

SUN PEAKS MOUNTAIN RESORT MUNICIPALITY

BYLAW NO. 0216, 2023

**A BYLAW TO ENHANCE THE QUALITY OF LIFE FOR THE
RESIDENTS AND VISITORS OF THE MUNICIPALITY**

AND PROVIDE FOR THE COST RECOVERY OF NUISANCE ABATEMENT

WHEREAS Council desires to protect quality of life for its residents and visitors, promote civic responsibility, and encourage good relationships between neighbours and visitors;

AND WHEREAS, pursuant to the *Community Charter*, Council may, by bylaw, regulate, prohibit and impose requirements in relation to the protection and enhancement of the well-being within the Municipality, including, without limitation, in relation to nuisances, disturbances, and other objectionable situations, as well as in relation to noise, vibrations and any other matter that is liable to disturb the quiet, rest, enjoyment, comfort or convenience of individuals or the public;

AND WHEREAS, pursuant to the *Community Charter*, Council may, by bylaw, impose costs and recover costs of taking action in the event of a default by a person who fails to take action as lawfully directed;

NOW THEREFORE the Municipal Council of the Mountain Resort Municipality of Sun Peaks, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "Good Neighbour Bylaw No. 0216, 2023".
2. The following bylaws of the Municipality and their amendments are hereby repealed:
 - a) Sun Peaks Noise Management Bylaw No. 0010,2010.
 - b) Unsightly Premises Bylaw No. 0043, 2015
3. This bylaw is divided into the following divisions:

Division One	Interpretation
Division Two	Definitions
Division Three	Noise and Idling Regulations
Division Four	Community Improvement and Unsightly Property
Division Five	Compliance Orders and Abatement Fees
Division Six	Excessive Nuisance Service Call Fees
Division Seven	Reconsideration
Division Eight	Entry and Inspections
Division Nine	Offences and Penalties
Division Ten	Schedules

DIVISION ONE – INTERPRETATION

100. 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.
101. Words or phrases defined in British Columbia's *Interpretation Act*, *Community Charter* or *Local Government Act*, or any successor legislation shall have the same meaning when used in this bylaw or its Schedules unless otherwise defined in this bylaw. Unless otherwise stated, and notwithstanding the case used (upper case or lower case), when words or phrases that are defined in Division Two of this bylaw are used in the body or Schedules of this bylaw, they have the meaning ascribed to them as set out in Division Two of this bylaw.
102. 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.
103. Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time and any bylaw or Council policy referred to herein is a reference to an enactment of the Sun Peaks Mountain Resort Municipality, as amended, revised, consolidated or replaced from time to time.

DIVISION TWO – DEFINITIONS

200. In this bylaw and its Schedules, unless the context requires otherwise:

"ABATEMENT FEES" are the fees calculated and imposed in accordance with Division Five and Schedule "A" of this bylaw;

"ACCUMULATION" means a collection, either built-up, gathered, scattered, amassed or piled, as the case may be, and "Accumulate" shall have a corresponding meaning;

"ATTRACTANT" means any substance which could reasonably be expected to attract wildlife including but not limited to: food products, garbage, kitchen waste, unclean barbecues, pet food, bird feed, grain, restaurant grease, used food packaging, game meat, fruit, seeds, nuts, honey, salt, oil, antifreeze or other petroleum products, and unmanaged compost (excluding grass clippings, leaves or branches).

"BYLAW ENFORCEMENT OFFICER" means the persons designated from time to time by Council to enforce this Bylaw and includes any peace officer;

"CHIEF ADMINISTRATIVE OFFICER" means the person duly appointed by Council as such, and any person delegated to assist in carrying out their duties under this bylaw;

"COMMERCIAL MOTOR VEHICLE" means any Motor Vehicle having a Gross Vehicle Weight in excess of five thousand five hundred kilograms (5,500 kg) or a length in excess of seven and one-half metres (7.5 m), but does not include buses, emergency medical service vehicles, fire apparatus, Police vehicles, or vehicles owned by or operated for the Municipality;

"COMPLIANCE ORDER" means an order issued pursuant to Division Five of this bylaw;

"CONSTRUCTION" includes any of the following:

- (a) the erection, alteration, repair, relocation, dismantling, demolition and removal of a building or structure;
- (b) structural maintenance, power-washing, painting, land clearing, earthmoving, grading, excavating, the laying of pipe and conduit (whether above or below ground), street or road building and repair, concrete placement, and the installation, or removal of Construction equipment, components and materials in any form or for any purpose;
- (c) any work being done in connection with any of the work listed in paragraphs (a) or (b);

"CONTAINER" includes a dumpster, garbage can, garbage bin or other receptacle designed, intended or used to hold Rubbish or other discarded materials or debris;

"CORPORATE OFFICER" means the person duly appointed by Council as such, and any person delegated to assist in carrying out his/her duties under this bylaw;

"COUNCIL" means the municipal council of the Sun Peaks Mountain Resort Municipality;

"DANGEROUS WILDLIFE" has the same meaning as in the *Wildlife Act*.

"DERELICT VEHICLE" means any Motor Vehicle or Off-Road Vehicle, or part thereof, which is physically damaged, wrecked or disabled and is not capable of operating under its own power.

"EXCESSIVE NUISANCE SERVICE CALL FEES" means the fees calculated and issued in accordance with Division Six of this bylaw;

"GROSS VEHICLE WEIGHT" means the number of kilograms derived by adding the weights on all of the axels of a vehicle;

"HOLIDAY" means:

(a) New Year's Day, Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, British Columbia Day, Labour Day, Day For Truth and Reconciliation, Thanksgiving Day, Remembrance Day, Christmas Day and December 26, and

(b) the Monday following a day that is named in paragraph (a) and that falls on a Saturday or Sunday;

"IDLE" means running the engine of a Motor Vehicle or Off-Road Vehicle while the vehicle is not in motion, and "Idling" has a corresponding meaning;

"MOTOR VEHICLE" means a vehicle, not run on rails, that is designed to be self-propelled, and includes all ancillary parts, components, and equipment attached thereto and includes Commercial Vehicles, but does not include motorized wheelchairs, or devices designed to be moved by human power;

"MUNICIPALITY" means Sun Peaks Mountain Resort Municipality;

"NIGHTTIME, outside the Village Core District, means from 10:00 PM to 7:00 AM.

"NOISE" includes any loud outcry, clamour, shouting, disturbance or any sound that is loud, harmful, unpleasant, disruptive to hearing, harsh or undesirable;

"NOXIOUS WEED" has the same meaning as in the *Weed Control Act*;

"NUISANCE" means any conduct, activity or condition which unreasonably interferes with a Person's use and enjoyment of a public area or of land they own or occupies,;

"NUISANCE SERVICE CALL" means any Bylaw Enforcement Officer or Police response to any Nuisance, including any abatement thereof, and Unfounded Bylaw Infraction Complaints;

"OFF-ROAD VEHICLE" means all-terrain vehicles (ATVs), side-by-side vehicles, snowmobiles, off-road motorcycles, or other vehicles regulated by the *Off-Road Vehicle Act*.

"PARCEL" means:

- i) a single area of land with defined boundaries and registered under the provisions of the Land Title Act; or
- ii) a single area of land with defined boundaries held by way of lease granted by the Federal or Provincial Crown or their agencies.

and includes a bare land strata lot and a strata lot.

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

"POLICE" means the Royal Canadian Mounted Police;

"POINT OF RECEPTION" means a position that is located at least 1.2 m above the surface of the ground, and that is a position on, or just inside, the property line of the real property occupied by the recipient of a noise or sound, that represents the shortest distance between that property and the other property from which that noise or sound emanates. Where the property line cannot be determined, the nearest reasonable point of reception on the complainant's property will be used as the measuring point of reception;

"POWER EQUIPMENT" means any equipment or machinery used in lawn and garden care or in building and property maintenance, including but not limited to leaf blowers, edge trimmers, rototillers, lawn mowers, snow blowers, pressure washers, carpet cleaning equipment and hand-operated power tools;

"PREMISES" means

- (a) the area contained within the boundaries of a legal parcel of land and any building situated within those boundaries, and
- (b) where a building contains more than one unit of commercial, industrial or residential occupancy, each unit, the common areas of the building, and the land within the apparent boundaries of the lot that are treated as separate Premises;

"PROPERTY" means all real property, including, but not limited to, front yards, side yards, backyards, driveways, walkways and sidewalks, together with any and all structures or fences located thereon;

"Residential District" means those areas that are zoned:

- a. Residential Single Family One and Two (RS-1, RS-2)
- b. Residential Single Family Tourist Accommodation Zone (RS-1A)
- c. Residential Single and Two Family Zone (R1)
- d. Residential Single and Two Family Tourist Accommodation Zone (R-1A)
- e. Residential Multi-Family (R3)
- f. Residential Two Family One (RT1)
- g. Residential Multiple One, Two and Three (RM1, RM2, RM3)

"RESIDENTIAL PREMISES" means any parcel of real property utilized primarily for residential accommodation, and may include short term rental properties and employee housing;

"RESIDENTIAL AREA" means any single family, two family or multiple family residential or multiple family tourist zone provided for in the Municipality's Zoning Bylaw;

"RUBBISH" means decaying or non-decaying solid and semi-solid wastes, including but not limited to: paper; trash; refuse; cardboard; waste material; cans; glass; mattresses; crates; rags; barrels; boxes; lumber not neatly piled; scrap iron, tin and other metal; scrap paving material; construction and demolition waste; unlicensed, dilapidated, unused or stripped automobiles and other vessels; tires; machinery; mechanical or metal parts; discarded or dilapidated appliances or furniture; ashes from fireplaces and on-site incinerators; yard clippings and brush; wood; dry vegetation; weeds; dead trees and branches, stumps, overgrown vegetation and trees which may harbor insect or rodent infestations or may become a fire hazard; and piles of earth mixed with any of the above;

"TOURIST ACCOMMODATION DISTRICT" means those areas zoned:

- a. Tourist Accommodation including (TA1, TA2, TA3, TA4)
- b. Tourist Pension One (TP1)
- c. Commercial Service One (CS1)
- d. Light Industrial (IL1)
- e. Leisure Recreation One (LR1)
- f. Leisure Park One (LP1)
- g. Recreational Residential Commercial One (RC1)

"UNFOUNDED BYLAW INFRACTION COMPLAINTS" means bylaw complaints deemed by the Municipality as being not contrary to any Municipal bylaw.

"UNSIGHTLY", in addition to its common dictionary meaning and regardless of the condition of other properties in the neighbourhood, includes a Property characterized by one or more of the following:

- a) the placement, storage or Accumulation of Rubbish, filth or any other discarded materials or debris, that is visible to a person standing on a public roadway or on or in nearby Property;
- b) mechanical equipment, including dump trucks, bulldozers, graders, backhoes or other similar heavy construction equipment, unless the real property is zoned for such use or a valid building permit has been issued;

- c) the untidy placement, storage or Accumulation of building materials on a site where construction is not taking place;
- d) landscaping or vegetation that is dead, characterized by uncontrolled growth or lack of maintenance, or is damaged;
- e) fences characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay or neglect or excessive use or lack of maintenance;
- f) a lowering in quality of the condition or appearance of a structure or parts thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, leaning, rusting, graffiti or any other evidence of physical decay or neglect or excessive use or lack of maintenance; or
- g) any other similar conditions of disrepair, dilapidation, or deterioration.

"VILLAGE CORE" means those areas zoned Commercial Core One (CC1, Residential Commercial One (RC-1) and Commercial Local one (CL-1).

"VILLAGE CORE NIGHTTIME" means from 11:00 PM – 7:00 AM.

"WILDLIFE PROOF CONTAINER" means a fully enclosed container, of sufficient design and strength to prevent access by Dangerous Wildlife, that is securely affixed to the ground or to an immovable object or fixture.

DIVISION THREE – NOISE AND IDLING REGULATIONS

- 300. A person shall not make or cause, or permit to be made or caused, any noise which disturbs or is liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of individuals in the vicinity.
- 301. An owner or occupier of real property shall not allow the real property to be used so that noise or sound which emanates from the real property disturbs or is liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or individuals in the vicinity.
- 302. Bylaw Officers are authorized to measure noise levels at their discretion.

Rental Properties – Notification of Bylaw

- 303. Every owner and manager of real property that is rented, whether for short- or long-term rentals, other than properties within the Village Core District must post in an obvious and prominent location within the rental property a notice of the restrictions and conditions established in this Bylaw for that property, including the hours and levels of permitted noise and the penalties for violations of this Bylaw.

Prohibited types of noise

304. A person must not:

- (a) use a megaphone or other device to amplify their voice or another sound so that it projects outside onto streets, parks or other public places except to participate in an event that has the prior approval of Council or pursuant to a permit issued by the Municipality;
- (b) play a radio, CD or MP3 player, television, musical instrument or sound amplification device, whether in or upon a private Premises or in any public place, at such a volume (loudness) that the sound level disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals in the vicinity;
- (c) within a Residential District, cause, permit, allow or suffer:
 - i. any dog, bird or other animal to bark or emit loud cries regularly or persistently; or
 - ii. other noise to be emitted in a persistent manner that may easily be heard by a person not on the same Premises that disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;
- (d) operate any automobile, truck, Motorcycle, Off-Road Vehicle, bus or other motorized vehicle which by reason of disrepair, mode of operation or any other cause, creates noise or sound which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;
- (e) cause or allow sound from a radio, CD or MP3 player or other playback device or amplification equipment, or the sound of a musical instrument, to emanate from a Motor Vehicle or Off-Road Vehicle that can readily be heard by a person of normal hearing acuity at a distance of 5 metres (16.4 feet) or more from the vehicle;
- (f) operate a snowmobile:
 - i. on Municipal roads except as operated by the Municipality, emergency services or Sun Peaks Resort LLP for the purpose of operations; or
 - ii. within a Residential District or Tourist Accommodation District during Nighttime, except for the purposes of unloading and storing the machine.

Power Equipment

305. a person may not use Power Equipment that makes or causes noise that disturbs the quiet, peace, rest or enjoyment of the public except:
- (a) between the hours of 7:00 AM and 7:00 PM on a weekday that is not a Holiday; and
 - (b) between the hours of 8:00 AM and 7:00 PM on a Saturday, Sunday or Holiday.

Construction

306. Except under a permit issued under this Bylaw or the Sun Peaks Building Regulation Bylaw, a person may not carry out any Construction that disturbs the quiet, peace, rest or enjoyment of the public except:
- (a) between the hours of 7:00 AM and 7:00 PM on a weekday that is not a Holiday;
 - (b) between the hours of 8:00 AM and 7:00 PM on a Saturday, Sunday or Holiday.

Idling Restrictions

307. No Person shall cause or permit a Motor Vehicle or Off-Road Vehicle to Idle in a Residential Area:
- (a) for more than three (3) consecutive minutes in temperatures at or above 0C.
 - (b) for more than five (5) minutes in temperatures below 0C.
308. Section 310 of this bylaw does not apply to:
- (a) buses, fire apparatus, police vehicles, or emergency medical service vehicles while engaged in operational activities, including training and patient transfer activities;
 - (b) Commercial Motor Vehicles participating in an emergency activity;
 - (c) Commercial Motor Vehicles that remain motionless because of an emergency, traffic conditions (including congestion and signals), weather conditions, or mechanical difficulties over which the driver has no control;
 - (d) Commercial Motor Vehicles where Idling is required as part of the repair process or to prepare the vehicle for service;
 - (e) armored vehicles where a Person remains inside the vehicle while guarding the contents of the vehicle or while the vehicle is being loaded or unloaded;
 - (f) Commercial Motor Vehicles engaged in a parade or race or any other such event authorized by Council;
 - (g) Refrigeration vehicles.

Exemptions by permission

309. (1) If the level of noise normally associated with
- (a) Construction activity involving excavation, concrete pouring or finishing, major structural or mechanical component deliver or placement, or relocation of a building; or
 - (b) an outdoor special event

would exceed the provisions of this Bylaw that would otherwise apply, a person may, by written permission of the Chief Administrative Officer, be exempted from those provisions for a specified time period.

(2) In permitting an activity under this section, the Chief Administrative Officer may impose any terms, conditions, restrictions and requirements that the Chief Administrative Officer considers reasonable and necessary in the circumstances, taking into account any factors of safety, necessity, expediency, traffic, weather, geographical conditions, the mitigation of nuisance, and the convenience of the public and residents in the vicinity.

(3) A person seeking an exemption under subsection (1) must complete a written request to the Chief Administrative Officer, which must contain the following information:

- (a) the name, address and telephone number of the applicant;
- (b) the civic address of the location of the works or events;
- (c) the building permit number, if applicable;
- (d) the reasons for the requested exemption;
- (e) a description of the source of noise in respect of which the exemption is sought;
- (f) the period of time for which the exemption is requested; and
- (g) a statement of the measures planned or presently being taken to minimize the sound or noise created.

(4) An application for an exemption must be submitted to the Chief Administrative Officer within the following time limits of the work or event for which the exemption is requested:

- (a) at least 10 business days before Construction work;
- (b) at least 4 weeks before an outdoor special event that does not require street closures;
- (c) at least 2 months before an outdoor special event, at which more than 1,000 individuals are expected to attend or that requires street closures.

(5) The Mayor of the Municipality may reduce the time limit within which an application is required to be made under subsection (4) in the event of an emergency or other unforeseen circumstance.

(6) The Chief Administrative Officer may seek the direction of Council before consenting to an exemption for an outdoor special event.

(7) A person who is denied permission for an exemption under subsection (1) may seek reconsideration by Council in accordance with the following procedure:

- (a) the person must notify the Chief Administrative Officer of his or her intention within 14 days of the decision;
- (b) the person may address Council in writing or in person concerning the request for the exemption; and
- (c) Council may confirm the decision of the Chief Administrative Officer or may substitute its own decision.

Exemptions

310. (1) Division Three of this Bylaw does not apply to:
- (a) sound emanating from a vehicle in use by the Police, ambulance service, Sun Peaks Fire-Rescue Department, or other public service or emergency vehicle for a lawful purpose;
 - (b) the sounding of a horn or other signaling device upon any vehicle where such sounding is properly and necessarily used as a danger or warning signal; i.e. Blasting signals.
 - (c) alternate power sources during power failures;
 - (d) a parade, procession, performance, concert, ceremony, event, gathering or meeting in or on a street or public space, if approved by Council or under a permit issued under this Bylaw;
 - (e) works or services carried out by the Municipality, the Province, Canada or a utility or other public service provider;
 - (f) Nighttime cleaning of streets and sidewalks and the collection of garbage;
 - (g) emergency repairs to or within buildings which cannot reasonably be delayed until normal working hours;
 - (h) resort maintenance activities including, but not limited to, snowmaking, snow plowing, snow grooming, and golf course maintenance;
 - (i) residential maintenance activities related to snow plowing and snow blowing.

DIVISION FOUR – COMMUNITY IMPROVEMENT AND UNSIGHTLY PROPERTY

Property Maintenance

400. An owner or occupier of Property must not cause, permit, suffer or allow the Property to become or remain Unsightly.
401. Without limiting the generality of the foregoing, an owner or occupier of Property must not cause, permit, suffer or allow on or around the Property:
- a. unsanitary conditions, or an Accumulation of other offensive or unwholesome materials, substances or objects;
 - b. an Accumulation of standing water;
 - c. an Accumulation of Noxious Weeds;
 - d. an infestation of caterpillars, termites or other noxious or destructive insects or rodents; or
 - e. Rubbish outside of any Container situated on Property.

-
402. No person shall cause, permit or allow any wildlife Attractant that may attract Dangerous Wildlife to be stored, kept or otherwise to remain on land except in a Wildlife Proof Container in compliance with the Solid Waste Management Bylaw No. 0193.
403. No owner or occupier of real property may store:
- a. More than one (1) unlicensed Motor Vehicle on such property; or
 - b. Any Derelict Vehicle on such property.
404. Without limiting the generality of the foregoing, in respect of Property for which a Building Permit has been issued by the Municipality, no Person shall cause, permit or allow demolition waste, construction waste or trade waste to Accumulate on Property.
405. No owner or occupier of real property may allow a fence or retaining wall located on such property to become or remain dilapidated, broken or leaning to such a degree that it may cause a hazard.

Boulevards, Sidewalks, Private Parking Lots and Roads

406. Owners and occupiers of real property are responsible for all areas on that property which are used for vehicular traffic or parking and for all areas to which the public has access, as of right or by express or implied invitation, and must keep all such areas maintained and in good repair, free from hazards, and without limiting the generality of the foregoing must keep all such areas:
- a) free from Rubbish;
 - b) maintained in good repair and free from large holes and deep ruts;
 - c) graded and drained to prevent ponding of water; and
 - d) cleared of excessive snow and ice.
407. Owners and occupiers of real property are responsible for all ramps, sidewalks, walkways or storage areas on land used for residential occupancy, and all such areas must be kept in such a manner as to provide a safe continuous and unobstructed exit from each residential building.
408. Owners and occupiers of real property are responsible for maintaining ditches and Boulevards abutting their property in a clean and tidy manner to the same standards pertaining to grass, weeds, other growths, Rubbish and other Unsightly conditions as required by this Bylaw for private property.

DIVISION FIVE – COMPLIANCE ORDERS AND ABATEMENT FEES**Compliance Orders**

500. If, in the opinion of a Bylaw Enforcement Officer, the owner or occupant of Property fails to comply with a requirement of this bylaw, the Bylaw Enforcement Officer may issue a Compliance Order requiring that the owner or the occupant bring the Property into compliance with this bylaw within such time as the Bylaw Enforcement Officer considers appropriate in the circumstances.
501. A Compliance Order will typically state:
- a) the civic address of the subject Property, if available;
 - b) the legal description of the subject Property;
 - c) the particulars of the non-compliance to be remedied, and the specified time by which that non-compliance must be remedied;
 - d) that if the owner or occupant fails to comply with the terms of the Compliance Order within the time specified, the Municipality may, without further notice, at all reasonable times and in a reasonable manner, enter the Property and bring about such compliance at the cost of the defaulting owner or occupier, and the cost of such work shall be added to the taxes of the Property;
 - e) the owner or occupant or both may be subjected to prosecution for an offence under this bylaw.
502. Service of a Compliance Order is deemed to occur:
- a) in the case of the owner, on the day on which it is personally delivered, or on the fifth business day after being mailed by regular post to the address shown on the current year's Property assessment roll; and
 - b) in the case of the occupant, on the day on which it is personally delivered, or the day on which it is posted on the Property, or on the fifth business day after being mailed by regular post to the address of the Property.

Abatement Fees

503. If the obligations imposed by the terms of a Compliance Order are not performed within the time period set out therein, the Municipality, by its employees, agents or contractors, may enter the Property and bring about such compliance at the cost of one or more of the following:
- a) the occupant of the Property from which the non-compliance of this bylaw arises; and/or
 - b) the owner of the Property from which the non-compliance of this bylaw arises,
- and the costs shall be calculated and invoiced as Abatement Fees in accordance with Schedule "A". Such Abatement Fees shall consist of all costs and expenses incurred by the Municipality to achieve compliance with this bylaw including, without limitation,

administrative costs, the costs to attend the Property by Municipality employees and its contractors, the costs of removal, clean up and disposal, and the cost of repairs to damaged Municipal equipment, vehicles or Property.

Cost Recovery

504. If an Owner or occupier defaults in paying the Abatement Fees referred to in Section 503 to the Municipality within thirty (30) days after receipt of demand for payment from the Municipality, the Municipality may either:
- a) recover from the owner or occupier of the Property, in any court of competent jurisdiction, the Abatement Fees as a debt due to the Municipality; or
 - b) direct that the amount of the Abatement Fees be added to and form part of the Property tax roll as a charge imposed in respect of work done or services provided to the Property of the owner.

DIVISION SIX – EXCESSIVE NUISANCE SERVICE CALL FEES

600. Where a member of the Police, a Bylaw Enforcement Officer or other Municipality employee is required to respond on-site to a complaint for:
- (a) more than one verified Nuisance Service Call within a twenty-four (24) hour period; or
 - (b) more than three verified Nuisance Service Calls within a twelve (12) month period,
- the owner of the Property shall be liable to pay an "Excessive Nuisance Service Call Fee" calculated in accordance with the amounts prescribed in Schedule "A" of this bylaw for each additional Nuisance Service Call responded to at the same Property within the twelve (12) month period following the date of the notice referred to in Section 603.
601. Where a member of the Police, a Bylaw Enforcement Officer or other Municipality employee is required to respond to Unfounded Bylaw Infraction Complaints from the same complainant:
- (a) More than once within a twenty-four (24) hour period; or
 - (b) More than three times within a twelve (12) month period,
- the complainant shall be liable to pay an "Excessive Nuisance Service Call Fee" calculated in accordance with the amounts prescribed in Schedule "A" of this bylaw for each additional Unfounded Bylaw Infraction Complaint responded to within the twelve (12) month period following the date of the notice referred to in Section 603.
602. Despite Section 600, where legal title to a Property is transferred, Nuisance Service Calls made before the date that the new owner obtains legal title to the Property shall not apply to a determination under Section 600 whether Excessive Nuisance Service Call Fees are payable.
603. Before imposing an Excessive Nuisance Service Call Fee, written notice shall first be provided to the owner of the Property or Complainant as the case may be:

-
- (a) describing in reasonable detail the nature of the Nuisance conduct, activity or condition that occurred, or was maintained or permitted in, on or near the Property; and
 - (b) advising the owner or complainant that Excessive Nuisance Service Call Fees will be imposed for each additional Nuisance Service Call and that the imposition of such fees is in addition to the Municipality's right to seek other legal remedies or actions for abatement of the Nuisance.
604. Service of the notice referred to in Section 603 is deemed to occur on the day on which it is personally delivered to the owner or Complainant, or on the fifth business day after being mailed by regular post to the address shown on the current year's Property assessment roll.
605. Excessive Nuisance Service Call Fees must be paid by the owner on receipt of a demand for payment from the Municipality. If the amount of each demand is not paid in full before the 31st day of December in the year received, on written notice to the owner, the Municipality may either:
- (a) recover from the owner or occupier of the Property, in any court of competent jurisdiction, the Excessive Nuisance Service Call Fees as a debt due to the Municipality; or
 - (b) direct that the amount of the Excessive Nuisance Service Call Fees be added to and form part of the Property tax roll as a charge imposed in respect of work done or services provided to the Property of the owner, if applicable.

DIVISION SEVEN – RECONSIDERATION

700. A person may request that Council reconsider:
- a) the issuance or terms of a Compliance Order;
 - b) a demand for payment of Abatement Fees; or
 - c) a demand for payment of Excessive Nuisance Service Call Fees,
- by submitting a written request for reconsideration to the Municipality's Corporate Officer in accordance with Section 701 of this bylaw.
701. All requests for reconsideration must:
- a) be submitted in writing to the Corporate Officer within:
 - (i) ten (10) days of the Compliance Order being served in accordance with Section 502 of this bylaw; or
 - (ii) ten (10) days of the demand for payment of Abatement Fees or the demand for payment of Excessive Nuisance Service Call Fees is issued by the Municipality,
- as the case may be; and

- b) include a description of the grounds upon which the request for Council reconsideration is made.
702. Upon receipt of a compliant written request for reconsideration, the Corporate Officer shall schedule the time, date, and place for Council to hear the matter.
703. Upon reconsidering an order or demand issued under this bylaw, Council may confirm, set aside or alter the order or demand, as it may deem appropriate in the circumstances.

DIVISION EIGHT – ENTRY AND INSPECTIONS

800. No Person may obstruct, hinder or prevent any Bylaw Enforcement Officer or Inspector from entering onto or into Property for the purposes of inspecting or determining whether all regulations, prohibitions and requirements established by this bylaw are being met.
801. The owner or occupier of Property shall, upon request, give to a Bylaw Enforcement Officer such assistance as they may require in carrying out an inspection or in determining whether all regulations, prohibitions and requirements established by this bylaw are being met.

DIVISION NINE – OFFENCES AND PENALTIES

900. No Person shall do any act or suffer or permit any act or thing to be done in contravention of this bylaw.
901. Every Person who violates any provision of this bylaw, or who permits any act or thing to be done in contravention of this bylaw, or who fails to do any act or thing required by this bylaw, shall be deemed to have committed an offence against this bylaw and:
- a) shall be liable to a fine set out in the Municipality's Bylaw Enforcement Notice bylaw;
 - b) shall be liable upon summary conviction to a fine of not less than five thousand dollars (\$5000) and not more than Fifty Thousand Dollars (\$50,000), plus the costs of prosecution,
902. Each day that an offence against this bylaw continues shall be deemed a separate and distinct offence.
903. Any penalty imposed pursuant to this bylaw shall be in addition to, and not in substitution for, any other penalty or remedy imposed pursuant to this bylaw, along with any other applicable statute, law, or legislation.

DIVISION TEN – SCHEDULES

1000. The following Schedules are attached to and form part of this bylaw

Schedule "A" – Abatement Fees

1001. Effective Date

This bylaw comes into force and effect upon its adoption.

READ A FIRST TIME THIS 21st day of November, 2023
READ A SECOND TIME THIS 9th day of January, 2024
READ A THIRD TIME THIS 19th day of March , 2024
RESCINDED THIRD READING THIS 9th day of April, 2024
REREAD A THIRD TIME AS AMENDED THIS 9th day of April, 2024
READ A FOURTH TIME AND FINALLY ADOPTED THIS 16th day of April, 2024



Al Raine
Mayor



Nicky Jonsson
Corporate Officer

SCHEDULE "A"**ABATEMENT FEES**

1. For the purposes of calculating Abatement Fees and Excessive Nuisance Service Call Fees, the following rates will be charged for every hour or portion thereof in which any Municipality or Police personnel, vehicles or equipment are used:

PERSONNEL DESCRIPTION	REGULAR HOURLY RATE (8:30 AM – 4:00 PM Monday through Friday, excluding holidays. Rates will be charged at 1.5 times for calls outside of regular hours)
Municipal Staff	
Chief Administrative Officer	\$150
Corporate Officer	\$100
Bylaw Services Officer	\$50
Building Official	\$75
Staff - Other	\$50
Sun Peaks Fire Rescue	
Staff Officer	\$75
Firefighter	\$50
Engineering/Public Works	
Director	\$100
Foreman	\$75
Field Technician	\$50
Labourer	\$50
Vehicles and Equipment (1-hour minimum charge)	
Fire Truck – Engine, Quint	\$750
Municipal Truck – Rescue/Duty	\$500
Municipal Truck – Staff	\$250

2. For the purposes of calculating Abatement Fees and Excessive Nuisance Service Call Fees, all work carried out by a contractor on behalf of the Municipal will be charged as the actual cost of the contract rate plus 10%.