

DISTRICT OF SPARWOOD

SPARWOOD



COMMUNITY STANDARDS

BYLAW 1194, 2018

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DISTRICT OF SPARWOOD
Community Standards Bylaw 1194, 2018

A bylaw to establish neighbourhood standards and regulate public nuisances on privately owned properties.

The Council of the District of Sparwood, in open meeting assembled, enacts as follows:

1. TITLE

1.1 This bylaw may be cited as "Community Standards Bylaw 1194, 2018".

2. DEFINITIONS

2.1 In this Bylaw:

"BOULEVARD" means that portion of a dedicated road between the curb lines, the lateral lines or the shoulder of a road and the adjacent property line but shall excludes public sidewalks.

"BYLAW ENFORCEMENT OFFICER" shall have the same meaning as defined under the Bylaw Enforcement Officer Bylaw, No. 393, as such bylaw may be amended or replaced from time to time.

"BUILDING" means a structure which is designed, erected or intended for the support, enclosure or protection of persons or property.

"COMPOST" means the managed practice of recycling organic material, including food and yard waste, through biological degradation in a container or pile, to create a fertilizer or conditioner for land.

"DANGEROUS WILDLIFE" means bear, cougar, coyote or wolf, or a species of wildlife that is prescribed as dangerous pursuant to *Wildlife Act [RSBC 1996] C. 488*.

"DERELICT VEHICLE" means a motor vehicle that:

- (a) is not capable of being moved by its own power; or
- (b) is reduced to parts, frames, or bodies of a motor vehicle unless such vehicle or parts thereof are situated in an enclosed building.

"DILAPIDATED" means in a state of disrepair or ruin as a result of age, neglect or disuse.

"DIRECTOR OF OPERATIONS" means the Director of Operations of the District, or their designate.

"DISTRICT" means the District of Sparwood.

"FENCE" means a structure, wall or hedge used as an enclosure or screening about all or part of a parcel of land.

"GOOD REPAIR" means a condition where something is free from:

- (a) significant damage;
- (b) peeling surfaces;
- (c) broken, missing, or fallen parts;
- (d) rot or other significant deterioration; or
- (e) other visual evidence of a lack of general maintenance.

"GRAFFITI" means writing or drawings scribbled, scratched, or sprayed illicitly on a wall or other surface on Property.

"HIGHWAY" shall have the same meaning as defined under the *Motor Vehicle Act*. [RSBC 1996] C. 318.

"NOISE" means a level of sound which disturbs the quiet, peace, rest, enjoyment, comfort, or convenience of an individual or group of individuals in the vicinity of the area in which the sound is created.

"NOXIOUS WEEDS" shall have the same meaning as defined pursuant to the Weed Control Regulation, B.C. Reg. 143/2011, as such may be amended from time.

"NUISANCE" means an activity which substantially and unreasonably interferes with a person's use and enjoyment of a Highway, park, or other Public Place or of Property, or which causes injury to the health, comfort or convenience of an owner or occupier of Property and, without limiting the generality of the foregoing, includes, but is not limited to, Noise., production of noxious or offensive odours, littering and entering of premises in circumstances proscribed by S. 4 of the *Trespass Act*, [RSBC 1996] C. 462.

"OPEN COMPOST PILE" means a Compost site which is not fully contained in a Structure.

"PROPERTY" means all real property, not owned by the District, including, but not limited to, front yards, side yards, backyards, driveways and walkways and shall include any building, Structure or Fence located on such real property.

"PUBLIC PLACE" means a road, square, lane, bridge, Highway, walkway, park, greenbelt, trail, Boulevard, facility or other place to which the public has access by right or invitation, whether express or implied.

"SMOKE" means the gases, particulate matter and all other products of combustion emitted into the atmosphere when a substance or material is burned including, but not limited, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia.

"STREET NUMBER" means the civic address number assigned to a Property.

"STRUCTURE" means anything constructed or erected, the use of which requires location on or under the ground or water or attachment to something having location on or under the ground or water.

"UNOCCUPIED BUILDING" means a Building that is not occupied by persons for any continuous period in excess of 24 months.

"UNSIGHTLY" means Properties that display any one or more of the following characteristics to such an extent that as a whole it appears unkempt, unmaintained, dilapidated or in disrepair:

- (a) the accumulation of refuse, discarded or recyclable materials, appliances, machinery, equipment, Derelict Vehicles, or automotive parts;
- (b) fencing materials that are broken, rotting, contain holes or cracks, or are rusted or paint has substantially peeled;
- (c) trees that are dead;
- (d) a Building or other Structure that contains holes, breaks, rot or surfaces that are crumbling or cracking, or are substantially rusted or the paint has substantially peeled; or
- (e) the windows in a Building or other Structure that is not an Unoccupied Building are broken.

"WILDLIFE ATTRACTANTS" includes, but is not limited to, domestic garbage, waste, food for human consumption, restaurant grease, ash, food for animals (including pet food, livestock feed, birdseed, honey, hummingbird nectar or suet), barbecues, recyclable materials, game meat, salt, petroleum products, antifreeze, paint, outdoor refrigerators or freezers, and Compost.

3. REGULATIONS

General Regulations

- 3.1 A Bylaw Enforcement Officer may enter, at all reasonable times, on any Property to inspect and determine whether all regulations, prohibitions and requirements of this Bylaw are being met
- 3.2 The provisions of this Bylaw apply within to all persons or property within the District of Sparwood, excepting as may be specifically exempted pursuant to the provisions of this Bylaw, and the provisions of this Bylaw do not apply to:
 - (a) Work carried out by employees, contractors or agents of the District;
 - (b) Work on a public utility carried out by the owner or operator of a public utility or its contractors; and
 - (c) Any activities within the sole jurisdiction of the Government of Canada or the Province of British Columbia

4. UNOCCUPIED BUILDINGS

- 4.1 An owner of Property shall not allow an Unoccupied Building on their Property to fall into such a state of disrepair that it becomes Unsightly, dangerous or a risk to public safety.
- 4.2 An owner of Property shall board up and secure any unsecured openings, in an Unoccupied Building with plywood or other material to prevent entry into the building by persons or animals. Boarding materials must be:
 - (a) installed from the exterior and fitted within the frame of the opening in a watertight manner;
 - (b) of a thickness sufficient to prevent unauthorized entry into the building; and
 - (c) secured in a manner sufficient to prevent unauthorized entry into the building.

5. DERELICT VEHICLES

- 5.1 An owner or occupier of Property shall not store or accumulate, or permit to be stored or accumulate, on their Property a Derelict Vehicle or parts of a Derelict Vehicle unless:
 - (a) permitted under the Zoning Bylaw; or
 - (b) stored within a building such that they are not visible from another Property, Highway or other Public Place.

6. BOULEVARD MAINTENANCE REGULATIONS

- 6.1 An owner or occupier of a Property shall maintain the Boulevard immediately adjacent to their Property free from rubbish or other debris and not permit it to become Unsightly.
- 6.2 An owner or occupier of a Property shall keep the Boulevard immediately adjacent to their Property free from Noxious Weeds.
- 6.3 An owner or occupier of a Property shall not plant or remove any tree or shrub on any Boulevard without first obtaining permission in writing from the Director of Operations.

- (a) The Director of Operations is authorized to permit the removal of trees or shrubs on Boulevards in the following circumstances:
 - (i) where the tree or shrub is damaging the owner's Property; or
 - (ii) where the tree or shrub poses a hazard.
 - (b) The Director of Operations is authorized to permit the planting of trees or shrubs on Boulevards in the following circumstances:
 - (i) Where the proposed tree or shrub will not impede pedestrian movement; and
 - (ii) where the proposed tree or shrub's root structure will not cause damage to a roadbed, sidewalk or utility service; and
 - (c) If a request to plant or remove a tree or shrubs is denied by the Director of Operations, the Property owner or occupier may appeal the Director of Operations' decision to the Chief Administrative Officer of the District.
 - (d) If the Director of Operations' decision is upheld pursuant to Section 6.3 (c), the Property owner or occupier may request that the Council of the District reconsider the Chief Administrative Officer's decision. Any reconsideration by the Council of the District is final.
- 6.4 An owner or occupier of a Property shall not place or erect any Fence or Structure on the Boulevard immediately adjacent to their Property.

7. PRIVATE PROPERTY MAINTENANCE REGULATIONS

Unightly Property

- 7.1 No owner or occupier shall cause or permit their Property to become or remain Unightly.
- 7.2 No owner or occupier of Property shall cause or permit refuse to overflow from or accumulate around a container used to collect refuse stored outside of a Building or Structure
- 7.3 No owner or occupier of Property shall permit or cause water to collect or accumulate in an open drain, watercourse, pond, swimming pool, hot tub, or as surface water in which mosquitos are breeding.

Composting

- 7.4 An owner or occupier of Property shall not Compost faeces of any animal, animal parts or animal meat.
- 7.5 An owner or occupier of Property shall not Compost in a front yard as defined by the District of Sparwood Zoning Bylaw, Bylaw No. 264, as amended or replaced from time to time;
- 7.6 An owner or occupier of Property shall not Compost in such a manner to attract pests or emit odours that are offensive.

Grass, Dandelions, Trees, and Weeds

- 7.7 An owner or occupier of a Property shall not permit any weeds or grasses, excluding ornamental grasses, to be in excess of 20.32 cm (8 inches) in height.
- 7.8 An owner or occupier of Property shall not permit Noxious Weeds to grow or accumulate on their Property.
- 7.9 An owner of Property shall not permit any trees, hedges or shrubs adjacent to a Public Place to become dangerous and shall cause any such trees, hedges or shrubs to be removed from their Property at the written direction of the Director of Operations. In the event that an owner or occupier of Property is dissatisfied by any such direction, the Owner may appeal the Director of Operations' decision to the Chief Administrative Officer of the District. If the Director of

Operations' decision is upheld the Property owner may request that the Council of the District reconsider the Chief Administrative Officer's decision. Any reconsideration by the Council of the District is final.

- 7.10 An owner or occupier of Property shall not permit any trees, hedges or shrubs to obstruct vehicular or pedestrian traffic.
- 7.11 An owner or occupier of Property shall not permit any trees, hedges or shrubs to cause damage to a roadbed, sidewalk, or utility service.

Street Numbers

- 7.12 An owner or occupier of a Property shall prominently display the Street Number on the front of the principle Building or at the front of the Property on which the Building is situate in the event that 7.13(d) is applicable.
- 7.13 The standard for design and display of Street Numbers shall be as follows:
 - (a) Street Numbers shall be no less than 12.7cm (4 inches) in height;
 - (b) Street Numbers shall be set on a background of contrasting colour;
 - (c) Street Numbers shall be affixed to the front of the principal Building facing the street named in the address;
 - (d) if the principal Building on a Property is 15 metres (49.21 feet) or more from a road, or if the view of the principal Building is blocked by trees or shrubs, the Street Number shall be displayed in the front yard of the Property on a pole or other device, not less than 1 Meters nor more than 1.5 Meters in height, not on the Boulevard, and be visible at all times;
 - (e) if the principal Building is on a corner lot, the Street Number shall be displayed facing the street named in the address; and
 - (f) house numbers shall be easily visible at night.

Irrigation Regulations

- 7.14 An owner or occupier of Property shall not, between June 1st and September 30th of each year, use water for irrigating a lawn or garden excepting as follows:
 - (a) properties with even numbered civic addresses may irrigate on even numbered days;
 - (b) properties with odd numbered civic addresses may irrigate on odd numbered days;
 - (c) modular and manufactured homes in mobile home parks may irrigate on alternate days according to space numbers, so that even numbered spaces may irrigate on even numbered days and odd numbered spaces may irrigate on odd numbered days;
 - (d) townhouses may irrigate on alternate days, according to the unit number for the townhouse, so that even numbered townhouses may irrigate on even numbered days and odd numbered townhouses irrigate on odd numbered days;
 - (e) any properties having automatic underground irrigation systems may irrigate any day between the hours of 12:00 am and 6:00 am.
 - (f) properties that have installed new sod or seeded a new lawn are exempt from the regulations herein for a period of twenty-one (21) days following the seeding or installation of sod.

- (g) in the event of a possible emergency water shortage or to promote water conservation the Director of Operations may impose further restrictions, including a complete sprinkling ban.

Light

- 7.15 An owner or occupier of Property shall not allow an outdoor light to shine directly into the living or sleeping areas of an adjacent residential dwelling.
 - (a) Section 7.15 shall not apply to any municipal or public utility street light.

Snow Clearing

- 7.16 An owner or occupier of Property shall not push, place or throw or allow to be pushed, placed or thrown any snow or ice from their Property onto another property or Highway.

Repair of Motor Vehicles

- 7.17 An owner or occupier shall not conduct any repair work on motor vehicles, including mechanical repairs, auto body work, frame repair, collision repair, auto painting, auto detailing or modifications to the body or rebuilding of a motor vehicle, on any Property in a residential zone.
- 7.18 The prohibition pursuant to Section 7.17 shall not apply to routine maintenance work performed on any motor vehicle owned, operated or registered in the name of the person who owns or occupies the Property on which the work is being performed, provided that:
 - (a) the activity does not create a Nuisance or Noise;
 - (b) there is no escape of offensive, annoying or noxious odours, fumes or Smoke from the Property;
 - (c) vehicle fluids, oil, gasoline products or other hazardous materials are properly stored and disposed of;
 - (d) all vehicle parts and materials must be stored and not visible from another Property, Highway or other Public Place;
 - (e) no power washing of motor or a power train is performed on the Property; and
 - (f) all Building and Fire Code regulations are met.

Outdoor Storage of Materials, Equipment and Garbage

- 7.19 An owner or occupier of Property shall not permit or allow the open or exposed storage of any industrial fluid, including, but not limited to engine oil, brake fluid or antifreeze, on their Property.
- 7.20 An owner or occupier of Property shall not permit or allow Dilapidated, collapsed or unfinished Structures or Buildings to remain on their Property for any period in excess of 180 days, excepting pursuant to a valid and subsisting Building Permit issued pursuant to the Building Bylaw, Bylaw No. 1012, as amended or replaced from time to time.
- 7.21 An owner or occupier of a Property shall keep all construction material in a tidy and orderly condition and all construction material and equipment shall be properly stored when not in use.

Structures and Fences

- 7.22 An owner or occupier of a Property shall not permit or allow a Structure or Fence to become a safety hazard.
- 7.23 An owner or occupier of a Property shall ensure the following are maintained in Good Repair:
 - (a) Fences;

- (b) Structures, including:
 - (i) foundations and foundation walls;
 - (ii) exterior walls and their components;
 - (iii) roofs;
 - (iv) windows and window casings; and
 - (v) doors and door frames.
- (c) Protective or decorative finishes of all exterior surfaces of a Structure or Fence; and
- (d) Exterior stairs, landings, porches, balconies and decks.

Wildlife Attractants

- 7.24 A person shall not feed or attempt to feed wildlife, or deposit Wildlife Attractants in a place or manner that attracts wildlife, except as permitted in Section 7.25 herein.
- 7.25 Section 7.24 does not apply in relation to:
 - (a) farm operations
 - (b) fruit and vegetable gardening for human consumption, subject to Section. 7.29;
 - (c) ornamental plants and flowers;
 - (d) birdfeeders that are in compliance with Section 7.28
- 7.26 A person shall not store, handle or dispose of Wildlife Attractants in such a way that they are accessible to wildlife or Dangerous Wildlife.
- 7.27 A person shall not feed or attempt to feed wildlife or Dangerous Wildlife, or deposit Wildlife Attractants in a place or manner that attracts wildlife and Dangerous Wildlife.
- 7.28 A person must keep the area below a bird feeder free of the accumulation of seed and debris at all times such that it does not attract or is likely to attract Dangerous Wildlife.
- 7.29 An owner or occupier of Property shall not permit or allow fruit from a tree or bush on their Property to accumulate on the tree or bush or fallen fruit to accumulate on the ground such that it attracts or is likely to attract wildlife or Dangerous Wildlife.

8. PUBLIC NUISANCES

Graffiti

- 8.1 A person shall not allow Graffiti to remain on their Property in such a manner as to be visible from a Highway, Public Place or other Property.
- 8.2 The Bylaw Enforcement Officer may direct in writing that Graffiti be removed from property by the owner or occupier of Property.
- 8.3 Where a person has received written direction pursuant to Section 8.2, that person shall cause such Graffiti to be removed within fifteen (15) days of receipt of such written direction.

Noise

- 8.4 An owner or occupier of a Property shall not make, or cause to allow to be made, or continue any Noise which emanates from the Property that creates a Nuisance between the hours of 10:00 pm and 7:00 am.
- 8.5 A person shall not operate, or permit the operation of, any motorized lawn-grooming or garden equipment between the hours of 10:00 p.m. and 7:00 a.m.
- 8.6 A person shall not carry on any construction or excavation in any manner which creates a Nuisance between the hours of 10:00 p.m. and 7:00 a.m.

- 8.7 A person shall not own, keep or harbor any animal or bird, which by its cries or sounds creates Noise.
- 8.8 If it is impossible or impractical to comply with Section 8.6, the Chief Administrative Officer may give written approval to carry on work outside of the designated hours provided the applicant has presented evidence that they have exhausted all other means which would enable them to comply with Section 8.6.
- 8.9 The provisions of sections 8.4 to 8.8, as related to Noise, shall not apply to:
- (a) any Property which is zoned M-2 (Heavy Industrial) or M-3 (Extraction Industrial);
 - (b) performance of regular maintenance, construction, repairs, sanding, snow removal, painting, or street maintenance by employees, agents or contractors of the District.
 - (c) any vehicle or equipment engaged in the plowing or removal of snow from a Highway or commercial or institutional zone.
 - (d) police, fire, or other emergency vehicles responding to an emergency;
 - (e) equipment used to excavate, construct, or repair, Highways, or infrastructure;
 - (f) equipment used to respond to or prevent an emergency or disaster;
 - (g) the use of bells or chimes by churches; or
 - (h) any Noise emanating from an event authorized by the District and in accordance with the conditions imposed under an agreement.

Public Behaviour

- 8.10 A person shall not urinate or defecate in a Public Place other than in a washroom designated for use by the public.

9. PENALTY, REMEDIATION AND COLLECTION

- 9.1 A person who contravenes any provision of this Bylaw commits an offence and is liable on summary conviction to a penalty of not more than \$10,000.00 and the cost of prosecution.
- 9.2 Each day a violation of the provisions of this Bylaw exists or is permitted to exist shall constitute a separate offence.
- 9.3 In the event that an owner or occupier of Property fails to comply with any provision of this Bylaw or perform any remedial action or obligation that the owner or occupier of Property is obligated to perform pursuant to the provisions of this Bylaw, the District may enter onto such Property and perform such remedial action at the sole cost of the owner of such Property.
- 9.4 In the event that the District pursuant to the terms of this Bylaw enters onto property to carry out any remedial action or obligation that an owner or occupier of Property has failed to perform, then in such an event, the costs of the District in performing such remedial action or work shall immediately become a debt due and payable to the District, and if unpaid by December 31 in any year, such costs may be collected in the same manner and with the same remedies as property taxes pursuant to S. 258 of the *Community Charter, SBC 2003, C. 26*

10. REPEAL AND AMENDMENTS

- 10.1 The following Bylaws and their amendments are repealed:
- *Boulevard Maintenance Bylaw No. 411, 1985*
 - *Unightly Premises Bylaw No. 661, 1994*
 - *Sparwood Noise Control Bylaw No. 842, 2001*
 - *Deer Feeding and Wildlife Attractants Bylaw 1078, 2011*

- 10.2 That "*Utility and Solid Waste Management Bylaw 1014, 2008*" be amended by striking out section 2) e) in its entirety and renumbering the remaining sections sequentially.
- 10.3 That "*Building Bylaw 1012, 2009*" be amended by striking out sections 16.5 and 16.6 in their entirety.

READ A FIRST TIME this 20th day of August 2018.

READ A SECOND TIME this 20th day of August 2018.

READ A THIRD TIME this 20th day of August 2018.

THIRD READING RESCINDED this 27th day of August 2018.

READ A THIRD TIME this 27th day of August 2018.

ADOPTED this 4th day of September 2018.



Mayor

Corporate Officer