

TOWN OF COMOX

BYLAW NO. 1652

The Council of the Town of Comox, in open meeting assembled, enacts as follows:

PART ONE: INTERPRETATION

Title

1. This bylaw may be cited as the “Comox Public Nuisance and Property Maintenance Bylaw, 2010”.

Definitions

2. In this bylaw:
 - (a) “Town” means the Town of Comox;
 - (b) “Council” means the Council of the Town;
 - (c) “Order” means an order issued pursuant to section 19 of this bylaw.

PART TWO: MAINTENANCE OF PROPERTY

Property Prohibitions

3. No owner or occupier of real property shall cause, permit or allow:
 - (a) refuse, garbage, or other noxious, offensive, or unwholesome material to accumulate on such real property or in any buildings or structures located on such real property;
 - (b) water to accumulate on such real property or in any buildings or structures located on such real property;
 - (c) unsanitary conditions to exist on such real property or in any buildings or structures located on such real property;

- (d) any trees or other growths that create a safety hazard to remain on such real property;
- (e) graffiti to be placed or remain on any buildings or structures located on such real property;
- (f) unsightly conditions to exist on such real property or in any buildings or structures located on such real property.

Removal Required

- 4. Every owner or occupier of real property shall forthwith remove, or cause to be removed, from such real property and from any buildings or structures located on such real property:
 - (a) all accumulations of refuse, garbage, or other noxious, offensive, or unwholesome material;
 - (b) all accumulations of water;
 - (c) all unsanitary conditions;
 - (d) all trees or other growths that create a safety hazard;
 - (e) all graffiti;
 - (f) all unsightly conditions.

Sidewalk and Boulevard Maintenance

- 5. Every owner or occupier of real property shall maintain any sidewalk or boulevard abutting the property in a safe and tidy condition including, without limitation, by:
 - (a) removing any ashes, mud, dirt, filth or refuse;
 - (b) mowing any grass;
 - (c) trimming any landscaping to ensure that:
 - (i) driveway and intersection vision clearances are unobstructed;

- (ii) no landscaping is overhanging onto a sidewalk or boulevard abutting the property; and
- (iii) no landscaping is encroaching onto a sidewalk or boulevard abutting the property.

Littering

- 6. No person shall deposit or throw bottles, broken glass, or other rubbish on any highway, public place, or private property in the Town.

Graffiti on Property

- 7. No person shall place graffiti on a building, structure, or elsewhere, on any highway, public place, or private property in the Town.

Placement of Building Numbering

- 8. Every owner or occupier of a building shall place numbers assigned to the building, by the Town, in a place on or near the property on which the building is located, which place is visible from the highway on which the building fronts.

Fences

- 9. Every owner or occupier of real property abutting on a highway shall maintain in good repair any fences located on the real property that abut on a highway.

PART THREE: NUISANCE

General Prohibitions

- 10. No person shall do any act, or cause or permit any act to be done, which constitutes a nuisance at law.
- 11. No person shall make or cause, or permit to be made or caused, any:
 - (a) vibration;
 - (b) odour;
 - (c) illumination;

- (d) dust; or
- (e) other matter
- (f) in the Town, which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or in the vicinity.

General Noise

- 12. No person shall make or cause, or permit to be made or caused, in or on a highway or elsewhere in the Town, any noise or sound which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or in the vicinity.
- 13. No owner or occupier of real property shall cause, permit or allow that property to be used, so that a noise or sound which originates from that property disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or in the vicinity.

Production or Amplification of Sound

- 14. Without limiting the generality of sections 12 and 13, no person shall operate or play any musical instrument, radio, stereophonic equipment, or other device for the production or amplification of sound, or permit such devices to be operated or played, in the Town in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or in the vicinity.
- 15. Without limiting the generality of sections 12 and 13, no owner or occupier of real property shall cause, permit or allow that property to be used by a person or persons operating or playing any musical instrument, radio, stereophonic equipment, or other device 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 in the vicinity.

Construction Noise

- 16. Without limiting the generality of sections 12 and 13, no person shall, on any day before 07:00 hours or after 20:00 hours, construct, reconstruct, relocate, remove, erect, alter, repair, dismantle 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 Town, which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or in the vicinity.

17. Without limiting the generality of sections 12 and 13, no owner or occupier of real property shall, on any day before 07:00 hours or after 20:00 hours, cause, permit or allow a person to construct, reconstruct, relocate, remove, erect, alter, repair, dismantle 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 Town, which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or in the vicinity.

Exemptions

18. Notwithstanding anything contained herein, this bylaw does not apply to:
 - (a) a vehicle of the police, fire department, ambulance or other public service or emergency vehicle while engaged in a service of the public convenience or necessity;
 - (b) the sounding of a horn or other signalling device upon any vehicle, boat or train where such sounding is properly and necessarily used as a danger or warning signal;
 - (c) emergency repairs to buildings or structures which cannot reasonably be delayed to be carried out on any day before 07:00 hours or after 20:00 hours;
 - (d) the use of bells or chimes by places of worship;
 - (e) the use of carillons, where such carillons have been lawfully erected;
 - (f) a garbage collection service between the hours of 07:00 and 20:00 on any day of the week, except Sundays;
 - (g) a parade, procession, performance, concert, ceremony, event, gathering or meeting in or on a public place, if it is permitted under a bylaw or statute;
 - (h) snow clearing; or

- (i) excavation, filling, construction, reconstruction, alteration or repair carried out by the Town or its agents.

PART FOUR: ENFORCEMENT

Removal Orders

- 19. A Bylaw Enforcement Officer may, by notice in writing sent by registered mail or posted on the property, order the owner or occupier of real property, at his expense and within fourteen (14) days of the mailing or posting of the Order, to remove any:
 - (a) accumulations of refuse, garbage, or other noxious, offensive, or unwholesome material;
 - (b) accumulations of water;
 - (c) unsanitary conditions;
 - (d) trees and other growths that create a safety hazard;
 - (e) graffiti;
 - (f) unsightly conditions.
- 20. Upon any failure by the owner or occupier of real property to comply with an Order under section 19 of this bylaw, and after the owner or occupier of the property having been offered, and where requested been given, an opportunity to be heard by Council in respect of such failure, the Town may, by its own forces or those of a contractor, enter on the property and carry out the work described in the Order at the expense of the owner or occupier and, whether the Order was directed at the owner or the occupier, recover the costs either as a debt against the person in default or in the same manner and with the same remedies as property taxes.

Offence and Penalties

- 21. Any person who contravenes any provision of this bylaw is guilty of an offence and is liable upon summary conviction to a minimum fine of \$200.00 and a maximum fine not exceeding \$10,000.00 and the cost of prosecution.
- 22. Every day during which there is an infraction of this bylaw shall constitute a separate offence.

23. This bylaw may be enforced by means of a ticket in the form prescribed for the purpose of s. 264 of the *Community Charter*.
24. Bylaw enforcement officers and members of the Royal Canadian Mounted Police are designated to enforce this bylaw pursuant to s. 264(1)(b) of the *Community Charter*.
25. Authorization is hereby delegated to the Bylaw Enforcement Officer, Corporate Officer or Deputy Corporate Administrator to refer tickets issued with respect to this bylaw to the Provincial Court for hearing pursuant to section 269(1) of the *Community Charter*.
26. The words or expressions set forth in Column 1 of Schedule “A” of this bylaw are authorized pursuant to s. 264(1)(c) of the *Community Charter* to designate the offence committed under the bylaw section number appearing in Column 2 opposite the respective words or expressions.
27. The amounts appearing in Column 3 of Schedule “A” of this bylaw are the fines established by Council pursuant to s. 265(1)(a) of the *Community Charter* for the corresponding offence designated in Column 1.

No Interference

28. No person shall obstruct or interfere with an officer or employee of the Town in the performance of his or her duties under this bylaw.

PART FIVE: MISCELLANEOUS PROVISIONS

Severability

29. If any portion of this bylaw is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this bylaw.

Repeal of Existing Bylaw

30. The following bylaws and all amendments to them are hereby repealed and replaced with this bylaw:
 - (a) Comox Untidy and Unsightly Premises Bylaw, 2000; and
 - (b) Comox Noise Control Bylaw, 1982.

READ A FIRST TIME this 7th day of April , 2010.

READ A SECOND TIME this 7th day of April , 2010.

READ A THIRD TIME this 7th day of April , 2010.

ADOPTED this 21st day of April , 2010.

"Paul Ives"

MAYOR

"Richard Kanigan"

CORPORATE OFFICER

SCHEDULE "A"

MUNICIPAL TICKET INFORMATION DESIGNATIONS

Offence	Bylaw Section No.	Fine
Accumulation of Refuse	3(a)	\$200.00
Accumulation of Water	3(b)	\$200.00
Unsanitary Conditions	3(c)	\$200.00
Unsafe Growth	3(d)	\$200.00
Graffiti	3(e)	\$500.00
Unsightly Conditions	3(f)	\$200.00
Unlawful Accumulation of Refuse	4(a)	\$200.00
Unlawful Accumulation of Water	4(b)	\$200.00
Unlawful Unsanitary Conditions	4(c)	\$200.00
Unlawful Unsafe Growth	4(d)	\$200.00
Unlawful Graffiti	4(e)	\$500.00
Unlawful Unsightly Conditions	4(f)	\$200.00
Failure to Remove Refuse on Sidewalk/Boulevard	5(a)	\$200.00
Failure to Mow Grass	5(b)	\$200.00

Failure to Trim Landscaping – Vision Obstruction	5(c)(i)	\$200.00
Failure to Trim Landscaping – Overhanging	5(c)(ii)	\$200.00
Failure to Trim Landscaping – Encroaching	5(c)(iii)	\$200.00
Unlawful Littering	6	\$200.00
Unlawful Placement of Graffiti	7	\$500.00
Unlawful Numbering	8	\$200.00
Unlawful Fencing	9	\$200.00
Unlawful Nuisance	10	\$200.00
Unlawful Vibration	11(a)	\$200.00
Unlawful Odour	11(b)	\$200.00
Unlawful Illumination	11(c)	\$200.00
Unlawful Dust	11(d)	\$200.00
Unlawfully Making, Causing or Permitting Any Other Matter	11(e)	\$200.00
Unlawful Noise by Person	12	\$200.00
Unlawful Noise by Owner/Occupier	13	\$200.00
Unlawful Noise by Person using a Device	14	\$200.00

Unlawful Noise by Owner/Occupier using a Device	15	\$200.00
Unlawful Construction Noise by Person	16	\$200.00
Unlawful Construction Noise by Owner/Occupier	17	\$200.00
Failure to Comply with Refuse Removal Order	19(a)	\$200.00
Failure to Comply with Water Removal Order	19(b)	\$200.00
Failure to Comply with Unsanitary Conditions Removal Order	19(c)	\$200.00
Failure to Comply with Unsafe Growth Removal Order	19(d)	\$200.00
Failure to Comply with Graffiti Removal Order	19(e)	\$500.00
Failure to Comply with Unsightly Conditions Removal Order	19(f)	\$200.00
Interference with Enforcement	28	\$200.00