



DISTRICT OF LANTZVILLE

GOOD NEIGHBOUR BYLAW NO. 200, 2021

CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of Bylaw No. 200 with the bylaw listed below. The amending bylaw has been combined with the original bylaw for convenience only. This consolidation is not a legal document. The Corporation does not warrant that the information contained in this consolidation is current. Certified copies of the original bylaws should be consulted to ensure accurate, current bylaw provisions.

Date of Adoption	Amending Bylaw	Bylaw Citation
September 13, 2023	Bylaw No. 349	Good Neighbour Bylaw No. 200, 2021, Amendment (Noise) Bylaw No. 349, 2023

The bylaw numbers in bold in the margin of this consolidation refer to the last bylaw that amended each section of the principal bylaw: District of Lantzville Good Neighbour Bylaw No. 200, 2021.

DISTRICT of LANTZVILLE
GOOD NEIGHBOUR BYLAW
NO. 200, 2021

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**DISTRICT OF LANTZVILLE
GOOD NEIGHBOUR BYLAW NO. 200, 2021**

A Bylaw to enhance the quality of life for the residents of the District of Lantzville

The Council of the District of Lantzville in open meeting assembled enacts as follows:

CITATION

1. This Bylaw may be cited as “District of Lantzville Good Neighbour Bylaw No. 200, 2021”.

INTERPRETATION

2. In this Bylaw, 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. Unless otherwise indicated, a reference to a statute refers to a statute of British Columbia, and a reference to any statute, regulation, bylaw or other enactments refers to that enactment as it may be amended or replaced from time to time. In the event of a conflict between this Bylaw and a Provincial enactment, the stricter law prevails.
3. Schedule “A” contains definitions of terms used in this Bylaw and forms part of this Bylaw.
4. In this Bylaw, unless the context otherwise requires, the singular shall include the plural and the masculine shall include the feminine gender.
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 of the intent of the provisions of this Bylaw.
6. Scales of fees and charges referred to in this Bylaw are listed in Schedule “F” of the Miscellaneous Fees and Charges Bylaw No. 26, 2004.

SEVERABILITY

7. If any section, paragraph, clause or word of this Bylaw is held to be invalid or unenforceable by a court of competent jurisdiction, that portion is severed from the Bylaw and the remaining portions continue to be valid and enforceable.

GENERAL REGULATIONS

8. No **person** shall place or occupy any building, structure, works, tent, **vehicle**, **secondary temporary accommodation**, recreational facility or recreational **vehicle** whatsoever on any part of **District**-owned land, including statutory rights of ways or road allowances except as authorized under the Traffic and Parking Regulations Bylaw No. 28, 2004, with the written approval of the **District** or as provided in this Bylaw.
9. No **person** shall discharge a **firearm** within the boundaries of the **District**, with the exception of:
 - (a) a Conservation Officer or **Peace Officer** carrying out their official duties;
 - (b) in accordance with normal farm practices under the *Farm Practices Protection (Right to Farm) Act*;
 - (c) persons exercising an Aboriginal Right.
10. No **person** shall feed any animal, including geese and seagulls, other than a domestic animal or pet, unless otherwise permitted under the applicable zoning or land designation bylaw, except that bird feeders are permitted on residential property subject to the owner or occupier keeping the land area below the bird feeder free of **accumulation** of seed and debris from the bird feeder at all times.

Public Areas

11. No **person** shall climb, peel, cut, deface, remove, top, injure, or in any way damage any tree planted or growing on **District**-owned land or deface, remove, damage, or destroy any structure, fence, or facility on **District**-owned land without first obtaining written permission of the **Director of Public Works**.
12. No **person** shall place or erect any structure, sign, bulletin board, post, pole or any other advertising device, paint or affix any advertising in **public areas** or on **District**-owned land, except on a community board designated for that purpose or with prior approval of the **District**.
13. No **person** shall consume or possess any open liquor, alcoholic beverage or cannabis on **District**-owned land within the **District** boundaries except with the written approval of the **District**.

LITTERING

14. No **person** shall affix to or place **advertisements** on, or within any lot, building, pole, or **vehicle**, unless such **advertisements** are deposited within a **container** provided by the property owner or occupiers of the land or building.
15. No **person** shall deposit, leave, bury or throw **rubbish**, **advertisements** or other litter anywhere within the **District**, including without limitation wooded areas and beaches, except in a **container** designated for that purpose.

- 16.** No **person** shall carry into the **District** any **rubbish** or litter for disposal or placement except as permitted by the **District's** Zoning Bylaw No. 180, 2020.

STREET NUISANCES

17. Restrictions on Panhandling

No **person** shall **panhandle** within 10 metres of:

- (a) an **automated teller machine**;
 - (b) a bus stop or bus shelter;
 - (c) a public beach;
 - (d) a park;
 - (e) the entrance to any property that a liquor store occupies; or
 - (f) other public facility.
- 18.** 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.

- 19.** No **person** shall **panhandle** after sunset.

- 20.** No **person** shall sit, stand, or lie on the travelled portion of a **highway** for the purpose of panhandling.

- 21.** No **person** shall on a commercial basis solicit for orders, busk or peddle merchandise of any kind in a **public area** or on **District**-owned land, without prior written permission issued by the **District**.

NOISE REGULATION

22. General Noise Prohibitions

Unless exempted under this Bylaw, no **person** shall make, 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 area** in the **District** which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any **person** in the neighbourhood or vicinity of that place.

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- 23.** Without limiting section 22, quiet hours in the **District** are between 10:00 pm and 7:00 am, including on beaches. No **person** shall make, cause or allow unnecessary or continuous noise during these quiet hours, except as provided in section 27.

Specific Noise Prohibitions

24. Without limiting the generality of sections 22 and 23 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 property or on any **highway** or other **public area** in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any **person** in the neighbourhood or vicinity of those premises or place;
 - (b) No **person** being the **landowner** or occupier of land shall allow or permit such land to be used by a **person** for playing or operating any radio or stereophonic equipment or other instrument or other apparatus for the production or amplification of sound that can be easily heard from beyond the property and which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any **person** in the neighbourhood or vicinity of said land;
 - (c) No **person** shall keep or harbour any dog, cat, or other animal or bird in such a manner that its barking, howling, cries or other sounds can be easily heard, continually, sporadically or erratically, for any period longer than 30 minutes by a **person** who is not on the property or premises;
 - (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 8:00 pm and 8:00 am;

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- (e) Subject to section 27 (h), no **person, landowner** or occupant of land shall:
 - i) on Monday to Friday before 8:00 am or after 8:00 pm
 - ii) on Saturday and Sunday before 9:00 am or after 6:00 pm,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 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;
- (f) No **person** shall cause or continue a disturbance upon any portion of a **highway** or other **public area** by participating in a fight or other similar physical confrontation between consenting or non-consenting **persons**.

Motor Vehicle Noise

- 25.** The following motor **vehicle** noises are considered unnecessary, objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public and are prohibited, whether or not they amount to a violation of any other provision of this Bylaw:
- (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** within the **District**;
 - (c) the amplified sound or bass of a radio, 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**;
 - (d) 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;
 - (e) 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**;
 - (f) 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**.

Motor Vehicle Idling Noise

- 26.** No **person** shall idle or otherwise run a motor **vehicle** continuously for more than three (3) minutes at the same location, except:
- (a) a motor **vehicle** containing equipment that must be operated inside or in association with a motor **vehicle**;
 - (b) a motor **vehicle** while providing assistance in an emergency activity or serving as a facility for taking measurements or making observations by or on behalf of the **District**, public utility, police, fire or ambulance; or
 - (c) a motor **vehicle**, where idling is required as part of an inspection, servicing or repair process.

Noise Exemptions

- 27.** The noise restrictions of this Bylaw do not apply in the following circumstances:
- (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, snow removal, or 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) performing farm operations conducted in accordance with normal farm practices under the *Farm Practices Protection (Right to Farm) Act*;
- (e) lawfully carrying on a trade or industry on property zoned commercial or light industrial to allow for such use, 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;
- (f) operating residential household equipment including, but not limited to, pool pump motors, air conditioning units, exhaust fans, hot tub pumps, heat pumps provided that the sound or noise there from 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) hosting events held under the authority of a **special event permit** approved by the **District**;
- (h) carrying out construction work under written authorization of the **Director of Planning** where the **Director of Planning** considers that it is impossible or impractical for a **person** to comply with section 24 (e), and has, upon receipt of an application in writing, authorized construction 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 **Director of Planning** considers reasonable in the circumstances. An application for an exemption must be in writing and must include all of the following:
 - (i) the name, address, telephone number and email of the applicant;
 - (ii) the civic address of the location of the works;
 - (iii) the building permit number, if applicable;
 - (iv) the reasons for the requested exemption;
 - (v) a description of the source of noise in respect of which the exemption is sought;
 - (vi) the exact period of time for which the exemption is requested; and
 - (vii) a statement of the measures planned or presently being taken to minimize the sound or noise created;

- (i) Operating a **mobile public address system** approved through a **special event permit** approved by the **District**.

PROPERTY MAINTENANCE

Regulations

- 28.** A **landowner** or occupier of any real or personal property must not cause, permit or allow the property to become or remain **unsightly**.
- 29.** Without limiting the generality of the foregoing, except as permitted under sections 36 and 37 of this Bylaw, no **landowner** or occupier of land shall cause or allow:
 - (a) **rubbish**, or any noxious, offensive, or **unwholesome matter** to collect or accumulate on the land;
 - (b) **rubbish** to overflow from or accumulate around any **container** situated on the land;
 - (c) the land to become or remain **unsightly**;
 - (d) the **accumulation** of unmanaged vegetation, dead landscaping, weeds, or **noxious weeds** to occur or to remain on the land;
 - (e) the infestation of caterpillars, termites, mice, rats, or other pests, or destructive animals to remain on the land;
 - (f) more than two (2) unregistered or unlicensed **vehicles** stored outdoors within the **landowner's** property boundaries except as permitted by the **District's** Zoning Bylaw No. 180, 2020;
 - (g) an **accumulation** outdoors of motor **vehicle** parts or any **vehicle** which is in a state of disrepair or disassembly or is a **derelict vehicle** except as permitted by the **District's** Zoning Bylaw No. 180, 2020;
 - (h) **noxious weeds** to grow on the land and shall remove or have removed, any **noxious weeds** on the land in a manner which eliminates the regrowth of the **noxious weeds**.

Vacant Premises

- 30.** A **landowner** must ensure that vacant land, buildings or structures are secured from unauthorized entry, and must not cause or allow a vacant building or structure to fall into such a state of dilapidation or disrepair that it becomes **unsightly** or creates a hazard, danger or inconvenience to the general public.

Graffiti

- 31.** No **person** shall place **graffiti**, or cause or allow **graffiti** to be placed, on any wall, fence, building or structure that is in the **District**.
- 32.** Every **landowner** or occupier shall keep any wall, fence, building, structure or surface located on such property and adjacent to a **highway** or **public area**, free of **graffiti**.

Boulevard, Highway and Sidewalk Maintenance

- 33.** Every **landowner** or occupier of land adjacent to a **boulevard** or **highway** shall:
 - (a) ensure that the portion of the **boulevard** adjacent to the land, is maintained and kept free and clear, at all times, of **weeds**, **accumulations** of **filth**, **rubbish**, litter, and hazardous objects;
 - (b) ensure that the land is kept free and clear, at all times, of **weeds** that are within one meter from the boundary between the land and the adjacent **boulevard**, so as to prevent and control the spreading of **weeds** to adjacent **boulevards**;
 - (c) ensure that the land is kept free and clear, at all times, of **accumulations** of **filth**, **rubbish**, litter, and hazardous objects that are within one meter from the boundary between the land and the adjacent **boulevard**;
 - (d) prevent any encroachment or obstruction by vegetation, landscaping features, fences, gates or other private property features or **weeds** on sidewalks, **boulevards**, road shoulders, roadways, or public rights of way; and
 - (e) keep hedges, trees and other vegetation trimmed so that driveway and intersection **sight distances** are unobstructed.
- 34.** Every owner or occupier of land shall remove, or cause the removal of snow, ice or **rubbish** from every sidewalk that borders on that land within 24 hours of the time the snow, ice or **rubbish** is deposited there on.
- 35.** No **person** shall deposit or cause or permit the deposit of **rubbish**, litter, on any **public area** of the **District**, including without limitation beaches.

Property Maintenance Exemptions

- 36.** Section 29 of this Bylaw does not apply to the orderly outdoor storage of goods and chattels as permitted by the **District's** Zoning Bylaw No. 180, 2020.

37. Section 29 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*.

MANAGEMENT OF PUBLIC AREAS

38. A **person** must not use fertilizers, pesticides, and herbicides in **public areas**.
39. With the exception of **boulevards** where maintenance is required to be done by adjacent property owners, a **person** must not alter or change any **public area** without first obtaining written approval of the **Director of Public Works**.
40. A **person** must not mow **grass in public areas** without first obtaining written permission of the **Director of Public Works**.
41. A **person** must not place **rubbish** in a municipal garbage or recycling bin.
42. Beaches and parks in the **District** are closed from:
 a) November 1st to April 30th from 10:00 pm to 7:00 am; and
 b) May 1st to October 31st from 11:00 pm to 6:00 am,
 for all camping, loitering, or congregating in groups of more than four persons.
43. A **person** must not enter or use closed **public areas** including beaches and parks, except as provided in sections 42 and 45.
44. Overnight camping, erection and occupancy of a **temporary shelter** or open burning for any purpose is prohibited in the following key sensitive areas in the **District** of Lantzville:

LOCATION	CIVIC ADDRESS
Copley Park	7471 Andrea Crescent
Huddleston Park	7080 Huddleston Road
Rotary Park	6945 Peterson Road
Sebastion Park	7342 Lantzville Road
Fire Hall	7580 Superior Road
Municipal Hall	7192 Lantzville Road
Community Use Building A (Costin Hall)	7232 Lantzville Road
Community Use Building B (former church)	7244 Lantzville Road
School Road Parking Lot and Tennis Courts	7005 Lantzville School Road
District -owned Lands	7329 Harby Road East
All Public Beach Areas	
District Trails	
Environmental Sensitive Areas (as designated in the Official Community Plan)	
Registered Road Rights of Way	

- 45.** A **homeless person** may take up overnight accommodation and erect and occupy a **temporary shelter** in a park, except those listed in section 44, between the hours of 7:00 pm on one day and 7:00 am the following day, provided the **homeless person**:
- (a) vacates and dismantles any shelter erected by 7:00 am each morning;
 - (b) removes any shelter material, personal possessions, and disposes of any debris, **rubbish**, litter or any other articles in a **container** designated for that purpose, by 7:00 am each morning;
 - (c) does not erect a shelter within 10 metres of any playground, sports field, picnic shelter, gazebo, public washroom, bike park, private property, pathway, established trail or sidewalk;
 - (d) does not damage or alter any **District**-owned land, including fencing, trees, shrubs, plantings, benches or other municipal equipment or infrastructure;
 - (e) does not obstruct a **District** employee in the performance of their duties.
- 46.** A **person** must not operate a drone in **public areas** including beaches and parks, in such a manner as to damage or interfere with municipal structures and equipment, or impede the use and enjoyment of **public areas**, including beaches and parks.

[BURNING CONDITIONS, RESTRICTIONS AND FIRE BANS Reference the District of Lantzville Fire Protection Services Bylaw No. 185, 2019]

[FOR FIREWORKS REGULATIONS Reference District of Lantzville Fireworks Regulation Bylaw No. 39, 2005]

INSPECTIONS

- 47.** No **person** shall obstruct or interfere with a **Bylaw Enforcement Officer** or **Inspector** in the exercise of their duties.
- 48.** A **Bylaw Enforcement Officer** or **Inspector** may enter upon the property of any property owner or occupant at all reasonable times and in a reasonable manner for the purposes of carrying out their duties and determining whether the property is **unsightly** or otherwise not in compliance with the provisions of this Bylaw.

ENFORCEMENT, PENALTY AND COMPLIANCE ORDERS

- 49.** A **person** who:
- (a) contravenes this Bylaw;

- (b) permits, suffers, or allows any act or thing to be done in contravention of this Bylaw; or
 - (c) fails or neglects to do anything required to be done under this Bylaw, commits an offence. Each day that a violation occurs or continues shall constitute a separate offence.
- 50.** A **person** found guilty of contravening this Bylaw is liable to pay:
- (a) a fine of not less than \$1,000 and not more than \$50,000, together with the cost of prosecution, if proceedings are brought under the *Offence Act*;
 - (b) a fine of up to \$1,000 if a ticket is issued under “*District of Lantzville Municipal Ticket Information Bylaw No. 100, 2012*”; or
 - (c) a penalty in the amount established in a bylaw under the *Local Government Bylaw Notice Enforcement Act*.
- 51.** In addition to the payment of a penalty or fine in relation to an offence, a **person** violating any of the provisions of this Bylaw may be liable to civil proceedings by the **District** to recover expenses, loss or damage incurred by the **District** resulting from such violation.

Compliance Order

- 52.** If in the opinion of a **Bylaw Enforcement Officer** or an **Inspector**, the **landowner** or occupier fails to comply with a requirement of this Bylaw, the **Bylaw Enforcement Officer** or an **Inspector** may issue a **Compliance Order** requiring that the owner or the occupier, or both, bring the property into compliance with this Bylaw within such time as the **Bylaw Enforcement Officer** or **Inspector** considers appropriate in the circumstances.
- 53.** A **Compliance Order** may address any conditions or circumstances particular to the property, specify actions and measures that must be taken, and establish a time frame for completion.
- 54.** Delivery of a **Compliance Order** is deemed sufficient:
- (a) in the case of the **landowner**, on the day on which it is personally delivered, or on the fifth business day after being mailed by regular post to the address shown on the current year’s property assessment roll; and
 - (b) in the case of the occupant, on the day on which it is personally delivered, or the day on which it is posted on the property, or on the fifth business day after being mailed by regular post to the address of the property.

55. If the obligations imposed by the terms of a **Compliance Order** are not performed within the time period set out therein, the **District**, by its employees, agents, or contractors, may at all reasonable times and in a reasonable manner enter the property and bring about such compliance at the cost of one or more of the following:

- (a) the occupant of the property from which the non-compliance of this Bylaw arises;
- (b) the owner of the property from which the non-compliance of this Bylaw arises;

all of which said costs shall be calculated and invoiced to include all costs and expenses incurred by the **District** to meet the requirements of the **Compliance Order**, including without limitation, administrative costs; the costs to attend the property the **District** employees and its contractors; the costs of equipment, removal, cleanup, and disposal; and the cost of repairs to damaged **District** equipment, **vehicles** or property.

56. If a **landowner** or occupier defaults in paying the costs referred to in section 55 to the **District** within 30 days after receipt of a demand for payment, the amount becomes a debt due and owing to the **District**, and if not fully paid by December 31st, any amount outstanding may be recovered from the **landowner** in the same manner as for property taxes.

Excessive Nuisance Service Calls

57. Where a member of the R.C.M.P., a **Bylaw Enforcement Officer** or other **District** employee is required to respond to a 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 **landowner** may be liable to pay an **Excessive Nuisance Abatement Fee** for each additional **nuisance** service call responded to at the same property within the twelve (12) month period following the date of the notice referred to in section 58.

58. Before imposing an **Excessive Nuisance Abatement Fee**, written notice shall first be provided to the **landowner**:

- (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 land; and

- (b) advising the **landowner** that **Excessive Nuisance Abatement Fees** will be imposed for each additional **nuisance** service call to the same land 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**.

59. Service of the notice referred to in section 58 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 **landowner** shown on the current year's tax roll for the land 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.

60. **Excessive Nuisance Abatement Fees** shall be paid by the **landowner** on being delivered of an invoice from the **District** and if not paid within 30 days, becomes a debt owing by the **landowner** to the **District**.

61. This bylaw shall come into effect on August 1, 2021.

READ A FIRST TIME this 29th day of March, 2021.

READ A SECOND TIME this 29th day of March, 2021.

READ A THIRD TIME this 8th day of September, 2021.

ADOPTED this 22nd day of September, 2021.

ORIGINAL SIGNED

Mark Swain, Mayor

ORIGINAL SIGNED

Trudy Coates,
Director of Corporate Administration

SCHEDULE “A”

Attached to and forming part of Bylaw No. 200

The following definitions apply in this Bylaw:

“**Accumulation**” means a build up, growth or collection, either scattered, amassed or piled, existing at the time of inspection;

“**Advertisements**” means circulars, pamphlets, handbills, and papers, and does not include newspapers or notices issued by the **District**;

“**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;

“**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;

“**Building official**” means **persons** duly appointed by **Council** as such;

“**Bylaw Enforcement Officer**” means a **Bylaw Enforcement Officer** appointed by **Council** as such, and shall include any **Peace Officer** or **building official**;

“**CAO**” means the Chief Administrative Officer appointed by **Council** and any **person** delegated to assist in carrying out their duties under this bylaw;

“**Compliance order**” means an order issued pursuant to section 52 of this Bylaw;

“**Container**” includes a dumpster, garbage can, garbage bin or other receptacle designed, intended or used to hold **litter**, discarded materials and debris;

“**Council**” means the elected **Council** for the **District** of Lantzville;

“**Derelict vehicle**” means all or part of any wrecked **vehicle** or motor **vehicle** which is not capable of operating under its own power and not validly registered and licensed in accordance with provincial legislation;

“**Director of Corporate Administration**” means the **person** appointed by **Council** as the **Director of Corporate Administration** for the **District** and any **person** delegated to assist in carrying out their duties under this Bylaw;

“**Director of Planning**” means the **person** appointed by the Chief Administrative Officer as the **Director of Planning** and Community Services for the **District** and any **person** delegated to assist in carrying out their duties under this Bylaw;

“**Director of Public Works**” means the **person** duly appointed by the Chief Administrative Officer as the **Director of Public Works** for the **District** and any **person** delegated to assist in carrying out their duties under this Bylaw;

“**District**” means the **District** of Lantzville;

“**Drone**” means a remotely operated aerial device that is designed to carry a camera or other recording mechanism;

“**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:

- (a) The cost of police and **District** employee salaries, including 25% overhead;
- (b) The cost of using Fire Department and **District** equipment and **vehicles**;
- (c) The administration costs incurred by the **District** in responding to a **nuisance** service call and abating a **nuisance**;
- (d) The cost of the **District** Fire Department call-out including employee and equipment; and
- (e) The cost of repairs to damaged **District** equipment, **vehicles** or property, and the use of supplies which occurred as a result of responding to a **nuisance** service call;

“**Filth**” means foul or putrid matter;

“**Firearm**” means a rifle, pistol, shotgun, or crossbow and includes air guns, air rifles, air pistols, and spring guns;

“**Graffiti**” includes one or more letters, symbols, writing, pictures or marks, however made, posted, scratched, painted or drawn on any structure, place or thing but does not include marks made accidentally or any of the following:

- (a) Sign, public notice or traffic control mark authorized by the **District**, 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**;

“**Highway**” means a public road and any other public way, including the full extent of the **highway** dedication, but excludes the area seaward of the present natural boundary of the sea;

“**Homeless person**” means a **person** with no fixed address and no predictable residence to return to on a daily basis;

“**Inspector**” means anyone who is authorized by the **CAO** to enter and inspect property for the purposes of this Bylaw;

“**Landowner**” means the **person** who is the registered owner on title under the *Land Title Act*, and in relation to the common property of a strata corporation, includes the strata corporation;

“**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;

“**Noxious weeds**” means any plant designated as a **noxious weed** pursuant to the *Weed Control Regulation*;

“**Nuisance**” means an action or condition that is prohibited under this Bylaw;

“**Panhandle**” means to solicit, 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 for a charitable organization;

“**Peace Officer**” has the same meaning as in the *British Columbia Interpretation Act*;

“**Person**” includes a natural **person**, a company, corporation, partnership, firm, association, society, or party and the heirs, executors, administrators, occupier or tenant of land, personal or other legal representatives or a **person** to whom the context can apply according to law; however, does not include a **District** employee fulfilling or carrying out the duties and responsibilities of their position;

“**Public address system**” means a sound amplification system, either by megaphone or electronically, used outdoors to disseminate the spoken word 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.

“**Public Area**” means any park, **highway, boulevard**, sidewalk, driveway on **District**-owned land, foreshore, beaches or such premises as the **Council** may from time to time designate.

“**Rubbish**” means any discarded substances, materials, or items, and without limitation includes household waste, decaying or non-decaying solid and semi-solid wastes, combustible and non-combustible wastes, 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, tool sheds, construction, trade and demolition waste, **derelict vehicles** and vessels, tires, batteries, machinery, mechanical or metal parts, abandoned or dilapidated appliances or furniture, ashes from fireplaces and on-site incinerators, yard clippings, brush, wood, dry vegetation, **weeds**, dead trees and branches, stumps, and piles of earth, or any combination of the above;

“**Secondary Temporary Accommodation**” means a trailer or recreational **vehicle**, on skids or wheels.

“**Sight distances**” means a clear line of vision between motorists, cyclists and pedestrians that allows sufficient time for safe manoeuvres to be made without significantly affecting the conflicting traffic;

“**Special event permit**” means any public show, exhibition, carnival or performance or gathering of any particular kind, or any public show, exhibition, carnival or performance approved by the **Director of Corporate Administration**.

“**Temporary shelter**” means a tent or other shelter constructed from a tarp, plastic, cardboard or other similar materials;

“**Unightly**” 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:

- (a) The storage, location or **accumulation** visible to a **person** standing on a public **highway** or on nearby property, of **filth**, litter, **rubbish** or **graffiti**;
- (b) 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 situated on a public **highway** or nearby property;
- (c) Landscaping or vegetation that is dead or characterized by uncontrolled growth or lack of maintenance, or is damaged;
- (d) Fences characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or any other evidence of physical decay or neglect or excessive use or lack of maintenance;
- (e) Any other similar conditions of disrepair, dilapidation, or deterioration;

(f) Any unlicensed or unregistered **vehicles** in a state of disrepair or disassembly.

“**Unwholesome matter**” means physical objects which are detrimental to physical or mental wellbeing of **persons**.

“**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, and for the purpose of this Bylaw shall include boat or other trailers;

“**Vehicle Owner**” means a **person** in possession or operation of a motor **vehicle** or ancillary or related equipment;

“**Weed**” means and shall include brush, trees, and other growth that tends to seed and spread readily without human intention or care, and any vegetation that may by its root system, limbs, shoots or leaves intrude into a **highway** in a manner that may impact travel, construction, maintenance levels, longevity or aesthetics of the said **highway**, including:

- (a) English ivy (*Hedera helix*),
- (b) Himalayan blackberries (*Rubus Armeniacus*), and
- (c) Scotch Broom (*Cytisus Scoparius*).