



**GOOD NEIGHBOUR BYLAW**

**5524-2016**

**THE FOLLOWING DOCUMENT HAS BEEN REPRODUCED FOR CONVENIENCE ONLY** and is a consolidation of "District of Mission Good Neighbour Bylaw 5524-2016" with the following amending bylaws:

<b>Bylaw Number</b>	<b>Date Adopted</b>	<b>Section Amended</b>
5605-2016-5524(1)	December 19, 2016	Section 23.4, Schedules B and C

Individual copies of any of the above bylaws are available from the Administration Department of the District of Mission. For legal purposes, copies of the original bylaws should be obtained.

## DISTRICT OF MISSION

### BYLAW 5524-2015

A Bylaw to encourage good relationships between neighbours and enhance the quality of life for residents of the District of Mission

WHEREAS pursuant to the *Community Charter*, Council may, by bylaw, regulate, prohibit and impose requirements with respect to nuisances, disturbances and other objectionable situations;

AND WHEREAS pursuant to the *Community Charter*, Council may, by bylaw, regulate private highways and land adjacent to highways;

AND WHEREAS pursuant to the *Community Charter*, Council may, by bylaw, regulate, prohibit and impose requirements with respect to animals,

AND WHEREAS pursuant to the *Community Charter*, Council may delegate powers and hearings;

NOW THEREFORE THE COUNCIL OF THE DISTRICT OF MISSION, in open meeting assembled, enacts as follows:

#### 1. TITLE

- 1.1. This Bylaw may be cited for all purposes as the "District of Mission Good Neighbour Bylaw 5524-2015".

#### 2. REPEAL

- 2.1. The following bylaws are hereby repealed:
  - a) "District of Mission Noise Regulation Bylaw 1090-1981", and all amendments thereto.
  - b) "District of Mission Graffiti Bylaw 3874-2006", and all amendments thereto.
  - c) "District of Mission Nuisance Abatement Bylaw 5300-2012", and all amendments thereto.
  - d) "District of Mission Panhandling Bylaw 3229-1999", and all amendments thereto.
  - e) "District of Mission Untidy or Unsightly Premises Bylaw 1772-1988", and all amendments thereto.

#### 3. INTERPRETATION

- 3.1. In this Bylaw, unless the context otherwise requires:

**"Accessory Building"** means a building, the use or intended use of which is ancillary to that of the principal building situated on the same lot;

**"Alien Invasive Species"** means the species of animals listed in Schedule 1 of the Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation B.C. Reg. 144/2004;

**“Automated teller machine”** means a device linked to a financial institution’s account records which is able to carry out transactions, including, but not limited to, account transfers, deposits, withdrawals, balance inquiries, and mortgage and loan payments;

**“Building”** means any structure used or intended for supporting or sheltering any use or occupancy;

**“Building Official”** has the same meaning as that in the District of Mission Building Bylaw 3590-2003;

**“Bus stop”** means a section of street which is reserved for the loading and unloading of buses and where parking and stopping of all other Vehicles is prohibited;

**“Bylaw Enforcement Officer”** means the Manager, Bylaw Services for the District, and every Bylaw Enforcement Officer appointed to inspect and enforce any bylaw of the District;

**“Cause an obstruction”** means, for the purposes of section 5.1:

- a) to sit or lie on a Street in a manner which obstructs or impedes the convenient passage of any pedestrian traffic in a Street, in the course of solicitation;
- b) to continue to Solicit from or otherwise harass a pedestrian after that person has made a negative initial response to the solicitation or has otherwise indicated a refusal;
- c) to physically approach and Solicit from a pedestrian as a member of a group of three or more persons;
- d) to Solicit on a Street within 10 m of
  - (i) an entrance to a bank, credit union or Trust Company;
  - (ii) an automated teller machine;
  - (iii) a Bus stop; or
- e) to Solicit from or provide a service to an occupant of a Vehicle in a manner which obstructs or impedes the convenient passage of any vehicular traffic in a Street;

**“Community Charter”** means the *Community Charter*, SBC 2003, c. 26;

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

**“Corporate Officer”** means the Corporate Officer of the District and such other persons authorized by the Corporate Officer to administer this Bylaw or part thereof;

**“Dangerous Wildlife”** means bear, cougar, coyote or wolf, or a species of wildlife that is prescribed as dangerous under the *Wildlife Act*, R.S.B.C. 1996, c.488;

**“Derelict Vehicle”** means a Vehicle which is any one or more of the following:

- a) physically wrecked or disabled;
- b) not capable of operating under its own power;
- c) not displaying a current and valid licence plate in accordance with the *Motor Vehicle Act*;

**“Dilapidated”** means falling to pieces or in a state of disrepair, or broken down or shabby, or decrepit;

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

**“Land”** means any lot, block or other area in which land is held or into which it is subdivided and includes any improvement on a parcel but excludes Streets, lanes, and municipal parks and public spaces;

**“Motor Vehicle Act”** means the *Motor Vehicle Act*, RSBC, 1996, c.318;

**“Noxious”** means harmful, poisonous or very unpleasant;

**“Noxious Weeds”** means the plants designated as weeds in the *Weed Control Act*, R.S.B.C. 1996, c.487 and Regulations as amended from time to time;

**“Nuisance”** means an activity which substantially and unreasonably interferes with a person’s use and enjoyment of a Street, municipal park, or public space or of Land he or she Owns or Occupies or which causes injury to the health, comfort or convenience of an Owner or Occupier of Land and, if it does so, without limiting the generality of the foregoing, may include, an activity such as a noisy party, a group of people making noise, loud music, car racing, revving engines, yelling, shouting, screaming, fighting, production of Noxious or offensive odours, littering and trespassing;

**“Occupier”** means any person who occupies Land, or who is qualified to maintain an action for trespass in respect of the Land, or who is in possession of the Land under a lease, licence, agreement for sale or other agreement with the Owner of the Land;

**“Owner”** means any person in relation to the Land who is the registered owner of an estate in fee simple, the tenant for life under a registered life estate, or the registered holder of the last registered agreement for sale. In the case of Crown or municipal owned Lands, Owner shall mean the Occupier of the Land;

**“Person”** includes any company, corporation, owner, partnership, firm, association, society or party;

**“RCMP”** means the police force retained by the District;

**“Refuse”** means all manner of rubbish or garbage, discarded or disused items, junk, filth, unused or dismantled aircraft, electronic devices, trailers, boats, vessels, machinery, old, discarded or unused mechanical or metal parts, glass or plastic bottles or objects, tin cans or other metal containers, paper, glass, pipes, dilapidated furniture, inoperative appliances and other similar things, unused wood or wood products excluding seasoned untreated wood or manufactured products cut in lengths for use as fuel in solid fuel burning appliances;

**“Soil”** includes gravel, sand, rock, silt, clay, peat and all other loose material including topsoil down to and including bedrock;

**“Solicit”** means to, without consideration, ask for money, donations, goods or other things of value whether by spoken, written or printed word or bodily gesture, for one’s self or for any

other person, and solicitation has a corresponding meaning, but does not include soliciting for charity;

**“Street”** means any street, road, lane, bridge, viaduct, sidewalk and any other way open to public use for the passage of vehicles or pedestrians and includes a structure located in any of those areas;

**“Trust Company”** means an office or branch of a trust company to which the *Trust and Loans Companies Act* (Canada) applies and in which deposit accounts are held;

**“Unightly Property”** includes Land that displays any one or more of the following characteristics to such an extent that as a whole it looks unkempt, unmaintained, dilapidated or in disrepair:

- a) the accumulation of Refuse, discarded or recyclable materials, or Derelict Vehicles;
- b) fencing materials are broken, rotting, contain holes or cracks, or are rusted or covered with peeling paint;
- c) landscaping plants, bushes and trees are dead or clearly demonstrate uncontrolled growth;
- d) a Building or structure that contains holes, breaks, rot or surfaces that are crumbling or cracking, or covered with rust or peeling paint;
- e) the windows in a Building or structure are broken or boarded up;

**“Vehicle”** means any vehicle as defined in the *Motor Vehicle Act* and shall include, but not be limited to, snowmobiles, dirt bikes and all-terrain vehicles;

**“Wildlife”** has the meaning prescribed in the *Wildlife Act*;

**“Wildlife Attractant”** means any substance that could be reasonably expected to attract Dangerous Wildlife including, but not limited to, food products, pet food, seed, restaurant grease, or glass or metal ware or other item having contained food, but does not include game meat or the carcass of an animal defined as wildlife in the *Wildlife Act* and its Regulations as amended from time to time;

**“Wildlife Act”** means the *Wildlife Act*, R.S.B.C., 1996, c.488;

**“Zoning Bylaw”** means the District of Mission Zoning Bylaw No. 5050-2009.

#### **4. APPLICATION**

- 4.1. The provisions of this Bylaw apply to Streets, municipal parks, public places and to all Land in the boundaries of the District, and, the Owner or Occupier of the Land shall be responsible for carrying out or causing to be carried out the work required under this Bylaw in accordance with the provisions of this Bylaw.

#### **5. STREET NUISANCES**

- 5.1. No person shall cause a Nuisance by him or herself or with any other person in a Street, municipal park, or other public place.

- 5.2. No person shall relieve oneself on a Street, municipal park or in a public place except at those places so designated for such purposes.
- 5.3. Subject to section 5.4, no person shall camp or erect a tent or other camping facilities on a Street, municipal park, or other public place.
- 5.4. Notwithstanding section 5.3, a person who has neither a fixed address nor a predictable safe residence to return to on a daily basis must not place, secure, erect, use, or maintain in place, in a municipal park, a structure, improvement or overhead shelter, including a tent, lean-to, or other form of overhead shelter constructed from a tarpaulin, plastic, cardboard or other rigid or non-rigid material:
- a) subject to sub-section (b), except between the hours of:
    - (i) 7:00 o'clock p.m. of one day and 7:00 o'clock a.m. of the next day when Daylight Saving time is not in effect; and
    - (ii) 8:00 o'clock p.m. of one day and 7:00 o'clock a.m. of the next day when Daylight Saving time is in effect,
  - b) at any time, in a playground, sports field, footpath, a road within a municipal park, or an environmentally sensitive area or any area within a municipal park that has been designated for an event or activity under a valid and subsisting permit.
- 5.5. No person shall swear or use profane, blasphemous or grossly insulting language on or about a Street, municipal park, or other public place.
- 5.6. No person shall carry on any indecent activity on a Street, municipal park, or other public place.

## **6. SOLICITING**

- 6.1. No person shall Solicit in a manner that causes an obstruction.

## **7. LIGHT TRESPASS**

- 7.1. This part 7 shall not apply to exterior light emanating from
- a) streetlights;
  - b) lights on playing fields; and
  - c) lights on school playgrounds and playing fields.
- 7.2. No Owner or Occupier of Land shall permit light from an exterior source to shine onto Land to the extent it disturbs the peace, rest, enjoyment, comfort or convenience of the Owner or Occupier of the neighbouring Land.

## **8. NOISE REGULATION**

- 8.1. This part 8 of the Bylaw shall not apply to:
- a) the operation of emergency Vehicles;
  - b) the repair of Streets, or municipal services;

- c) the operation of a public utility;
  - d) RCMP acting in the course of their duties;
  - e) parades, events held at the Mission Raceway Park, the Mission Folk Festival, film making operations, shows, concerts and other public events operated under a valid permit.
- 8.2. No person shall make or cause, or permit to be made or caused, any noise in or on any Land, Street, municipal park, or other public place which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.
- 8.3. No Owner or Occupier of Land shall allow or permit such Land to be used so that noise or sound which occurs on, or emanates from, the Land, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons on the same Land or in the neighbourhood or vicinity.
- 8.4. No person shall play or operate any radio, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound, either in or on any Land, Street, municipal park, or other public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.
- 8.5. No person shall own, keep or harbour any animal which, by its cries or barks, disturbs or tends to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood, or of persons in the vicinity.
- 8.6. No hawker, huckster, peddler, newsvendor, or other person shall by his intermittent or reiterated cries disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.
- 8.7. Except as provided in sections 8.8 and 8.9, no person in the District shall before 07:00 hours or after 20:00 hours on any day from Monday to Saturday when such day is not a holiday, or before 09:00 hours or after 17:00 hours on any Sunday or holiday do or permit to be done the following activities that are liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity:
- a) construct, erect, reconstruct, alter, repair or demolish any Building, structure or thing, or excavate or fill Land in any manner; or
  - b) load or excavate, transport or remove soil from Land.
- 8.8. A person may perform any works of an emergency nature for the preservation or protection of life, health or property, including works described in section 8.7, provided that the person performing the work can demonstrate to the District that the work was of an emergency nature.
- 8.9. A person may apply to the District for an exemption from the restrictions established in section 8.7 in the following circumstances:
- a) public safety or traffic considerations make it necessary or expedient that the activity commence or continue beyond the time restrictions; or
  - b) it is impossible or impractical to carry out, within the time restrictions the construction,

erection, reconstruction, alteration, repair or demolition of any Building, structure, or thing, or the loading, excavation, transportation or removal of soil.

- 8.10. A written application for an exemption from the time restrictions established in section 8.7 must be submitted in writing at least ten (10) business days prior to the date of the proposed activity and shall include:
- a) the applicant's name, address, and telephone number;
  - b) the address for the Land on which the activity will occur;
  - c) a description of the source of noise which the activity will produce;
  - d) the time period of the exemption;
  - e) the reason the exemption to the restrictions established in section 8.7 should be permitted;
  - f) a statement of the steps that the applicant will take to minimize the noise the activity will produce; and
  - g) a non-refundable application fee in the amount prescribed in Schedule "A".
- 8.11. Upon receipt of a written application submitted in accordance with section 8.10, the Corporate Officer may, by written permit, allow the applicant to carry out an activity described in section 8.7 on the terms and conditions contained in the permit.

## **9. ODOUR**

- 9.1. No Owner or Occupier of Land shall cause or permit the discharge or emission of Noxious odours, including but not limited to the odour associated with growing marijuana, from the Land.

## **10. GRAFFITI**

- 10.1. No Owner or Occupier of Land shall place or allow to be placed graffiti in such a manner as to be visible from a Street, public place, or other Lands.
- 10.2. No person shall place graffiti in any public place or in such a manner as to be visible from a Street, municipal park, other public place or other Lands.

## **11. LITTERING**

- 11.1. No Person shall deposit or discard Refuse or Noxious, offensive or unwholesome objects or materials, on a Street, municipal park, or other public place except in receptacles designated for this purpose.

## **12. PROPERTY MAINTENANCE AND UNSIGHTLINESS**

- 12.1. No Owner or Occupier of Land shall cause or permit Refuse, or Noxious, offensive or unwholesome objects or materials from collecting or accumulating on or around the Land of that Owner or Occupier.
- 12.2. No Owner or Occupier shall cause or permit the Land of the Owner or Occupier to become or remain an Unsightly Property.



- 12.3. No Owner or Occupier of Land shall cause or permit Refuse to overflow from or accumulate around a container used to collect refuse stored outside of a Building.
- 12.4. Every Owner or Occupier of Land used for non-residential purposes must ensure that all Refuse containers on the Land the exceed a volume of eighty (80) litres when full are closed and securely locked when not being filled or emptied.
- 12.5. No person shall deposit or permit the deposit of any garden or vegetation waste on or upon a Street, municipal park, or any other public place.
- 12.6. No Owner or Occupier of Land shall permit or cause water to collect or accumulate in an open drain, watercourse, pond, swimming pool, hot tub, or as surface water which could become sufficiently stagnant as to permit the breeding of mosquitoes that may result in the spread of the West Nile Virus or of other harmful disease bearing insects as deemed affecting public safety as determined by the Medical Health Officer.
- 12.7. No Owner or Occupier of Land shall cause or permit water to flow from the Land of the Owner or Occupier onto an adjacent Street, municipal park, or other public place in such a manner as to create a hazard or potential hazard on that Street, municipal park, or other public place.
- 12.8. No Owner or Occupier shall cause or permit Noxious Weeds to grow or accumulate on the Land of that Owner or Occupier.
- 12.9. No Owner or Occupier shall cause or permit the lawn on the Land of that Owner or Occupier to grow in height beyond the prevailing standard in the neighbourhood but in any event, not beyond 25 (twenty-five) centimetres or 10 (ten) inches in height.
- 12.10. No Owner or Occupier shall cause or permit any trees, hedges, bushes or shrubs or other growths that are a hazard to the safety of persons, likely to damage public property or seriously inconvenience the public to remain on the Land of that Owner or Occupier.

### **13. DEMOLITION SITES**

- 13.1. Every Owner or Occupier shall remove or cause to be removed from the Land of the Owner or Occupier all Refuse, debris, and material from a demolition of any Building or structure on the Land within two (2) weeks of the demolition having taken place.

### **14. DERELICT VEHICLES**

- 14.1. No Owner or Occupier shall cause or permit the storage or accumulation on the Land of the Owner or Occupier of a Derelict Vehicle or parts of a Derelict Vehicle or of a wrecked, broken or dismantled trailer, boat or mechanical equipment unless the Zoning Bylaw permits, as a principle use, the wholesaling or retailing, storing or parking of wrecked, broken or dismantled materials, or equipment, or Derelict Vehicles and only provided that they are stored in a manner so as not to be visible from other Land, Streets, municipal parks, or other public places.

### **15. DRIVEWAYS, SIDEWALKS, AND BOULEVARDS**

- 15.1. Every Owner or Occupier shall maintain driveways, walkways, steps, and parking spaces

on, and landscaped boulevards located within the road right of way adjacent to, the Land of the Owner or Occupier in a clean, fit and safe condition free from the accumulation of Refuse or Noxious, offensive or unwholesome objects or materials so as to ensure safe passage under normal use and weather conditions.

15.2. Every Owner or Occupier shall maintain any fence on the Land of that Owner or Occupier that abuts a Street in good condition and repair.

15.3. Every Owner or Occupier shall immediately repair any fence on the Land of that Owner or Occupier that abuts a Street if the fence falls into a state of disrepair.

15.4. Where the Zoning Bylaw permits the keeping of livestock on Land, every Owner or Occupier of Land that abuts upon a Street is required to erect fences on the boundary of that part of the Land that abuts the Street for the purposes of preventing livestock from straying on the Street.

## **16. PEST INFESTATIONS**

16.1. Every Owner or Occupier of Land must prevent, or cause to be prevented, or remove the infestation of the Land of the Owner or Occupier by vermin or other Noxious or destructive insects or animals except Wildlife unless the Wildlife is an Alien Invasive Species or listed in Schedule B or C of the Designation and Exemption Regulation, B.C. Reg. 168/90 enacted under the *Wildlife Act*.

## **17. WATER PONDING**

17.1. No Owner or Occupier shall cause or permit water to accumulate or pond on the Land of the Owner or Occupier, unless the ponding is a natural occurrence or approval to retain water on the Land was granted by an authority having jurisdiction and the water is being retained in accordance with that approval.

17.2. No Owner or Occupier shall cause or permit any excavation or basement area left after a Building or Structure is demolished to become or remain filled with water

## **18. FEEDING WILDLIFE AND CONTROL OF WILDLIFE ATTRACTANTS**

18.1. No person shall store, handle or dispose of Wildlife Attractants in such a way that they are accessible to members of the family *Cervidae* (deer).

18.2. No person shall feed or attempt to feed Dangerous Wildlife, or deposit Wildlife Attractants in a place or manner that attracts Dangerous Wildlife or members of the family *Cervidae* (deer).

18.3. Every Owner or Occupier of Land must keep the area below a bird feeder on the Land of the Owner or Occupier free of the accumulation of seed and debris from the bird feeder at all times.

18.4. No Owner or Occupier shall permit or allow fruit from a tree or bush on the Land of the Owner or Occupier to fall on the ground and accumulate in such a manner that it attracts or is likely to attract Dangerous Wildlife.

18.5. The regulations, prohibitions and requirements in sections 18.1 to 18.4 do not apply in the

circumstances set out in section 2(3)(a)-(c) of the Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation 144/2004.

## **19. NUISANCE ABATEMENT**

- 19.1. No person shall cause a Nuisance on Land or permit the Land he or she owns or occupies to be used so as to cause a Nuisance.
- 19.2. A person who causes a Nuisance or permits the Land he or she owns or occupies to be used so as to cause a Nuisance, shall abate or cause to be abated the activity that causes a Nuisance.
- 19.3. If an Owner or Occupier fails to abate or fails to cause to be abated the activity that causes a Nuisance, Council may issue a written order directing that the Owner or Occupier abate or cause to be abated the Nuisance, provided that, prior to Council making an order the Owner or Occupier has been provided an opportunity to be heard by Council in respect of the matter.
- 19.4. If an Owner or Occupier subject to an order under section 19.3 fails to abate or cause to be abated the activities causing the Nuisance, the District may, by its employees, contractors and agents, abate or cause to be abated the activity which causes the Nuisance in accordance with section 17 of the *Community Charter*, S.B.C., 2003, c.26.
- 19.5. The District may impose the costs of abating a Nuisance on one or more of the following:
  - a) a person causing the Nuisance;
  - b) the Occupier of the Land from which the Nuisance emanates; and
  - c) the Owner of Land from which the Nuisance emanates.

## **20. SCHEDULES**

- 20.1. The schedules in this Bylaw form part of the Bylaw and are enforceable in the same manner as the Bylaw.

## **21. SEVERABILITY**

- 21.1. Each section of this Bylaw shall be severable. If any provision of this Bylaw is held to be illegal or invalid by a court of competent jurisdiction, the provision may be severed and the illegality or invalidity shall not affect the validity of the remainder of this Bylaw.

## **22. ENTRY ON PROPERTY**

- 22.1. The authority of the RCMP to enter on property in relation to this Bylaw contained in section 16 of the *Community Charter* is authorized by Council.
- 22.2. For the purposes of carrying out an action referred to in section 19 of this Bylaw, Council delegates to the Director of Development Services, the power to authorize a person, as the District's contractor, to enter on Land in accordance with section 16 of the *Community Charter*.

## **23. ENFORCEMENT AND PENALTY**

- 23.1. All Owners and Occupiers of Land shall, under sections 7, 9, 10, 12, 14, 15, 17, and 18 of this Bylaw shall remove or cause to be removed from, the Land of the Owner or Occupier all light, odours, graffiti, Refuse, Noxious, offensive or unwholesome objects or materials, stagnant water, Noxious weeds, lawn growth that exceeds 25 (twenty-five) centimetres or 10 (ten) inches in height, hazard trees, hedges, brush, shrubs or other growth, derelict vehicles, Wildlife Attractants, and accumulations of bird seed and fruit.
- 23.2. Where an Owner or Occupier of Land fails to comply with section 23.1 of this Bylaw, the District may, by its employees, contractors, or agents, at reasonable times and in a reasonable manner, enter on the Land and effect the removal at the cost of the Owner or Occupier, provided that, prior to Council making an order the Owner or Occupier has been provided an opportunity to be heard by Council in respect of the matter.
- 23.3. The District may recover the costs imposed under sections 19.3 and 23.2 of this Bylaw in accordance with:
- a) Section 231 of the *Community Charter* as a debt due and recoverable in a court of competent jurisdiction; or
  - b) Section 258 of the *Community Charter* as property taxes.
- 23.4. The costs recoverable under section 23.3 shall be those set out in Schedule B.
- 23.5. Where a Bylaw Enforcement Officer determines that the regulations, prohibitions, and requirements of this Bylaw are not being met with respect to the Lands of an Owner or Occupier, the Bylaw Enforcement Officer may, by written notice, require the Owner or Occupier of the Land to comply with this Bylaw within the time period stated in the notice.
- 23.6. If an Owner or Occupier fails to comply with the direction from the Bylaw Enforcement Officer given under section 23.5 of this Bylaw, the Council may issue a written order directing that the Owner or Occupier comply within a time specified in the Council's order, with the specific regulations, prohibitions and requirements of this Bylaw that are not being met in respect of the Land of the Owner or Occupier.
- 23.7. Prior to Council making an order under paragraph 23.6 of this Bylaw, Council shall give an opportunity to the Owner or Occupier of the Land to be heard by Council in respect of the matter contained in the notice of the Bylaw Enforcement Officer made under paragraph 23.5 of this Bylaw.
- 23.8. If the Owner or Occupier fails to comply with an order of Council issued under paragraph 23.6 of this Bylaw, the District, by its employees, contractors and agents may take action in accordance with section 17 of the *Community Charter, S.B.C., 2003, c.26* to fulfill the requirements of the order of Council and recover the costs of fulfilling the requirements of the order from the Owner or Occupier of the Land which is subject to the order in accordance with either sections 231 or 258 of the *Community Charter, S.B.C., 2003, c.26*.
- 23.9. A person who contravenes, violates or fails to comply with any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or violation of this Bylaw, or who fails to do anything required by this Bylaw, commits an offence and shall be liable upon conviction to a fine of not more than \$10,000 (Ten Thousand Dollars) and not less

than \$200 (Two Hundred Dollars), the cost of prosecution and any other penalty or order imposed pursuant to the *Community Charter, S.B.C., 2003, c.26* or the *Offence Act, R.S.B.C., 1996, c.338*. Each day that an offence against the Bylaw continues or exists shall be deemed to be a separate and distinct offence.

READ A FIRST TIME this 6<sup>th</sup> day of September, 2016

READ A SECOND TIME this 6<sup>th</sup> day of September, 2016

READ A THIRD TIME this 6<sup>th</sup> day of September, 2016

ADOPTED this 19<sup>th</sup> day of September, 2016

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RANDY HAWES, MAYOR

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MIKE YOUNIE, CORPORATE OFFICER

**SCHEDULE A**  
**Permit Fees**

The following table provides the permit and inspection fees for applicable sections of this Bylaw.

<b>Subject Area</b>	<b>Section</b>	<b>Fee Type</b>	<b>Fee Amount (\$)</b>
Noise Regulation	8.10	Written approval to make noise outside of hours	150

## **SCHEDULE B**

### **Staff and Vehicle Cost Recovery**

In the event of default of a person complying with a notice issued under Sections 19 and 23 of this Bylaw, the Municipality, by its employees or contractors, may enter and abate the activity that causes a Nuisance under section 19 or effect the removal of items in section 23. The costs associated with abatement or removal and any equipment or vehicles necessary plus an administration fee, (actual costs of abatement or removal plus 15%, as set out in User Fees & Charges Bylaw 4029-2007) will be the responsibility of the person in default. The charges for the abated or removal activity that remain unpaid as of December 31 in any year shall be added and form part of the taxes payable on that real property as taxes in arrears.

**SCHEDULE C**

[REPEALED BY GOOD NEIGHBOUR AMENDING BYLAW 5605-2016-5524(1)]