

CITY OF NANAIMO

BYLAW NO. 7250

A BYLAW TO PREVENT, ABATE AND PROHIBIT NUISANCES AND PROVIDE FOR THE COST RECOVERY OF ABATEMENT OF NUISANCES

WHEREAS, under Sections 8 and 64 of the *Community Charter*, Council may, by bylaw, regulate, prohibit and impose requirements in relation to nuisances; and

WHEREAS, under Sections 17 and 194 of the *Community Charter*, Council may impose costs and recover the costs of taking action in the event of a default by a person who fails to take action as Council directs:

NOW THEREFORE, the Council of the City of Nanaimo, in open meeting assembled, enacts as follows:

1. TITLE

This Bylaw may be cited for all purposes as City of Nanaimo “Nuisance Abatement and Cost Recovery Bylaw 2019 No. 7250”.

2. DEFINITIONS

“CITY”	means the City of Nanaimo
“NUISANCE”	means an activity which substantially and unreasonably interferes with a person’s use and enjoyment of a public area or of land he or she occupies or which causes injury to the health, comfort or convenience of an occupier of land and, if it does so, without limiting the generality of the foregoing, may include an activity such as a noisy party, a group of people making noise, loud music, car racing, revving engines, yelling, shouting, screaming, fighting, littering and trespassing.

3. PROHIBITION

No person shall cause a nuisance or permit the land he or she owns or occupies to be used so as to cause a nuisance.

4. NUISANCE ABATEMENT

1. A person who causes a nuisance or permits the land he or she owns or occupies to be used so as to cause a nuisance shall abate or cause to be abated an activity, which causes a nuisance.
2. The City may, by its employees, contractors, and agents abate or cause to be abated an activity which causes a nuisance if the person who caused the nuisance or permitted the land that he or she owned or occupied to be used so as to cause a nuisance failed to comply with a direction from Council to abate the nuisance.

5. COSTS IMPOSITION

The City may impose the costs or abating a nuisance on one or more of the following:

1. A person causing the nuisance;
2. The occupier of land from which the nuisance emanates; and
3. The owner of land from which the nuisance emanates.

6. COLLECTION

The City may recover the costs imposed under Section 5 in accordance with:

1. Section 231 of the *Community Charter* as a debt due and recoverable in a court of competent jurisdiction; or
2. Section 258 of the *Community Charter* as property taxes.

7. COSTS

The costs recoverable for nuisance abatement are set out in Schedule "A" of this Bylaw.

8. SCHEDULES

Council authorizes that Schedule "A" may be omitted and established by resolution where the schedule can be more conveniently contained in a resolution.

9. OFFENCES

1. Every person who violates any of the provisions of this Bylaw, or who causes, 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 or refrains from doing anything required to be done by any of the provisions of this Bylaw, or who carries out or who suffers, causes or permits to be carried out any development in a manner prohibited by or contrary to any of the provisions of this Bylaw, or who fails to comply with any order, direction or notice given under this Bylaw in addition to any other penalties provided for in this Bylaw, shall be liable on summary conviction to a fine not exceeding Ten Thousand Dollars (\$10,000.00), or to imprisonment of not more than six (6) months, or both; or if an information is laid by means of a Municipal Ticket Information in accordance with the procedure set out in Part 8, Division 3 of the *Community Charter*, a fine as stipulated in Schedule "A" of this Bylaw; or if the Local Government Bylaw Notice

Enforcement Act applies, and a Bylaw Notice is laid in accordance with that Act, a penalty in accordance with Bylaw Notice Enforcement Bylaw 2012 No. 7159, Schedule "A".

2. Each day the Offence against this Bylaw continues or exists shall be deemed to be a separate and distinct offence.

10. SEVERABILITY

Each section of this Bylaw shall be severable. If any provision of this Bylaw is held to be illegal or invalid by a court of competent jurisdiction, the provision may be severed and the illegality or invalidity shall not affect the validity of the remainder of the bylaw.

11. REPEAL

City of Nanaimo "Nuisance Abatement and Cost Recovery Bylaw 2003 No. 5645" is hereby repealed.

PASSED FIRST READING: 2019-AUG-26
PASSED SECOND READING: 2019-AUG-26
PASSED THIRD READING: 2019-AUG-26
ADOPTED: 2019-SEP-09

L. E. KROG

MAYOR

S. GURRIE

CORPORATE OFFICER

SCHEDULE 'A'

The costs referred to in Section 7 of this bylaw are determined in part by a flat fee for each separate attendance and time spent by individuals involved in the abatement of a nuisance and the amounts of individuals shall be determined as imposed under this schedule.

The rates per attendance are as follows:

Bylaw, Regulation and Security	\$250.00
RCMP	\$250.00
Fire Department	\$250.00
Building Inspection Division	\$250.00
Public Works Department	\$250.00
Contracted Services	Actual cost plus 10%