



THE CORPORATION OF THE CITY OF NORTH VANCOUVER

## **“Nuisance Abatement Bylaw, 1986, No. 5659”**

**CONSOLIDATED FOR CONVENIENCE – NOVEMBER 2, 2009**

Amendment Bylaw, 1992, No. 6311	Feeding of Birds
Amendment Bylaw, 1992, No. 6348	Fine Adjustment
Amendment Bylaw, 2004, No. 7579	Construction Lighting
Amendment Bylaw, 2009, No. 8028	Bylaw Notice Process

# THE CORPORATION OF THE CITY OF NORTH VANCOUVER

## BYLAW NO. 5659

### **A Bylaw in the exercise of, but not limited to, the City's various powers pursuant to Section 932 of the *Municipal Act*, R.S.B.C. 1979, Chapter 290 and amendments thereto.**

The Council of The Corporation of the City of North Vancouver, in open meeting assembled, hereby enacts as follows:

1. Citation

This Bylaw may be cited for all purposes as “**City of North Vancouver Nuisance Abatement Bylaw, 1986, No. 5659**”.

2. Definitions

In this Bylaw unless the context otherwise requires:

"Bylaw Enforcement Officer" means the person or persons appointed to the position having that name by the Council of the Municipality and includes a Building Inspector of the Municipality;

"City" means the geographic area of land within the boundaries of the City of North Vancouver;

"motor vehicle" means a vehicle, not run on rails, that is designed to be self propelled or propelled by electric power obtained from overhead trolley wires;

"Municipality" means The Corporation of the City of North Vancouver;

"nuisance construction lighting" without limiting this description, means lighting relating to a construction site associated with a building permit, which casts intrusive light onto an adjacent property or properties during times outside those during which construction is permitted; *[Bylaw 7579, February 9, 2004]*

"person" includes a corporation, partnership 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 lands as to make them in fact and law a part of it;

"rubbish" includes, without limiting the generality of the word, any derelict or partially dismantled motor vehicle or parts thereof;

"Treasurer" means the person appointed to the position having that name by the Council of the Municipality.

### 3. Prohibitions

No person:

- (a) shall cause or permit water, rubbish or noxious or unwholesome matter to collect or accumulate around their premises;
- (b) shall deposit or throw bottles, broken glass or other rubbish in any open place;
- (c) being the owner or occupier of real property shall allow such property to become or to remain untidy or unsightly;
- (d) being the owner or occupier of buildings shall cause or permit pigeons or other birds to perch, roost or nest on them and shall not feed pigeons or other birds on the property. *[Bylaw 6311, July 27, 1992]*
- (e) being the owner, occupier, company or construction company, or sub-contractor, shall allow nuisance construction lighting to be used at a construction site unless it is associated with work specifically authorized by the City of North Vancouver or is work of an emergency nature which is done to preserve the life or health of people, or to protect property.

*[Bylaw 7579, February 9, 2004]*

### 4. Requirements

Every person:

- (a) who is the owner or occupier of real property shall remove from it any accumulation of filth, discarded materials or rubbish of any kind;
- (b) who is a manufacturer or processor shall dispose of waste containing metal and other waste from their plants not otherwise collected by or on behalf of the Municipality by its garbage collection services;
- (c) who is the owner or occupier of real property shall prevent the infestation of it by caterpillars;
- (d) who is the owner or occupier of real property shall clear such property of brush, and of grass in excess of 30 centimetres in length.

### 5. Enforcement

The Bylaw Enforcement Officer is hereby empowered to administer and enforce this Bylaw.

### 6. Order to Comply

- (a) Where a person has failed to perform the obligations pursuant to the provisions of this Bylaw, the Bylaw Enforcement Officer may, in accordance with this section, issue to such person an Order to Comply with the requirements of this Bylaw in respect of which that person is in default.

- (b) An Order to Comply shall be given in Form 1 attached to this Bylaw and forming a part hereof.
- (c) An Order to Comply shall be sufficiently issued when the Bylaw Enforcement Officer:
  - (i) ascertains the registered owner in fee simple of the real property and his address from the last authenticated real property assessment roll in the possession of the Municipality and mailing a copy of the Order to Comply to such person at such address by prepaid registered or certified mail; and
  - (ii) delivers a copy of the Order to Comply to an occupier of the real property, to a mailbox or other receptacle for the receipt of mail or messages, if any, on the real property, or by posting a copy of it on the real property.
- (d) Upon receipt of an Order to Comply, a person may appeal its issuance to the Council of the Municipality who shall hear and determine the appeal and either confirm, amend or rescind the Order to Comply. Any such appeal shall be brought within 15 days of the date of the issuance of the Order to Comply by giving notice in writing to the City Clerk of the Municipality.
- (e) Any time period set out in the Order to Comply shall be deemed to commence immediately upon the completion of the last of the steps required to be completed under Section 6(c) of this Bylaw save in the case of an appeal under Section 6 (d), in which case the time period shall be deemed to commence immediately upon the issuance of Council's decision on the appeal.

## 7. Default

If the obligations imposed by the terms of an Order to Comply in respect of a default under subsections 4(a) and 4(c) of this Bylaw are not performed within the time period therein set out, the Municipality by its employees and others may enter the real property and perform the obligations at the expense of the owners and occupiers of the real property and the charges for so doing if unpaid on December 31 of the year in which the work was performed, shall be added to and form part of the taxes payable on that real property as taxes in arrears.

## 8. Costs

- (a) The designated Bylaw Enforcement Officer shall certify to the Treasurer all costs incurred by the municipality in performing or causing to be performed any obligations under Section 6 of this Bylaw.
- (b) Upon receipt from the Bylaw Enforcement Officer of a certified record of the total costs incurred in any specific matter, the Treasurer shall demand payment thereof by issuing an invoice therefor in the same manner as for an Order to Comply issued under Section 5 of this Bylaw.

9. Offences, Penalties and Enforcement

Every person who violates a provision of this Bylaw, or consents, allows or permits an act or thing to be done in violation of a provision of this Bylaw, or who neglects to or refrains from doing anything required to be done by a provision of this Bylaw, is guilty of an offence and is liable to the penalties imposed under this Bylaw or any other applicable Bylaw of the City, and is guilty of a separate offence each day that a violation continues to exist.

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

Pursuant to Section 264 of the *Community Charter*, S.B.C. 2003 Chapter 26, any person designated as a Bylaw Enforcement Officer pursuant to the "Bylaw Notice Enforcement Bylaw, 2005, No. 7675" or is named as the enforcement officer pursuant to the "Ticket Information Utilization Bylaw, 1992, No. 6300" is hereby authorized and empowered to enforce the provisions of this Bylaw by Bylaw Notice or Municipal Ticket Information or as otherwise provided by this or any other Bylaw.

The provisions of this Bylaw are severable. If, for any reason, any provision is held to be invalid by the decision of a court of competent jurisdiction, such a decision shall not affect the validity of the remaining provisions of this Bylaw.

*[Bylaw 8028, November 2, 2009]*

10. Repeal

Bylaw No. 4102, as amended, is hereby repealed.

READ a first time by the Council on the 7<sup>th</sup> day of April, 1986.

READ a second time by the Council on the 14<sup>th</sup> day of April, 1986.

READ a third time and passed by the Council on the 14<sup>th</sup> day of April, 1986.

RECONSIDERED and finally adopted by the Council, signed by the Mayor and City Clerk, and sealed with the Corporate Seal on the 21<sup>st</sup> day of April, 1986.

"Mayor John E. Loucks, Mayor"

"Bruce A. Hawkshaw, City Clerk"

THE CORPORATION OF THE CITY OF NORTH VANCOUVER  
NUISANCE ABATEMENT BYLAW NO. 5659  
ORDER TO COMPLY

TO:

RE: Property at:  
Legal Description:

Complaints have been received regarding:

Investigation discloses the following:

The above constitutes an offence under the Nuisance Abatement Bylaw No.5659  
Section\_\_\_\_\_.

You are hereby ordered to:

Failure to comply may result in:

- (a) The Municipality proceeding in accordance with the default provisions of Section 7 of the said Bylaw.

and/or

- (b) The Municipality proceeding in accordance with Section 9 of the said Bylaw, the offence section.

Questions regarding this order may be directed to:

Yours truly,

\_\_\_\_\_  
Bylaw Enforcement Officer

6. Order to Comply

- (d) Upon receipt of an Order to Comply, a person may appeal its issuance to the Council of the Municipality who shall hear and determine the appeal and either confirm, amend or rescind the Order to Comply. Any such appeal shall be brought within 15 days of the date of the issuance of the Order to Comply by giving notice in writing to the City Clerk of the Municipality.
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8. Offence and Penalties

- (a) Every person who:
  - (i) violates any of the provisions of this Bylaw,
  - (ii) causes or suffers or permits any act or thing to be done in contravention of or in violation of any of the provisions of this Bylaw,
  - (iii) neglects or refrains from doing anything required to be done by any of the provisions of this Bylaw,
  - (iv) fails to comply with an order, direction or notice given under this Bylaw,shall be deemed to be guilty upon summary conviction of an infraction of this Bylaw and shall be liable to the penalties hereby imposed. Each day that an infraction is permitted to exist shall constitute a separate offence.
- (b) Any person who is guilty of an infraction of this Bylaw is liable to a fine and penalty of not less than \$500 nor more than \$2,000 and to the cost of prosecution.
- (c) Without in any way derogating from the other provisions of the *Offence Act* (British Columbia) where a defendant is convicted of an offence, the justice may exercise all of the powers set out in section 79 of the *Offence Act*, R.S.B.C. 1979, c. 305. Form 1/Rev.