



THE CORPORATION OF THE CITY OF ENDERBY

CONSOLIDATED FOR CONVENIENCE ONLY

BYLAW NO. 1517 AMENDMENT INDEX

BYLAW NO.	ADOPTION	TEXT AMENDMENT
1617	December 19, 2016	<ul style="list-style-type: none"> Amending Section 4 by including Section 4.17, 4.18, and 4.19
1648	March 5, 2018	<ul style="list-style-type: none"> Amending PART IV – PROPERTY MAINTENANCE by including Section 4.6.1 Amending PART IV – PROPERTY MAINTENANCE by replacing Section 4.10 and 4.18.g Amending PART IV – PROPERTY MAINTENANCE by deleting Section 4.19 Amending PART V – NUISANCE SMOKE/OPEN AIR BURNING by replacing the second paragraph of Section 5.2 Amending PART VII – ENFORCEMENT AND PENALTY by deleting Section 7.8 Adding PART VIII – COUNCIL RECONSIDERATION and renumbering subsequent Parts of the Bylaw Amending Schedule “A” by including the definition of ‘Compliance Order’ Amending Schedule “D” by replacing the definition of ‘derelict vehicle’
1682	June 17, 2019	<ul style="list-style-type: none"> Amending PART VII – ENFORCEMENT AND PENALTY by replacing the reference to “6.3” with “7.3” under Section 7.4 Amending PART VII – ENFORCEMENT AND PENALTY by replacing the reference to “6.5” with “7.5” under Section 7.6
1683	July 15, 2019	<ul style="list-style-type: none"> Amending PART VII – ENFORCEMENT AND PENALTY by deleting Section 7.2 (Enforcement)
	Forthcoming	<ul style="list-style-type: none"> Deletion of Schedule “G”

CITY OF ENDERBY

BYLAW NO. 1517

A BYLAW TO ENHANCE THE QUALITY OF LIFE
FOR THE CITIZENS OF THE CITY OF ENDERBY

WHEREAS, the Council of the City of Enderby desires to protect Quality of Life for its citizens, and endeavours to promote civic responsibility, and further, strives to encourage good relationships between neighbours.

THEREFORE BE IT RESOLVED that the Council of the City of Enderby in open meeting assembled, hereby ENACTS AS FOLLOWS:

This Bylaw may be cited as the “City of Enderby Good Neighbour Bylaw No. 1517. 2013”.

PART I - INTERPRETATION

- 1.1 Words or phrases defined in the British Columbia Interpretation Act, Motor Vehicle Act or Local Government Act or any successor legislation, shall have the same meaning when used in this Bylaw unless otherwise defined in this Bylaw.
- 1.2 Schedules “A” – “G” contain definitions of terms used in this Bylaw.
- 1.3 In this Bylaw, unless the context otherwise requires, the singular shall include the plural and the masculine includes the feminine gender.
- 1.4 The headings contained in this Bylaw are for convenience only and are not to be construed as defining, or in any way limiting, the scope or the intent of the provisions of this Bylaw.
- 1.5 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.

PART II – GENERAL REGULATIONS

- 2.1 No *person* shall obstruct or interfere with a *bylaw enforcement officer* in the exercise of their duties.
- 2.2 A *bylaw enforcement officer* shall have the right to enter upon the property of any owner or occupant at all reasonable times and in a reasonable manner for the purposes of inspecting property and declaring whether the property is unsightly or otherwise not in compliance with the provisions of this Bylaw.

PART III – NOISE REGULATIONS

Noise Restrictions:

3.1 Schedules “B” and “C” contain definitions of terms used in Part III of this Bylaw.

Exemptions:

3.2 Notwithstanding anything contained herein, no *person* shall be guilty of an infraction of this Bylaw while:

- (a) operating or in charge of Fire Department, Police or Ambulance vehicles while in the execution of their duties;
- (b) operating any motor vehicle, machinery or other apparatus or thing during an emergency or for a public purpose or in furtherance of the public interest including, without limiting the generality of the foregoing, snow removal, water main and sewer main break repairs and civil defence exercises;
- (c) performing works of an emergency nature for the preservation or protection of life, health or property, provided that, the onus shall be on the person performing the work to show cause that the work was of an emergency nature;
- (d) lawfully carrying on a trade or industry at a commercial, industrial or light industrial zoned area, provided that the sound or noise there from does not exceed the sound or noise common to such trade or industry where carried out in accordance with generally accepted industry standards using equipment and facilities in good operating order;
- (e) farm operations conducted in accordance with normal farm practices under the *Farm Practices Protection (Right to Farm) Act*;
- (f) operating residential household equipment including, but not limited to, pool pump motors, air conditioning units, exhaust fans, hot tub pumps, provided that the sound or noise there from does not exceed the sound or noise common to such household equipment when in good operating order and being used in accordance with generally accepted industry standards.

Special Exemptions

3.3 (a) **Construction Permits:**

Where the Chief Administrative Officer, or his designate, considers that it is impossible or impractical for a person to comply with Section 3.5 (d) and (e), the Chief Administrative Officer may, on application in writing, grant a

construction permit to carry out work that is found to be necessary, at designated hours on designated days and on such other terms and conditions as the Chief Administrative Officer considers reasonable in the circumstances.

(b) ***Mobile Public Address Systems:***

No person may operate a *mobile public address system* without complying with the following terms and conditions:

- the system may only be used between the hours of 9:00 a.m. and 6:00 p.m.;
- the system must not be operated while the motor vehicle, trailer or other device containing the system is parked on a highway;
- the system must not be operated more than once per day on any residential highway which has on either side of it an area zoned residential under the City's Zoning Bylaw;
- the system must not be operated so as to cause a nuisance or other disturbance to any *person*.

3.4 **General Prohibitions:**

- (a) No *person* shall make or cause, or permit to be made or caused, any noise in or on a highway or other public place in the City which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any *person* or *persons* in the neighbourhood or vicinity of that place;
- (b) No *person* being the owner, occupier or tenant of *real property* shall allow or permit such *real property* to be used so that noise or sound which occurs thereon or emanates there from, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any *person* or *persons* on the same property or in the neighbourhood or vicinity of that property.

3.5 **Specific Prohibitions:**

Without limiting the generality of Section 3.4 herein:

- (a) 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 private premises or on any *highway or other public place* in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any *person* or *persons* in the neighbourhood or vicinity of those premises or place;
- (b) No *person* being the owner, occupier or tenant of *real property* shall allow or permit his *real property* to be used by a *person* or *persons* for playing or

operating any radio or stereophonic equipment or other instrument or other apparatus for the production or amplification of sound in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity of said *real property*;

- (c) Subject to subsection 3.2 (e), no *person* shall own, keep or harbour any animal or bird which by its cries or sounds unduly disturbs the peace, quiet, rest or tranquility of the surrounding neighbourhood or of *persons* in the vicinity;
- (d) Subject to subsection 3.3 (a), no *person* may operate, or cause, suffer or permit the operation of, any motorized lawn-grooming or garden equipment in the *City* between the hours of 10:00 p.m. and 7:00 a.m.;
- (e) Subject to subsection 3.3(a), no owner of *real property* shall, on any day before 7:00 a.m. or after 10:00 p.m., cause, permit or allow a person to construct, erect, reconstruct, alter, repair or demolish any building, structure or thing, or excavate or fill in land in any manner which causes noise or sounds in or on any *real property*, a highway or elsewhere in the *City* which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of any *person* or *persons* in the neighbourhood or vicinity;
- (f) No person shall create a *nuisance* or disturbance upon any portion of a *highway or other public place* by participating in a fight or other similar physical confrontation between consenting or non-consenting *persons*.

PART IV - PROPERTY MAINTENANCE

PRIVATE PROPERTY MAINTENANCE

4.1 Schedule “D” contains definitions of terms used in Part IV of this Bylaw.

Exemptions

- 4.2 (a) Part IV of this Bylaw does not apply to farm operations conducted in accordance with normal farm practices under the *Farm Practices Protection (Right to Farm) Act*.
- (b) Part IV of this Bylaw does not apply to the orderly outdoor storage of goods and chattels when permitted by the City of Enderby’s Zoning Bylaw.

Regulations

4.3 Except as permitted under section 4.2 of this Bylaw, no owner or occupier of *real property* shall cause, suffer or permit:

- (a) water, rubbish, noxious, offensive, or *unwholesome matter* to collect or *accumulate* on the *real property*;
- (b) *rubbish* to overflow from or *accumulate* around any *container* situate on the *real property*;
- (c) allow the *real property* to become or remain *unsightly*;
- (d) the *accumulation* of dead landscaping, vegetation, *noxious weeds* or other growths to occur or to remain on the *real property*, other than materials being composted; or
- (e) in respect to *real property* for which a Building Permit has been issued by the *City*, cause or permit demolition waste, construction waste or trade waste to *accumulate* on the *real property*.

BOULEVARD & LANEWAY MAINTENANCE

Regulations

- 4.4 Every owner or occupier of *real property* shall maintain the sidewalk, *boulevard*, and land adjacent to their *real property* and in particular shall:
- (a) remove *accumulations* of *filth*, leaves, *rubbish*, discarded materials, hazardous objects and materials which obstruct a drainage facility;
 - (b) in keeping with the reasonable standard of maintenance in the area keep grassed areas trimmed and free of all *weeds*;
 - (c) keep in good repair and up to *City* standards all driveway crossings;
 - (d) trim and maintain all plantings;
 - (e) remove all *filth*, leaves, *rubbish*, discarded materials, hazardous objects and materials from all *boulevards* and sidewalks.
- 4.5 Every owner or occupier of *real property* adjacent to a *boulevard* or *lane* shall ensure that the *real property* is kept free and clear, at all times, of *weeds* that are within one metre from the border between the *real property* and the adjacent *boulevard* or *lane*, so as to prevent and control the spreading of *weeds* to adjacent *boulevards* or *lanes*.
- 4.6 No owner or occupier of *real property* adjacent to a *boulevard* or *lane*, or any other *person*, shall deposit or cause, suffer or permit the deposit of any garden or vegetation waste materials containing *weeds* on or upon a *boulevard* or *lane* adjacent to the *real property*.

- 4.6.1 No person shall place, leave or allow any vehicle, article, thing, snow, or other matter to interfere with access to or to be located within (1) metre of a fire hydrant or fire connection. (1648)

SNOW REMOVAL

Regulations

- 4.7 Every owner and occupier of *real property* shall remove all snow or ice from all sidewalks bordering the *real property* within 24 hours from the cessation of a snowfall or storm event which caused such *accumulation*. An owner or occupier shall not use equipment which could cause damage to the *boulevard* or sidewalk due to excess weight of the equipment or sharp edges which could cause abrasions or scrapes to the sidewalk or *boulevard*.
- 4.8 Every owner or occupier of *real property* is required to remove snow or ice from the roof or other part of any structure on the property, where the location of that structure is such that it is reasonable to expect that the snow or ice on it may fall onto any sidewalk or highway, within 24 hours of the cessation of any snowfall or storm event that cause the *accumulation*.
- 4.9. No *persons* shall deposit snow, ice or other material removed from sidewalks, *boulevards*, *lanes*, or private property under this Section onto *City* property or highways.

COMPLIANCE ORDERS

- ~~4.10 If, in the opinion of the *Bylaw Enforcement Officer*, the owner of *real property* or other responsible person fails to comply with a requirement of this Bylaw, the *Bylaw Enforcement Officer* may issue an order requiring that the owner or other responsible person bring the *real property* into compliance with the provisions of this Bylaw within such time as the *Bylaw Enforcement Officer* considers appropriate in the circumstances.~~
- 4.10 **If, in the opinion of the *Bylaw Enforcement Officer*, the owner of *real property* or other responsible person fails to comply with a requirement of this Bylaw, the *Bylaw Enforcement Officer* is delegated the authority to issue a Compliance Order requiring that the owner or other responsible person brings the *real property* into compliance within a reasonable period of time. (1648)**
- 4.11 Service of an order referred to in Section 4.10 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*.

4.12 An order issued under section 4.10 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 14 days of the date of delivery of the notice, or, in the case of snow, ice or rubbish on a sidewalk or footpath, within 24 hours from the time the snow, ice or rubbish is deposited thereon.
- (e) that if the owner or occupant fails to comply with the notice, the *City* may, without further notice, proceed to carry out the work required, and the cost of such work will be added to the taxes of the *real property*, and the owner or occupant or both may be subjected to prosecution for an offence under this Bylaw.

4.13 An order issued under section 4.10 herein may give specific instructions to remedy the *unsightly* nature of the *real property* or other non-compliance with this Bylaw including, but not limited to, any one or more of the following directions:

- (a) remove *unsightly accumulations* of materials or *rubbish* from the real property;
- (b) remove snow, ice or *rubbish* from sidewalks and footpaths;
- (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 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, so as to bring it into compliance with this Bylaw.

- 4.14 If the owner of *real property* or other responsible person fails to comply with the *Bylaw Enforcement Officer's* compliance order within the time period specified in such notice, the *City*, by its workers or others, may at all reasonable times and in a reasonable manner, enter the *real property* and bring about such compliance at the cost of the defaulting owner or other responsible person. Such costs shall consist of all costs and expenses incurred by the *City* to achieve compliance with this Bylaw including, without limitation, administrative costs, costs to attend property by *City* employees or its contractors and the costs of removal, clean up and disposal.
- 4.15 If an owner of *real property* or other responsible person defaults in paying the cost referred to in Section 4.14 to the *City* within 30 days after receipt of a demand for payment from the *City*, the *City* may either recover from the owner or other responsible person, in any court of competent jurisdiction, the cost as a debt due to the *City*, or 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, and be collected in the same manner as property taxes.
- 4.16 Service of a demand for payment referred to in Section 4.15 will be sufficient if a copy of the demand is served personally or mailed by regular mail to the owner of the *real property* as shown on the current year's *real property* assessment roll.
- 4.17 Notwithstanding Section 4.12, following the issuance of two compliance orders for a property within a 12 month period, that property shall be placed on an Enhanced Compliance Schedule for a period of 12 months, whereby:**
- a) for any compliance order issued to the property while on Enhanced Compliance Schedule, the order must be remedied within 4 days of the date of delivery of a notice made under Section 4.10; and (1617)**
 - b) the penalty amount for infractions when a property is listed on the Enhanced Compliance Schedule will be increased pursuant to the City of Enderby Bylaw Enforcement Bylaw No. 1581, 2015 and the City of Enderby Municipal Ticketing Information (MTI) System Bylaw No. 1518, 2013. (1617)**
- 4.18 When a property is placed on an Enhanced Compliance Schedule, the property owner shall be given notice stating:
- a) the civic address of the subject *real property*, (1617)**
 - b) the legal description of the subject *real property*, (1617)**
 - c) confirmation that the subject *real property* has been placed on an Enhanced Compliance Schedule for a 12 month period; (1617)**

- d) the date on which the Enhanced Compliance Schedule for the subject *real property* will expire; (1617)
- e) the particulars of previous compliance orders which have resulted in the subject *real property* being placed on an Enhanced Compliance Schedule; (1617)
- f) the terms of the Enhanced Compliance Schedule outlined in Section 4.17 of this Bylaw; and (1617)
- ~~g) the Council reconsideration provisions outlined in Section 4.19 of this Bylaw. (1617)-(1648)~~
- g) the Council reconsideration provisions outlined in Part VIII of this Bylaw. (1648)

~~4.19 When a property is placed on an Enhanced Compliance Schedule, the property owner shall be entitled to reconsideration by Council as follows:~~

- ~~a) the property owner may request reconsideration by giving written notice to the Corporate Officer of the City, with the written notice stating the grounds upon which the reconsideration is requested; (1617)~~
- ~~b) Council shall provide the property owner with an opportunity to make representations before it; (1617)~~
- ~~c) After reconsidering the matter, Council may confirm or cancel the placement of the property on an Enhanced Compliance Schedule; and (1617)~~
- ~~d) Council must provide written reasons to the property owner for confirming or cancelling the placement of the property on an Enhanced Compliance Schedule after reconsideration. (1617)-(1648)~~

PART V – NUISANCE SMOKE/OPEN AIR BURNING

5.1 Schedule “E” contains definitions of terms used in Part V.

5.2 GENERAL REGULATIONS

Except as specifically allowed under this Bylaw, no *person* shall light, ignite, start or burn any fire in the open air or in any portable incinerator, *outdoor fireplace* or other portable appliance or device in the open air for any purpose.

~~When specifically allowed to burn under this bylaw, no *person* may start a fire if wind and weather are such that to do so is likely to be hazardous or when banned~~

~~under Provincial regulation or when the Ministry of Forests has implemented a *campfire* or burning ban that includes the *City of Enderby* area.~~

When specifically allowed to burn under this bylaw, no *person* may start a fire if wind and weather are such that to do so is likely to be hazardous, or when inconsistent with a Provincial regulation or enactment, or when the Fire Chief, Chief Administrative Officer, or Emergency Operations Centre Director has implemented a ban or prohibition upon such activities, unless authorized in writing. (1648)

For burning permitted under Section 5.3.5 or authorized by Permit under Section 5.4, no *person* may start a fire unless the ventilation index as provided by Environment Canada for the Okanagan Valley is 55 or better.

An *inspector* may order the extinguishing of any fire producing *smoke* in violation of this bylaw.

If this section is not complied with, the owner of the premises must pay immediately, upon receipt of an invoice from the *City*, all fees for any attendance by the Department at the premises as calculated under *City of Enderby Fees and Charges Bylaw*. Failure for the owner to pay the fee will result in those costs being added to the property taxes of the premises.

5.3 EXEMPTIONS TO OPEN AIR BURNING PROHIBITION

Subject to the *City of Enderby Fire Protection Bylaw* the following exemptions apply to allow for open burning:

5.3.1 FIRE DEPARTMENT

Notwithstanding any other provision of this Bylaw, the Fire Department may burn buildings, structures, or other materials for the purpose of training its personnel or for the purpose of elimination of hazards or any other purpose.

5.3.2 CITY OF ENDERBY

Notwithstanding any other provision of this Bylaw, the *City* may burn wood waste for the purpose of disposing of the wood waste collected from *City* operations including any curb side pick up program.

5.3.3 OUTDOOR COOKING

Notwithstanding Section 5.2, outdoor cooking of foods in barbecues or grills using propane, natural gas or charcoal is permitted.

5.3.4 OUTDOOR FIREPLACES

Notwithstanding Section 5.2, *outdoor fireplaces* that use fuel of seasoned wood, charcoal briquettes, propane or natural gas, being used for the purpose of cooking, providing heat or providing light.

5.3.5 AGRICULTURAL USES

Notwithstanding Section 5.2, outdoor burning by lighting, igniting, starting or maintaining any outdoor fire of any kind within the *City*, during daylight hours, to allow orchard, berry, and vineyard pruning's generated on site on properties within those zones that allow Intensive, Limited, or Restricted Agricultural use under the City of Enderby Zoning Bylaw.

5.3.6 WOOD-FIRED HEATING AND ENERGY RECOVERY

Notwithstanding Section 5.2, CSA approved wood-fired heating and energy recovery systems are permitted.

5.3.7 CAMPGROUND FIRES

Notwithstanding Section 5.2, campfires are permitted in an approved campground.

5.4 BURNING PERMITS

5.4.1 Council hereby delegates to the Chief Administrative Officer and Fire Chief the power to issue or refuse to issue Burning Permits in the form of Schedule "G" and to establish conditions and restrictions for Burning Permits for open air burning of materials:

- (i) accumulated from urban interface clearing,
- (ii) accumulated from agricultural pruning,
- (iii) accumulated from land clearing,
- (iv) to remove a fire hazard, or
- (v) for a special public function

5.4.2 The owner or occupier of a property may apply for a Burning Permit upon paying the permit fee specified in City of Enderby Fees and Charges Bylaw. The fee is for inspection of a property to ensure all permit requirements are made.

5.4.3 The holder of a Burning Permit shall comply with this Bylaw and other applicable bylaws and all terms and conditions set out in the Burning Permit.

5.4.4 No *person* to whom a Burning Permit has been issued may burn Trade Waste, tires, animal carcasses, oil, tar, asphalt shingles, battery boxes, plastic materials, or any similar material which may produce heavy black *smoke*, on or in any fire.

5.4.5 Every holder of a Burning Permit shall place a competent *person* in charge of the fire at all times and shall provide that person with sufficient equipment and water supply to prevent the fire from getting beyond control or causing damage or becoming dangerous. A fire shall be considered out of control when it spreads beyond the boundaries of the parcel of land on which it was

started, or threatens to do so, or when it endangers any *person*, Building or property.

5.4.6 At any time the Chief Administrative Officer or Fire Chief may on account of hazardous fire conditions cancel or suspend a Burning Permit or may impose further conditions and restrictions.

5.4.7 The Chief Administrative Officer or Fire Chief may suspend or cancel a Burning Permit for the failure of the permit holder to comply with a term or condition of the Burning Permit or the failure of the permit holder to comply with this Bylaw.

PART VI – PANHANDLING

6.1 Schedule “F” contains definitions of terms used in Part VI.

6.2 Restrictions on Panhandling

6.2.1 No person shall *panhandle* within 15 metres of:

- a) an entrance to a bank, credit union or trust company;
- b) an *automated teller machine*;
- c) an *after hours depository*;
- d) a *bus stop* or bus shelter;
- e) a pay telephone;
- f) a public toilet;
- g) where the City has provided for a license of occupation to a third party;
- h) the entrance to any liquor store or cold beer and wine store; or
- i) a place where a commercial passenger vehicle regularly stops to pick up or disembark passengers.

6.2.2 No person shall panhandle from a person who is:

- a) in, on, or disembarking from a commercial passenger vehicle;
- b) in the process of getting in, out of, on or off of a vehicle;
- c) occupying a motor vehicle that is parked, stopped at a *traffic control signal*, or standing temporarily for the purposes of loading and unloading.

6.2.3 No person shall panhandle in a manner that would cause a reasonable person to be concerned for his or her safety or security.

6.2.4 No person shall continue to panhandle from a person, or follow that person, after that person has made a negative response;

6.2.5 No person shall panhandle before dawn and after sunset on any given day;

- 6.2.6 No person shall sit or lie on a *street* for the purpose of panhandling;
- 6.2.7 No person shall obstruct the path of pedestrian traffic or the path of a solicited person;
- 6.2.8 No person shall panhandle by physically approaching a solicited person, as a member of a group of 2 or more persons;
- 6.2.9 No person shall panhandle in the same place, or within 30 meters of that place, more than once within a 24 hour period or for more than 60 minutes within 30 meters of the same place.

PART VII - ENFORCEMENT AND PENALTY

ENFORCEMENT

- 7.1 The provisions of this Bylaw may be enforced by any *Bylaw Enforcement Officer* or by the RCMP unless otherwise specified.
- ~~7.2 Part VI of this Bylaw may only be enforced by the RCMP. (1683)~~

PENALTY

- 7.2 Every *Person* who contravenes or violates any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, commits an offence and, upon conviction, shall be liable to a fine or penalty not less than \$100.00, and not exceeding \$10,000, and a jail term of not more than 6 months.
- 7.2.1 Where the offence is a continuing one, each day the offence continues shall be a separate offence.

REPEAT NUISANCE SERVICE CALLS

- 7.3 Where a member of the RCMP, a Bylaw Enforcement Officer, or other *City* official is required to respond to a *real property* for:
- (a) more than one *nuisance service call* within a twenty-four (24) hour period;
 - or
 - (b) more than three *nuisance service calls* within a twelve (12) month period;

the owner of the *real property* shall be liable to pay an *excessive nuisance abatement fee* in accordance with the amounts prescribed in the City of Enderby Fees and Charges Bylaw for each additional *nuisance service call* responded to at

the same *real property* within the twelve (12) month period following the date of the notice referred to in Section 7.5.

- 7.4 Despite Section ~~6.3~~ **7.3**, where legal title to a *real property* is transferred, *nuisance service calls* made before the date that the new owner obtains legal title to the *real property* shall not apply to a determination under Section 6.3 of whether *excessive nuisance abatement fees* are payable. The new owner shall, in any event, be liable for all unpaid *excessive nuisance fees* imposed against the *real property* in respect of past *nuisance service calls*. **(1682)**
- 7.5 Before imposing an *excessive nuisance abatement fee*, written notice shall first be provided to the owner of the *real property*:
- (a) describing in reasonable detail the nature of the *nuisance* conduct, activity or condition that occurred, or was maintained or permitted in, on or near the *real property*; and
 - (b) advising the owner that *excessive nuisance abatement fees* will be imposed for each additional *nuisance service call* to the same *real property* and that the imposition of such fees is in addition to the *City's* right to seek other legal remedies or actions for abatement of the *nuisance*.
- 7.6 Service of the notice referred to in Section ~~6.5~~ **7.5** will be sufficient if the notice: **(1682)**
- (a) in the case of service on an individual, is served personally or mailed by prepaid registered mail to the address of the owner shown on the current year's *real property* assessment roll for the *real property* for which the notice is issued;
 - (b) in the case of service on a corporation, is served personally on a director, officer or manager of the corporation or by leaving it at or mailing it by prepaid registered mail to the registered office of the corporation.
- 7.7 *Excessive nuisance abatement fees* shall be paid by the owner on receipt of an invoice from the *City*. If the amount of each invoice is not paid in full before the 31st day of December in the year received, the amount shall be added to and form part of the taxes on the *real property*, as taxes in arrears.
- ~~7.8 An owner may, within 30 days of receipt of an invoice demanding payment of excessive nuisance abatement fees, request that Council reconsider the requirement to pay the excessive nuisance abatement fees, at which time the owner of the real property shall have an opportunity to be heard by Council. (1648)~~

PART VIII – COUNCIL RECONSIDERATION

8.1 A person may request that Council reconsider:

- a) the issuance or terms of a Compliance Order; (1648)**
- b) the placement on an Enhanced Compliance Schedule for a 12 month period; or (1648)**
- c) a demand for payment of Excessive Nuisance Abatement Fees; (1648)**

By submitting a written request for reconsideration to the City's Corporate Officer in accordance with Section 8.2 of this bylaw. (1648)

8.2 All Requests for reconsideration must:

- a) be submitted in writing to the Corporate Officer within:**
 - i. ten (10) days of the Compliance Order being served in accordance with Sections 4.10, 4.11;**
 - ii. three (3) days of the Compliance Order being served in accordance with Sections 4.10, 4.11, and 4.17 (a) of this bylaw (Enhanced Compliance Schedule);**
 - iii. thirty (30) days of receiving written notice confirming that a property has been placed on an Enhanced Compliance Schedule for a 12 month period; or**
 - iv. ten (10) days of the demand for payment of Abatement Fees or the demand for payment of Excessive Nuisance Abatement Fees is issued by the City; (1648)**
- b) include a description of the grounds upon which the request for Council reconsideration is made. (1648)**

8.3 Upon receipt of a request for reconsideration, the Corporate Officer shall schedule the time, date, and place for Council to hear the matter. (1648)

8.4 Upon reconsidering this matter, Council may confirm, set aside, or alter the order, placement, or demand, as it may deem appropriate. (1648)

PART VIII IX – REPEAL (1648)

8.4 9.1 The following Bylaw of the City and their amendments are repealed: (1648)

(a) "City of Enderby Good Neighbour Bylaw No. 1478, 2010"

READ a FIRST TIME this 18th day of February, 2013.

READ a SECOND TIME this 18th day of February, 2013.

READ a THIRD TIME this 18th day of February, 2013.

RECONSIDERED and ADOPTED this 4th day of March, 2013.

Mayor

Deputy Chief Administrative Officer

SCHEDULE "A"

In this Bylaw:

"Bylaw Enforcement Officer" means the persons duly appointed by Council as such, and shall include any peace officer, the Chief Administrative Officer and the Director of Engineering and Public Works;

"City" means the City of Enderby or the area within the municipal boundaries as the context may require;

"Compliance Order" means an order issued pursuant to Section 4.10 of this bylaw; (1648)

"Council" means the Council of the City of Enderby;

"Excessive Nuisance Abatement Fees" include, but are not limited to the following costs and expenses incurred while responding to a nuisance service call for the purpose of abating nuisance conduct, activity or condition:

- (1) the cost of police and City staff salaries, including all fringe benefits;
- (2) the cost of using police, fire and City equipment and vehicles;
- (3) the administration costs incurred by the City in responding to a nuisance service call and abating a nuisance; and
- (4) the cost of repairs to damaged City equipment, vehicles or property.

"highway or other public place" includes every street, road, land, boulevard, sidewalk, lane, bridge, viaduct and any other way open to public use and any park, building, conveyance, private place or passageway to which the public has, or is permitted to have access or is invited;

"Noxious weed" means any weed designated by regulation to be a noxious weed pursuant to the British Columbia *Weed Control Act*,

"nuisance" means anything that annoys or gives trouble, or that which is offensive, irritating or a pest to anyone residing within the City;

"nuisance service call" means a City or police response to and abatement of any nuisance or other activity, conduct or condition occurring on or near real property which substantially and unreasonably interferes with another person's use and enjoyment of a

public place or of real property occupied by that person, or which causes injury to the health, comfort or convenience of an occupier of real property and which is caused by or arises from a person's failure to comply with the requirements of this Bylaw;

"peace officer" has the same meaning as in the British Columbia *Interpretation Act* and includes a bylaw enforcement officer;

"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;

"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, and includes, as the context requires, individual premises located on the real property;

"traffic control signal" means a traffic control signal as defined in the British Columbia *Motor Vehicle Act*.

SCHEDULE "B"

In Part III of this Bylaw:

"street" means any highway, roadway, sidewalk, boulevard, place or right of way which the public is ordinarily entitled or may be 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 *Motor Vehicle Act*, R.S.B.C., 1996 c. 318, as amended, from time to time;

"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.

SCHEDULE "C"

In Part III of this Bylaw:

"mobile public address system" means a public address system that can be used or is used while mounted on a motor vehicle, trailer or such other device transported or moved by human power;

"public address system" means a sound amplification system, either by megaphone or electronically, used outdoors to disseminate the spoken word and/or music to the public in general, and includes outdoor sound amplification systems used for purposes of a performance, concert, exhibition or entertainment, but does not include systems used for internal communications in schools and businesses.

SCHEDULE "D"

In Part IV of this Bylaw:

"accumulation" means a build up, growth or collection, either scattered, amassed or piled, existing at the time of inspection;

"boulevard" means that portion of highway between the curb lines or the lateral boundary lines of a road way and the adjoining property or between the curbs on median strips or islands, but does not include curbs, sidewalks, ditches or driveways;

"lane" means a public thoroughfare or way which affords only a secondary means of access to a lot at the side or rear;

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

~~"derelict vehicle" means any vehicle or part thereof, propelled otherwise than by muscle power which:~~

- ~~(a) — is physically wrecked or disabled;~~
- ~~(b) — is not capable of operating under its own power; and~~
- ~~(c) — does not have attached number plates for the current year pursuant to the regulations of the *Motor Vehicle Act* of the Province of British Columbia~~

"derelict vehicle" means any vehicle or part thereof, typically propelled otherwise than by muscle power which:

- (a) is physically wrecked or disabled;**
- (b) is not capable of operating under its own power; or**
- (c) does not have attached number plates for the current year pursuant to the regulations of the *Motor Vehicle Act* of the Province of British Columbia (1648)**

"filth" means foul or putrid matter;

"grass" shall include plants that are commonly known or referred to as grass;

"offensive matter" means physical objects which are objectionable to the public;

"rubbish", in addition to its common dictionary meaning, shall include decaying or non-decaying solid and semi-solid wastes, including, but not limited to, both combustible and non-combustible wastes, such as paper, trash, refuse, cardboard, waste material, cans,

glass, bedding, mattresses, crates, rags, barrels, boxes, lumber not neatly piled, scrap iron, tin and other metal, scrap paving material, construction and demolition waste, derelict vehicles and other vessels, tires, machinery, mechanical or metal parts, discarded or dilapidated appliances, discarded or dilapidated furniture, ashes from fireplaces and on-site incinerators, yard clippings and brush, wood, dry vegetation, dirt, weeds, dead trees and branches, stumps, and piles of earth mixed with any of the above;

“street” means any highway, roadway, sidewalk, boulevard, place or right of way which the public is ordinarily entitled or may be permitted to use for the passage of vehicles or pedestrians and includes a structure located in any of those areas;

"unsightly", in addition to its common dictionary meaning and regardless of the condition of other properties in the neighbourhood, shall include property having any one or more of the following characteristics:

- (i) the storage, location or accumulation visible to a person standing on a public highway or on nearby property, or in a building or structure situate on a public highway or nearby property, of filth, rubbish, graffiti or any other discarded materials;
- (ii) the untidy storage, location or placement of building materials on a site where construction is not taking place, except where they cannot be seen from a public highway or from nearby property, or from a building or structure situate on a public highway or nearby property;
- (iii) landscaping or vegetation that is dead or characterized by uncontrolled growth or lack of maintenance, or is damaged;
- (iv) any other similar conditions of disrepair, dilapidation, or deterioration.

“unwholesome matter” means physical objects which are detrimental to the physical or mental well being of persons.

“weed” means and shall include brush, trees, noxious weeds and other growth that is allowed to come to a state of causing, or about to cause, a nuisance and any vegetation that may by its root system, limbs, shoots or leaves intrude into a lane in a manner that may impact travel, construction, maintenance levels, longevity or aesthetics of the said lane.

SCHEDULE “E”

In Part V of this Bylaw:

“Campfire” – means a contained outdoor fire, not exceeding one meter (3ft) in diameter and one meter (3ft) in height;

“Extinguished” shall mean no visible flame, sparks, glowing embers or smoke;

“Inspector” means a Bylaw Enforcement Officer, Peace Officer, Fire Chief or his designate;

“Outdoor Fireplace” means a secured container, which is commercially manufactured, certified by the Canadian Standards or a similar entity, and designed with a chamber to hold an outdoor fire, used for heat, light, or cooking purposes;

“Person” shall mean natural persons of either sex, associations, corporations, or co-partnerships, whether acting by themselves or by a servant, agent, or employee, and the heirs, executors, administrators, or assigns or other legal representatives of such persons to whom the context shall apply according to law;

“Smoke” means the gases, particulate matter and all other products of combustion emitted in the atmosphere when a substance or material is burned, including without limitation smoke, dust, gas, sparks, ash, soot, cinders and fumes.

SCHEDULE “F”

In Part VI of this Bylaw:

“after hours depository” means a device outside of a financial institution intended to facilitate deposits after banking hours;

“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;

“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;

“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 where and when approved by the City;

“street” means any highway, roadway, sidewalk, boulevard, place or right of way which the public is ordinarily entitled or may be 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 Motor Vehicle Act, R.S.B.C., 1996 c. 318, as amended, from time to time;

“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.

SCHEDULE "G"
Attached hereto and forming
Part of Bylaw No. 1478, 2010

~~The Corporation of the City of Enderby~~
619 Cliff Ave. — PO Box 400
Enderby, B. C. V0E 1V0
Ph: 250-838-7230 — Fax: 250-838-6007

SPECIAL BURNING PERMIT

Date: _____

~~PERMISSION IS HEREBY GRANTED TO:~~

Applicant: _____

Address: _____

Phone: _____

Person in charge at the burn: _____

Phone: _____

Urban Interface Clearing _____ Land Clearing

Agricultural Pruning _____ Removal of a Fire Hazard

Special Public Events

Special Instruction and Conditions of burning – see reverse

Signature of Applicant

The Permit Expires: _____ Per: _____

Chief Administrative Officer

Fire Chief or Designate

SPECIAL INSTRUCTIONS AND CONDITIONS OF BURNING

1. ~~Only well dried and cured products are to be burned. No burning of trade waste, tires, animal carcasses, oil tar, asphalt shingles, battery boxes, plastic materials, or other similar material which may produce heavy black smoke. Burning is to be conducted in a manner that will minimize smoke production and nuisances to neighbours.~~
2. ~~Every holder of a burning permit shall place a competent person in charge of the fire at all times and shall provide that person with sufficient equipment and water supply to prevent the fire from getting beyond control or causing damage or becoming dangerous. A fire shall be considered out of control when it spreads beyond the boundaries of the parcel of land on which it was started, or threatens to do so, or when it endangers any person, Building or property.~~
3. ~~No fire shall be started if wind and weather are such that to do so is likely hazardous or when banned under provincial legislation.~~
4. ~~No fire shall be started unless the ventilation index as provided by Environment Canada for the Okanagan Valley is 55 or better. To obtain the current ventilation index, visit:~~
<http://www.env.gov.bc.ca/epd/epdpa/venting/venting.html>.
5. ~~Fires must be completely extinguished by dusk unless approved by the Chief Administrative Officer or Fire Chief.~~
6. ~~The Chief Administrative Officer and/or the Fire Chief may cancel or suspend this Burning Permit for failure of the permit holder to comply with these terms and~~

conditions and the City of Enderby bylaws or if hazardous conditions are deemed to exist.

Other Special Conditions:
