deemed to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, the public, or of any person within the neighbourhood or vicinity.

## General Exceptions

8.4 The provisions of this Part do not apply to:

- (a) any noise generated by the Village, including its civic and maintenance operations, highway maintenance operations, waste removal operations, snow removal operations, civil defense matters, and any police, fire, ambulance, bylaw, or other emergency services, operating within the Village, or their agents, if that noise is generated within the furtherance of their duties;
- (b) snow removal undertaken by a person or business in immediate response to a snow event;
- (c) construction, repair, alteration, excavation, demolition work, or use of machinery for those purposes, if a valid and subsisting building permit has been issued for that activity, the activity occurs between the hours of 7:00 a.m. and 10:00 p.m., and the activity generating noise is reasonably required in furtherance of the construction, repair, alteration, demolition, or other work that has been authorized;
- (d) noise or sound arising from a trade, business, or industry which is lawfully carried out in an area zoned for that activity and occurring only between the hours of 7:00 a.m. and 10:00 p.m., provided that the level and nature of the noise generated does not exceed the level and nature customary or generally accepted in that trade, business or industry using equipment that is in good working order and used in accordance with generally accepted or customary standards;
- (e) the operation of household equipment such as pool or hot tub pump motors, vacuum cleaners, air conditioning units, and exhaust fans, provided the level and nature of the sound generated by that equipment does not exceed the level customary for similar equipment in good working order and used in accordance with generally accepted or customary standards;
- (f) the use of fireworks or firearms as permitted by this Bylaw;
- (g) church bells;
- (h) operating any vehicle or machinery, for agricultural purposes on land zoned for agricultural purposes under the Zoning Bylaw, or in accordance with normal farm practices under the *Farm Practices Protection (Right to Farm) Act*;
- (i) noise from any animal or bird owned or kept or harboured for agricultural purposes on land zoned for agricultural purposes under the Zoning Bylaw, or in accordance with normal practices under the *Farm Practices Protection (Right to Farm) Act*;
- (j) participating in a lawfully authorized parade or assembly;
- (k) noise that is reasonably necessary to be generated by any person in relation to any emergency situation, provided that the person generating the noise has the onus of demonstrating that an emergency situation exists and that the noise is reasonably necessary as a result.

## Permits

8.5 If a person wishes to generate sound or noise which would contravene this part of the Bylaw, or to engage in an activity that would contravene this part, that person may apply to the Village in the form prescribed as "Schedule D", and paying the prescribed fee, for authorization to generate the sound or noise, or to engage in the activity that would generate the sound or noise, that would otherwise contravene this Part of the Bylaw, and any such application must specify:

- (a) the name of the applicant;
  - (b) the expected nature and duration of the sound or noise expected, and of the activity that would generate the sound or noise;
  - (c) why the sound or noise is expected to contravene this Part of the Bylaw;
  - (d) why it is impossible or impracticable to comply with this Part of the Bylaw;
  - (e) any measures the applicant has taken or will take to mitigate or reduce the noise;
  - (f) the degree to which the sound or noise is expected to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals, the neighbourhood, and the public; and
  - (g) the conditions, duration, and other terms sought or proposed by the applicant.
- 8.6 The person considering an application submitted to the Village under section 8.5 may decline the application, grant the application in accordance with this Part, or request more information from the applicant prior to granting or declining an application, but any decision to grant, decline, or request more information must be made in writing stating the decision and, if not granted, the reasons for it and any further information that may be required.
- 8.7 The person considering an application under this Part may request more information from the applicant prior to granting or declining an application under this Part if the application is incomplete, or if the person reasonably requires further detail or information to consider and evaluate the application.
- 8.8 The person considering an application submitted to the Village under section 8.5 may give written approval to generate the sound or noise, or to carry out the activity that would generate the sound or noise, any may:
- (a) designate specific hours, times, days, or dates on which the noise, sound, or other activity is permitted, or is prohibited, or both;
  - (b) specify stipulated duration of time the noise or sound may be generated, or on which the activity generating the noise or sound may be undertaken;
  - (c) specify maximum permitted decibel limits for any such noise or sound or activity, which decibel limits may vary by time, date, or other circumstance;
  - (d) specify the expiry date of the permit, which must not be greater than one year from the date of issuance;
  - (e) specify the location at which the sound or noise or associated activity may occur, or will be prohibited from occurring; and
  - (f) impose any other condition reasonably necessary to ensure the anticipated noise or sound or activity does not unduly disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals, the neighbourhood, or the public.
- 8.9 By resolution, council may appoint or designate a person for the purpose of considering and approving or denying a permit application under this Part. If no such person is appointed or designated, then any such permit application must be filed with the Clerk of the Village, who shall place a completed application form for consideration before Council as soon as reasonably practicable.

- 8.10 If a person is appointed or designated to consider or approve or deny a permit application under this part, and the permit is not granted, the applicant may request that council reconsider the decision not to grant the permit by making a written request to the Clerk of the Village, who shall place the request for consideration before council as soon as reasonably practicable.
- 8.11 A permit issued under this part lasts for the duration specified in the permit and, if no such duration is specified, until the end of the calendar year in which it is issued.
- 8.12 A permit issued under this Part is issued on the terms and conditions specified in the permit.
- 8.13 A permit issued under this Part may be revoked by Council, or any person designated to consider permits, if any information in support of the permit application was untrue or inaccurate, or if the applicant fails to comply with any term or condition of the permit, or if the permit was granted in error. Any such revocation must be made in writing and delivered to the address specified by the applicant on the permit application.

## **PART 9 – PANHANDLING**

- 9.1 No person shall panhandle within 10 metres of:
- (a) an entrance to a bank or credit union or trust company;
  - (b) an automated teller machine;
  - (c) a bus stop or bus shelter;
  - (d) the entrance to a liquor store;
  - (e) the entrance to a movie theatre;
  - (f) an outdoor terrace of a café, restaurant, pub, or similar establishment.
- 9.2 No person shall panhandle in such a way as to impede the ability of a person entering or exiting a residence or a place of business.
- 9.3 No person shall panhandle in any way that causes an obstruction, or which obstructs or impedes the convenient passing of traffic along a sidewalk or highway.
- 9.4 No person shall sit or lie on a street or sidewalk for the purpose of panhandling.
- 9.5 No person shall touch another person while panhandling.
- 9.6 No person shall panhandle as part of a group of two or more panhandlers.
- 9.7 No person shall panhandle from the occupant or owner of any vehicle which is stopped or parked, including a vehicle stopped at a traffic control sign or signal, and including any vehicle stopped or parked for the purpose of loading or unloading.
- 9.8 No person shall panhandle on private property without the consent of the owner of that property.
- 9.9 No person shall use obscene or foul or abusive or threatening language while panhandling.

- 9.10 No person shall continue to panhandle from a person who has refused or declined to give anything to the panhandler.
- 9.11 No person shall panhandle between the time of sunset on any day and sunrise on the following day.

## **PART 10 – PROPERTY MAINTENANCE**

### **Private Property**

- 10.1 No owner or occupier of real property shall cause, suffer or permit:
- (a) the property to become or remain unsightly;
  - (b) water to accumulate on or around the property;
  - (c) filth, discarded materials, or rubbish to collect or accumulate on or around the property, or to overflow from or to accumulate around any waste receptacle or other similar container on the property;
  - (d) dead landscaping, vegetation, weeds, wild grasses, or similar unattended growths to occur, accumulate, or remain on the property;
  - (e) the infestation of the property by rodents, termites, or other destructive insects or animals;
  - (f) the accumulation or storage of demolition waste, construction waste, or trade waste on any property;
  - (g) the accumulation or untidy storage of building materials on a site, unless those materials cannot be seen from a highway or public place or adjacent private property, whether or not the Village has issued a valid and subsisting building permit in respect of the property;
  - (h) graffiti to be placed or to remain on the property, including any fence, tree, or structure on the property;
  - (i) any derelict vehicle to be placed, parked, or stored on the property, unless contained within a fully-enclosed and lawful building or structure;
  - (j) a structure on the property to become a Derelict Structure, or to otherwise fall into a state of decay or disrepair;
  - (k) the property to depart from the standards set out in this Bylaw.

### **Private and Public Property**

- 10.2 No person shall:
- (a) place graffiti on private property, signs, buildings, structures or any kind, including fences or streets on or adjacent to any public property;
  - (b) deposit or throw any filth, discarded materials, or rubbish, including garbage, bottles, broken glass, or any similar item, in any open place upon private or public property;
  - (c) abandon a vehicle on or in any highway, street, sidewalk, alley, or public right of way; or

- (d) undertake any activity on any highway, public place, or private property in the Town that creates or causes dust or effluent that tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of persons in the neighbourhood.

### **Boulevard and Lane Maintenance**

10.3 Every owner of real property shall:

- (a) maintain and remove obstructions from the sidewalk, boulevard, and lane adjacent to his or her property;
- (b) remove accumulations of leaves, hazardous objects, filth, discarded materials, or rubbish, and any similar materials that obstruct a draining facility immediately adjacent to the owner's property;
- (c) remove all filth, leaves, rubbish, discarded materials, hazardous objects and materials from all boulevards and sidewalks immediately adjacent to the owner's property;
- (d) keep grassed areas trimmed to the standards of Section 10.7, and reasonably free of weeds;
- (e) keep in good repair all driveway crossings;
- (f) where directed by the Village, cut, trim or remove any tree, fence, hedge or other item that obstructs or could reasonably be expected to obstruct the vision or safety of all pedestrians, cyclists, or vehicles using streets or sidewalks adjacent to the property;

10.4 No person shall deposit any snow, ice, leaves, hazardous objects, filth, discarded materials, or rubbish, or any similar materials or objects onto any highway, sidewalk or Village property.

10.5 Without limiting the generality of other sections in this Part, every owner or occupier of property zoned for a commercial or industrial use under the Zoning Bylaw, and every owner or occupier of property which is actually used for a commercial or industrial purpose whether or not zoned for that purpose, must by 10 a.m. each day:

- (a) remove all snow, ice, slush, rubbish, and similar accumulations from any sidewalk or foot-path on or adjacent to the property;
- (b) remove snow, ice, and similar rubbish from roofs adjacent to any sidewalk or foot-path on or on or adjacent to the property;
- (c) sweep and otherwise remove all accumulations of leaves, hazardous objects, filth, discarded materials, or rubbish, and any similar materials from any sidewalk or foot-path on or adjacent to the property otherwise the sidewalks and foot-paths in front of, on, or adjacent to the property;

but in doing so shall not use equipment which may cause damage to the boulevard or sidewalk.

10.6 The requirements of Section 10.5 do not apply to any home-based business on property zoned as residential under the Zoning Bylaw, nor to any property actually used for agricultural purposes.

## **Grass**

- 10.7 No owner or occupier of real property shall allow grass or weeds on his or her real property to exceed a height of 10 centimetres.
- 10.8 For greater certainty, section 10.7 shall apply to vacant lots within residential areas and the grass on any boulevard that lies directly between the boundary of a real property and an adjacent highway, road or lane.
- 10.9 Section 10.7 shall not apply to:
- (a) xeriscaped areas;
  - (b) parks and natural areas under the direction and control of Village;
  - (c) areas under the direction and control of the Village including boulevards adjacent to major roadways, areas subject to naturalization efforts, and areas adjacent to sound attenuation berms.

## **Exemptions (Property Maintenance)**

- 10.10 If a parcel of real property is comprised of at least two contiguous hectares, is classified as a farm under the Classification of Land As A Farm Regulation (BC Reg 411/95), and is actually used as farm land, the accumulation of water, stored materials, or vegetation incidental for the operation of the farm shall not be considered to be unsightly if the accumulation is:
- (a) placed or stored greater than 22 metres from any highway; and
  - (b) screened from view by a fence, hedge or other similar structure.
- 10.11 If a parcel of property is zoned and lawfully used for industrial or commercial use, and the business conducted on that property requires or ordinarily entails the accumulation of filth, discarded materials, or rubbish, then the accumulation of those materials on that property shall not be considered to be unsightly if done in furtherance of that lawful industrial or commercial use, and screened or enclosed in such a way that they are not visible from the outside of the property.

## **Vacant Building Regulations**

- 10.12 Every owner of a Vacant Building, or of real property which contains a Vacant Building, shall:
- (a) maintain proof of \$2 million in liability insurance, with the Village named as an additional insured;
  - (b) apply for and obtain a Vacant Building Registration Permit as set out in section 10.17 of this Bylaw, within 60 days of the building becoming a vacant building, and in any event within 60 days of a Bylaw Enforcement Officer ordering that person to obtain such a permit;
  - (c) maintain and board the building in compliance with the standards set out in Schedule E

## **Vacant Building Exemptions**

10.13 No owner of a Vacant Building, or of real property which contains a Vacant Building, shall allow a building or structure for human, industrial, or commercial use or occupancy to become a Vacant Building for longer than 60 days, unless one of the following applies:

- (a) the building or structure is the subject of an active building permit for repair or rehabilitation, or a valid permit for demolition, and the owner is progressing diligently to complete the work authorized by the building permit;
- (b) the building is actively listed for rent, lease, or sale by its Owner or a person licensed to provide real estate services in British Columbia, and the building:
  - (i) meets all applicable codes;
  - (ii) meets the requirements and standards set out in Schedule E;
  - (iii) does not contribute to blight, and is not kept in an unsightly condition;
  - (iv) is ready for occupancy;
  - (v) is to be supplied with minimum electric, water, and other utilities to ensure the proper functioning and maintenance of and to prevent damage to the building and its facilities; and
  - (vi) if the building is required to have a fire alarm or fire suppression system, must maintain electrical and heating systems to maintain those life safety components.

#### **Inspections of Exterior of Vacant Buildings – Without Notice**

10.14 Without limiting any other entry power under this Bylaw or any other enactment, a Bylaw Enforcement Officer may enter onto property, without notice to and without the consent of the owner or occupier of the property, in order to:

- (a) monitor a building which is or appears to be a Vacant Building;
- (b) determine whether a building or structure is, remains, or has become a Vacant Building;
- (c) determine whether a Vacant Building is to be boarded or secured according to Schedule E of this Bylaw;
- (d) determine whether a building which is or appears to be a Vacant Building complies with this Bylaw.

#### **Permits and Inspections of Vacant Buildings**

10.15 Where a Bylaw Enforcement Officer reasonably believes that a building or structure is or has become a Vacant Building, the Bylaw Enforcement Officer may by written order require the Owner of the Vacant Building to do one or more of the following steps:

- (a) apply for Vacant Building Registration Permit; or
- (b) apply for a Building Permit to renovate the Vacant Building a building or structure to meet the requirements and standards of Schedule E of this Bylaw;
- (c) demolish the Vacant Building within 90 days and in compliance with the Building Bylaw;
- (d) secure the Vacant Building in accordance with this Bylaw, including by meeting the standards set by Schedule E of this Bylaw; or

- (e) require the owner of the Vacant Building engage a professional engineer licensed or registered to practice in British Columbia to evaluate the Vacant Building, or any associated structure, and advise on any remedial work required to make the structure safe for occupation or further inspections.
- 10.16 A written order under section 10.15 of this Bylaw shall be considered to be a Compliance Order under this Bylaw, and Sections 12.4 to 12.10 of this Bylaw apply to an order under section 10.15 of this Bylaw.

#### **Vacant Building Registration Permit**

- 10.17 To obtain a Vacant Building Registration Permit, an owner of a Vacant Building must register the Vacant Building with the Village by:
- (a) applying to the building inspector or Building Designate for a special safety inspection in relation to the Vacant Building, and paying the fee hereby imposed for such an inspection as specified in Schedule F.
  - (b) provide an address for service of notices and orders during the period that the permit is valid and thereafter, provide prompt notice of any change in the address given for service;
  - (c) pay any application or permit fee as established within Schedule F.
  - (d) provide the building inspector or Building Designate with a copy of the certificate of insurance required in section 10.12(a), above.
- 10.18 A Vacant Building Registration Permit is valid for a period of one calendar year from the date of issuance.
- 10.19 If a Vacant Building Registration Permit is issued in respect of a Vacant Building, and that building or the property on which it is located is transferred to a new owner, on written notice of that transfer being provided to the Village, the Vacant Building Registration Permit automatically transfers to the new owner for the remaining term of that permit. Except as provided by this section a Vacant Building Registration Permit is not transferrable.
- 10.20 An owner shall place a Vacant Building Registration Permit in a prominent location on the building or property for which it is issued.
- 10.21 A building inspector or Building Designate may cancel a Vacant Building Registration Permit if in the reasonable opinion of the building inspector the conditions or requirements associated with the Vacant Building Registration Permit or of lawfully keeping a Vacant Building under this Bylaw have not been met, or have been breached, or if the Vacant Building Registration Permit was issued in error, or on the basis of incorrect or false information.
- 10.22 Except as provided by section 10.23, a fee paid for a Vacant Building Registration Permit is not refundable, whether in whole or in part, for any reason, including if the Owner obtains a demolition permit or building permit, or if the building ceases to be a Vacant Building within that time.

10.23 Despite section 10.22, if within 90 days of an owner obtaining a Vacant Building Registration Permit in respect of a building:

- (a) the building ceases to be a Vacant Building;
- (b) a demolition permit is issued in respect of the Vacant Building; or
- (c) a building permit is issued in respect of the Vacant Building;

that owner may apply to Council for a partial refund of the fee for the Vacant Building Registration Permit, which application may be in writing.

10.24 On an application by a person as set out in section 10.23, and on considering the condition and circumstances of the Vacant Building, the conduct of the Owner, and any other circumstance, Council may grant a partial refund of the fee for a Vacant Building Registration Permit , but in any case:

- (a) no refund may be given for greater than 50% of the Vacant Building Registration Permit fee;
- (b) any other amounts owed by that Owner to the Village must first be deducted from the amount otherwise to be refunded to the Owner; and
- (c) no refund may be given for an amount less than \$100.00.

10.25 If a person is required to register a building as a Vacant Building or to obtain a Vacant Building Registration Permit as set out in this Bylaw, and fails to do so, then in addition to any other remedy, the fee for that registration may be billed to that person and is recoverable from that person as a debt owed by that person to the Village, whether or not that person subsequently applies for or obtains a Vacant Building Registration Permit. For greater clarity:

- (a) an amount billed to a person under this section is owed whether or not a Vacant Building Registration Permit is issued;
- (b) an amount billed to or paid by a person under this section does not substitute the requirement to comply with any provision of this Bylaw, and does not constitute any acknowledgement that the person has complied with the requirements of this Bylaw, including without limitation the requirement to obtain a Vacant Building Registration Permit;
- (c) if a person is billed or pays a fee under this section and subsequently applies for a Vacant Building Registration Permit, the fee billed to or paid by the person is owed to the Village in addition to and separate from the fee owed for the Vacant Building Registration Permit being applied for.

#### **PART 11 – REPEAT NUISANCE SERVICE CALLS**

11.1 If a member of the RCMP, a Bylaw Enforcement Officer, Fire Chief, Fire Inspector, or other Village official is reasonably required to respond to or attend a property for:

- (a) two service calls within a 24-hour period in relation to a nuisance on that property; or
- (b) three service calls within a one-year period in relation to a nuisance on that property;

the owner of that property shall be liable to pay an Excessive Nuisance Abatement Fee to the Village for each additional nuisance service call to the same property within a one-year period.

- 11.2 Before imposing an Excessive Nuisance Abatement Fee, the Village must first provide written notice to the owner of the real property:
- (a) describing the civic address and legal description of the property that is the subject of repeated nuisance service calls;
  - (b) describing in reasonable detail the nature of the nuisances that gave rise to the service calls in relation to the property; and
  - (c) advising the owner that an Excessive Nuisance Abatement Fee will be imposed for each additional service call to the same property in relation to a nuisance, and that the imposition of such fees is in addition to the Village right to seek other legal remedies or actions for abatement of the nuisance.
- 11.3 A written notice as described in section 11.2 must be served on that owner personally, or by registered mail to the address of the by registered mail sent to address of the owner of the property as shown on the last revised real property assessment roll, or if there is no such address, to the address listed on the title to the property, regardless of whether or not the registered mail is accepted by the recipient
- (a) personally; or
  - (b) in the case of an occupier, by being posted on the front door or other prominent place on the property, or mailed by regular mail to the property regardless of whether that mail is accepted by the recipient; or
  - (c) in the case of an owner, by registered mail sent to address of the owner of the property as shown on the last revised real property assessment roll, or if there is no such address, to the address listed on the title to the property, regardless of whether or not the registered mail is accepted by the recipient.
- 11.4 The owner of the property who receives notice under this Part is liable to pay an Excessive Nuisance Abatement Fee to the Village that:
- (a) for the first attendance for a nuisance service call to the same property within one year of receiving notice, is limited to the attendance amounts prescribed in Schedule G of this bylaw; and
  - (b) for any further attendance for a nuisance service call to the same property within one year of receiving notice, may include the costs and expenses of responding to that service call in addition to the attendance fees prescribed in Schedule G of this bylaw.
- 11.5 Without limiting other rights and remedies available to the Village, the Village may issue an invoice to the Owner for Excessive Nuisance Abatement Fees, and treat those amounts as a debt owing to the Village by the owner.
- 11.6 If the Village issues an invoice to the Owner for the Excessive Nuisance Abatement Fees and those fees are not paid in full before December 31 of the year the invoice is issued, the Village may treat that amount may be added to and form part of the taxes owed against the property that gave rise to the Excessive Nuisance Abatement Fees, with those amounts to be recovered

as taxes in arrears and to be collected in the same manner as unpaid property taxes owing against that property.

- 11.7 An Owner may, within 30 days of receipt of an invoice for Excessive Nuisance Abatement Fees, request that Council reconsider the requirement to pay, or the amount of, the fees, or both, and may request a reconsideration from that Council and that consider the representations and submissions from the Owner in person or in writing, or both.
- 11.8 After considering the Owner's request for a reconsideration, the grounds of the request, any representations and submissions of the Owner under section 11.7, and any other relevant circumstance including representations or reports from Village staff, Council may confirm, cancel, vary, or amend the amount of Excessive Nuisance Abatement Fees payable, or confirm or vary the deadline by which those fees must be paid.

## **PART 12 – NUISANCE ABATEMENT & COMPLIANCE ORDERS**

### **Nuisance Abatement**

- 12.1 No person shall cause or permit a Nuisance to occur on any property.
- 12.2 No owner or occupier of property shall cause or permit that property to become or to cause a Nuisance, or to be used in a manner that causes a Nuisance.
- 12.3 Every owner or occupier of property which is, causes, or is used in a manner which causes a Nuisance, shall abate the Nuisance or the activity or thing that causes or creates the Nuisance.

### **Compliance Orders**

- 12.4 If a Bylaw Enforcement Officer determines that an owner or occupier of property has failed to comply with any obligation or requirement under this Bylaw, the Bylaw Enforcement Officer may issue that person a Compliance Order requiring that person to comply with the obligations or requirements of this Bylaw.
- 12.5 A Compliance Order under section 12.4 must state
  - (a) the civic address of the subject property;
  - (b) the legal description of the subject property;
  - (c) the particulars of the non-compliance with this Bylaw to be remedied, which may include specific instructions about how the non-compliance is to be remedied;
  - (d) the deadline by which the non-compliance must be remedied;
  - (e) in the event the requirements of the Compliance Order are not met by the deadline specified, the Village or its agents may fulfill the requirements of the Compliance Order without further notice to the person ordered to comply;
  - (f) that any step taken by the Village to fulfill the requirements of the Compliance Order will be taken at the expense of the person who failed to comply with the Compliance Order, which costs include without limitation administrative costs, staff and contractor costs, costs associated with attending the property and fulfilling the requirements of

the Compliance Order, costs associated with any removal and disposal of any item, and costs associated with cleaning up or repairing the property; and

- (g) the costs of fulfilling the requirements of the Compliance Order may be recovered from the person against whom the Compliance Order was issued as a debt owed to the Village, or may be added to the property tax roll of the property which was the subject of the Compliance Order as a service provided to that property, and collected in the same manner as property taxes.

12.6 A Compliance Order must be served on the owner or occupier against whom it is issued, and any owner of the property not named in the Compliance Order, which service must be effected:

- (a) personally; or
- (b) in the case of an occupier, by being posted on the front door or other prominent place on the property, or mailed by regular mail to the property regardless of whether that mail is accepted by the recipient; or
- (c) in the case of an owner, by registered mail sent to address of the owner of the property as shown on the last revised real property assessment roll, or if there is no such address, to the address listed on the title to the property, regardless of whether or not the registered mail is accepted by the recipient.

12.7 Service of a Compliance Order under section 12.6 is deemed to take effect the earlier of:

- (a) when personal service is effected;
- (b) when the notice is posted on the property, or seven calendar days following the notice being sent by regular mail to the property, as the case may be;
- (c) the registered mail being delivered, accepted, or refused.

12.8 Any person who is issued and served with Compliance Order must cure the non-compliance and otherwise fulfill the requirements of the Compliance Order by the date and time specified by the Compliance Order.

12.9 If a person issued and served with a Compliance Order fails to cure the non-compliance or otherwise fulfill the requirements of the Compliance Order by the date and time specified by the Compliance Order, the Village may, by its employees, contractors, and agents, abate the non-compliance and otherwise fulfill the requirements of the Compliance Order in accordance with section 17 of the Community Charter at the expense of the person in default, and in particular may:

- (a) at all reasonable times and in a reasonable manner enter the property and perform the steps necessary to abate the non-compliance or fulfill the requirements of the Compliance Order at the expense of owner, occupier, and the person who failed to comply; and
- (b) invoice those persons for the costs of doing so;

and, if the costs of doing so are not paid within 30 days of the invoice being delivered to that person, may further:

- (a) recover the expenses of doing so as a debt from that person;

- (b) sell the matter or thing (or any part of it) in relation to which the requirement was imposed, and deal with the proceeds of sale in accordance with the *Community Charter*; or
- (c) for any work done or services performed in respect of the subject property to fulfill the requirements of the Compliance Order, and if the costs of doing so remain unpaid by December 31 of the year in which the requirement was fulfilled, treat the costs of doing so as unpaid property taxes owing against the property for which the work was performed, to be collected in the same manner as unpaid property taxes owing against the property on which the work or services were provided.

12.10 If the non-compliance or other issue that is the subject of a Compliance Order arises again or resumes within one year after the requirements of the Compliance Order were performed:

- (a) the Compliance Order is deemed not to have been complied with;
- (b) the new or resumed non-compliance shall be deemed to be a continuation of the non-compliance giving rise to the Compliance Order; and
- (c) the Village may enforce the Compliance Order, including by performing the requirements of the Compliance Order and recovering the cost of doing so.

12.11 The process for review of a compliance order is as follows:

- (a) Any person against whom a compliance order is issued may submit a request to Council by written notice within 14 days of being served with the compliance order.
- (b) If the Council receives a notice that complies with subsection (a), it must provide the person with an opportunity to make representations to the Council.
- (c) After providing the opportunity referred to in subsection (b), the Council may confirm, amend or cancel the Compliance Order.
- (d) Notice of a decision under subsection (c) must be provided to the person(s) against who the compliance order was issued in accordance with sections 12.6 and 12.7.

### **PART 13 – PARKING AND TRAFFIC CONTROL**

13.1 No person may drive, park, leave a vehicle standing, or otherwise use a vehicle in a public place contrary to a traffic control device or traffic control signal.

13.2 If a traffic control device indicates a parking space is reserved for a particular class or type of vehicle, no person may stop or park a vehicle in that any place unless the vehicle is the type or class designated by the traffic control device.

13.3 No person may drive, stop, or park any vehicle on any grass or grassy area in any public place, unless authorized to do so by a traffic control device or if approved by the Village or its Park Manager.

13.4 No person may cause, allow, or permit a vehicle to obstruct traffic circulation in any public place.

13.5 No person may stop, place, or park any vehicle within 5 metres of any fire hydrant.

- 13.6 No person may stop, park, or place any vehicle adjacent to a curb which is painted yellow.
- 13.7 No person may operate any vehicle in a public place that has been closed to traffic, or not been opened to traffic, unless a traffic control device specifically permits the vehicle to be operated in that place.
- 13.8 No person shall park or allow to remain parked any vehicle in any manner that impedes snow removal.
- 13.9 No person shall store a vehicle on any street, highway, right of way, boulevard, or leave the vehicle unmoved in such a location, for more than 72 hours.
- 13.10 No person may remove any bylaw offence notice that has been placed or affixed on a vehicle, unless the person is the owner or operator of that vehicle.
- 13.11 No person may operate any vehicle on any public place unless that public place is a highway, an area designated by the Village as being opened to vehicle traffic, or where the vehicle operation is otherwise permitted by a traffic control device.

#### **PART 14 – ENFORCEMENT AND PENALTIES**

- 14.1 The provisions of this Bylaw may be enforced by a Bylaw Enforcement officer, Peace Officer, or any other person designated or appointed by Council to enforce this Bylaw.
- 14.2 Any person who violates any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention or in 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 fails to comply with any order or direction or notice given under this Bylaw, is guilty of an offence under this Bylaw, and liable to a penalty of not less than the greater of the fine prescribed in Schedule H, and not more than Ten Thousand Dollars (\$10,000.00), imprisonment of not more than 6 months, or both, plus the costs of prosecution, in addition to any other penalties or remedies provided for in this Bylaw, and in addition to any other remedy permitted by any other statute or enactment.
- 14.3 Any fine or penalty or remedy imposed under this Bylaw shall be in addition to and not a substitute for any other penalty or remedy imposed pursuant to any other applicable enactment.
- 14.4 Each day an offence against this Bylaw continues or exists shall be deemed to be a separate and distinct offence.

**PART 15 – EFFECTIVE DATE**

15.1 Except as otherwise provided, this Bylaw is effective from the date adopted.

READ A FIRST TIME THIS 3rd DAY OF October 2022

READ A SECOND TIME THIS 3rd DAY OF October 2022

READ A THIRD TIME THIS 3rd DAY OF October 2022

ADOPTED THIS 21st DAY OF November 2022

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CORPORATE OFFICER

I hereby certify the foregoing to be a true and correct copy of Bylaw No. cited as the “Village of Lumby Good Neighbour Bylaw No. 877, 2022” as read a third time and adopted by the Council on the 21<sup>st</sup> day of November 2022.

Dated at Lumby, B.C. this  
21<sup>st</sup> day of November 2022

  
\_\_\_\_\_  
CORPORATE OFFICER

**SCHEDULE "A"**  
**APPLICATION FOR FIREWORKS PERMIT PURSUANT TO**  
**Section 4.3, Village of Lumby Good Neighbour Bylaw No. 877, 2022**  
**Consumer Fireworks or Display Fireworks**

Name of applicant (and business name and incorporation number, if applicable):

\_\_\_\_\_

Birthdate: \_\_\_\_\_ Age: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Licensed Firework Supervisor Card No., IF ANY (attach photocopy)

Yes, copy attached

No, inapplicable

The Applicant hereby applies to discharge (check one)

CONSUMER FIREWORKS

DISPLAY FIREWORKS

Proposed Location: \_\_\_\_\_

Property Owner: \_\_\_\_\_  
(contact name) (telephone number)

Property Owner: \_\_\_\_\_  
(contact name) (telephone number)

Proposed Date (YYYY-MM-DD): \_\_\_\_\_

Time: (Start) \_\_\_\_\_ (End) \_\_\_\_\_

Description of Event or Purpose for Fireworks: \_\_\_\_\_

Estimated number of spectators: \_\_\_\_\_

Expected Type and quantity of fireworks: \_\_\_\_\_

I have submitted my non-refundable application fee of \$50.00 for a Fireworks Permit. That fee is attached with this application as:

Cash

Cheque

Other (specify)

[ ] Attached is proof of \$2 million in third party liability insurance naming the Village as a third party insured.

[ ] Attached is a site plan of the location of where I propose to set off fireworks.

I intend on taking the following steps to mitigate possible fire or other safety hazards from the proposed fireworks display:

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**READ CAREFULLY**

The applicant certifies that the applicant understands and will comply with the requirements of this Bylaw, the permit, and will also comply with any conditions or restrictions that may also be imposed by the Fireworks Designate as requirements of this Permit.

The applicant further certifies that the applicant maintains the required authorization to possess, fire, and set off or explode fireworks of the class specified within this application.

[ ] In consideration of \$35.00, the Village considering this permit application, and other good and valuable consideration, the receipt and sufficiency of which the applicant acknowledges, the applicant covenants that the applicant will indemnify and save harmless the Village of Lumby and its elected officials, employees, officers, agents and contractors from and against any and all manner of actions or causes of action, damages, costs, loss, or expenses of whatever kind (including, without limitation, legal fees) which they may sustain, incur, or be put to by any reason of or arising out of:

- a) the issuance of this permit;
- b) the event for which the fireworks will be held, including, without limitation, the handling, storage, discharging or other use of fireworks in connection with this permit;
- c) the applicant's use or occupation of the location upon which the consumer fireworks event or display fireworks event is to occur; and
- d) any act or omission of the applicant or any person for whom the applicant is at law, responsible, including, without limitation, the non-observance or non-performance of any obligation imposed by Federal or Provincial law.

I AGREE: Initials of Applicant: \_\_\_\_\_

The applicant further acknowledges and represents that:

- a) the applicant has had the opportunity to seek independent legal advice as to the contents of this agreement, and has either received and understood that advice, or has declined to seek advice despite the opportunity and advisability to do so;
- b) is not under any legal disability;
- c) has authority to make this application, including consent of any owner of any property where the fireworks are proposed to be used; and
- d) all statements and representations of the applicant in this application are true and correct to the best of the applicant's knowledge.

Signature of applicant \_\_\_\_\_ Date: \_\_\_\_\_

\* \* \*

**FOR VILLAGE OF LUMBY USE ONLY  
(CHECK ONE)**

**THE APPLICATION IS DENIED** for the following reasons:

**THE VILLAGE REQUIRES FURTHER INFORMATION TO CONSIDER THE APPLICATION, IN PARTICULAR:**

**PERMISSION IS GRANTED** to the above applicant to discharge consumer or display fireworks, at the location and on the date and times as set out above, subject to the requirements of this Village of Lumby Good Neighbour Bylaw No. 828, 2020, as amended from time to time, and subject to the following conditions and restrictions:

- The applicant may only discharge the type and quantity of fireworks described in the application.
- The applicant must ensure that all debris and litter related to a consumer fireworks event or display fireworks event that occurs on Village property, including any litter left by the spectators, is removed from the location at the conclusion of the Special Public Event.
- This permit is not transferable. Only the applicant is authorized under this permit to discharge fireworks.

AND ALSO subject to the following additional conditions and restrictions:

The applicant must obtain a Comprehensive General Liability insurance policy with an inclusive limit of not less than \$2,000,000.00 per occurrence for bodily injury and property damage and provide evidence of the same to the Fireworks Designate no later than 30 days prior to the event for which fireworks will be used [CHECK IF APPLICABLE]

Other conditions:

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\_\_\_\_\_ Date: \_\_\_\_\_  
FIREWORKS DESIGNATE, Village of Lumby

**SCHEDULE "B"**  
**APPLICATION FOR PERMIT**  
**TO BURN OPEN AIR FIRE**

**Pursuant to Section 6.5, Village of Lumby Good Neighbour Bylaw No. 877, 2022**

Name of applicant (and business name and incorporation number, if applicable):

\_\_\_\_\_

\_\_\_\_\_

Birthdate: \_\_\_\_\_ Age: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-Mail: \_\_\_\_\_

PURPOSE OF FIRE: \_\_\_\_\_

\_\_\_\_\_

Proposed Location of Fire (Civic Address & Legal Description):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Property Owner: \_\_\_\_\_  
(contact name) (telephone number)

Property Owner: \_\_\_\_\_  
(contact name) (telephone number)

Proposed Date (YYYY-MM-DD): \_\_\_\_\_

Time: (Start) \_\_\_\_\_ (End) \_\_\_\_\_

Duration of Permit Requested, if different from proposed start and end times:

Names of other individuals expected to attend the fire:

I have submitted my non-refundable application fee of \$50.00 for an Open Air Fire Permit. That fee is attached with this application as:

- Cash
- Cheque
- Other (specify)

[ ] Attached is written consent from the owner of the property where I propose to hold the Open Air Fire, indicating that this person consents to the proposed Open Air Fire occurring on his or her property.

[ ] Attached is proof of \$2 million in third party liability insurance naming the Village as a third party insured.

I intend on taking the following steps to mitigate possible fire or other safety hazards from the proposed Open Air Fire, and to ensure that the fire remains under my control:

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**READ CAREFULLY**

The applicant certifies that the applicant understands and will comply with the requirements of this Bylaw, the permit, and will also comply with any conditions or restrictions that may also be imposed by the Manager of Operations, the Fire Chief, Fire Inspector, or their designate, as requirements of this Permit.

[ ] In consideration of \$1.00, the Village considering this permit application, and other good and valuable consideration, the receipt and sufficiency of which the applicant acknowledges, the applicant covenants that the applicant will indemnify and save harmless the Village of Lumby and its elected officials, employees, officers, agents and contractors from and against any and all manner of actions or causes of action, damages, costs, loss, or expenses of whatever kind (including, without limitation, legal fees) which they may sustain, incur, or be put to by any reason of or arising out of:

- a) the issuance of this permit;
- b) the event for which the Open Air Fire will be held, including, without limitation, the lighting and fueling and use of fire in connection with this permit;
- c) the applicant's use or occupation of the location upon which the Open Air Fire is to occur; and
- d) any act or omission of the applicant or any person for whom the applicant is at law, responsible, including, without limitation, the non-observance or non-performance of any obligation imposed by Federal or Provincial law.

I AGREE: Initials of Applicant: \_\_\_\_\_

The applicant further acknowledges and represents that:

- a) the applicant has had the opportunity to seek independent legal advice as to the contents of this agreement, and has either received and understood that advice, or has declined to seek advice despite the opportunity and advisability to do so;
- b) is not under any legal disability;

- c) has authority to make this application, including consent of any owner of any property where the Open Air Fire is proposed to occur; and
- d) all statements and representations of the applicant in this application are true and correct to the best of the applicant's knowledge.

Signature of applicant \_\_\_\_\_ Date: \_\_\_\_\_

\* \* \*  
**FOR VILLAGE OF LUMBY USE ONLY**  
**(CHECK ONE)**

**THE APPLICATION IS DENIED** for the following reasons:

**THE VILLAGE OF LUMBY REQUIRES FURTHER INFORMATION TO CONSIDER THE APPLICATION, IN PARTICULAR:**

**PERMISSION IS GRANTED** to the above applicant to hold an Open Air Fire at the location set out above, and on the date and times as set out below, subject to the requirements of this Village of Lumby Good Neighbour Bylaw No. 877, 2022, as amended from time to time, and subject to the following conditions and restrictions:

The applicant must obtain a Comprehensive General Liability insurance policy with an inclusive limit of not less than \$2,000,000.00 per occurrence for bodily injury and property damage and provide evidence of the same to the Fire Chief no later than 10 days prior to the event for which fireworks will be used [CHECK IF APPLICABLE]

Other conditions:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

DATE AND TIME OF PERMIT COMING INTO FORCE: \_\_\_\_\_ AM / PM \_\_\_\_\_  
 YYYY-MMM-DD

DATE AND TIME OF PERMIT EXPIRY: \_\_\_\_\_ AM / PM \_\_\_\_\_  
 YYYY-MMM-DD

\_\_\_\_\_  
 MANAGER OF OPERATIONS, Village of Lumby Date: \_\_\_\_\_



**SCHEDULE "D"**  
**Application for Permit to Generate Excessive Noise**  
**Section 8.5, Village of Lumby Good Neighbour Bylaw No. 877, 2022**

Name of applicant (and business name and incorporation number, if applicable):

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Birthdate: \_\_\_\_\_ Age: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Expected Nature of Noise or Sound, and Activity Generating Noise or Sound: \_\_\_\_\_

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Is Activity, Noise, or Sound anticipated to be intermittent, occasional, or continuous?

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Reason for Activity, Noise, or Sound: \_\_\_\_\_

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Reason Activity, Noise, or Sound is expected to contravene **Village of Lumby Good Neighbour Bylaw No. 877, 2022**:

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Reason it is impossible or impracticable to comply with **Village of Lumby Good Neighbour Bylaw No. 877, 2022**: \_\_\_\_\_

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Steps the applicant has taken or will take to mitigate or reduce the anticipated noise:

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Degree to which proposed activity, noise, or sound is expected to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals, the neighbourhood, or the public:

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Proposed conditions, duration, and other terms sought or proposed in relation to this permit:

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Proposed location from which activity, noise, sound will occur:

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Will the applicant or a representative be on site at all times?

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What is located on adjacent property?

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Proposed Date (YYYY-MM-DD): \_\_\_\_\_

Proposed Time: (Start) \_\_\_\_\_ (End) \_\_\_\_\_

Duration of Permit Requested, if different from proposed start and end times:

I have submitted my non-refundable application fee of \$35.00 for a Permit to Generate Excessive Noise. That fee is attached with this application as:

- Cash
- Cheque
- Other (specify)

**READ CAREFULLY**

The applicant certifies that the applicant understands and will comply with the requirements of this Bylaw, the permit, and will also comply with any conditions or restrictions that may also be imposed by Village or its designate, as requirements of this Permit.

In consideration of \$35.00, the Village considering this permit application, and other good and valuable consideration, the receipt and sufficiency of which the applicant acknowledges, the applicant covenants that the applicant will indemnify and save harmless the Village of Lumby and its elected officials, employees, officers, agents and contractors from and against any and all manner of actions or causes of action, damages, costs, loss, or expenses of whatever kind (including, without limitation, legal fees) which they may sustain, incur, or be put to by any reason of or arising out of:

- a) the issuance of this permit;
- b) any noise or similar disturbance generated on account of this permit being issued;
- and

d) any act or omission of the applicant or any person for whom the applicant is at law, responsible, including, without limitation, the non-observance or non-performance of any obligation imposed by Federal or Provincial law.

I AGREE: Initials of Applicant: \_\_\_\_\_

The applicant further acknowledges and represents that:

- a) the applicant has had the opportunity to seek independent legal advice as to the contents of this agreement, and has either received and understood that advice, or has declined to seek advice despite the opportunity and advisability to do so;
- b) is not under any legal disability;
- c) has authority to make this application;
- d) all statements and representations of the applicant in this application are true and correct to the best of the applicant's knowledge.

Signature of applicant \_\_\_\_\_ Date: \_\_\_\_\_

\* \* \*

**FOR USE ONLY BY THE VILLAGE OF LUMBY  
(CHECK ONE)**

**THE APPLICATION IS DENIED** for the following reasons:

**THE VILLAGE REQUIRES FURTHER INFORMATION TO CONSIDER THE APPLICATION, IN PARTICULAR:**

**THE APPLICATION IS GRANTED**, subject to the requirements of this Village of Lumby Good Neighbour Bylaw No. 877, 2022, as amended from time to time, and subject to the following conditions and restrictions [CHECK AND COMPLETE ALL THAT APPLY]:

The noise, sound, or activity generating the noise or sound, is  permitted or  prohibited on the following days, dates, times, and hours, as follows:

The noise, sound, or activity generating the noise or sound, is limited to the following durations:

The noise, sound, or activity generating the noise or sound, must not exceed the following decibel limits (DBA):

The noise, sound, or activity generating the noise or sound, is limited to the following durations:

Location at which noise, sound, or activity generating the noise or sound, is  permitted or  prohibited:

Other conditions:

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DATE AND TIME OF PERMIT COMING INTO FORCE: \_\_\_\_\_ AM / PM \_\_\_\_\_  
YYYY-MM-DD

DATE AND TIME OF PERMIT EXPIRY: \_\_\_\_\_ AM / PM \_\_\_\_\_  
YYYY-MM-DD

\_\_\_\_\_  
AUTHORIZED SIGNATORY  
VILLAGE OF LUMBY

Date: \_\_\_\_\_

**SCHEDULE "E"**  
**Property Maintenance Standards For Vacant Buildings**  
**Section 10.12, Village of Lumby Good Neighbour Bylaw No. 877, 2022**

**GENERAL**

1. Excess combustible materials shall be removed from any Vacant Building in order to reduce the fire risk posed by the building, and no Vacant Building shall contain excess combustible materials.
2. No "squatting" or other unauthorized or illegal occupancy may occur in any Vacant Building.
3. A Vacant Building may be maintained so that it does not contain infestations of rodents, insects, and other similar pests, and does not contain any other potential health or safety risk to the community, or to people or buildings in the vicinity.

**EXTERIOR WALLS**

4. The exterior of every Vacant Building must be repaired and maintained in a manner that:
  - (a) ensures the integrity of the building envelope to protect the vacant building from the weather and from infestations of insects, rodents and other pests; and
  - (b) prevents a substantial depreciation in property values in the immediate neighbourhood that would otherwise arise if the Vacant Building's exterior were not so maintained.
5. In addition to and without restricting the general obligation of the preceding paragraph, a Vacant Building must also meet the following requirements:
  - a) all exterior surfaces must consist of materials that provide adequate protection from the weather;
  - b) all exterior walls and their components, including coping and flashing, must be maintained in good repair;
  - c) all exterior walls must be free of holes, breaks, loose or rotting boards or timbers and any other condition which might permit the entry of insects, rodents or other pests to the interior of the wall or the interior of the building;
  - d) exterior wood surfaces must be adequately protected against deterioration by the periodic application of paint, stain or other protective coating;
  - e) no more than 25% of any painted area of any exterior wall may be blistered, cracked, flaked, scaled, or chalked away;
  - f) the mortar of any masonry or stone exterior wall may not be loose or dislodged.
  - g) the exterior of every building must be free of graffiti; and

- h) loose material must be removed from exterior walls, doors and window openings.

## **ROOFS**

- 6. Roofs of a Vacant Building must be constructed and maintained so as to protect and maintain the building envelope of the Vacant Building, to prevent rainwater or melting snow or ice from entering the building, or negatively affecting neighbouring buildings or properties, and to prevent objects and materials from falling from the roof.

## **SECURING BUILDING**

- 7. An Owner of a Vacant Building must ensure that the Vacant Building remains secured at all times by complying with the requirements set out in either Part 1 below, or Part 2 below:

### **Part 1 Requirements:**

- a) All exterior doors to the Vacant Building are operational, fit tightly within their frames when closed, and are kept locked so as to prevent entry.
- b) All windows to the Vacant Building are either permanently sealed, or locked so as to prevent entry.
- c) All windows, doors, basement and attic hatchways, and their frames, are so constructed and maintained to completely exclude rain and substantially exclude wind from entering the building.
- d) All windows are in good repair; and properly glazed.

### **Part 2 Requirements**

- a) All doors, windows and other openings, other than the principal entrance, at the basement and first floor levels must be covered in compliance with this Part with a solid piece of plywood, at least 11 millimetres thick and secured with coated spikes at least 75 millimetres in length, spaced not more than 150 millimetres on centre.
- b) The principal entrance must be covered in compliance with this Part with a solid piece of plywood, at least 11 millimetres thick, adequately secured with screws at least 50 millimetres in length, spaced not more than 150 millimetres on centre.
- c) Windows, doors and other openings at the second floor level and above must be secured either in a manner which complies with Part I, or be covered in compliance with Part with a solid piece of plywood, at least 8 millimetres thick and secured with coated spikes at least 75 millimetres in length, spaced not more than 150 millimetres on centre.
- d) Windows, doors and other openings at the third floor level or higher must be secured from inside the building, and any plywood applied to all other openings must be secured from the exterior.

- e) Plywood applied to openings must be installed and maintained in a way that is weather-tight, and must be protected from the elements with at least two coats of white paint, or paint of a colour consistent with the colour or appearance of the Vacant Building,
- f) Plywood applied to openings must further be installed in a way where a hole is cut into the plywood only as large as required to permit door hardware to protrude.
- g) All floors above the first or main floor must be rendered inaccessible to entry, including by raising fire escapes and ladders at least four metres from the ground or otherwise securing them from use.
- h) All areaways must be secured by being filled with concrete or unshakeable fill, or by covering them with a metal plate at least 8 millimetres thick, with the plate secured to prevent it from shifting.
- i) Electricity, natural gas, and water services to the Vacant Building must not be cut off if necessary to maintain fire protection, fire alarms, and otherwise may only be cut off in a manner satisfactory to the Village, a Bylaw Enforcement Officer, or other person designated to enforce this Bylaw.
- j) A Vacant Building must have “No Trespassing” signs posted on all sides of the Vacant Building.

**SCHEDULE "F"**  
**APPLICATION FOR VACANT BUILDING REGISTRATION PERMIT**  
**Section 10.17, Village of Lumby Good Neighbour Bylaw No. 877, 2022**

**FEES**

APPLICATION FEES	FEES
Residential Building	\$150.00 Application Fee
Commercial Building	\$500.00 Application Fee
Industrial Building	\$500.00 Application Fee
<b>OTHER FEES</b>	
Safety Inspection prior to Vacant Building Registration Permit	\$200.00
Fee for subsequent inspection (other than for a Vacant Building Registration Permit)	\$100.00/inspection
Fee for Annual Vacant Building Registration Permit, per structure located on a property zoned for one or two dwellings	\$300.00
Fee for Annual Vacant Building Registration Permit per structure on land zoned other than for one or two dwellings	\$400.00
Renewal of Previous Vacant Building Registration After Expiry of Previous Permit	\$200.00
Attendance by Lumby and District Fire Department	Actual cost of labour, materials, and equipment

Attached with this application is an application fee of \$\_\_\_\_\_.00, paid by way of  
 Cheque     Cash     Other

Attached is proof of \$2 million in third party liability insurance naming the Village as a third party insured.

**Address of Vacant Building**

**Applicant:** \_\_\_\_\_

**Applicant's address:** \_\_\_\_\_

**Applicant's telephone number and e-mail:** \_\_\_\_\_

\_\_\_\_\_

**Name of Owner of Vacant Building**, if different than applicant:

\_\_\_\_\_

Owner's Address: \_\_\_\_\_

Owner's Telephone number and e-mail: \_\_\_\_\_

\_\_\_\_\_

**DECLARATION OF APPLICANT:**

I, the applicant designated above, hereby certify, warrant, and represent that I am the

- owner of the above-listed Vacant Building or Property; or
- agent or authorized representative of the Vacant Building or Property, and have authority to deal with the Vacant Building or Property on behalf of its owner.

I further certify, warrant, and represent that I understand this is only an application to initiate an inspection of the above Vacant Building. I will allow a Bylaw Enforcement Officer or other representative of the Village of Lumby, to enter and conduct an inspection of the Vacant Building identified above. If ordered to do so, I will take all necessary steps and actions required to bring that building and the property on which it is located into compliance with the Village of Lumby Good Neighbour Bylaw No. 838 prior to allowing the building to be re-occupied by any person or company.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
DATE

**SCHEDULE "G"**  
**EXCESSIVE NUISANCE ABATEMENT FEES**  
**Part 11, Village of Lumby Good Neighbour Bylaw No. 877, 2022**

RCMP Attendance	\$150.00 Per Attendance or Call
Fire Services Attendance	\$150.00 Per Attendance or Call
Attendance By Other Personnel or Village Staff	\$100.00 Per Attendance or Call

**FOR REFERENCE ONLY – TICKETING INFORMATION FOR  
SCHEDULE “H”  
FINE SCHEDULE**

**Section 14.1 Village of Lumby Good Neighbour Bylaw No. 877, 2022**

<b>DESCRIPTION OF CONTRAVENTION</b>	<b>SECTION</b>	<b>FINE (FIRST OFFENCE)</b>	<b>FINE (SECOND AND SUBSEQUENT OFFENCES)</b>
Obstruct Bylaw Enforcement Officer	3.1	\$1,000.00	\$1,000.00
Sell, dispose, or discharge fireworks etc. contrary to bylaw	4.1	\$250.00	
Discharge fireworks etc. without permit	4.2	\$250.00	\$300.00
Discharge firearm or bow	5.1	\$500.00	\$750.00
Fire contrary to bylaw	6.1	\$200.00	\$500.00
Burn non-burnable debris	6.2	\$200.00	\$300.00
Burn open-air fire outside of permitted dates	6.4	\$200.00	\$300.00
Cut/Destroy vegetation	7.2(a)	\$150.00	\$500.00
Plant unauthorized vegetation	7.2(b)	\$100.00	\$150.00
Damage structures etc.	7.2(c)	\$500.00	\$750.00
Place graffiti	7.2(d)	\$150.00	\$250.00
Erect structure contrary to bylaw	7.2(e)	\$150.00	\$250.00
Overnight accommodation contrary to bylaw	7.2(f)	\$150.00	\$250.00
Foul or pollute material	7.2(g)	\$200.00	\$400.00
Obstruct use and enjoyment	7.2(h)	\$200.00	\$400.00
Possess or use fireworks or explosives	7.2(i)	\$250.00	\$300.00
Make fire or dispose of cigarette etc	7.2(j)	\$200.00	\$300.00
Unauthorized parking – public place	7.2(k)	\$100.00	\$200.00
Parking RV – public place	7.2(l)	\$100.00	\$200.00
Disturb enjoyment of public place	7.2(m)	\$150.00	\$300.00
Possess liquor in public place	7.2(n)	\$150.00	\$300.00
Litter etc.	7.2(o)	\$150.00	\$150.00
Deposit hazardous object	7.2(p)	\$300.00	\$500.00
Unauthorized commercial activity	7.2(q)	\$250.00	\$400.00
Public address system	7.2(r)	\$150.00	\$250.00
Unauthorized posting	7.2(s)	\$100.00	\$150.00
Ride, herd or drive livestock	7.2(t)	\$150.00	\$250.00
Possess controlled substance etc.	7.2(v)	\$150.00	\$250.00
Hazardous or unsafe activity	7.2(w)	\$150.00	\$250.00
Fight in public	7.2(x)	\$500.00	\$750.00
Smoke etc. where prohibited	7.2(y)	\$150.00	\$250.00
Use obscene or profane language	7.2(z)	\$50.00	\$100.00

<b>DESCRIPTION OF CONTRAVENTION</b>	<b>SECTION</b>	<b>FINE (FIRST OFFENCE)</b>	<b>FINE (SECOND AND SUBSEQUENT OFFENCES)</b>
Play or practice golf	7.2(aa)	\$50.00	\$100.00
Urinate, defecate, etc.	7.2(bb)	\$50.00	\$100.00
Dress/undress in public	7.2(cc)	\$200.00	\$300.00
Cause vibration or disturbance	7.2(dd)	\$150.00	\$300.00
Amplification of music, etc.	7.2(ee)	\$150.00	\$300.00
Sleep overnight	7.2(ff)	\$150.00	\$300.00
Activity contrary to sign	7.2(gg)	\$150.00	\$300.00
Sit or lie on a sidewalk	7.2(hh)	\$150.00	\$300.00
Nudity, etc.	7.3(a)	\$150.00	\$300.00
Indecent act	7.3(b)	\$500.00	\$1,000.00
Indecent act (Criminal)	7.3 (c)	\$500.00	\$1,000.00
Failure to leave when ordered	7.6	\$500.00	\$1,000.00
Cause disturbing noise	8.1	\$200.00	\$500.00
Permit disturbing noise on property	8.2	\$200.00	\$500.00
Amplification equipment	8.3(a)	\$200.00	\$500.00
Animal which disturbs	8.3(b)	\$150.00	\$300.00
Disturbing vehicle sound	8.3(c)	\$200.00	\$500.00
Load/Unload Truck	8.3(d)	\$100.00	\$200.00
Idling vehicle	8.3(e)	\$100.00	\$200.00
Motorized lawncare equipment when prohibited	8.3(f)	\$150.00	\$300.00
Use prohibited public address system	8.3(g)	\$150.00	\$300.00
Construction noise when prohibited	8.3(h)	\$200.00	\$500.00
Noise from fight in public	8.3(i)	\$500.00	\$1,000.00
Noise from firecrackers etc	8.3(j)	\$250.00	\$300.00
Panhandle where prohibited	9.1	\$200.00	\$400.00
Impede entrance while panhandling	9.2	\$200.00	\$400.00
Obstruct while panhandling	9.3	\$200.00	\$400.00
Sit/lie while panhandling	9.4	\$100.00	\$150.00
Touch while panhandling	9.5	\$300.00	\$600.00
Panhandle in group	9.6	\$250.00	\$500.00
Panhandle to vehicle while stopped	9.7	\$200.00	\$400.00
Panhandle without consent of owner	9.8	\$200.00	\$400.00
Obscene language while panhandling	9.9	\$200.00	\$400.00
Continuing to Panhandle	9.10	\$200.00	\$400.00
Panhandling when prohibited	9.11	\$150.00	\$300.00
Property become unsightly	10.1 (subsections (a) through (j) )	\$250.00	\$500.00

<b>DESCRIPTION OF CONTRAVENTION</b>	<b>SECTION</b>	<b>FINE (FIRST OFFENCE)</b>	<b>FINE (SECOND AND SUBSEQUENT OFFENCES)</b>
Place Graffiti – public/private property	10.2(a)	\$250.00	\$500.00
Deposit rubbish etc. on public/private property	10.2(b)	\$250.00	\$500.00
Abandon vehicle etc.	10.2(c)	\$250.00	\$500.00
Undertake disturbing activity	10.2(d)	\$250.00	\$500.00
Failure to maintain sidewalk, boulevard	10.3(a)	\$250.00	\$500.00
Failure to remove accumulations of leaves, hazardous objects, etc. from property	10.3(b)	\$250.00	\$500.00
Failure to remove accumulations of leaves, hazardous objects, etc. from sidewalks	10.3(c)	\$250.00	\$500.00
Failure to keep grasses maintained	10.3(d)	\$100.00	\$200.00
Driveway crossings in disrepair	10.3(e)	\$100.00	\$200.00
Failure to trim etc. any tree, hedge, etc.	10.3(f)	\$150.00	\$300.00
Deposit snow etc. where prohibited	10.4	\$200.00	\$500.00
Failure to remove snow etc. from sidewalk	10.5(a)	\$250.00	\$500.00
Failure to remove snow etc. from roofs	10.5(b)	\$250.00	\$500.00
Failure to remove accumulations from sidewalks etc.	10.5(c)	\$250.00	\$500.00
Overgrowth of grass, weeds	10.8	\$100.00	\$200.00
Permit Vacant Building Without Registration or Contrary to Bylaw	10.13	\$500.00	\$1,000.00
Permit nuisance on property	12.1	\$250.00	\$500.00
Permit property to be used for nuisance	12.2	\$250.00	\$500.00
Failure to abate nuisance	12.3	\$250.00	\$500.00
Park, drive etc. contrary to signal	13.1	\$100.00	\$200.00
Park contrary to traffic device	13.2	\$100.00	\$200.00
Drive or stop on grassy area	13.3	\$100.00	\$200.00
Permit obstruction with vehicle	13.4	\$100.00	\$200.00
Stop/place vehicle near hydrant	13.5	\$100.00	\$200.00
Park vehicle at yellow curb	13.6	\$100.00	\$200.00
Operate vehicle where public space closed	13.7	\$100.00	\$200.00
Park to impede snow removal	13.8	\$100.00	\$200.00
Store vehicle more than 72 hours	13.9	\$100.00	\$200.00
Remove ticket or bylaw notice	13.10	\$100.00	\$200.00
Operate vehicle where prohibited	13.11	\$100.00	\$200.00