

**THE CORPORATION OF THE DISTRICT OF SUMMERLAND
BYLAW NO. 2021-023**

**A bylaw for the purpose of preventing, abating, and prohibiting
nuisances to support a vibrant and livable community.**

WHEREAS the Council for the District of Summerland desires to support a vibrant and livable community for its citizens and endeavors to promote civic responsibility and to encourage good relationships between neighbours,

And WHEREAS under Sections 8 and 64 of the Community Charter, Council may, by bylaw, regulate, prohibit and impose requirements in relation to nuisances, disturbances and other objectionable situations on private property;

AND WHEREAS under Section 17 of the Community Charter, Council directs that if a person subject to a requirement fails to take the required action the municipality may fulfill the requirement at the expense of the person and recover the costs incurred from that person as a debt;

AND WHEREAS under Section 194 of the Community Charter, Council may, by bylaw, impose a fee payable in respect of all or part of a service of the municipality or the exercise of a regulatory authority by the municipality;

AND THEREFORE, the Municipal Council of the District of Summerland, in open meeting assembled, enacts as follows:

1. CITATION

1.1 This bylaw may be cited as “District of Summerland Good Neighbour Bylaw No. 2021-023”.

2. DEFINITIONS

2.1 Schedule “A” contains definitions of terms used in this Bylaw.

3. SEVERABILITY

3.1 If any section, subsection, sentence, clause or phrase of this bylaw is deemed to be invalid by the decision of a Court of competent jurisdiction, the invalid portion shall be severed and such decision shall not affect the validity of the remainder of the bylaw.

4. GENERAL PROHIBITION

4.1 No person shall do any act or cause any act to be done which constitutes a nuisance at law.

5. PROPERTY MAINTENANCE

- 5.1 No owner or occupier of real property shall permit any act to be done which constitutes a nuisance at law on that real property.
- 5.2 No owner or occupier of real property shall permit or allow the real property to become or remain unsightly.
- 5.3 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.
- 5.4 Every owner of residential premises or residential property subject to a tenancy agreement shall maintain the general appearance and repair of the residential premises or residential property to the standards of other similar properties in the neighbourhood.
- 5.5 Without limiting the generality of sections 5.1, 5.2 and 5.3 of this bylaw, an owner or occupier of real property must not:
 - (a) permit an accumulation of water, filth, rubbish, demolition waste or discarded materials on the real property;
 - (b) permit the accumulation of dead landscaping, vegetation, noxious weeds or other growths to occur or to remain on the real property;
 - (c) keep a derelict vehicle of any sort, including but not limited to a motor vehicle, vehicle, boat or trailer except as part of a lawful business operating under a license from the District;
 - (d) permit the accumulation of motor vehicle parts or other mechanical parts upon Real Property and shall remove the same except where the storage of motor vehicles is a permitted use pursuant to the District of Summerland Zoning Bylaw;
 - (e) permit the accumulation on the real property of noxious, offensive or unwholesome materials, substances or objects;
 - (f) Unless otherwise regulated by the Fire & Life Safety Bylaw, all owners shall not permit the accumulation of firewood upon Real Property, and shall remove the firewood therefrom unless stored in open stacked rows and not exceeding 1.2 meters (4 feet) in width and 1.5 meters (5 feet) high.
 - (g) Except when specified as a permitted use in the Zoning Bylaw, allow or permit an accumulation of building materials on the real property for more than fifteen (15) days unless:
 - (i) the owner of the real property is in possession of a valid building permit; or
 - (ii) the building materials are stored in a closed building or structure such that they are not visible from another parcel or a public space.
- 5.6 Except as permitted by this bylaw, no owner or occupier of real property in residential areas as defined in this bylaw shall make or cause, or permit to be made or caused, any contamination of the atmosphere through the emission or smoke, dust, gas, sparks, ash, soot, cinders, fumes, or other effluvia that is liable to foul or contaminate the atmosphere or make or cause, or permit to be made or caused

any odour or dust which is liable to disturb the quiet, peace, rest, enjoyment, comfort of convenience of individuals or the public.

6. BOULEVARD & LANEWAY MAINTENANCE

- 6.1 Every owner or occupier of real property shall maintain the sidewalk, boulevard, and land adjacent to their real property and in particular shall:
- (a) remove accumulations of filth, leaves, rubbish, discarded materials, hazardous objects and materials from all boulevards, sidewalks and any drainage facility;
 - (b) keep grassed areas trimmed and free of all weeds;
 - (c) keep in good repair and up to District standards, all driveway crossings;
 - (d) keep landscaping trimmed so that driveway and intersection sight lines are unobstructed
 - (e) keep landscaping from encroaching over a sidewalk,
 - (f) keep landscaping from encroaching over highways or gravel shoulders.
- 6.2 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 District;
 - (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 public property.
- 6.3 Hedges, rocks or gravel are not permitted to be placed on the boulevard adjacent to a roadway, curb or sidewalk, except:
- (a) gravel placed by District personnel on the boulevard for the purposes of drainage;
 - (b) where a sidewalk is present, gravel that is no larger than 2.5 cm in diameter may be placed between the sidewalk and an adjacent property line, provided that the gravel is at least 2.5 cm below the level of the sidewalk to prevent spillage onto the sidewalk; or
 - (c) where a sidewalk is not present and a curb is located in the boulevard, gravel that is no larger than 2.5 cm in diameter may be placed between the curb and an adjacent property line, provided that the gravel is at least 2.5 cm below the level of the curb to prevent spillage onto the road.

7. SNOW REMOVAL

- 7.1 Every owner of real property in a residential area, as defined in the District's Zoning Bylaw, shall remove all snow or ice from all sidewalks bordering the real property within 24 hrs after a snow event ends
- 7.2 Every owner of real property in a commercial area shall remove all snow or ice from all sidewalks bordering the real property no later than 10:00 AM each day.

- 7.3 An owner or occupier shall not use equipment which could cause damage to the boulevard or sidewalk due to excess weight of the equipment or sharp edges which could cause abrasions or scrapes to the sidewalk or boulevard.
- 7.4 Every owner or occupier of real property shall remove all snow and ice from the roof or other part of any structure on the property, where the location of that structure is such that it is reasonable to expect that the snow or ice on it may fall onto any sidewalk or highway, within 24 hours of the cessation of any snowfall or storm event that caused the accumulation.
- 7.5 No persons shall deposit snow, ice or other material removed from sidewalks, boulevards, lanes, or private property onto City property or highways.

8. NOISE REGULATIONS

- 8.1 No person shall make or cause, or permit to be made or caused, any noise in or on a street or elsewhere in the District that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.
- 8.2 No person shall make, cause, or permit to be made or caused, noise or bass sound of a radio, television, player, or other sound playback device, public address system, or any other music or voice amplification equipment, musical instrument, whether live or recorded or live, whether amplified or not, in or on private property or in any public space or street in such manner that is liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public.
- 8.3 No person shall operate a motor vehicle which makes or causes excessive or undue noise which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.
- 8.4 No person shall launch a motor boat from any lands in the District or operate a motor boat in the District if the motor boat is equipped with an exhaust system that permits the exhaust gases from the engine to be expelled directly into the air without first passing through water unless the motor boat is equipped with a muffling device that ensures the exhaust gases from the engine are cooled and expelled without excessive noise.
- 8.5 No person shall own, keep or harbour any animal or bird which by its barks, cries or sounds is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.
- 8.6 No person shall on any day before 7:00 am or after 9:00 pm operate, or cause, suffer or permit the operation of, any motorized lawn-grooming or garden equipment in the District on any day
- 8.7 No person shall on any day before 7:00 am or after 9:00 pm make or cause or permit to be made or caused any construction noise.

- 8.8 A person may apply to the Director of Works for permission to vary the time restrictions established in section 8.7. of this bylaw with respect to construction noise generated on public spaces or streets. A person may apply to the Director of Development Services for permission to vary the time restrictions established in section 8.7 of this bylaw with respect to construction noise generated on real property that is not a public space or a street. An application in the form specified by the Director of Works or Development Services, as appropriate, must be submitted at least five (5) business days prior to the date of the proposed activity.
- 8.9 Upon receiving an application submitted in accordance with section 8.8 of this bylaw, the District may, by written permit, vary the time restrictions set out in section 8.7 of this bylaw for a certain location and activity if, in the opinion of the respective Director, as appropriate:
- (a) public safety or traffic considerations make it necessary or expedient that the work or activity commence or continue beyond those time restrictions; or
 - (b) it is impossible or impractical to carry out, within those time restrictions: Excavation, concrete pouring or finishing, major structural or mechanical component delivery or placement; or relocation of a building; and after considering whether there should be prior notification of the neighbourhood that would be affected, the public works manager or development engineering manager, as appropriate may impose such terms and restrictions as deemed necessary in the circumstances to mitigate the impact of the construction noise on the adjacent neighbourhood.
- 8.10 Use of Audible Scare Devices on Agricultural Lands:
- (a) The provisions in this section apply to lands designated as agricultural land pursuant to the District's Zoning Bylaw and to lands included in the Agricultural Land Reserve pursuant to the *Agricultural Land Commission Act* R.S.B.C. 1979, c. 9, as that Act may be amended from time to time.
 - (b) A person may employ propane powered exploders, "AV-ALARM" systems, Phoenix Wailers, distress call systems, or similar audible scare devices to create noise or sound as a method of bird or pest control between one-half hour after sunrise and one-half hour before sunset.
 - (c) No person shall operate a propane powered exploder, "AV-ALARM" systems, phoenix wailer, distress call systems or similar audible scare devices to create noise as a method of bird or pest control contrary to Normal Farm Practice under the *Farm Practices Protection Act* and the *BC Farm Industry Review Board*.
- 8.11 Despite anything contained in this Bylaw, no person shall be guilty of an infraction of this Part while:
- a) operating Fire Department, Police, or Ambulance vehicles while in the execution of their duties;

- b) operating any motor vehicle, generator, 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, snow removal, water main and sewer main repairs and civil defence 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 therefrom does not exceed the sound or noise common to such trade or industry when carried out in accordance with generally accepted industry standards using equipment and facilities in good operating order;
- e) carrying out farm operations, including the operation of agricultural machinery or equipment, conducted in accordance with normal farm practices under the *Farm Practices Protection (Right to Farm) Act*; or
- 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 generally common to such household equipment when in good operating order and being used in accordance with generally accepted standards;
- g) operating under a District issued permit for a special event which in the Council of the District of Summerland's opinion is in the public interest, to the extent the activities constituting the special event are permitted;
- h) performing regular highway maintenance, construction, re-construction and rehabilitation activities, authorized by either the District of Summerland or Ministry of Transportation & Infrastructure conducted by its employees, authorized representatives, agents, contractors and sub-contractors.

8.12 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 Chief Administrative Officer (CAO), 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 specified in the permit;
 - b. the system must not be operated while the motor vehicle, trailer or other device containing the system is on a street, whether stationary or moving;

- 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; and
- d. the system must not be operated so as to cause a nuisance or other disturbance to any person.
 - ii) a permit for non-commercial purposes shall be for a stated period of days;
 - iii) no fee shall be payable for a non-commercial permit; and iv) a permit fee of \$100.00 per day shall be payable for a commercial permit.

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

9. STREET AND PUBLIC SPACE NUISANCES

- 9.1 No person shall on a street, park or in a public space:
- (a) urinate or defecate;
 - (b) expectorate, spit saliva, spit tobacco, spit chewing gum, or any other substance in any public place;
 - (c) sleep in a motor vehicle for overnight abode;
 - (d) possess drug paraphernalia used for the purposes of storing, transporting or using illegal drugs;
 - (e) participate in a violent confrontation or struggle;
 - (f) leave, scatter, dump, or dispose of any garbage, glass, crockery, litter or other material, whether liquid or solid, that is likely to injure any person, animal or cause damage to a vehicle or roadway;
 - (g) place or throw any circular, pamphlet, handbill or other paper material, upon any motor vehicle or other vehicle;
 - (h) cut, remove or damage any tree, shrub or flower plant, bush or hedge;
 - (i) deface, injure or damage any property or equipment owned by or in the care of the District in any public place;
 - (m) dispose or place or leave any cement, mortar, lime, or any other substance having a damaging or destructive effect upon the concrete, asphalt, bushes, shrubs, or trees, or grass situate thereon;
 - (n) stamp, paint, post, affix or otherwise place any placard, bill, poster, notice or advertisement without first having obtained the permission of the City; or
 - (o) remove to, or accumulate in, from lands adjacent to a street or public space, grass cuttings, leaves or rubbish.
 - (p) dispose of any vegetation cuttings, rubbish, Discarded Materials or any liquid or solid waste on any Boulevard or in any Drainage Facility.
- 9.2 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; or
 - (e) the entrance to any liquor store.

- 9.3 No person shall panhandle from an occupant of a motor vehicle which is:
- (a) parked;
 - (b) stopped at a traffic control signal; or
 - (c) stopped temporarily for the purpose of loading or unloading.
- 9.4 No person shall panhandle after sunset on any given day.
- 9.5 No person shall sit or lie on a street for the purpose of panhandling.
- 9.6 No person shall continue to panhandle from a person, or follow a person, after that person has made a negative response.

10. GRAFFITI

- 10.1 No person shall place graffiti, or cause graffiti to be placed on any wall, building, fence, sign or any other structure or surface, in or adjacent to a street or public space.
- 10.2 No owner or occupier of real property adjacent to a street or other public space shall permit graffiti to be placed on any wall, building, fence, sign, utility kiosk, customer service box, dumpster or other structure or surface.
- 10.3 Every owner or occupier of real property shall keep any wall, building, fence, sign or other structure or surface that is located on such real property, and adjacent to a street or public space, free of graffiti.
- 10.4 Every owner of a motor vehicle shall keep the motor vehicle free of graffiti.

11. EXPLOSIVES AND FIREWORKS

- 11.1 No person shall blast, discharge or sell dynamite or other explosives within the limits of the District unless permitted by and carried out in accordance with a permit issued under this Bylaw.
- 11.2 The Director of Development Services, or his designate, may issue a permit to a person 18 years of age or older or to an incorporated company or society for the blasting of dynamite or other explosives for the purpose of construction or public safety where all conditions to obtain a permit under this Bylaw have been met.
- 11.3 All permits are subject to the following conditions unless explicitly exempted in the terms of the permit:
- a) blasting or discharge shall not be carried on between the time of sunset on any day and sunrise on the day following;
 - b) blasting or discharge shall not be carried on within 95m (310ft) of any school or school grounds between the hours of eight o'clock (8:00) in the morning and five o'clock (5:00) in the afternoon of any school day;
 - c) blasting or discharge shall not be carried on during Sundays; and
 - d) blasting or discharge shall not be carried on within three hundred (300) feet of any church during service on any day.

12. ENFORCEMENT

- 12.1 The Provisions of this bylaw may be enforced by any Bylaw Enforcement Officer and members of the Royal Canadian Mounted Police.
- 12.2 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 to determine compliance with the provisions of this Bylaw.
- 12.3 No person shall obstruct or interfere with a Bylaw Enforcement Officer in the exercise of their duties.

13. COMPLIANCE ORDERS

- 13.1 Pursuant to section 154 (1) (b) of the *Community Charter*, Council of the District of Summerland delegates to the Bylaw Enforcement Officer(s) its powers, duties and functions to require that something be done to remedy a contravention of this bylaw.
- 13.2 Where a condition exists that is a contravention of any of the provisions in sections 5 and 6 of this bylaw, a Bylaw Enforcement Officer may issue an order to comply requiring the person to remedy the nuisance or non-compliance within fourteen (14) days of deemed service or ten (10) days in the case of a contravention of section 5.3 of this bylaw, or on a date a Bylaw Enforcement Officer considers reasonable in the circumstances if in the opinion of the Bylaw Enforcement Officer a further period of time is required due to: (a) the quantity of rubbish or other material or amount of graffiti to be removed; (b) any disability or physical limitations of the person to whom the order to comply is directed; or (c) weather conditions at the time of issuing an order to comply.
- 13.3 An order to comply may be served on an owner or occupier of real property and is deemed to be served when the City has: (a) mailed, by registered mail, a copy of the order to comply to the address of the owner shown on last revised real property assessment roll; (b) delivered a copy of the order to comply to the owner of the real property at the address shown on the last revised real property assessment roll; (c) placed the order to comply in a mailbox or other receptacle for the receipt of mail on the real property; or (d) posted a copy of the order to comply on the real property.
- 13.4 Every person shall comply with an order to comply.
- 13.5 If the nuisance or non-compliance in an order to comply has not been remedied by the date specified therein set out and the owner has had an opportunity to be heard in respect of the matter, the District, by its employees, contractors and agents may enter the real property and effect compliance with the order to comply at the expense of the owner. The bylaw supervisor shall certify to the revenue supervisor all costs incurred by the District in effecting compliance, and such costs shall constitute a debt due and owing by December 31 in the year compliance was

effected and, if unpaid by December 31, the cost shall be added to and form part of the taxes for the real property as taxes in arrears.

14. PENALTY

- 14.1 Every person who violates any provisions of this bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, or who does any act which constitutes an offence against the bylaw is guilty of an offence against this bylaw and liable to the penalties hereby imposed.
- 14.2 Each day that a contravention of the provisions of this Bylaw exists or is permitted to exist shall constitute a separate offence.
- 14.3 Every person who commits an offence against this bylaw is liable upon Summary conviction, to a maximum fine as identified in the *Offence Act*, and in the case of a conviction a term of incarceration for a period of not more than ninety (90) days, or both. Any penalty imposed pursuant to this bylaw shall be in addition to, and not in substitution for, any other penalty or remedy imposed pursuant to any other applicable statute, bylaw or legislation.

15 REPEAT NUISANCE SERVICE CALLS

- 15.1 Where a member of the RCMP, 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 District's Fees and Charges Bylaw - Bylaw Enforcement Fees and Fines.
- 15.2 Despite section 9.1 of this bylaw, where legal title to the real property is transferred, nuisance service calls occurring before the date the new owner obtains legal title to the real property shall not apply to the determination under section 15.1 of this bylaw whether Nuisance Abatement Fees are payable or with respect to the amount that is payable.
- 15.3 Before an owner of real property is liable to pay a Nuisance Abatement Fee, the City shall provide written notice to the owner that:
 - (a) describes the nature of the contravention or nuisance conduct, activity or condition; and
 - (b) advises the owner of Nuisance Abatement Fees and that such fees are in addition to the City's right to seek other legal remedies or actions for abatement of the nuisance or contravention.

- 15.4 Service of the notice under section 9.3 of this bylaw may be effected and is deemed to have been served in the manner provided for in section 10.3 of this bylaw.
- 15.5 Nuisance Abatement Fees shall be paid by the owner within fourteen (14) days of receipt of an invoice from the City.
- 15.6 The City may impose a Nuisance Abatement Fee despite a person not being charged with an offence relating to the nuisance or contravention, a person charged with an offence relating to a nuisance or contravention being acquitted of any or all charges or if the charges are withdrawn, stayed or otherwise do not proceed.

16 REPEAL

- 16.1 The following bylaws of the District of Summerland and their amendments are hereby repealed:
- (a) Boulevard Maintenance Bylaw No. 92-023;
 - (b) Snow, Ice and Rubbish Removal Bylaw 93-065;
 - (c) Property Maintenance, Unsightly Premises, and Weed Control Bylaw No. 90-065; and
 - (d) Noise Control Bylaw No. 96-047.

Read a first, second, and third time this 14th day of June, 2021.

Adopted by Municipal Council this 28th day of June, 2021.

Mayor

Corporate Officer

Schedule "A"

Definitions

In this Bylaw:

"accumulation" means a build up, growth or collection, either scattered, amassed or piled, existing at the time of inspection;

"automated teller machine" means a device linked to a financial institution's account records which is able to carry out financial transactions;

"boulevard" means that portion of highway between the curb lines or the lateral boundary lines of a roadway and the adjoining property or between the curbs on median strips or islands, but does not include curbs, sidewalks, ditches or driveways;

"building materials" includes items and implements used in the construction of structures or in landscaping, including lumber, windows, doors, roofing materials, fill, soil, scaffolding, tools and equipment;

"bus stop" means a section of street which is designed for the loading and unloading of buses and where parking and stopping of all other vehicles is prohibited;

"Bylaw Enforcement Officer" means the person appointed by Council as such, and shall include members of the Royal Canadian Mounted Police;

"Bylaw Supervisor" means the person appointed by Council to exercise supervisory responsibility over bylaw enforcement officers or other persons;

"construction noise" means any noise or sound made by:

- (a) the carrying on of works in connection with the construction, demolition, reconstruction, alteration or repair of any building or structure;
- (b) the carrying on of any excavation by machinery or heavy equipment; or
- (c) the moving or operating of any kind of machine or construction equipment.

"container" means a dumpster, garbage can, garbage bin or other receptacle designed, intended or used to hold rubbish, discarded materials and debris;

"Council" means the Council of the District of Summerland;

"crossing" means any improvement that is constructed over a boulevard or sidewalk for the purpose of allowing vehicles or pedestrians to gain access between the highway and the land adjacent to the highway;

"derelict vehicle" means any vehicle or part thereof, propelled other than by muscle power, which:

- (a) is physically wrecked or disabled;
- (b) in the case of a motor vehicle, incapable of operating under its own power or, in the case of a trailer, incapable of being towed in the manner a trailer is normally towed; or
- (c) does not have attached licence plates for the current year pursuant to the regulations of the Motor Vehicle Act of the Province of British Columbia;

“District” means the District of Summerland;

“drainage facility” means boulevard drainage inlets, catch basins, grates, or culverts;

“dumpster” means a trash receptacle designed to be hoisted and the trash within it deposited into a truck;

“filth” means foul or putrid matter;

“Director” means Director of Development Services or their designate.

“graffiti” means one (1) or more letters, symbols or marks, however made, on any structure, place or thing, including a utility kiosk, customer service box or dumpster, but does not include marks made accidentally, or any of the following:

- (a) a sign, public notice or traffic control devices authorized by the Public Works Manager appointed by Council of the District of Summerland;
- (b) a sign authorized by the Sign Bylaw, No. 2013-026, as amended or replaced from time to time;
- (c) a public notice authorized by a City bylaw or by provincial or federal legislation; or
- (d) in the case of real property, a letter, symbol or mark for which the owner or tenant of the real property on which the letter, symbol or mark appears has given prior, written authorization, such as a mural;

“highway” includes every street, road, land, boulevard, sidewalk, lane, bridge, viaduct and any other way open to public use or is permitted to have access or is invited;

“lane” means a public thoroughfare or way which affords only a secondary means of access to a lot at the side or rear;

“motor boat” means a boat or any vehicle used on water that is powered by an engine;

“mural” means an artistic rendering or drawing painted or otherwise applied to a building or structure, and where permission has been granted by the owner of the building or structure to apply the mural;

“noxious weed” means any weed designated by regulation to be a noxious weed pursuant to the *British Columbia Weed Control Act*;

“nuisance” means anything which is offensive, irritating or a pest to anyone residing within the City;

“nuisance abatement fee” means the fees, charges and amounts stated in Bylaw Number 98-001

“nuisance at law” means any act that disrupts a person’s lawful enjoyment of their property or a public space;

“nuisance service call” means any bylaw enforcement, Fire Department, police, or City response to and abatement of any nuisance or other activity, conduct or condition occurring on or near real property which 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 arises from a person's failure to comply with the requirements of this Bylaw;

"offensive matter" means physical objects which are objectionable to the public;

"owner" means the registered owner of an estate in fee simple, the tenant for life under a registered life estate, the registered holder of the last registered agreement for sale, the holder or occupier of land held in the manner referred to in section 228 or 229 of the Community Charter, and an Indian who is an owner under the letters patent of a municipality incorporated under section 9 of the *Local Government Act*;

"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 City;

"public space" means any real property or portions of real property owned or leased by the City to which the public is ordinarily invited or permitted to be in or on, and includes, but is not limited to, the grounds of public facilities or buildings, the surface of Okanagan Lake and the lake foreshore, any public transit exchange, transit shelter or bus stop, and public parkades or parking lots;

"real property" means land, with or without improvements so affixed to the land as to make them in fact and law a part of it;

"recreational vehicle" means a vehicle intended as a temporary accommodation for travel, vacation, or recreational use and includes travel trailers, motor homes, slide-in campers, chassis-mounted campers and tent trailers. Recreational vehicle also includes personal watercraft, all terrain vehicles, snowmobiles, and boats;

"residential areas" means lands that are used residentially in a zone that permits residential use under the District of Summerland 2000-450 Schedule A Zoning Bylaw, as amended or replaced from time to time (the "Zoning Bylaw");

"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 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;

"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 but does not include a private right-of-way on private property;

"sidewalk" means the portion of a highway designated for pedestrian traffic;

"trailer" means any utility trailer, 5th wheel, travel trailer, tent trailer, and vehicle trailer;

“unwholesome matter” means physical objects which are detrimental to the physical or mental well being of persons;

"unsightly", in addition to its common dictionary meaning and regardless of the condition of other properties in the neighbourhood, means any property having any one or more of the following characteristics:

(1) 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;

(2) 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;

(3) landscaping or vegetation that is dead, damaged or characterized by uncontrolled growth or lack of maintenance;

(4) any other similar conditions of disrepair, dilapidation, or deterioration.

“vehicle” means a device in, upon, or by which a person or thing is or may be transported or drawn upon a highway, except a device designed to be moved by human power or used exclusively upon stationary rails or tracks.

“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.

SCHEDULE B

EXEMPTIONS:

1.1

The following public walkways, defined by legal description, are hereby excluded from Section 7 of this bylaw for budgetary reasons:

- (a) walkway shown on S.R.O.W. Plan 37407;
- (b) lane bordering Lot 14, DL 474, Plan 26768;
- (c) lane bordering Lot 15 DL 474, Plan 24328;
- (d) access to park being Lot 1, DL 474, Plan 28700;
- (e) lane bordering Lot A, DL 3640, Plan 17872 & Rem. Lot 10, DL 3640, Plan 15075 (former westerly extension of Quinpool Road Allowance);
- (f) lane bordering Lots 8 & 9, DL 3640, Plan 24871;
- (g) walkway bordering Lots B & C, DL 3640, Plan 28805;
- (h) lane bordering Lots 1 to 3, and Lots 6 to 10, DL 3640, Plan 3190;
- (i) walkway connecting Cedar Avenue to Mountford Avenue, bordering Lot D, DL 439, Plan 26745; Lot 1, DL 439, Plan 44196; and Rem. Blk 1, DL 439, Plan 218;
- (j) walkway bordering Lots 3 & 4, DL 2195, Plan KAP 50812;
- (k) walkway bordering Lots 16 & 17, DL 2195, Plan KAP 50812;
- (l) walkway shown as Right of Way on Plan 49350;
- (m) lane shown as Right of Way on Plan A14843;
- (n) walkway along Okanagan Lake foreshore connecting Rotary Beach to Peach Orchard Beach;
- (o) walkway through Memorial Park, shown on Plan M16602, connecting Wharton Street (Solly Road) to Kelly Avenue.