

Village of Belcarra

Good Neighbour Bylaw No. 361, 2004

Effective Date – September 13, 2004

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Village of Belcarra

Good Neighbour Bylaw No. 361, 2004

A bylaw to protect and enhance the well-being of the community in relation to good neighbour practices thereby reducing nuisances, disturbances and other objectionable situations.

The Council of the *Village of Belcarra* enacts as follows:

Part 1 Citation

1.1 This Bylaw may be cited as Good Neighbour Bylaw No. 361, 2004.

Part 2 Severability

2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed portion.

Part 3 Previous Bylaw Repeal

3.1 Untidy – Unsightly Premises Bylaw No. 126, 1988, as amended, is hereby repealed.

Part 4 Definitions

4.1 In this bylaw:

“**Building Materials**” includes items used in the construction of structures or in landscaping, including, but not limited to lumber, windows, doors, fill, and soil;

“**Bylaw Enforcement Officer**” means the person or persons appointed by Council by name of office or otherwise as a bylaw enforcement officer to enforce this Bylaw and includes a peace officer who is a member of the RCMP;

“**Derelict Vehicle**” includes a Motor Vehicle incapable of movement under its own power that does not contain all of the parts necessary for movement on a highway, or has not been licensed for a period of one (1) year, and is not enclosed within a structure or building;

“**Municipality**” means the Corporation of the Village of Belcarra;

“**Emergency Vehicle**” has the same meaning as in the *Motor Vehicle Act*;

“**Light Source**” means a light bulb, light tube or floodlight lamp;

“**Motor Vehicle**” means a vehicle, not on rails, that is designed to be self-propelled and includes off road vehicles, parts and equipment;

“**Outdoor Light**” means any Light Source that is not contained inside a building or structure;

“**Owner**” means any person who is the registered owner, or owner under agreement, of real property, and includes any person in actual or apparent possession of real property under a lease, license or other agreement with another owner;

“**Rubbish**” includes, without limiting the generality of the word, the accumulation of greater than, 1 cubic metre of household garbage, discarded food or food-waste, vegetation trimmings, lawn clippings, decayed lumber, un-operable electronic equipment, feces, indoor furniture, a Derelict Vehicle or Motor Vehicle parts;

“**Shade**” means a non-transparent light shade that does not form part of a Light Source;

“**Zoning Bylaw**” means Zoning Bylaw No. 253, 1996 as amended.

Part 5 General Provisions

5.1 Owner Prohibitions

5.1.1 No person may create or cause a nuisance.

5.1.2 No Owner may permit a nuisance to be caused or to exist on or from a parcel of the owner.

5.1.3 No Owner may allow a parcel owned by the Owner to become or remain unsightly.

5.1.4 Without limiting subsections 5.1.1, 5.1.2 or 5.1.3:

- (a) no Owner, of a parcel may cause, allow or permit the accumulation of filth, discarded materials, unwholesome matter, or rubbish of any kind, whether or not for commercial purposes or as part of a trade or calling, including but not limited to dead animals, paper products, crockery, glass, metal, plastics, plastic containers, wire, rope, machinery, tires, appliances, vehicle parts, or any other scrap or salvage, unless the materials are in a closed building or structure such that they are not visible from another parcel or a public place;
- (b) no Owner, of a parcel, may 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 mosquitos which 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;
- (c) no person may deposit or store bottles, broken glass or other rubbish on a parcel unless the materials are in a closed building or structure such that they are not visible from another parcel or a public place;
- (d) no person may place graffiti on walls, fences or elsewhere, visible from a public place;
 - (i) owners of a parcel shall remove graffiti within 15 days of discovery or when served with an order to comply.
- (e) no person may cause or permit a Motor Vehicle engine to be left in operation for more than five minutes in a 60 minute period while the vehicle is stationary, except:
 - (i) emergency vehicles, or
 - (ii) if the operation of the motor vehicle engine is necessary to power equipment by way of a power take-off to operate utility equipment such as a lift, mower, or similar equipment;
- (f) no Owner may allow an outdoor light to be placed or lit on a parcel of the Owner such that the light source creates a nuisance in any residential zone;

- (g) except when specified as a permitted use in the Zoning Bylaw, no Owner of a parcel may cause, allow or permit the accumulation of building materials on the parcel for more than 15 days unless:
 - (i) the Owner is in possession of a valid building permit in respect of the parcel; or
 - (ii) the building materials are stored in a closed building or structure such that they are not visible from another parcel, highway or other public place;
- (h) except when expressly specified as a permitted use in the Zoning Bylaw, no Owner may cause, allow or permit the storage or accumulation on the parcel of all or part of a motor vehicle that is not:
 - (i) validly licensed in accordance with the *Motor Vehicle Act*, or
 - (ii) capable of movement under its own power unless it is stored in a closed building or structure such that the vehicle, or any portion of the vehicle, is not visible from another parcel or from a highway or another public place.
- (i) no Owner, of a parcel may cause, allow or permit a fence to become unsightly, unstable or unsafe; and shall ensure that:
 - (i) all fences comply with the municipality's Zoning Bylaw; and
 - (ii) any fence located on public road allowance shall not be replaced without written permission from the municipality.

5.2 Property Owner Obligation

5.2.1 Every person who is the Owner of a parcel must prevent and abate nuisances on or from the parcel.

5.2.2 Without limiting the generality of subsection 5.2.1, every Owner of a parcel must:

- (a) remove from the parcel any unsightly accumulation of discarded materials, rubbish of any kind or graffiti;
- (b) prevent the infestation of the parcel by noxious or destructive insects;
- (c) clear the parcel of noxious or destructive insects;

- (d) clear the parcel of brush, noxious weeds listed in Schedule “A”, and of grass in excess of 30 centimetres in length;
- (e) ensure that an outdoor light on the property is shielded by a shade or fixture such that the light source does not create a nuisance.
- (f) repair, remove, replace or otherwise deal with a fence as determined by the Manager of Bylaw and Licencing Services.

5.3 Exceptions

5.3.1 The prohibitions in section 5.1 and the requirement in section 5.2(e) do not apply to the following:

- (a) Christmas or holiday lights between November 1 and January 15;
- (b) street lighting provided by the Municipality;
- (c) lighting required by law-enforcement or, emergency services personnel;
- (d) traffic control signals and devices;
- (e) vehicle lights; and
- (f) outdoor lights used to illuminate, municipal buildings or work yards, fire stations, public parks and playing fields.

Part 6 Enforcement

6.1 Bylaw Enforcement Officer:

6.1.1 The Bylaw Enforcement Officer may, to the extent necessary to give effect to this bylaw, enter, at all reasonable times, on any property subject to the regulations of Council, to ascertain whether the regulations or directions of this bylaw are being observed.

Part 7 Order to Comply

7.1 Service of Order

7.1.1 If a person has failed to perform the obligations pursuant to subsections 5.2.2 (a) to (f), the Bylaw Enforcement Officer may, serve on such person an Order to Comply which requires the person to remove the contravention;

- (a) within 14 days or,
- (b) three days if the Bylaw Enforcement Officer believes the contravention is a nuisance under this bylaw.

7.1.2 The Bylaw Enforcement Officer may serve the Order to Comply:

- (a) on the owner of the parcel where the contravention exists by:
 - (i) personal service, or
 - (ii) return by express post to the address of the owner shown on the last revised real property assessment rolls;
- (b) on the occupier of the parcel where the contravention exists by:
 - (i) personal service, or
 - (ii) delivery to a mail box or other receptacle for messages, if any, on the parcel, or
 - (iii) posting on the real property;
- (c) on any agent of the owner or occupier of the parcel where the nuisance exists by:
 - (i) personal service, or
 - (ii) return express post;

and when an Order to Comply is not personally served it is deemed to have been served on the third day after mailing or posting.

7.2 Appeal

7.2.1 A person upon whom an Order to Comply has been served may, by giving notice in writing to the Municipal Clerk at least 72 hours prior to the expiry of the time given in the Order to Comply to remedy the nuisance, appeal to the Council who must hear and determine the appeal by confirming, amending or rescinding the Order to Comply.

7.3 Default

7.3.1 If the obligations stipulated in an Order to Comply are not performed by the date therein set out, the Municipality by its employees and others may enter the parcel and perform the obligations at the expense of the person defaulting. The Bylaw Enforcement Officer shall certify all costs incurred by the Municipality in performing any such obligations, and such costs shall constitute a debt due and owing in accordance with section 269 of the *Local Government Act*. If the Owner does not pay the

cost of removal on or before December 31 in the year in which the removal was done, the cost shall be added to and form part of the taxes payable on the parcel as taxes in arrears.

- 7.3.2 No person shall in any way interfere with, resist or wilfully obstruct any person authorized to carry out any duty under the provisions of this bylaw.

Part 8 Designation of Bylaw

- 8.1 This bylaw is designated as a bylaw that may be enforced by means of a municipal ticket information under the Community Charter or a bylaw notice under the Local Government Bylaw Notice Enforcement Act.

Part 9 Designation of Bylaw Officer

- 9.1 Members of the RCMP and Bylaw Enforcement Officers are designated to enforce this bylaw by means of a municipal ticket information under the *Community Charter* or a bylaw notice under the *Local Government Bylaw Notice Enforcement Act*.

Part 10 Offence and Penalty

- 10.1 Any person who contravenes any of the provisions of this bylaw commits an offence punishable upon summary conviction and is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than six months, or both. Each day that an offence continues shall constitute a separate offence.

Schedules

Schedule A – Noxious Weeds

Good Neighbour Bylaw No. 361, 2004

READ A FIRST TIME on August 9th, 2004

READ A SECOND TIME on August 9th, 2004

READ A THIRD TIME on August 9th, 2004

NOTICE given under the *Community Charter* this 21st day and 25th day of August 2004.

OPPORTUNITY for representations to Council provided under the *Community Charter* up to the 30th day of August 2004.

ADOPTED by the Council on this 13th day of September 2004

Mayor

Administrator

This is certified to be a true copy
of Bylaw No. 361 , 2004

Administrator

Good Neighbour Bylaw No. 361, 2004

Schedule A

Noxious Weeds

Canada Thistle	<i>(Cirsium arense)</i>
Bindweed or Morning Glory	<i>(Convolvulus sp.)</i>
Couchgrass	<i>(Agropyon repens)</i>
Purple Loosestrife	<i>(Lythrum salicaria)</i>
Giant Hogweed	<i>(Heracleum mantegazzianum)</i>