

The following is a consolidated copy of the Electoral Areas Unsightly Premises and Nuisances Regulation Bylaw No. 377, 2015 and includes the following bylaws:

Bylaw No.	Bylaw Name	Adopted	Purpose
377	Electoral Areas Unsightly Premises and Nuisances Regulation Bylaw No. 377, 2015.	July 28, 2015	To regulate and prohibit unsightly premises and nuisances.
556	Electoral Areas Unsightly Premises and Nuisances Regulation Bylaw No. 377, 2015, Amendment No. 1	October 2, 2018	To amend the unsightly premises and nuisances regulations to address nuisance odours and increase fines for ticketable offences

This bylaw may not be complete due to pending updates or revisions and therefore is provided for reference purposes only. Titles and whereas clauses may be different than in original bylaws to make this consolidated version more clear and identify historical changes and conditions. THIS BYLAW SHOULD NOT BE USED FOR ANY LEGAL PURPOSES. Please contact the corporate legislative officer at the Comox Valley Regional District to view the complete bylaw when required.

COMOX VALLEY REGIONAL DISTRICT

BYLAW NO. 377

A bylaw to regulate and prohibit unsightly premises and nuisances

WHEREAS the Comox Valley Regional District has the authority to regulate unsightly premises and nuisances in accordance with section 325 of the *Local Government Act*;

AND WHEREAS pursuant to section 325 (a), (b), (c), (d) and (g) of the *Local Government Act* the Comox Valley Regional District wishes to enact a bylaw to regulate, prohibit or require the following:

- prevent, abate and prohibit nuisances, and provide for the recovery of the cost of abatement of nuisances from the person causing the nuisance or other persons described in the bylaw;
- prohibit persons from causing or permitting water, rubbish, or noxious, offensive or unwholesome matter to collect or accumulate around their premises, or from depositing or throwing bottles, broken glass or other rubbish in any open space;
- prohibit persons from placing graffiti in public places;
- prohibit the owners or occupiers of real property from allowing their property to become or remain unsightly;
- require the owners or occupiers of real property, or their agents, to remove from it any accumulations of filth, discarded material or rubbish; and
- require the owners of real property, or their agents, to eliminate or reduce the fouling or contaminating of the atmosphere through the emission of smoke, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia.

NOW THEREFORE, the board of the Comox Valley Regional District in an open meeting enacts as follows:

Definitions

1. In this bylaw,

“board” means the board of directors of the Comox Valley Regional District.

“bylaw compliance officer” means a person appointed by the board or the chief administrative officer of the CVRD to enforce the bylaws.

“graffiti” includes any unauthorized inscription, writing, slogans, designs, drawings or paintings howsoever made, on any sidewalk, wall, building, fence, sign or any other structure or surface.

“nuisance” means a condition or situation on a parcel of land that interferes with another parcel owner or occupier’s use or enjoyment of real property including but not limited to the following:

- (a) excessive or obtrusive light emanating from a parcel that shines, glares, or reflects into a neighbouring parcel;
- (b) emission of smoke, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia;
- (c) graffiti; or
- (d) odour emanating from a parcel that can be detected from within another parcel..

“real property” means land other than a highway, together with all improvements which have been so affixed to the land as to make them in law a part of the land and includes land without improvements.

“CVRD” means the Comox Valley Regional District.

“rubbish” includes any and all manner of garbage or scrap salvage; discarded or disused materials or filth; noxious, offensive or unwholesome matter; unlicensed, unused or stripped automobiles, trucks, trailers, boats, vessels, machinery; scrap or unused mechanical or metal parts; or bottles and glass; placed or located on real property for temporary or permanent storage or use.

“unsightly” means a real property having one or more of the following characteristics:

- (a) the accumulation of rubbish; or
- (b) dilapidated or collapsed structures or conditions of serious disrepair or deterioration.

Jurisdiction

2. This bylaw applies within the participating areas of the Unsightly Premises Extended Service Area of the Comox Valley Regional District as established by bylaw.

Prohibitions – nuisances

3.
 - (1) No person being the owner or occupier of real property shall cause or permit such property, or any activity on the property to become a nuisance that disturbs or tends to disturb the peace, rest, enjoyment, comfort, or convenience of two or more residents in the surrounding neighbourhood or vicinity.
 - (2) No person shall permit, allow or place graffiti.
 - (3) A person causing a nuisance under section 3(1) shall be responsible for the recovery of the cost of abatement of such nuisance.

Prohibitions – unsightly property

4.
 - (1) No owner or occupier of real property shall allow his or her property to become or remain unsightly.
 - (2) An owner or occupier of real property shall remove from his or her property any accumulation of unsightly material which shall include dilapidated or collapsed structures in serious disrepair or deterioration.

Prohibitions – litter

5. No person shall litter, place or deposit rubbish in any public property or outdoors on private property.

Authority to enter upon property

6. A bylaw compliance officer is authorized to enter at all reasonable times onto real property to inspect and determine whether the regulations, prohibitions and regulations of this bylaw are being met.

Enforcement

7. (1) The enforcement of this bylaw will be in accordance with the Comox Valley Regional District's enforcement policy.
- (2) If an owner or occupier of real property is not compliant with this bylaw, the board may notify and require that same person to comply with this bylaw within a specific period of time.
- (3) If a person fails to take the required action under section 7(2) of this bylaw, the Comox Valley Regional District or its agents may enter onto the property at all reasonable times and fulfill the requirement of the bylaw at the expense of the property owner or occupier.
- (4) Those expenses incurred under section 7(3) of this bylaw may be recovered from that property owner as a debt and collected as taxes.

Penalty

8. (1) Any person who contravenes a provision of this bylaw, or who allows any act or thing to be done in contravention of this bylaw, or who refuses, omits, or neglects to fulfill, observe, carry out or perform any duty or obligation imposed in this bylaw is guilty of an offence and:
- (a) on summary conviction is liable to a fine of not less than \$5000 and not more than \$10,000; or
- (b) on conviction of a ticket offence under the Comox Valley Regional District municipal ticket information bylaw.
- (2) If an offence is a continuing offence, each day that the offence is continued constitutes a separate and distinct offence.

Severability

9. If any provision of this bylaw is held to be invalid by a court, the provision may be severed from this bylaw and such invalidity shall not affect the validity of the remaining portions of this bylaw.

Repeal

10. Bylaw No. 101 being "Electoral Areas Unsightly Premises Regulations Bylaw No. 101, 2010" and all amendments thereto are hereby repealed upon the adoption of this bylaw.

Citation

This Bylaw No. 377 may be cited as the "Electoral Areas Unsightly Premises and Nuisances Regulation Bylaw No. 377, 2015."