



BYLAW NO. 2005

GOOD NEIGHBOUR BYLAW

A Bylaw to ensure community and peace throughout the neighbourhood

WHEREAS the Community Charter, S.B.C. 2003, c.26 authorizes Council to regulate, prohibit and impose requirements respecting nuisances, disturbances, public health, property maintenance and municipal enforcement;

AND WHEREAS Council considers it desirable, for the betterment of the Town of Smithers, to protect the enjoyment of public and private property from unwanted noise, nuisance, and unsightly or derelict conditions;.

NOW THEREFORE be it resolved that the Council for the Town of Smithers, in open meeting assembled, enacts as follows:

1. ADMINISTRATIVE PROVISION:

- 1.1 This Bylaw may be cited for all purposes as "Town of Smithers Good Neighbour Bylaw No. 2005", and comes into effect on the date of adoption.
- 1.2 This Bylaw repeals "Town of Smithers Noise Control Bylaw No.1294", "Bylaw No. 1778 Property Maintenance", and "Nuisance Bylaw, 1985 No. 725", and any amendments thereto.
- 1.3 If any section, subsection, sentence, clause or phrase in this bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the decision shall not affect the validity of the remaining portion of the bylaw.
- 1.4 Obstruction of a Bylaw Enforcement Officer may constitute an offence under *Section 129 of the Criminal Code of Canada*.
- 1.5 A Bylaw Enforcement Officer may, in accordance with the Community Charter, enter onto property at reasonable times and in a reasonable manner for the purpose of determining compliance with this Bylaw.

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2. DEFINITIONS

2.1 In this bylaw, unless the context otherwise requires:

“Animal” means any domestic pet kept on the property, dog, cat or other animals such as birds and rodents.

“Accumulation” means a buildup, collection, or concentration of material, substances, objects, or matter, whether scattered, heaped, piled, stored, or otherwise present on a property at the time of inspection.

“Boulevard” means the portion of a highway between the curb and the adjacent property line, or where no curb exists, between the edge of the roadway and the adjacent property line extending no more than 4.6 metres (15 feet) from the edge of the pavement, and includes the area between the curbs of a median strip or traffic island, but does not include curbs, sidewalks, ditches, or driveways.

“Bylaw” means the Town of Smithers Good Neighbour Bylaw No. 2005, as amended from time to time.

“Bylaw Officer” means any Bylaw Enforcement Officer, Community Safety Officer, RCMP, Peace Officer, Auxiliary Constable, or any person appointed by the Town of Smithers.

“Container” means any dumpster, garbage can, garbage bin, or other receptacle designed, intended, or used to hold rubbish, discarded materials and debris, but excludes a shipping container as defined in “Zoning Bylaw No. 1987”.

“Council” means the council of the Town of Smithers.

“Dance Hall” means any bar, pub, restaurant, or other licensed establishment that holds a Liquor Licence and where dancing or amplified entertainment is regularly provided.

“Derelict Vehicle” means any motorized or nonmotorized vehicle that includes but is not limited to boats, ATVs, snowmobiles, motorcycles, or trailer, travel trailer and motorhome that are inoperable, unlicensed or in dilapidated condition, rusty, dismantled, wrecked, and missing parts.

“Emergency Work” means work that requires immediate action to prevent or address a risk to public health or safety, avoid significant damage to property, restore essential services, maintain habitable living conditions, or enable emergency service personnel to perform their duties.

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“Hoarding” means the accumulation of materials, personal property, refuse, or other items within or upon a property to such an extent that it creates or contributes to a risk to health or safety, obstructs access or egress, interferes with the intended use of the property, attracts pests, or otherwise constitutes a contravention of this Bylaw.

“Nuisance” means any loud noise, undesirable language, revving of engines, constant animal noise, unsightly premises or conditions, derelict vehicles, accumulations of rubbish, garbage, odours, dust, unpleasant emissions, smoke, vibrations or illuminations, unsanitary conditions or anything that interferes with use or enjoyment of a public space or private property.

“Noise” means any sound that is audible to a reasonable person and that unreasonably disturbs or is likely to disturb the quiet, peace, rest, enjoyment, comfort, convenience, or safety of any person.

“Music” means vocal, instrumental, or electronically produced sound, whether live or recorded, including sound produced by radios, televisions, stereos, computers, mobile devices, musical instruments, amplifiers, public address systems, or similar equipment.

“Person” means an individual, corporation, partnership, association, society, firm, trustee, executor, administrator, Owner, occupier, or any other legal entity and includes a minor who is at least 13 years of age but under 18 years of age.

“Rubbish” means discarded, unused, unwanted, or abandoned material, substances, articles, or objects that are not being stored, maintained, or used for their intended purpose, including but not limited to garbage, refuse, waste, litter, scrap materials, discarded furniture, appliances, vehicle parts, construction or demolition debris, and yard waste.

“Town” means the municipality known as the Town of Smithers

“Unsightly” means, in respect of a property or premises, a condition that is visually offensive, neglected, or detrimental to the appearance, safety, or character of the surrounding area. Such conditions may include, but are not limited to, accumulations of rubbish or uncontained materials, derelict vehicles or machinery, overgrown or noxious vegetation, dilapidated or unfinished buildings or surfaces, improper outdoor storage of materials or furnishings, broken windows, appear abandoned or have boarded up windows or doors, or the presence of graffiti.

“Vehicle” means a motor vehicle or other conveyance used or intended to be used for transportation or recreation, including a car, truck, van, motorcycle, motorhome, trailers, boats, all-terrain vehicle (ATV), snowmobile, semi-truck, lawn tractor, or similar equipment, whether operable or inoperable.

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“Wildlife” means any undomesticated animal living in a wild state, including mammals, birds, reptiles, and amphibians, and includes species commonly found within or around the Town of Smithers.

3. NUISANCE

3.1 No person shall:

- a) permit or allow a Nuisance to exist on any property that the person owns, occupies, or is responsible for;
- b) cause a Nuisance to exist on any property, highway or other public place;
- c) permit or allow another person to create or cause a Nuisance, including by way of excessive Noise, Unsightly conditions, or Noxious Material, on any property that the person owns, occupies, or is responsible for.

4. NOISE

4.1 No person shall make or cause, or permit to be made or caused, any noise in or on a public or private place which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the vicinity.

4.2 The playing of Music in any licensed dance hall must occur between the hours of 1:00 pm (13:00 Hrs.) and 2:00 am (02:00 Hrs.) the following day; anything outside these hours will constitute an offence.

4.3 No Person shall permit a Vehicle to idle for more than 15 consecutive minutes, except as otherwise permitted by this Bylaw.

4.4 No Person shall operate a Vehicle in a manner that causes exhaust noise to exceed the limits set out in the table below. Exhaust noise levels shall be measured with the Vehicle at idle or at 2,500rpm. All measurements shall be conducted in accordance with the applicable provincial legislation, regulations, and accepted testing standards.

4.5

CLASS OF VEHICLE	MAXIMUM ALLOWABLE SOUND PRESSURE LEVEL (DBA)
LIGHT DUTY	83
GASOLINE-DRIVEN HEAVY DUTY	88
MOTORCYCLES	91
DIESEL-DRIVEN HEAVY DUTY	93

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- 4.6 Notwithstanding Section 5.1, 5.2, and 5.3 of this Bylaw, employees of the Town of Smithers, or persons acting on behalf of the Town, are exempt from the provisions of those sections while carrying out municipal operations, including but not limited to the repair or maintenance of municipal infrastructure, snow clearing and removal, and other essential municipal services.

5. CONSTRUCTION

- 5.1 No person, construction company, or business, shall on any day before 7:00 am (07:00 Hrs.) or after 10:00 pm (22:00 Hrs.) erect, reconstruct, alter, repair or demolish any building, structure, landscape or excavate or fill in land in any manner which in any manner that unreasonably disturbs the quiet, peace, rest, comfort, enjoyment or convenience of persons in the vicinity or neighbourhood.
- 5.2 Where compliance with Section 5.1 of this Bylaw is impossible or impracticable, the Director of Development Services may issue a Temporary Exemption Permit, in the form set out in Schedule A, authorizing the work necessary to complete the affected portion of the project outside of the hours prescribed in this Bylaw. Any work not specifically authorized by the Temporary Exemption Permit shall be carried out only during the standard hours established by this Bylaw.
- 5.3 Notwithstanding Section 5 of this Bylaw, Emergency Work is exempt from the provisions of that section. This exemption applies to any person carrying out work necessary for the preservation of life, health, safety, or property. The person claiming exemption bears the onus of demonstrating, to the satisfaction of the Town, that the work constituted Emergency Work.

6. PROPERTY MAINTENANCE

- 6.1 No Person, Owner or Occupier shall:
- a) cause, suffer or permit any water, rubbish, noxious, offensive, or unwholesome matter to collect or accumulate on the real property;
 - b) shall allow any rubbish, or offensive matter to overflow or accumulate any container situate on the real property;
 - c) allow the Property to become Unsightly or remain Unsightly;
 - d) allow the accumulation of dead landscaping, vegetation, noxious weeds or other vegetation overgrowth to occur or remain on the real Property;

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- e) permit a fence located on Real Property owned or occupied by that Person to become derelict or fall into a state of disrepair. Where a fence is shared between adjoining properties, the owners or occupiers of those properties shall make reasonable efforts to reach an agreement regarding the repair, maintenance, or replacement of the fence within the timeframe specified by a Bylaw Enforcement Officer. If an agreement cannot be reached, the matter shall be resolved through the appropriate civil process, and nothing in this Bylaw shall be construed as determining liability or responsibility as between the parties;
- f) in respect of Real Property for which a Building Permit has been issued by the Town of Smithers, no Person shall permit demolition waste, construction waste, or trade waste to accumulate on the Real Property beyond what is reasonably necessary for the ongoing work, and all such waste shall be regularly removed or contained in an appropriate waste disposal receptacle.

7. Boulevard & Laneway Maintenance Regulation

- 7.1 No person shall cause damage or deposit or cause, suffer, or permit the deposit of any, grass clippings, yard, construction, derelict vehicle or vegetation waste materials, snow, or ice on or upon a boulevard or lane adjacent to the real property.
- 7.2 Every owner or occupier of real property adjacent to a boulevard or lane shall ensure that the:
 - a) portion of the boulevard or lane adjacent to the real property up to the center line of the lane, is kept free and clear of weeds, debris, or chattels;
 - b) real property is kept free and clear, at all times, of weeds that are within one metre from the boundary between the real property and the adjacent boulevard or lane and adjacent property, so as to prevent and control the spreading of weeds to adjacent boulevards or lanes.

8. Keeping of Derelict Vehicles

- 8.1 The keeping of Derelict Vehicles is prohibited in all zones unless expressly permitted by the Town of Smithers Zoning Bylaw or is reasonably necessary for the lawful operation of a business, in which case the following conditions shall apply:
 - a) The derelict vehicle shall be completely enclosed within a building or within a wall or fenced area with no derelict vehicles to be visible from the highway; and

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- b) The total number of derelict vehicles stored within the walled or fenced area shall not exceed five (5) at any time.
- 8.2 Notwithstanding Section 6.1 subsection a), the keeping of one (1) derelict vehicle is permitted within a Residential zone provided that the derelict vehicle is completely enclosed within a building or garage.
- 8.3 Notwithstanding Section 6.3 subsection a) ii. the limit of five (5) derelict vehicles shall not apply to a junk yard, wrecking yard, or salvage yard as defined in the Town of Smithers Zoning Bylaw.

9. COMPLIANCE ORDERS

- 9.1 Where a Bylaw Enforcement Officer determines that the owner of Real Property, or any other Person responsible for the Real Property, has failed to comply with a requirement of this Bylaw, the Bylaw Enforcement Officer may issue an Order requiring the owner or other responsible Person to bring the Real Property into compliance with this Bylaw within the time specified in the Order, having regard to what is reasonable and appropriate in the circumstances.
- 9.2 Service of a Compliance Order referred to in Section 7.1 will be sufficient if a copy of the Order is:
 - a) Served personally or mailed by prepaid registered mail to the owner of the real property as shown on the current year's real property assessment roll; and
 - b) Either posted on the real property or delivered or mailed by regular mail to the occupier of the real property.
- 9.3 Compliance Order or compliance notice issued under Section 7.1 herein must state:
 - a) The civic address of the subject real property;
 - b) The legal description of the subject real property;
 - c) The particulars of the unsightly nature of the real property or other non-compliance with this Bylaw to be remedied;
 - d) That the unsightly nature of the property or other non-compliance with this Bylaw must be remedied within the time specified in the Order.

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- e) That if the owner or occupier of the real property fails to comply with the notice, the Town of Smithers may, upon approval from the Chief Administrative Officer (CAO), proceed to carry out the work required to bring the real property into compliance with the notice, and the cost of such work to be added to the taxes of the real property, and the owner or occupier or both may be subjected to prosecution for an offence under this Bylaw.
- 9.4 Any compliance order or notice issued under Section 7.1 herein may give specific instructions to remedy the unsightly nature or other non-compliance with the real property including, but not limited to, any one or more of the following directions;
- a) Remove any unsightly accumulations of materials or rubbish from the real property;
 - b) Remove snow, ice or rubbish from sidewalks and foot paths;
 - c) Clean, stack or cover any material;
 - d) Clear the real property of brush, trees, noxious weeds or other growths;
 - e) Cut grass or weeds present on the real property;
 - f) Prune trees, bushes or shrubs;
 - g) Remove rubbish, or cut grass, weeds or other growth from adjacent boulevards or laneways;
 - h) Otherwise remediate, maintain or repair the real property as specified in the notice, to bring the real property into compliance with this Bylaw.
10. **ENFORCEMENT**
- 10.1 The provisions of this Bylaw may be enforced by any Bylaw Enforcement Officer, RCMP, or person appointed by the Town of Smithers.
- 10.2 Any person who commits an offence under this Bylaw or fails to comply with the Bylaw Enforcement Officer or Community Safety Officer is punishable and liable on a bylaw offence notice to a fine or penalty as described in the Town of Smithers Bylaw Notice Offence Bylaw.
- 10.3 Each day a contravention or violation of this Bylaw will constitute a new offence and may trigger progressive enforcement.
- 10.4 A person who obstructs a Bylaw Enforcement Officer commits an offence.

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READ A FIRST TIME THIS 28TH DAY OF JULY, 2026.

READ A SECOND TIME THIS 28TH DAY OF JULY, 2026.

READ A THIRD TIME THIS 28TH DAY OF JULY, 2026.

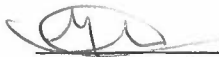
RESCIND THIRD READING THIS 11TH DAY OF AUGUST, 2026.

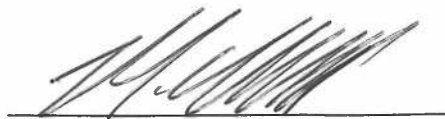
AMENDED THIS 11TH DAY OF AUGUST, 2026.

RE-READ A THIRD TIME THIS 11TH DAY OF AUGUST, 2026.

ADOPTED THIS 25TH DAY OF AUGUST, 2026.

The Corporate Seal of the Town of Smithers
was hereto affixed in the presence of



Gladys Atrill
Mayor

Michael Dewar
Chief Administrative Officer

**CERTIFIED A TRUE AND CORRECT
COPY** of Bylaw No. 2005, cited as
"Bylaw No. 2005 – Good Neighbour
Bylaw"



David Schroeter
Corporate Officer

