



DISTRICT OF HOPE

GOOD NEIGHBOUR BYLAW

NO. 1240, 2008

(CONSOLIDATED TO NOVEMBER, 2009)

All persons making use of this consolidation are advised that it has no legislative sanction; that the amendments have been embodied for convenience of reference only, and that the original bylaw and all amending bylaws must be consulted for all purposes of interpreting and applying the law.

Any parts of the original bylaw or original bylaw as amended and schedules which have been repealed have not been included in this consolidation.

SCHEDULE OF AMENDMENTS

Amending Bylaws are identified by a Bylaw Number in the left hand margin and text style. For the exact amendment wording, refer to the amending bylaw.

BYLAW	ADOPTED	AMENDMENT
1289	November, 2009	Part V- Noise Regulation (Sec. 5.5)



DISTRICT OF HOPE

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THE DISTRICT OF HOPE

BYLAW NO. 1240

A bylaw to enhance the quality of life for the citizens of the District of Hope

WHEREAS, the Council for the District of Hope desires to enhance the quality of life for its citizens, and endeavors to promote civic responsibility, and further, strives to encourage good relationships between neighbours.

The Council of the District of Hope, in open meeting assembled, ENACTS AS FOLLOWS:

PART I – INTERPRETATION

- 1.1 This Bylaw may be cited as “Good Neighbour Bylaw Number 1240, 2008”.
- 1.2 Words or phrases defined in the *British Columbia Interpretation Act, Motor Vehicle Act, Local Government Act, Community Charter*, or any successor legislation, shall have the same meaning when used in this Bylaw unless otherwise defined in this Bylaw.
- 1.3 Schedules “A” – “F” contain definitions of terms used in this Bylaw.
- 1.4 In this Bylaw, unless the context otherwise requires, the singular shall include the plural and the masculine includes the feminine gender.
- 1.5 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.
- 1.6 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 his 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 – LITTERING

3.1 Schedule “B” contains definitions used in Part III of this Bylaw.

Dog Faeces

3.2 No owner, except those certified as being legally blind, shall cause, allow or suffer any dog to leave or deposit faeces on any highway or other public place or private property other than the property of the owner, without immediately taking action to remove such faeces and to dispose of the faeces in an approved and sanitary manner on the property of the owner.

Litter

3.3 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.

3.4 No Person shall deposit or throw bottles, broken glass, circulars, pamphlets, handbills, paper or other litter, rubbish or trash in any open place.

PART IV - STREET NUISANCES

Restrictions on Panhandling

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

4.2 No person shall panhandle within 10 metres 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;
- (e) the entrance to any liquor store; or
- (f) other public facility

4.3 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.
- 4.4 No person shall panhandle after sunset on any given day.
- 4.5 No person shall sit or lie on a street for the purpose of panhandling.
- 4.6 No person shall continue to panhandle from a person, or follow a person, after that person has made a negative response.

Use of Highway

- 4.7 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 proved 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) camp or erect a tent or other camping facilities on a highway or other public place;
 - (e) sleep in any vehicle located on a highway or other public place;
 - (f) carry on any obscene, lewd or indecent activity, or use indecent, or grossly insulting language on a highway or other public place;
 - (g) participate in a fight or other similar physical confrontation in any highway or other public place;

PART V - NOISE REGULATION

Noise Restrictions

- 5.1 Schedule “D” contains definitions of terms used in Part V of this Bylaw.

Exemptions

- 5.2 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, water main and sewer main break repairs and civil defense 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 therefrom 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;
- (g) events held under the authority of a Special Event Permit issued by the District; or
- (h) the ringing of church bells.

Special Exemptions

5.3 (a) **Construction Permits:**

Where the District's Building Inspector considers that it is impossible or impractical for a person to comply with Section 5.6 (e) and (f), the Building Inspector may, upon 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 Building Inspector considers reasonable in the circumstances;

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

No person may operate a mobile public address system without first obtaining a permit under this Bylaw and complying with the following terms and conditions:

- (i) upon application in writing, a permit may be granted by the Director, for a mobile public address system, provided such system is used and operated, as follows:

- (a) the system may only be used between the hours of 9:00 a.m. and 6:00 p.m.;
 - (b) the system must not be operated while the motor vehicle, trailer or other device containing the system is parked on a highway; and
 - (c) 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 District's Zoning Bylaw;
 - (d) the system must not be operated so as to cause a nuisance or other disturbance to any person.
- (ii) a permit shall be for a stated period of days; and
 - (iii) a permit fee of \$100.00 per day shall be payable .

The Director may cancel a licence for a mobile public address system if the licence holder fails to comply with the requirements and restrictions on use of the system established in this Bylaw, or otherwise causes a nuisance.

5.4 **General Prohibitions:**

- (a) No person shall make or cause, or permit to be made or caused, any noise in or on any private property or place or on a highway or other public place in the District 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 therefrom, 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.

5.5 **Motor Vehicle Noise**

- (a) The following Noises are, in the opinion of the Council of the District of Hope, unnecessary, objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public:
 - (i) the squeal of a tire on a road surface made by a motor vehicle which is accelerating, stopping, or changing direction;
 - (ii) a loud, roaring or explosive sound emitted by a motor vehicle;
 - (iii) the amplified sound of a radio, CD-player, or other sound playback device or amplification equipment, or the sound of a musical

instrument, that emanates from a motor vehicle and can be easily heard by someone outside the motor vehicle;

- (iv) the sound of an automobile security system which is made, either continuously or intermittently, for a period exceeding three (3) minutes, or made more than three (3) times in a 24-hour period;
- (v) 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;
- (vi) 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.
- (vii) (A/M #1289) the sound of a motor or engine of a bus, truck, or other vehicle which has been idling or otherwise run continuously for more than three minutes at the same location, except:
 - (a) a bus that is located within a garage or depot intended for its long-term parking;
 - (b) a vehicle containing equipment that must be operated inside or in association with a vehicle; or
 - (c) a vehicle serving as a facility for taking measurements or making observations by or on behalf of the municipality, public utility, police, fire, or ambulance.

5.6 **Specific Prohibitions:**

Without limiting the generality of Section 5.4 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 5.2 (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) No person may operate, or cause, suffer or permit the operation of, any motorized lawn-grooming or garden equipment in the District between the hours of 9:00 p.m. and 7:00 a.m.;
- (e) Subject to subsection 5.3(a), no person in the District shall, on any day before 7:00 a.m. or after 9:00 p.m., 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 a highway or elsewhere in the District which disturbs or tends to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity;
- (f) Subject to subsection 5.3(a), no owner of real property shall, on any day before 7:00 a.m. or after 9:00 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 District which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity;
- (g) 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 VI - PROPERTY MAINTENANCE

6.1 Schedule “E” contains definitions of terms used in Part VI of this Bylaw

Exemptions

- 6.2 (a) Part VI 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 VI of this Bylaw does not apply to the orderly outdoor storage of goods and chattels when permitted by the District of Hope’s current Zoning Bylaw, and amendments thereto.

Regulations

6.3 Except as permitted under section 6.2 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;
- (e) the infestation of caterpillars or other insects, mice, rats, or other pests, or destructive animals to occur on the real property;
- (f) in respect to real property for which a Building Permit has been issued by the District, demolition waste, construction waste or trade waste to accumulate on the real property
- (g) an accumulation of motor vehicle parts or all or part of any vehicle which is not:
 - (i) registered and licenced in accordance with the *Motor Vehicle Act*; or
 - (ii) capable of movement under its own power.

6.4 **Rental Property**

Every owner of real property subject to a tenancy agreement shall:

- (a) maintain the physical condition and structural repair of the real property to the health, life, safety, and fire protection standards of the British Columbia Building Code, District of Hopes Fire Department Establishment and Fire Safety Regulation Bylaw No. 1006, 1998, and the District of Hope Building Maintenance and Occupancy Standards Bylaw No. 1184, 2005; and
- (b) maintain the general appearance and repair of the real property to the standards of other similar properties in the neighbourhood.

6.5 **Vacant Premises**

No owner of real property shall cause or create a nuisance, or permit a nuisance to be caused or created by allowing a vacant building on real property to fall into such a state of disrepair that it becomes unsightly or creates a hazard, danger, nuisance or inconvenience to the general public.

Graffiti

- 6.6 No person shall place graffiti, or cause graffiti to be placed, on any wall, fence or other structure, improvement or thing located on any highway or other public place.
- 6.7 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.

Boulevard and Laneway Maintenance

Regulations

- 6.8 Every owner or occupier of real property adjacent to a boulevard or lane shall:
- (a) ensure that the portion of the boulevard or lane adjacent to the real property, up to the centerline of the lane, is kept free and clear, at all times, of weeds, accumulations of filth, rubbish, discarded materials, and hazardous objects.
 - (b) ensure that the real property is kept free and clear, at all times, of weeds that are within one meter from the boundary 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.
 - (c) ensure that the real property is kept free and clear, at all times accumulations of filth, rubbish, discarded materials, and hazardous objects that are within one meter from the boundary between the real property and the adjacent boulevard or lane.
 - (d) keep landscaping trimmed so that driveway and intersection sight distances are unobstructed and to prevent landscaping from encroaching over paved roadways, graveled shoulders, or sidewalks.
- 6.9 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.
- 6.10 Every owner or occupier of real property adjacent to a boulevard or lane shall remove, or cause the removal of, any materials which obstruct, or may obstruct, a drainage facility.

Compliance Orders

- 6.11 If, in the opinion of the Director, the owner of real property or other responsible person fails to comply with a requirement of this Bylaw, the Director 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 Director considers appropriate in the circumstances.

- 6.12 If the owner of real property or other responsible person fails to comply with the Director's compliance order within the time period specified in such notice, the District, 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 District to achieve compliance with this Bylaw including, without limitation, administrative costs, costs to attend property by District employees or its contractors and the costs of removal, clean up and disposal.
- 6.13 If an owner of real property or other responsible person defaults in paying the cost referred to in Section 6.12 to the District within 30 days after receipt of a demand for payment from the District, the District may either recover from the owner or other responsible person, in any court of competent jurisdiction, the cost as a debt due to the District, 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.
- 6.14 Service of a compliance order referred to in Section 6.11 will be sufficient if a copy of the order is:
- (a) 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; and
 - (b) either posted on the real property or delivered to the occupier of the real property.

PART VII - ENFORCEMENT AND PENALTY

Enforcement

- 7.1 The provisions of this Bylaw may be enforced by any Director or Bylaw Enforcement Officer.

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 exceeding \$10,000 and, 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 R.C.M.P., a Bylaw Enforcement Officer, or other District 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 Schedule “F” of this 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 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 7.3 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.

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 District’s right to seek other legal remedies or actions for abatement of the nuisance.

7.6 Service of the notice referred to in Section 7.5 will be sufficient if the notice:

- (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 District. If the amount of each invoice is not paid in full before the 31st day

of December in the year received, on written notice to the owner, 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, require that Council reconsider the requirement to pay, or the amount of, the excessive nuisance abatement fees, at which time the owner of the real property shall have an opportunity to be heard by Council.

PART VIII – REPEAL

- 8.1 The following Bylaws of the District and their amendments are repealed:

“Property Maintenance Bylaw, 2003, No. 1111”
“District of Hope Noise Regulation Bylaw, 1995, No. 30/95”
“District of Hope Noise Regulation Amendment Bylaw 1095, 2002”
“Unsightly Premises and Unwholesome Matter 1056, 2000”

Read a first time this 12th day of May, 2008.
Read a second time this 12th day of May, 2008.
Read a third time this 9th day of June, 2008.
Adopted this 23rd day of June, 2008.

Original Signed By
Wilfred Victor

Mayor

Original Signed By
Karla Lanktree

Corporate Officer

SCHEDULE “A”

attached to and forming
part of Bylaw No. 1240

In this Bylaw, unless the context otherwise requires:

“Bylaw Enforcement Officer” means the persons duly appointed by Council as such, and shall include any peace officer;

“Director” means the Chief Administrative Officer, Director of Corporate Services, Director of Community Services, Director of Operations, and their designates;

“District” means the District of Hope or the area within the municipal boundaries as the context may require;

“Council” means the Council of the District of Hope;

“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 District staff salaries, including all fringe benefits;
- (2) the cost of using police, fire and District equipment and vehicles;
- (3) the administration costs incurred by the District in responding to a nuisance service call and abating a nuisance; and
- (4) the cost of repairs to damaged District 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, irritates, disturbs or interferes with a person’s use or enjoyment of private or public property or is offensive to the senses or causes injury to health, comfort or convenience of any person;

“nuisance service call” means a District 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

SCHEDULE “A”

attached to and forming
part of Bylaw No. 1240

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”
attached to and forming
part of Bylaw No. 1240

In Part III of this Bylaw, unless the context otherwise requires:

“Dog” means any animal of the canine species;

“Faeces” means excrement of a Dog;

“Owner” includes any Person who owns, has in their custody or control, or harbours any Dog, or is an occupant of a premise of where a Dog is kept.

SCHEDULE “C”

attached to and forming
part of Bylaw No. 1240

In Part IV of this Bylaw, unless the context otherwise requires:

“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 approved by the District;

“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;

”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 “D”

attached to and forming
part of Bylaw No. 1240

In Part V of this Bylaw, unless the context otherwise requires:

"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.

“special events permit” means any public show, exhibition, carnival or performance or gathering of any particular kind, having an attendance of over 1,000 people, or any public show, exhibition, carnival or performance that the Council expect will have an attendance of over 1,000 people

SCHEDULE "E"

attached to and forming
part of Bylaw No. 1240

In Part VI of this Bylaw, unless the context otherwise requires:

"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; and

"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

"filth" means foul or putrid matter.

"graffiti" includes one or more letters, symbols, writing, pictures or marks, however made, posted scratched, 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 a Director, bylaw or provincial or federal legislation; or
- (b) in the case of private property, letter, symbol or mark for which the owner of the property on which the letter or symbol or mark appears has given prior, written authorization;

"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

SCHEDULE “E”

attached to and forming
part of Bylaw No. 1240

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;

“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;

“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 esthetics of the said lane.

“vehicle” means a device in, on or by which a person or thing is or may be transported or drawn on a highway, but does not include a device designed to be moved by human power, a device used exclusively on stationary rails or tracks or a motor assisted cycle.

SCHEDULE “F”
attached to and forming
part of Bylaw No. 1240

EXCESSIVE NUISANCE ABATEMENT FEES

1. RCMP Nuisance Service
Call.....\$100.00 per call
2. District of Hope Fire Services Nuisance Service
Call.....\$100.00 per call
3. Other District of Hope Staff Nuisance Service
Call.....\$100.00 per call