



**VILLAGE OF SAYWARD
BYLAW NO. 502**

A BYLAW TO PREVENT AND PROHIBIT NUISANCES AND DISTURBANCES

WHEREAS the Village of Sayward wishes to promote a safe, comfortable and inviting community for all of its citizens, businesses and visitors.

AND WHEREAS the small minority of persons that create nuisances and disturbances and that, in general, engage in uncivil behaviour threaten the quality of life desired by the population as a whole.

AND WHEREAS it is in the public interest for the Village to take the necessary measures to eliminate nuisances, disturbances and occurrences of uncivil behaviour.

NOW THEREFORE the Council of the Village of Sayward in open meeting assembled hereby enacts as follows:

PART 1 - TITLE

1. This bylaw may be cited for all purposes as “Public Nuisance Bylaw No. 502, 2023”.

PART 2 - DEFINITIONS

2. In this bylaw, unless the context otherwise requires:

Arterial Road	means an Arterial Highway as classified under the British Columbia <i>Highway Act</i> ;
Boulevard	means the area of a Highway between the edge of the pavement or curb of the Roadway and the adjacent property line of the Highway;
Bylaw Enforcement Officer	means a Peace Officer, as defined in the British Columbia <i>Interpretation Act</i> and those Persons designated by Council as a Bylaw Enforcement Officer to enforce the provisions of this Bylaw;
Chief Administrative Officer	means the Chief Administrative Officer duly appointed by Council;

Continuous Noise	means any Noise or sound continuing for a period of five (5) minutes or more in any 15-minute period;
Council	means the Council of the Village of Sayward;
Discarded Materials	includes but is not limited to all materials not in use for the construction or maintenance of a building situated on that property, appliances, furniture, cans, containers, bottles, glass, circulars, pamphlets, handbills, paper or other litter or rubbish, unlicensed or inoperable motor vehicles or motor vehicle parts, boats or boat parts, machinery, animal carcasses, vegetation cuttings or debris, solid or liquid waste, firewood, unless it is neatly piled or stacked against a wall or fence, and all other chattels in a dismantled state or not in use for the purpose for which the manufacturer intended;
Drainage Facility	includes Boulevard drainage inlet, catch basin grate, culvert headwall or lawn basin inlet;
Graffiti	includes one or more letters, symbols, writing, pictures or marks, however made, posted, scratched, acid etched, painted or drawn on any structure or thing but does not include any of the following; <ul style="list-style-type: none"> a. a sign, public notice, or traffic control mark authorized by a Village Bylaw or Provincial or Federal legislation; or b. in the case of private property, a letter, symbol, or mark for which the Owner of the property on which the letter, symbol, or mark appears has been given prior, written authorization.
Herbicide	means any kind of material that is used to control Noxious Weeds;
Highway or Other Public Place	includes every Street, road, Boulevard, sidewalk, Lane, square, parking lot, courtyard, bridge, viaduct and any other way open to public use and any land, park, green space, building, conveyance, private place or passageway to which the public has, or is permitted to have access or is invited;
Independent Sound Consultant	means a professional engineer, licensed to practice in the Province of British Columbia, with acoustical expertise;
Intersection	means the area embraced within the prolongation or

connection of the lateral curb lines, or if none, then the lateral boundary lines of the Roadways of the 2 Highways which join one another at or approximately at right angles, or the area within which vehicles traveling on different Highways joining at any other angle may come in conflict; and, for the purpose of this definition “Highway” does not include a Lane or way less than 5 meters in width separating the rear property lines of parcels of land fronting on highways running more or less parallel to and on each side of the Lane or way;

Lane	means a Street with a right of way not exceeding 8 metres in width;
Noise	includes any loud outcry, clamour, shouting, disturbance or movement or any sound that is loud or harsh or undesirable;
Noxious Weed	means any weed designated as noxious pursuant to the <i>Weed Control Act</i> ;
Occupier	means a Person who occupies Real Property but does not include the Occupier of a unit in an apartment, hotel or institution;
Owner	means the Owner of Real Property;
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 oneself or for any other Person but does not include soliciting by the holder of a permit issued by the Village of Sayward;
Peace Officer	has the same meaning as in the British Columbia <i>Interpretation Act</i> and includes a Bylaw Enforcement Officer;
Pedestrian Facility	means a structure for pedestrian use including a walkway, sidewalk, stairs, ramp, and curb letdown;
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;
Pesticide	means any kind of material that is used to control pests, fungi, and insects;
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;
Residential	shall have the same meanings as in the <i>Residential Tenancy Act</i>

Premises, Residential Property and Tenancy Agreement	of British Columbia;
Road Surface	means gravel, asphalt, cement, concrete or material of any kind whatsoever placed upon any Street, road, Highway, bridge, viaduct, Lane, or any other way designed or intended for use by the general public for the passage of vehicles, and every private place or passageway to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited;
Roadway	means a portion of a Highway approved for use for vehicular travel;
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;
Special Event Permit	means a permit issued by the Village authorizing the use of a Highway or Other Public Place for the purposes of a special event;
Street	means any Highway, Roadway, sidewalk, Boulevard, place or way which the public is ordinarily entitled or permitted to use for the passage of vehicles or pedestrians and includes all structures located in any of those areas;
Traffic Control Signal	means a Traffic Control Signal as defined in the British Columbia <i>Motor Vehicle Act</i> ;
Utility Company	means any utility company that has structures, including but not limited to, postal boxes, lamp posts, telecommunication and power boxes and poles, situated on any Highway or Other Public Place within the Village;
Village	means the Village of Sayward.

PART 3 - INTERPRETATION

- 3.0 Words or phrases defined in the British Columbia *Interpretation Act*, *Motor Vehicle Act* or *Community Charter* (or any successor legislation), shall have the same meaning when used in this Bylaw unless otherwise defined in this Bylaw or the context otherwise requires.
- 3.1 In this Bylaw, unless the context otherwise requires, the singular shall include the plural and the masculine includes the feminine gender.
- 3.2 The headings contained in the 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.

- 3.3 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 4 – STREET NUISANCES

Restrictions on Panhandling

- 4.0 No Person shall Panhandle after sunset on any given day.
- 4.1 No Person shall sit or lie on a street for the purpose of Panhandling.
- 4.2 No Person shall continue to Panhandle from a person, or follow a person, after that person has made a negative response.

Use of Highways

- 4.3 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 provided 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. swear or use indecent, obscene, blasphemous or grossly insulting language on or about a Highway or other public place; or
 - g. carry on any obscene, lewd or indecent activity on a Highway or other public place.

PART 5 – LITTERING

- 5.0 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.
- 5.1 No Person shall deposit or throw any discarded materials, in or on any Highway or other public place.

PART 6 – NOISE REGULATION

Exemptions

- 6.0 This Part shall not apply to:

- a. the operation of emergency vehicles;
 - b. the emergency repair of a public Highway;
 - c. operations of a public utility;
 - d. Peace Officers acting in the course of their duties;
 - e. the operation of farm vehicles during planting or harvesting;
 - f. snow clearing;
 - g. the sound of emergency backup power generators during a community wide power outage event. Within thirty minutes of the power being restored, generator noise will not be permitted;
 - h. events held under authority of a Special Event Permit issued by the Chief Administrative Officer or their designate; and
 - i. any person functioning within the limits imposed by a permit issued by the Chief Administrative Officer or their designate;
- 6.1 An application for a permit referred to in Sections 6.0(h) and 6.0(i) of this Bylaw may have a decision under this Bylaw reconsidered by Council by applying in writing for such reconsideration, specifying the decision which the applicant wishes reconsidered and the reason supporting the request for reconsideration.
- 6.2 The permit referred to in Sections 6.0(h) and 6.0(i) will be in a form prescribed by the Chief Administrative Officer or their designate.
- 6.3 Every applicant for a permit referred to in Section 6.0(h) and 6.0(i) shall pay the permit fee prescribed in the Fees and Charges Bylaw.

Regulations

- 6.4 No Person shall make or cause, or permit to be made or caused, any noise, in or on any Highway or other public place or private place which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.
- 6.5 No Person, who is the Owner or Occupier of real property, shall allow or permit such real property to be used in such a manner that noise emanating from the real property disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of a person or persons in the neighbourhood or vicinity.
- 6.6 No Person shall 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 in any highway or other public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of persons in the vicinity.
- 6.7 No Person shall own, keep, or harbor any animal or bird which, by its cries, unduly disturbs the peace, quiet, rest, enjoyment, comfort, convenience or tranquility of the

surrounding neighbourhood, Persons in the vicinity, or the public at large.

Construction and Garbage Collection Noise

- 6.8 No Person shall, before 7:00 am on any day from Monday to Saturday when such day is not a Statutory Holiday, or before 8:00 am on any Sunday or Statutory Holiday, and after 10:00 pm on any day, construct, erect, reconstruct, alter, repair or demolish any building, structure or thing or excavate or fill in land in any manner which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of persons in the vicinity.
- 6.9 No Person shall, before 7:00 am on any day from Monday to Saturday, or before 8:00 am on any Sunday or Statutory Holiday and after 10:00pm on any day, operate a garbage truck which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of Persons in the vicinity.

Power Tools and Model Airplanes

- 6.10 No Person shall, before 8:00 am and after 10:00 pm on any day, use or operate any power gardening tool or other power tool or machine or any model airplane, boat or car powered by an internal combustion, turbine or rocket engine.

Public Address Systems

- 6.11 No person shall operate any outdoor public address system at any time from any vehicle, real property, place or premises without the permission of the Chief Administrative Officer or their designate.

Commercial or Industrial Operations

- 6.12 Every Owner or operator of an industrial or commercial business which generates a Continuous Noise of a level that disturbs the occupants of the neighbourhood or Persons in the vicinity shall, at the request of the Village, supply the Village with:
- a. a report prepared by an independent sound consultant recommending methods to abate the Noise; and
 - b. a letter of certification sealed by the independent sound consultant that the methods approved by the Chief Administrative Officer for the abatement of noise have been fully implemented.

Motor Vehicle Noise

- 6.13 The following noises are, in the opinion of Council unnecessary, objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public:

- a. the squeal of a tire on a Road Surface made by a motor vehicle which is accelerating, stopping or changing direction;
- b. a loud, roaring or explosive sound emitted by a motor vehicle;
- c. the amplified sound of a radio or other sound playback device or amplification equipment, or the sound of a musical instrument, that emanates from a motor vehicle and can easily be heard by someone outside the motor vehicle;
- d. the sound of the diesel engine of a bus, truck or other vehicle which has been idling or otherwise running continuously for more than five minutes at the same location, except that this clause shall not apply where the bus or truck is located within a garage or depot approved by Village Bylaws and Permits for its long-term parking;
- e. the sound of an automobile security system which is made, either continuously or intermittently, for a period exceeding five (5) minutes or the sound of an automobile security system, but not including its activation status signal, which is made more than three (3) times in a 24-hour period;
- f. 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;
- g. 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;
- h. the sound of a vehicle for which the muffler has been cut out, disconnected, modified by the removal of baffle or other part or which has been opened or widened creating a greater noise than is standard.

6.14 No person shall make or cause or permit to be made or caused, any objectionable, unnecessary or disturbing Noise set forth in Section 6.12 or operate a motor vehicle so as to cause any objectionable, unnecessary or disturbing Noise set forth in Section 6.13 contrary to the *Motor Vehicle Act Regulations* in effect at that time.

PART 7 – PROPERTY MAINTENANCE

Graffiti

- 7.0 No Person shall place graffiti, or cause graffiti to be placed, on any wall, fence or other structure or thing in any Highway or other public place.
- 7.1 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.
- 7.2 Every owner of Real Property shall remove graffiti that is located on the Real Property adjacent to a Highway or other public place within five (5) working days of the placement

of the graffiti.

- a. Every Utility Company shall remove graffiti that is located on any Utility Company structure that is situated on any Highway or other public place within five (5) working days after receiving notification of the graffiti from the Village;
- b. A Utility Company is exempt from the requirement in Section 7.2(a) if the Utility Company has entered into an agreement with the Village regarding the removal of graffiti from the Utility Company structures.

Boulevard Maintenance

- 7.3 Every Owner or Occupier of Real Property shall maintain in a clean, tidy and well-kept condition every Boulevard fronting on the Real Property and, without limiting the generality of the foregoing, shall:
- a. remove accumulations of filth, rubbish, discarded materials, hazardous objects and other materials which obstruct a drainage facility;
 - b. keep grassed areas trimmed and free of noxious weeds;
 - c. keep landscaping trimmed so that driveway and intersection vision clearances are unobstructed;
 - d. keep landscaping from encroaching over paved roadways or gravel shoulders.
 - e. not foul, obstruct or impede, or permit the fouling, obstructing or impeding of the flow of any waterway or culvert within the municipality.

Sidewalks and Pedestrian Facilities

- 7.4 Every Owner or Occupier of Real Property shall:
- a. remove rubbish from every pedestrian facility bordering the Real Property;
 - b. keep landscaping from encroaching over a sidewalk, or walkway, from ground level to a height of 2.4 metres.
- 7.5 No person shall:
- a. willfully injure or damage any Boulevard or any tree, shrub, plant, bush or hedge on any boulevard;
 - b. erect any sign, fence, wall or other structure on any Boulevard, except with written permission of the Village;
 - c. apply a Pesticide or Herbicide to any Boulevard; or
 - d. dispose of any vegetation cuttings, rubbish, discarded materials or any liquid or solid waste on any Boulevard or in any Drainage Facility.

- e. section 7.5(c) does not apply to the Village or any other public utility.

Fences

- 7.6 Every Owner or Occupier of Real Property shall:
- a. In any zone, where an Owner or Occupier of property adjacent to a Highway has erected a fence adjacent to that Highway, the Owner or Occupier shall not allow that fence to fall into a state of disrepair;
 - b. An Owner or Occupier of Real Property whose fence erected adjacent to a Highway has fallen into a state of disrepair shall repair it forthwith upon receipt of notice given pursuant to this Bylaw;
 - c. In every zone where the keeping of livestock is permitted, every Owner or Occupier of Real Property abutting upon any Highway shall forthwith, upon receipt of notice given pursuant to this Bylaw, erect fences along the boundary of that property abutting on the Highway for the purpose of preventing livestock from straying upon said Highway.

Intersection Vision Clearance

- 7.7 No Person who owns or occupies Real Property located at any Intersection, shall place or permit to be placed or grow a tree, shrub, plant, fence or other structure with horizontal dimension exceeding 0.46 metres (1.5 feet) within the triangular area formed by two intersecting lot lines and the line joining the points on such lot lines 2.4 metres (7.87 feet) from the point of intersection, between an elevation such that an eye 1.0 to 2.4 metres (3.28 feet to 7.87 feet) above the surface elevation of one road, cannot see an object 1.0 to 2.4 metres (3.28 feet to 7.87 feet) above the surface of the other road.

Street Signs

- 7.8 No Person shall remove, deface or damage any street name sign or any other sign or marker erected upon any Highway by or at the direction of the Village.

Hazardous Trees and Shrubs

- 7.9 a. If in the opinion of the Village, any trees, hedges, bushes, or shrubs growing or standing on any Real Property are:
- (i) a hazard to the safety of persons on any Highway or other public place;
 - (ii) likely to damage public property, or
 - (iii) seriously inconveniencing persons on any Highway or other public place

the Village may order the Owners or Occupiers of the Real Property on which they grow or stand to trim, remove, or cut down such trees, hedges, bushes or shrubs.

- b. If the Person so ordered does not take the required action referred to in Section 7.9(a), the Village may proceed pursuant to Sections 7.19 to 7.21 of this Part.

House Numbering

- 7.10 All Owners and Occupiers of buildings shall display in a conspicuous place on the Real Property on which the building is located, the street number assigned by the Village to such building so that the same is of contrasting colour to its background and readable from the Highway.

Birds

- 7.11 No person shall keep or feed within the Village, birds so that they congregate in such numbers so as to constitute a nuisance or disturb, or tend to disturb, the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of persons in the vicinity.

Demolition Sites

- 7.12 On any property where the demolition of any building or structure has taken place;
- a. all debris and material whether to be discarded or retained shall be removed forthwith;
 - b. any basement or other excavation shall be filled in or covered over to lot grade level forthwith, upon receipt of notice served pursuant to the Bylaw.

Unightly Premises

- 7.13 No Owner or Occupier of Real Property shall permit the Real Property to become or remain unsightly or permit water, rubbish, Discarded Materials or noxious, offensive, or unwholesome matter to collect or accumulate around that real property.
- 7.14 Every Owner or Occupier of Real Property shall:
- a. keep the Real Property clear of Noxious weeds and unsightly and unkempt brush, trees, or other growths;
 - a. keep ground cover vegetation from exceeding 30 cm in height; and
 - b. prevent infestation by caterpillars and other noxious or destructive insects and clear the Real Property of such insects.
- 7.15 Every Owner or Occupier of Real Property shall remove or cause to be removed from the property any unsightly accumulations of filth, discarded materials, brush, trees, vines, Noxious Weeds or other growths, of any kind on a regular basis, or when ordered to do so by the Village.
- 7.16 Every Owner or Occupier of Real Property shall maintain the physical condition and structural repair of the residential premises or residential property to the health, life safety, and fire protection standards of the *British Columbia Building Code* and the Village of Sayward Fire Prevention Bylaw.
- 7.17 Every Owner or Occupier of Real Property shall maintain the general appearance and repair of the Real Property to the standards of other similar properties in the

neighbourhood.

Vacant Premises

- 7.18 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 the 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.

Default and Remedial Action Notices

- 7.19 Where an Owner of Real Property or other responsible person fails to comply with the requirements of this Part, Council may make a declaration requiring that the Owner or other responsible person bring the Real Property into compliance with the provisions of this Part within a specified time frame. A Bylaw Enforcement Officer may issue a notice in relation to Council's declaration.
- 7.20 If the Owner or other responsible person fails to comply with the notice requirement within the time limit specified in the notice, the Village by its workers, or others authorized by the Chief Administrative Officer, may, at all reasonable times and in a reasonable manner, enter the Real Property and affect such compliance at the cost of the defaulting Owner or other responsible person. Such cost shall consist of all costs and expenses incurred by the Village in affecting compliance with this Part including, without limitation, administrative costs, costs of attendance at the property by Village employees or its contractors and the costs of removal, clean up and disposal.
- 7.21 If an Owner or other responsible person defaults in paying the cost referred to in Section 7.20 to the Village within 30 days of a demand for payment from the Village, the Village may recover from the Owner or other responsible person, in any court of competent jurisdiction, the cost as a debt due to the Village. If an Owner has not paid the debt by December 31 in the year in which the debt was incurred, the Village may 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.

Reconsideration

- 7.22 An Owner or other responsible Person who has been issued a notice pursuant to Sections 7.19, 7.20 and 7.21 of this Part may make representations to Council to have the decision reconsidered by applying in writing for such reconsideration within 14 days of receipt of the notice, or lesser time if specified in the notice.

PART 8 – ENFORCEMENT AND PENALTY

Right of Entry

- 8.0 A Bylaw Enforcement Officer may, at all reasonable times, enter upon any Real Property in the Village in order to ascertain whether the regulations contained within this Bylaw are being complied with.

Enforcement

- 8.1 The provisions of this Bylaw may be enforced by any Bylaw Enforcement Officer.

Offences and Penalties

- 8.2 Any person who contravenes, violates or fails to comply with any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who fails to do anything required by this Bylaw, commits an offence and shall be liable, upon conviction, to a fine of not more than \$10,000 (and not less than the fines prescribed in the Village of Sayward Ticketing Offence Bylaw), the cost of prosecution and any other penalty or order imposed pursuant to the *Community Charter* (British Columbia) or the *Offence Act* (British Columbia). Each violation against this Bylaw shall be deemed to be a separate and distinct offence, and, where the offence is a continuing one, each day that the offence is continued constitutes a separate offence.

PART 9 – SEVERABILITY

- 9.0 If any section, subsection, paragraph, clause, phrase or word within this Bylaw is for any reason held to be invalid by the decision of a court or competent jurisdiction, such decision does not affect the validity of the remaining portions of this Bylaw.

PART 10 – REPEAL

- 10.0 Property Maintenance Bylaw No. 384, 2010; Noise Control Bylaw No. 342, 2005; No-Idling Bylaw No. 389, 2011 and Liquor Consumption Bylaw No. 77, 1977 are hereby repealed.

Read a first time on the 16th day of May 2023

Read a second time on the 16th day of May 2023

Read a third time on the 16th day of May 2023

Adopted on the 6th day of June 2023

Certified a true copy of Bylaw No. 502
this ____ day of _____, _____

Chief Administrative Officer
Village of Sayward

Original signed by "M. Baker"
Mayor

Original signed by "L. Clark"
Corporate Officer