



City of  
**Campbell  
River**

**PUBLIC NUISANCE**

**BYLAW 3543, 2014**

**Consolidated Version**

# BYLAWS



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## **Public Nuisance Bylaw 3543, 2014**

**Revised May 24, 2016**

### **Consolidated for Convenience Purposes to include Bylaws 3543, 3589, 3620, 3624, 3636**

This bylaw is a 'consolidated' version and includes amendments up to the date listed in the bylaw heading. It is placed on the Internet for convenience only, is not the official or legal version, and should not be used in place of certified copies which can be obtained through the Office of the City Clerk at City Hall. Plans, pictures, other graphics or text in the legal version may be missing or altered in the electronic version.

#### **PURPOSE**

This bylaw is for the purpose of the protection and enhancement of the well-being of the community in relation to nuisances, disturbances and other objectionable situations and to the care, maintenance and regulation of property within the City of Campbell River.

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The Council of the City of Campbell River enacts as follows:

## PART 1: Title

1.0 This bylaw may be cited for all purposes as **Public Nuisance Bylaw No. 3543, 2014**.

## PART 2: Definitions

2.0 In this bylaw unless the context otherwise requires:

<b>Arterial Road</b>	means an arterial Highway as classified under the British Columbia <i>Highway Act</i> ;
<b>Automated Teller Machine</b>	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;
<b>Boulevard</b>	means the area of a Highway between the edge of the pavement or curb of the Roadway and the adjacent property line of the Highway;
<b>Bus Stop</b>	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;
<b>Bylaw Enforcement Officer</b>	means a Peace Officer, as defined in the British Columbia Interpretation Act and those Persons designated by Council as a Bylaw Enforcement Officer to enforce the provisions of this Bylaw;
<b>City</b>	means the City of Campbell River;
Amd Bylaw 3624 05/16 Def'n added	
<b>City Facility</b>	means any Real Property owned by the City, or operated by the City under statutory right of way or legal instrument, that is open to and for the use of the public and includes but is not limited to City Hall, Community Centre, Sportsplex, Campbell River Visitor's Centre, Spirit Square, and City Parks.
<b>Continuous Noise</b>	means any Noise or sound continuing for a period of five minutes or more in any 15-minute period;
<b>Council</b>	means the Council of the City of Campbell River;
<b>Discarded Materials</b>	includes but is not limited to all materials not in use for the construction or maintenance of a building situated on that property, appliances, furniture, cans, containers, bottles, glass, circulars, pamphlets, handbills, paper or other litter or rubbish, unlicensed or inoperable motor vehicles or motor vehicle parts, machinery, animal carcasses, vegetation cuttings or debris, solid or liquid waste, firewood, unless it is neatly piled or stacked against a wall or fence, and all other chattels in a dismantled state or not in use for the purpose for which the manufacturer intended;
<b>Drainage Facility</b>	includes Boulevard drainage inlet, catch basin grate, culvert headwall or lawn basin inlet;

**Graffiti** includes one or more letters, symbols, writing, pictures or marks, however made, posted, scratched, acid etched, painted or drawn on any structure or thing but does not include any of the following;

- a. a sign, public notice or traffic control mark authorized by the Transportation Manager, a City Bylaw or Provincial or Federal legislation; or
- b. in the case of private property, a letter, symbol or mark for which the owner of the property on which the letter, symbol or mark appears has given prior, written authorization

**Herbicide** means any kind of material that is used to control Noxious Weeds;

**Highway Or Other Public Place** includes every Street, road, Boulevard, sidewalk, Lane, square, parking lot, courtyard, bridge, viaduct and any other way open to public use and any land, park, greenspace, building, conveyance, private place or passageway to which the public has, or is permitted to have access or is invited;

Amd Bylaw 3636 01/17 Def'n added

**Independent Odour Control Specialist** means a credentialed professional, licensed to practice in the Province of BC with odour control qualifications.

**Independent Sound Consultant** means a professional engineer, licensed to practice in the Province of British Columbia, with acoustical expertise;

**Intersection** means the area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of the 2 highways which join one another at or approximately at right angles, or the area within which vehicles traveling on different highways joining at any other angle may come in conflict; and, for the purpose of this definition “highway” does not include a lane or way less than 5 meters in width separating the rear property lines of parcels of land fronting on highways running more or less parallel to and on each side of the lane or way;

**Lane** Means a Street with a right of way not exceeding 8 metres in width;

**Noise** includes any loud outcry, clamour, shouting, disturbance or movement or any sound that is loud or harsh or undesirable;

**Noxious Weed** means any weed designated as noxious pursuant to the *Weed Control Act*;

Amd Bylaw 3636 01/17 Def'n added

**Nuisance Odour** means an odour in the air that is harmful, poisonous, disgusting, repulsive, very unpleasant, offensive, or interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses and causes inconvenience or annoyance to a person with a normal sense of smell, except odours related to a permitted

combustion such as, but not limited to, wood stoves, vehicle emissions thereto;

**Occupier** means a Person who occupies Real Property but does not include the Occupier of a unit in an apartment, hotel or institution;

**Panhandle** means to beg for, or, 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 but does not include soliciting by the holder of a permit issued by the City of Campbell River;

Amd Bylaw 3624 05/16 Def'n added

**Park** means any park as defined in the City's *Parks Control Bylaw*.

**Peace Officer** has the same meaning as in the British Columbia *Interpretation Act* and includes a Bylaw Enforcement Officer;

**Pedestrian Facility** means a structure for pedestrian use including a walkway, sidewalk, stairs, ramp, and curb letdown;

**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;

**Pesticide** means any kind of material that is used to control pests, fungi, and insects;

**Real Property** means land, with or without improvements so affixed to the land as to make them in fact and in law a part of the Real Property;

**Residential Premises, Residential Property And Tenancy Agreement** shall have the same meanings as in the *Residential Tenancy Act* of British Columbia;

**Residential Premises, Residential Property And Tenancy Agreement**

**Road Surface** means gravel, asphalt, cement or material of any kind whatsoever placed upon any street, road, Highway, bridge, viaduct, lane, or any other way designed or intended for use by the general public for the passage of vehicles, and every private place or passageway to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited;

**Roadway** means a portion of a Highway improved for use for vehicular travel;

**Sight-Distance** means a clear line of vision between conflicting motorists, cyclists and pedestrians that allows sufficient time for safe maneuvers to be made without significantly affecting the conflicting traffic;

**Special Event Permit** means a permit issued by the City authorizing the use of a Highway or Other Public Place for the purposes of a special event;

**Street** means any Highway, Roadway, sidewalk, boulevard, place or way which the public is ordinarily entitled or permitted to use for the passage of

vehicles or pedestrians and includes a structure located in any of those areas;

**Traffic Control Signal** means a Traffic Control Signal as defined in the British Columbia *Motor Vehicle Act*; and

**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;

**Utility Company** means any utility company that has structures, including but not limited to, postal boxes, lamp posts, telecommunication and power boxes and poles, situated on any Highway or Other Public Place within the City.

Amd Bylaw 3620 05/16

**Vacant Premises** means Real Property, that contains a building(s), which is without lawful resident or occupant or which is not being put to a lawful commercial, residential or industrial use.

Amd Bylaw 3589 02/16

**Waste Collection Company** means a company that provides and places Waste Receptacles within the City for the purpose of the collection, storage and transportation of garbage, Discarded Materials or other waste.

**Waste Receptacle** A container that holds garbage, Discarded Materials or other waste, including but not limited to waste bins, rubbish bins, litter bins, wheelie bins, re-cycle bins, dumpsters, garbage and trash cans and bins.

## PART 3: Interpretation

- 3.0** Words or phrases defined in the British Columbia *Interpretation Act*, *Motor Vehicle Act* or *Community Charter* (or any successor legislation), shall have the same meaning when used in this Bylaw unless otherwise defined in this Bylaw or the context otherwise requires.
- 3.1** In this Bylaw, unless the context otherwise requires, the singular shall include the plural and the masculine includes the feminine gender.
- 3.2** The headings contained in the 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.
- 3.3** If any part of this Bylaw is for any reason held invalid by any court of competent jurisdiction, the invalid portion shall be severed and the severance shall not affect the validity of the remainder.

Amd Bylaw 3624 05/16 Title changed

## PART 4: Public Place Nuisances

### Restrictions on Panhandling

- 4.0** No Person shall Panhandle within 10 meters of:
- a. an entrance to a bank, credit union or Trust Company;
  - b. an Automated Teller Machine;



- c. a Bus Stop;
- d. a bus shelter; or
- e. the entrance to any liquor store.

**4.1** No Person shall Panhandle from an occupant of a motor vehicle which is:

- a. parked;
- b. stopped at a Traffic Control Signal; or
- c. standing temporarily for the purpose of loading or unloading.

**4.2** No Person shall Panhandle after sunset on any given day.

**4.3** No Person shall sit or lie on a Street for the purpose of Panhandling.

**4.4** No Person shall continue to Panhandle from a Person, or follow a Person, after that Person has made a negative response.

Amd Bylaw 3624 05/16 heading changed and Sec 4.5d replaced

### Use of Highways and Public Places

**4.5** No Person shall:

- a. urinate or defecate on a Highway or Other Public Place;
- b. impede or obstruct any other Person on a Highway or Other Public Place, excluding lawful picketing as provided in the BC Labour Code;
- c. stand or congregate on a Highway or Other Public Place in such a manner as to impede or obstruct the free movement of other Persons or vehicular traffic;
- d. sleep, camp, or erect a tent or shelter, or place other sleeping or camping equipment or effects:
  - (i) on any Street;
  - (ii) at any of the City Facilities listed in Schedule “C” of this bylaw;
  - (iii) at any City Facility without washrooms; or
  - (iv) at any other City Facility between the hours of 7:00 am and 7:00 pm.
- e. sleep in any vehicle located on a Highway or Other Public Place;
- f. swear or use indecent, obscene, blasphemous or grossly insulting language on or about a Highway or Other Public Place; or
- g. carry on any obscene, lewd or indecent activity on a Highway or Other Public Place.

Amd Bylaw 3624 05/16 Secs. 4.6 - 4.10 added

### Restrictions of Access to City Facilities

**4.6** Where the City Manager or their designate, or a Bylaw Enforcement Officer has reasonable grounds to believe that a person, while at a City Facility, is acting in a manner that:

- a. may present a risk or hazard to City staff or City Facility users;
- b. is in contravention of a City Bylaw regulation;
- c. is in contravention of any Federal or Provincial criminal enactment; or
- d. is described as inappropriate behaviour in Schedule “D” of this bylaw;

The City Manager or their designate, or Bylaw Enforcement Officer may:

- e. direct that person to leave the City Facility; or
  - f. issue a Banning Notice to that person.
- 4.7** A person directed to leave a City Facility or to whom a Banning Notice has been issued shall leave the City Facility immediately.
- 4.8** A Banning Notice may be issued for a term of up to one year.
- 4.9** A person who has been issued a Banning Notice shall comply with the provisions of the notice.
- 4.10** A person who has been issued a Banning Notice pursuant to Section 4.6 of this Part may make representations to Council to have the Banning Notice reconsidered by applying in writing to the City Clerk for such reconsideration within 14 days of receipt of the notice.

## **PART 5: Littering**

- 5.0** No Person shall deliver circulars, pamphlets, handbills or papers to or within any Real Property or building located on the Real Property, unless such deliveries are deposited within a receptacle provided by the owners or occupiers of the Real Property or building.
- 5.1** No Person shall deposit or throw any Discarded Materials, in or on any Highway or Other Public Place.

## **PART 6: Noise Regulations**

### **Exemptions**

- 6.0** This Part shall not apply to:
- a. the operation of emergency vehicles;
  - b. the emergency repair of a public Highway;
  - c. operations of a public utility;
  - d. Peace Officers acting in the course of their duties;
  - e. lands within the boundaries of the Campbell River Airport;
  - f. events held under authority of a Special Event Permit issued by the City Manager or their designate;
  - g. the operation of farm vehicles during planting or harvesting;
  - h. any person functioning within the limits imposed by a permit issued by the City Manager or their designate; and
  - i. snow clearing.
- 6.1** An applicant for a permit referred to in Sections 6.o(f) and 6.o(h) of this bylaw may have a decision under this bylaw reconsidered by Council by applying in writing for such reconsideration, specifying the decision which the applicant wishes reconsidered and the reason supporting the request for reconsideration.
- 6.2** The permit referred to in Sections 6.o(f) and 6.o(h) will be in a form prescribed by the City Manager or their designate.

### **Regulations**

- 6.3** No person shall make or cause, or permit to be made or caused, any Noise, in or on any

Highway or Other Public Place or private 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.

- 6.4** No person, who is the owner or occupier of Real Property, shall allow or permit such Real Property to be used in such a manner that Noise emanating from the Real Property disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of an Person or Persons in the neighbourhood or vicinity.
- 6.5** No Person shall operate any radio, stereophonic equipment or other instrument, or any apparatus for the production or amplification of sound either in or on private premises or in any Highway 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.
- 6.6** No Person shall own, keep, or harbor any animal or bird which, by its cries, unduly disturbs the peace, quiet, rest, enjoyment, comfort, convenience or tranquility of the surrounding neighbourhood, Persons in the vicinity or the public at large.

### **Construction and Garbage Collection Noise**

- 6.7** No Person shall, before 7:00 am on any day from Monday to Saturday when such day is not a Statutory Holiday, or before 8:00 am on any Sunday or Statutory Holiday, and after 10:00 pm on any day, construct, erect, reconstruct, alter, repair or demolish any building, structure or thing or excavate or fill in land in any manner which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of Persons in the vicinity.
- 6.8** No Person shall, before 7:00 am on any day from Monday to Saturday, or before 8:00 am on any Sunday or Statutory Holiday and after 10:00pm on any day, operate a garbage truck which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of Persons in the vicinity.

### **Power Tools and Model Airplanes**

- 6.9** No Person shall, before 8:00 am and after 10:00 pm on any day, use or operate any power gardening tool or other power tool or machine or any model airplane, boat or car powered by an internal combustion, turbine or rocket engine.

### **Public Address Systems**

- 6.10** Except for sports announcements at the grounds where such sports are being played, no Person shall operate any outdoor public address system at any time from any vehicle, Real Property, place or premises without the permission of the Bylaw Enforcement/Legislative Services Manager.

### **Commercial or Industrial Operations - Noise**

- 6.11** Every owner or operator of an industrial or commercial business which generates a Continuous Noise of a level that disturbs the occupants of the neighbourhood or Persons in the vicinity shall, at the request of the City, supply the City with:
  - a. a report prepared by an Independent Sound Consultant recommending methods to abate the Noise; and
  - b. a letter of certification sealed by the Independent Sound Consultant that the methods approved by the Bylaw Enforcement/Legislative Services Manager for the abatement of Noise have been fully implemented.

## Motor Vehicle Noise

- 6.12** The following Noises are, in the opinion of the Council of the City of Campbell River, unnecessary, objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public:
- a. the squeal of a tire on a Road Surface made by a motor vehicle which is accelerating, stopping or changing direction;
  - b. a loud, roaring or explosive sound emitted by a motor vehicle;
  - c. The amplified sound of a radio or other sound playback device or amplification equipment, or the sound of a musical instrument, that emanates from a motor vehicle and can easily be heard by someone outside the motor vehicle;
  - d. the sound of the diesel engine of a bus, truck or other vehicle which has been idling or otherwise running continuously for more than five minutes at the same location, except that this clause shall not apply where the bus is located within a garage or depot intended for its long-term parking;
  - e. the sound of an automobile security system which is made, either continuously or intermittently, for a period exceeding five (5) minutes or the sound of an automobile security system, but not including its activation status signal, which is made more than three (3) times in a 24-hour period;
  - f. the sound of a horn or other warning device on a motor vehicle used for any purpose other than as an audible warning incidental to the safe operation of the motor vehicle;
  - g. the sound of a brake or other type of engine brake on a motor vehicle used or operated for any purpose other than as an emergency braking device incidental to the safe operation of the motor vehicle.
  - h. the sound of a vehicle for which the muffler has been cut out, disconnected, modified by the removal of baffle or other part or which has been opened or widened creating a greater noise than is standard.
- 6.13** No person shall make or cause or permit to be made or caused, any objectionable, unnecessary or disturbing Noise set forth in Section 6.12 or operate a motor vehicle so as to cause any objectionable, unnecessary or disturbing Noise set forth in Section 6.12 contrary to Division 7A of the *Motor Vehicle Act Regulations*, B.C. Reg. 26/58.

## PART 7: Property Maintenance

### Graffiti

- 7.0** No person shall place Graffiti, or cause Graffiti to be placed, on any wall, fence or other structure or thing in any Highway or Other Public Place.
- 7.1** No Person shall place Graffiti, or cause Graffiti to be placed, on any wall, fence, building or structure that is located on Real Property and adjacent to a Highway or Other Public Place.
- 7.2** Every owner of Real Property shall remove Graffiti that is located on the Real Property adjacent to a Highway or Other Public Place within five (5) working days of the placement of the Graffiti.
- 7.3**
- a. Every Utility Company shall remove Graffiti that is located on any Utility Company structure that is situated on any Highway or Other Public Place within five (5) working days after receiving notification of the Graffiti from the City.
  - b. A Utility Company is exempt from the requirement in Section 7.3(a) if the Utility

Company has entered into an agreement with the City regarding the removal of Graffiti from the Utility Company structures.

Amd Bylaw 3589 02/16 Sec. 7.3 c

- c. Every Waste Collection Company shall remove Graffiti that is located on the Waste Collection Company's Waste Receptacle within twelve (12) working days of the placement of the Graffiti.

### **Boulevard Maintenance**

**7.4** Every owner or Occupier of Real Property shall maintain in a clean, tidy and well-kept condition every Boulevard fronting on the Real Property and, without limiting the generality of the foregoing, shall:

- a. remove accumulations of filth, rubbish, Discarded Materials, hazardous objects and other materials which obstruct a Drainage Facility;
- b. keep grassed areas trimmed and free of Noxious Weeds;
- c. keep landscaping trimmed so that driveway and intersection vision clearances are unobstructed;
- d. keep landscaping from encroaching over paved Roadways or gravel shoulders;

Except that where the Real Property is a through lot abutting both an Arterial Road and an internal street that runs approximately parallel to the Arterial Road, the owner or Occupier need not maintain the Boulevard fronting the Arterial Road unless the front of the house faces such Arterial Road.

### **Sidewalks and Pedestrian Facilities**

**7.5** Every owner or Occupier of Real Property shall:

- a. remove rubbish from every Pedestrian Facility bordering the Real Property;
- b. keep landscaping from encroaching over a sidewalk, from ground level to a height of 2.4 metres.

**7.6** No person shall:

- a. willfully injure or damage any Boulevard or any tree, shrub, plant, bush or hedge on any Boulevard;
- b. erect any sign, fence, wall or other structure on any Boulevard, except with written permission of the City;
- c. apply a Pesticide or Herbicide to any Boulevard; or
- d. dispose of any vegetation cuttings, rubbish, Discarded Materials or any liquid or solid waste on any Boulevard or in any Drainage Facility.

### **Fences**

- 7.7**
- a. In any zone, where an Owner or Occupier of property adjacent to a Highway has erected a fence adjacent to that Highway, the Owner or Occupier shall not allow that fence to fall into a state of disrepair.
  - b. An Owner or occupier of Real Property whose fence erected adjacent to a Highway has fallen into a state of disrepair shall repair it forthwith upon receipt of notice given

pursuant to this Bylaw.

- c. In every zone where the keeping of livestock is permitted, every Owner or Occupier of Real Property abutting upon any Highway shall forthwith, upon receipt of notice given pursuant to this Bylaw, erect fences along the boundary of that property abutting on the Highway for the purpose of preventing livestock from straying upon said Highway.

### **Intersection Vision Clearance**

- 7.8** No person who owns or occupies Real Property located at any intersection, shall place or permit to be placed or grow a tree, shrub, plant, fence or other structure with horizontal dimension exceeding 0.46 metres (1.5 feet) within the triangular area formed by two intersecting lot lines and the line joining the points on such lot lines 2.4 metres (7.87 feet) from the point of intersection, between an elevation such that an eye 1.0 to 2.4 metres (3.28 feet to 7.87 feet) above the surface elevation of one road, cannot see an object 1.0 to 2.4 metres (3.28 feet to 7.87 feet) above the surface of the other road.

### **Street Signs**

- 7.9** No person shall remove, deface or damage any street name sign or any other sign or marker erected upon any highway by or at the direction of the City.

### **Hazardous Trees and Shrubs**

- 7.10** a. If in the opinion of the City, any trees, hedges, bushes, or shrubs growing or standing on any Real Property are:
- (i) a hazard to the safety of persons on any Highway or Other Public Place;
  - (ii) likely to damage public property, or
  - (iii) seriously inconveniencing persons on any Highway or Other Public Place
- the City may order the owners or occupiers of the Real Property on which they grow or stand to trim, remove or cut down such trees, hedges, bushes or shrubs.
- b. If the person so ordered does not take the required action referred to in Section 7.10(a), the City may proceed pursuant to Sections 7.20 to 7.22 of this Part.

### **House Numbering**

- 7.11** a. All owners and Occupiers of buildings shall display in a conspicuous place on the Real Property on which the building is located, the street number assigned by the City to such building so that the same is of contrasting colour to its background and readable from the Highway.
- b. Notwithstanding Section 7.11(a), for Real Property having City Lane access, all owners and occupiers of buildings shall display in a conspicuous place on the Real Property on which the building is located, the street number assigned by the City to such building so that the same is of contrasting colour to its background and readable from the Lane.

### **Pigeons**

- 7.12** No person other than the owner thereof shall feed pigeons on or about private property and no person shall keep pigeons so that the pigeons congregate in such numbers so as to

constitute a nuisance or disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.

### **Demolition Sites**

- 7.13** On any property where the demolition of any building or structure has taken place;
- a. all debris and material whether to be discarded or retained shall be removed forthwith;
  - b. any basement or other excavation shall be filled in or covered over to lot grade level forthwith, upon receipt of notice served pursuant to the Bylaw.

### **Unightly Premises**

Amd Bylaw 3620 05/16 Sec. 7.14

- 7.14** No owner of Real Property shall permit:
- a. the Real Property to become or remain unsightly or permit water, rubbish, Discarded Materials or noxious, offensive or unwholesome matter to collect or accumulate around that Real Property; or
  - b. any building on the Real Property to fall into disrepair to the extent that it contravenes the building maintenance standards prescribed in Schedule “A” of this Bylaw.
- 7.15** Every owner of Real Property shall:
- a. keep the Real Property clear of Noxious Weeds and unsightly and unkempt brush, trees, or other growths;
  - b. keep ground cover vegetation from exceeding 30 cm in height; and
  - c. prevent infestation by caterpillars and other noxious or destructive insects and clear the Real Property of such insects.

Amd Bylaw 3620 05/16 Sec. 7.16

- 7.16** Every owner of Real Property shall:
- a. remove or cause to be removed from the Real Property any unsightly accumulations of filth, Discarded Materials, brush, trees, vines, Noxious Weeds or other growths, of any kind on a regular basis or when ordered to do so by the City; and
  - b. bring any buildings on the Real Property to the building maintenance standards prescribed in Schedule “A” of this Bylaw when ordered to do so by the City.
- 7.17** Every owner of Real Property shall maintain the general appearance and repair of the Real Property to the standards of other similar properties in the neighbourhood.

### **Rental Premises**

- 7.18** Every owner of Residential Premises or Residential Property subject to a Tenancy Agreement shall:
- a. maintain the physical condition and structural repair of the Residential Premises or Residential Property to the health, life safety and fire protection standards of the

British Columbia *Building Code* and the City of Campbell River Fire Prevention Bylaw;  
and

- b. maintain the general appearance and repair of the Real Property to the standards of other similar properties in the neighbourhood.

### **Vacant Premises**

Amd Bylaw 3620 05/16 Sec. 7.19

- 7.19**
- a. The owner of Vacant Premises shall maintain the buildings on those premises to the building maintenance and security standards prescribed in Schedule “A” and Schedule “B” of this Bylaw.
  - b. Having received notification that a Vacant Premises does not meet the prescribed standards or is in contravention of this Part, the City, upon confirmation by inspection, shall:
    - (i) register the premises on a vacant premises register;
    - (ii) give notice to the owner of the Vacant Premises of the registration and require the owner to bring those premises into compliance with this Part; and
    - (iii) inspect the Vacant Premises every three (3) months to determine such compliance.
  - c. A fee of \$50.00 is payable by the owner of the Vacant Premises to the City for each inspection carried out pursuant to Section 7.19(b)(iii).
  - d. The Vacant Premises shall be removed from the vacant premises register and inspections shall cease when the Vacant Premises has been compliant with this Part for a continuous period of one year.
  - e. If, after having been removed from the vacant premises register, the Vacant Premises subsequently contravenes this Part, the provisions of Sections 7.19(a) to (d) apply except that inspections shall cease when the Vacant Premises has been compliant with this Part for a continuous period of two (2) years.
  - f. Vacant Premises on the vacant premises register that cease to be vacant shall be removed from the vacant premises register and inspections pursuant to Section 7.19(b)(iii) shall cease.

### **Default and Remedial Action Notices**

- 7.20** Where an owner of Real Property or other responsible Person fails to comply with the requirements of this Part, Council may make a declaration requiring that the owner or other responsible Person bring the Real Property into compliance with the provisions of this Part within a specified time frame. A Bylaw Enforcement Officer may issue a notice in relation to Council’s declaration.
- 7.21** If the owner or other responsible Person fails to comply with the notice requirement within the time limit specified in the notice, the City by its workers, or others authorized by Council, may, at all reasonable times and in a reasonable manner, enter the Real Property and affect such compliance at the cost of the defaulting owner or other responsible Person. Such cost shall consist of all costs and expenses incurred by the City in affecting compliance with this Part including, without limitation, administrative costs, costs of attendance at the



property by City employees or its contractors and the costs of removal, clean up and disposal.

- 7.22** If an owner or other responsible Person defaults in paying the cost referred to in Section 7.21 to the City within 30 days of a demand for payment from the City, the City may recover from the owner or other responsible Person, in any court of competent jurisdiction, the cost as a debt due to the City. If an owner has not paid the debt by December 31 in the year in which the debt was incurred, the City may direct that the amount of the cost be added to the Real Property tax roll as a charge imposed in respect of work or service provided to the Real Property of the owner.

### **Reconsideration**

- 7.23** An Owner or other responsible Person who has been issued a notice pursuant to Sections 7.20 and 7.21 of this Part may make representations to Council to have the decision reconsidered by applying in writing for such reconsideration within 14 days of receipt of the notice, or lesser time if specified in the notice.

Amd Bylaw 3636 01/17 section added

## **PART 8: Odour Regulation**

### **Exemptions**

- 8.0** This Part shall not apply to the operation, maintenance and construction of the City's wastewater system.

### **Regulations**

- 8.1** A person must not cause, allow or permit the discharge or emission of a Nuisance Odour from a Property owned, used or occupied by the Person.
- 8.2** The City of Campbell River may take enforcement action under sections 8.1 and 8.3 if a Bylaw Enforcement Officer has documented all three of the following:
- a. The detection by the Bylaw Enforcement Officer of a Nuisance Odour at a level 2 or greater, according to the following odour scale:
    - Level 0 – no odour detected;
    - Level 1 – odour barely detected;
    - Level 2 – odour is distinct and definite, any unpleasant characteristics recognizable;
    - Level 3 – odour is objectionable enough or strong enough to cause attempts at avoidance; and
    - Level 4 – odour is so strong that a person does not want to remain present;
  - b. A written and signed statement from a person making a complaint that demonstrates that they have experienced Nuisance Odours in sufficient quantities and of such characteristics and duration so as to unreasonably interfere with their enjoyment of life and property; and
  - c. The source of Nuisance Odour.

### **Commercial or Industrial Operations - Odour**

- 8.3** Every owner or operator of a commercial or industrial business that discharges or emits a

Nuisance Odour at a level 2 or greater that disturbs the occupants of the neighbourhood or Persons in the vicinity shall, at the request of the City, supply the City with:

- a. a report prepared by an Independent Odour Control Specialist recommending ventilation systems and methods that will be used to prevent Nuisance Odours from leaving the premises so that no Nuisance Odour at a level 2 or greater can be detected by a person with a normal sense of smell at the exterior of the Premises; regardless of wind direction; and
- b. a letter of certification sealed by the Independent Odour Control Specialist confirming that the methods approved by the City to prevent Nuisance Odours from leaving the premises have been fully implemented.

## **PART 9: Enforcement and Penalty**

### **Right of Entry**

- 9.0** A Bylaw Enforcement Officer may, at all reasonable times, enter upon any Real Property in the City in order to ascertain whether the regulations contained within this Bylaw are being complied with.

### **Enforcement**

- 9.1** The provisions of this Bylaw may be enforced by any Bylaw Enforcement Officer.

### **Offences and Penalties**

- 9.2** Any 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 ten thousand dollars (\$10,000.00) and not less than seventy-five dollars (\$75.00) and the cost of prosecution and any other penalty or order imposed pursuant to the *Community Charter, British Columbia*, or the *Offence Act, British Columbia*, as amended from time to time. Each violation against the Bylaw shall be deemed to be a separate and distinct offence, and where the offence is a continuing one, each day that the offence is continued constitutes a separate offence.

## **PART 10: Severability**

- 10.0** If any section, subsection, paragraph, clause, phrase or word within this Bylaw is for any reason held to be invalid by the decision of a court or competent jurisdiction, such decision does not affect the validity of the remaining portions of this Bylaw.

## **PART 11: Repeal**

- 11.0** Public Nuisance Bylaw No. 3310, 2007 as amended, is hereby repealed.

READ THE FIRST TIME this 4<sup>th</sup> day of March, 2014  
READ THE SECOND TIME this 4<sup>th</sup> day of March, 2014  
READ THE THIRD TIME this 7<sup>th</sup> day of October, 2014  
ADOPTED this 21<sup>st</sup> day of October, 2014  
Signed by the Mayor and City Clerk this 23<sup>rd</sup> day of October, 2014

**Original signed by:**

\_\_\_\_\_  
Walter Jakeway

MAYOR

\_\_\_\_\_  
Peter F. Wipper

CITY CLERK

## SCHEDULE "A"

### Building Maintenance Standards

The owner of Real Property must comply with the following maintenance standards of this Schedule.

#### Exterior walls

1. The exterior of every building must be constructed, repaired and maintained in a manner that ensures the integrity of the building envelope to protect the building from the weather and from infestations of insects, rodents and other pests; and
2. Without restricting the general obligation set out in Subsection 1:
  - a. All exterior surfaces must consist of materials that provide adequate protection from the weather;
  - b. All exterior walls and their components, including coping and flashing, must be maintained in good repair;
  - c. All exterior walls must be free of holes, breaks, loose or rotting boards or timbers and any other condition which might permit the entry of insects, rodents or other pests to the interior of the wall or the interior of the building;
  - d. Exterior wood surfaces must be adequately protected against deterioration by the periodic application of paint, stain or other protective coating;
  - e. The mortar of any masonry or stone exterior wall may not be loose or dislodged.
  - f. The exterior of every building must be free of graffiti;
  - g. Loose material must be removed from exterior walls, doors and window openings;
  - h. All windows must be in good repair, and properly glazed; and
  - i. All exterior doors to the building must be operational and fit tightly within their frames when closed.

# SCHEDULE "A"

## Building Maintenance Standards Cont.

### Roofs

3. Roofs must be constructed and maintained so as to prevent:
  - a. Rainwater or melting snow falling on the roof from entering the building;
  - b. Rainwater or melting snow falling on the roof from negatively affecting neighbouring buildings or properties; and
  - c. Objects and materials from falling from the roof.
  
4. Without restricting the general obligation set out in Subsection 1:
  - a. Roofs, including fascia boards, soffits, cornices, flashing, eaves troughing and downspouts must be maintained in a watertight condition.
  - b. Roof drainage must be controlled in order to eliminate or minimize runoff to neighbouring properties that:
    - (i) Accumulates or causes ground erosion;
    - (ii) Causes dampness in the walls, ceilings or floors of any portion of any neighbouring building; and
    - (iii) Accumulates on sidewalks or stairs in a manner so as to create a hazardous condition.
  - c. Loose or unsecured objects and materials, including accumulations of snow or ice or both that are likely to fall on passersby or are likely to result in the collapse of the roof, must be removed from the roof of a building or an accessory building.

## SCHEDULE "B"

### Requirements to Secure Vacant Buildings

The owner of a Vacant Premises must comply with the **Fire Protection Systems** requirements and either **Part I** or **Part II** of this Schedule.

#### Fire Protection Systems

- a. Any fire protection system, including alarm and monitoring systems required by the BC Building Code must be maintained in an operational condition unless written approval to decommission the system has been received by the Fire Chief.
- b. Electricity, natural gas and water must not be cut off if they are necessary to maintain fire protection systems or fire alarms.
- c. Where they are not necessary to maintain fire protection systems or fire alarms, electricity, natural gas and water must not be cut off except in a manner satisfactory to the Fire Chief.

#### PART I

In order to comply with Part I of this Schedule, the owner of a Vacant Premises must ensure that:

- a. All exterior doors to buildings are operational, fit tightly within their frames when closed and are locked so as to prevent entry;
- b. All windows are either permanently sealed or locked so as to prevent entry;
- c. All windows, doors, basement and attic hatchways and their frames are so constructed and maintained to completely exclude rain and substantially exclude wind from entering the buildings; and
- d. All windows are in good repair, and properly glazed.

## SCHEDULE “B”

### Requirements to Secure Vacant Buildings Cont.

#### PART II

In order to comply with Part II of this Schedule, the owner of a Vacant Premises must ensure that the following requirements are met:

- a. All doors, windows and other openings, other than the principal entrance, at the basement and main (first) floor levels must be covered with a solid piece of plywood, at least 11 millimeters thick and secured with coated spikes at least 75 millimeters in length, spaced not more than 150 millimeters on centre.
- b. The principal entrance must be covered with a solid piece of plywood, at least 11 millimeters thick, adequately secured with screws at least 50 millimeters in length, spaced not more than 150 millimeters on centre.
- c. Windows, doors and other openings at the second floor level must be covered with a solid piece of plywood, at least 8 millimeters thick and secured with coated spikes at least 75 millimeters in length, spaced not more than 150 millimeters on centre.
- d. Windows, doors and other openings at the third floor level or higher must be either:
  - (i) Secured in accordance with Part I of this Schedule; or
  - (ii) Covered with a solid piece of plywood, at least 8 millimeters thick and secured with coated spikes at least 75 millimeters in length, spaced not more than 150 millimeters on centre.
- e. Windows, doors and other openings at the third floor level or higher may be secured from inside the building; plywood applied to all other openings must be secured from the exterior.
- f. Plywood applied to openings must be installed and maintained in a way that is weather-tight and must be protected from the elements with at least two coats of white paint or a colour that matches the exterior of the building. A hole must be cut in the plywood just large enough for the door hardware to protrude.
- g. All floors above the first floor must be rendered inaccessible to entry by raising fire escapes and ladders to a height of at least four meters or guarding them in some other manner acceptable to a Bylaw Enforcement Officer.

## SCHEDULE "C"

### City Facilities

City Facilities at which the prohibitions of Section 4.5(d) apply:

	<u>City Facility</u>	<u>Address</u>
1.	City Hall	301 St Ann's Road & 900 Alder Street
2.	Community Centre	401 11 <sup>th</sup> Avenue
3.	Sportsplex	1600 & 1800 Alder Street South
4.	Spirit Square	1111 Shoppers Row (under City of Campbell River statutory right of way registration numbers CA1151191 & CA1151192).
5.	Campbell River Visitor Centre	1235 Shoppers Row
6.	Robert Ostler Park	945 Island Highway
7.	Library	1240 Shoppers Row
8.	Tidemark Theatre	1220 Shoppers Row
9.	Centennial Swimming Pool	230 4 <sup>th</sup> Avenue



## SCHEDULE "D"

### Inappropriate Behaviours at City Facilities

Inappropriate Behaviours at a City Facility that Section 4.6(b) of this bylaw applies to:

1. Use of profanity or indecent, insulting or demeaning language, including verbal abuse, insults, put-downs or name calling.
2. Disorderly, disruptive or threatening behaviour or utter threats or attempt to intimidate.
3. Violent conduct including assaults or fighting and attempts to goad or incite violence in others.
4. Throwing articles in a deliberate or aggressive manner.
5. Lewd, sexual, indecent or offensive conduct.
6. Display of abusive or offensive materials, words or images.
7. Uses cellphone or other electronic device for electronic recording in the change rooms or restrooms or in a manner that disturbs City Facility users.
8. Possess any weapon, with or without a permit.
9. Possess or deposit bio-hazardous substances or articles.
10. Possess or use drugs, alcohol or any other intoxicating substance or be under the influence of such substances while at the City Facility.
11. Possess or deposit drug related paraphernalia.
12. Smokes or uses tobacco (in any form).
13. Sleeping, camping or placing of sleeping or camping equipment or effects.
14. Damages or defaces property including placing graffiti.
15. Play audio equipment at a volume that disturbs others.
16. Engaging in horseplay, causing unsafe conditions, or engaging in conduct that endangers self or others.
17. In-line skating/skateboarding/cycling/riding scooter, except where permitted at specific facilities.
18. Blocking corridors, thoroughfares, stairways, doorways or exits.
19. Uses restroom for purpose or use for which it was not intended and can include bathing, shaving or washing clothes.



City of  
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