



THE DISTRICT OF NORTH VANCOUVER

NUISANCE ABATEMENT BYLAW

BYLAW 7325

Effective Date – September 3, 2002

CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of the bylaws below. The amending bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaw on this subject.

Original Bylaw

[Bylaw 7325](#)

Date of Adoption

September 3, 2002

Amending Bylaw

[Bylaw 7504](#)

[Bylaw 7625](#)

Bylaw 8559

Date of Adoption

September 27, 2004

May 28, 2007

May 30, 2022

The bylaw numbers in the margin of this consolidation refer to the bylaws that amended the principal bylaw (Nuisance abatement Bylaw – Bylaw 7325). The number of any amending bylaw that has been repealed is not referred to in this consolidation.

THE CORPORATION OF THE DISTRICT OF NORTH VANCOUVER

BYLAW 7325

A bylaw to prevent, abate and prohibit certain nuisances pursuant to section 725 of the *Local Government Act*, R.S.B.C. 1996, c323

The Council for The Corporation of The District of North Vancouver enacts the following:

Title

1. This bylaw may be cited as **"NUISANCE ABATEMENT BYLAW"**.

Definitions

2. In this bylaw,

"Building Materials" includes items used in the construction of structures or in landscaping, including, but not limited to lumber, windows, doors, fill, and soil;

"Bylaw Enforcement Officer" means the person or persons appointed by Council to enforce this Bylaw and includes a member of the RCMP;

"Derelict Vehicle" includes a Motor Vehicle incapable of movement under its own power and a Motor Vehicle that does not contain all of the parts necessary for movement on a highway;

"District" means the Corporation of the District of North Vancouver;

"Emergency Vehicle" has the same meaning as in the Motor Vehicle Act, R.S.B.C. 1996, c. 318

"Light Source" means a light bulb, light tube or floodlight lamp;

"Motor Vehicle" means a vehicle, not on rails, that is designed to be self-propelled and includes off road vehicles, parts and equipment;

"Order to Comply" means an order issued by a Bylaw Enforcement Officer in accordance with section 12 of this bylaw;

(8559)

"Outdoor Light" means any Light Source that is not fully enclosed in a building or structure;

"Person" includes a corporation, partnership, government body, or other party, and the personal or other legal representatives of a person to whom the context can apply according to law;

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

"Residential Zone" means any zone provided for in the Zoning Bylaw from time to time where a residential use is permitted;

"Rubbish" includes, without limiting the generality of the word, a Derelict Vehicle and boat or Motor Vehicle parts ;

“Shade” means a non-transparent light shade that does not form part of a Light Source;

“Shipping Container” means a container designed for storing and transporting cargo via ship, rail or truck, whether or not it is actually being used for such a purpose; and

(7625)

“Treasurer” means the person holding the position of Director of Financial Services under the Officers and Employees Bylaw.

(7504)

Prohibitions

3. No person shall create or cause a nuisance in the District of North Vancouver.
4. No owner or occupier of Real Property shall permit a nuisance to be caused or to exist on that property.
5. No owner or occupier of Real Property shall allow that property to become or remain unsightly.
6. Without limiting the generality of sections 3, 4 and 5.
 - a) No owner or occupier of a parcel shall cause, allow or permit the accumulation on the parcel of filth, discarded materials, unwholesome matter, or Rubbish of any kind, whether or not for commercial purposes or as part of a trade or calling, including but not limited to dead animals, paper products, crockery, glass, metal, plastics, plastic containers, wire, ropes, machinery, tires, appliances, vehicle parts, and any other scrap or salvage, unless the materials are in a closed building or structure such that they are not visible from another parcel or a public place;
 - b) No person shall deposit or throw bottles, broken glass or other Rubbish on any property unless the materials are in a closed building or structure such that they are not visible from another parcel or a public place;
 - c) No person shall cause or permit a Motor Vehicle engine to be left in operation for more than three (3) minutes in a sixty (60) minute period while the vehicle is stationary, except:
 - i. Motor Vehicles undergoing repairs at a service garage licensed pursuant to the Bylaws of the District of North Vancouver,
 - ii. Emergency Vehicles, or
 - iii. Where the operation of the Motor Vehicle engine is necessary to power equipment ancillary to the Motor Vehicle;
 - d) No person shall allow an Outdoor Light to be placed or lit on a parcel such that the Light Source is visible from a different parcel in a Residential Zone;
 - e) Except when specified as a permitted use in the Zoning Bylaw, no owner or occupier of Real Property shall cause, allow or permit the accumulation of Building Materials on the property for more than 15 days unless:
 - i. the owner of the 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 place;

- f) Except when specified as a permitted use in the Zoning Bylaw, no owner or occupier of Real Property shall cause, allow or permit the storage or accumulation on the property of all or part of a Motor Vehicle that is not:

- i. validly licensed in accordance with the Motor Vehicle Act, or
- ii. capable of movement under its own power

unless it is stored in a closed building or structure such that the vehicle, or any portion of the vehicle, is not visible from another parcel or a public place;

(7504)

- g) No owner or occupier of Real Property in a Residential Zone shall permit a Shipping Container to be stored on such property, except where the Shipping Container is necessary and accessory to construction in progress and such construction is the subject of a current and valid building permit.

(7625)

Requirements

7. Every person who is the owner or occupier of Real Property or their agent shall prevent and abate nuisances on that property.

8. Without limiting the generality of section 7, every person who is the owner or occupier of Real Property or their agent shall

- a) remove from it any unsightly accumulation of discarded materials, or Rubbish of any kind;
- b) prevent the infestation of it by caterpillars and other noxious or destructive insects;
- c) clear it of caterpillars and other noxious or destructive insects;
- d) clear it of brush, and of grass in excess of 30 centimetres in length and noxious weeds or growths; and
- e) ensure that an Outdoor Light on the Property is shielded by a Shade or fixture such that the Light Source is not visible from another parcel located in a Residential Zone.

(7504)

9. The prohibitions in section 6(e) and the requirement in section 8(e) do not apply to the following:

- a) Christmas or holiday lights between November 15 and January 15;
- b) Street lighting provided by the District;
- c) Lighting required by law enforcement or emergency services personnel;
- d) Traffic control signals and devices;
- e) Vehicle lights; and
- f) Outdoor Lights used to illuminate public parks and playing fields.

10. Every person who is a manufacturer or processor shall dispose of waste from their operation in accordance with the District of North Vancouver Waste Removal Bylaw No. 5848.

Enforcement

11. The Bylaw Enforcement Officer
- a) is empowered to administer and enforce this bylaw, including by issuing Orders to Comply in accordance with section 12 of this bylaw; and,
 - b) may, to the extent necessary to give effect to this bylaw, enter, at all reasonable times, on any property subject to the regulations of Council, to ascertain whether the regulations or directions of this bylaw are being observed.

(8559)

Order to Comply

12. Where a person has failed to perform the obligations pursuant to sections 8 (a)-(e), the Bylaw Enforcement Officer may, in accordance with section 13, serve on such person an Order to Comply which requires the person to remedy the nuisance within 14 days or, if in the opinion of the Bylaw Enforcement Officer special circumstances exist, on a date the Officer considers reasonable in the circumstances.

Service of the Order

13. The Bylaw Enforcement Officer shall serve the Order to Comply
- a) on the owner of the Real Property where the nuisance exists by
 - i. personal service, or
 - ii. return registered mail to the address of the owner shown on the last revised Real Property assessment rolls;
 - b) on the occupier of Real Property where the nuisance exists by
 - i. personal service, or
 - ii. delivery to a mail box or other receptacle for messages, if any, on the Real Property, or
 - iii. posting on the Real Property;
 - c) on any agent of the owner or occupier of the Real Property where the nuisance exists by
 - i. personal service, or
 - ii. return registered mail;

and when an Order to Comply is not personally served it is deemed to have been served on the third day after mailing or posting.

Appeal

14. A person upon whom an Order to Comply has been served may, by giving notice in writing to the Clerk of the Municipality at least 72 hours prior to the expiry of the time given in the Order to Comply to remedy the nuisance, appeal to the Council who shall hear and determine the appeal by confirming, amending or rescinding the Order to Comply.

Designation of Bylaw

15. This bylaw is designated pursuant to section 264 of the *Community Charter* as a bylaw that may be enforced by means of a ticket in the form prescribed.

(8559)

Designation of Bylaw Enforcement Officer

16. Members of the Royal Canadian Mounted Police and Bylaw Enforcement Officers are designated to enforce this bylaw by means of a ticket pursuant to Section 264 of the *Community Charter*.

(8559)

Ticketing

17. The words or expressions listed below in the Designated Expression column are authorized to be used on a ticket issued pursuant to Section 264 of the *Community Charter* to designate an offence against the respective section of this bylaw appearing opposite in the Section column. The amounts appearing in the Fine column below are the fines set pursuant to section 264 of the *Community Charter* for contravention of the respective section of this bylaw appearing opposite in the Section column:

<i>Designated Expressions</i>	<i>Section</i>	<i>Fine</i>
Causing a Nuisance	3	\$100.00
Permit a Nuisance	4	\$100.00
Unightly Property	5	\$100.00
Permitting rubbish to collect	6(a)	\$100.00
Depositing rubbish	6(b)	\$100.00
Run Stationary Vehicle	6(c)	\$ 50.00
Outdoor Light Visible	6(d)	\$100.00
Accumulation of Building Materials	6(e)	\$100.00
Unauthorized Vehicle Storage	6(f)	\$100.00
Accumulation of Vehicle Parts	6(f)	\$100.00
Shipping container stored in Residential Zone	6(g)	\$100.00
Fail to remove discarded materials/rubbish	8(a)	\$100.00
Fail to clear noxious insects	8(c)	\$100.00
Fail to clear brush	8(d)	\$100.00
Failure to shield Outdoor Light	8(e)	\$100.00
Obstruction	20	\$200.00

(7504, 7625, 8559)

Default

18. If the obligations stipulated in an Order to Comply are not performed by the date therein set out, the Municipality by its employees and others may enter the Real Property and perform the obligations at the expense of the person defaulting. The Bylaw Enforcement Officer shall certify to the Treasurer all costs incurred by the Municipality in performing any such obligations, and such costs shall constitute a debt due and owing in accordance with section 269 of the *Local Government Act*. Upon receipt of a certificate of such costs the Treasurer shall demand payment by issuing an invoice in the amount of the costs to the person named in the Order to Comply, and to the owner of the Real Property, if different from such person, in the same manner as an Order to Comply issued under section 12.
- 18.1 Whenever a person is in default of doing any matter or thing required to be done under this bylaw, the District, through its employees or agents, may do what is required to be done, at the expense of the person in default, and such costs will constitute a debt due and owing in accordance with section 17 of the *Community Charter*.
19. If an invoice under section 18 remains unpaid on December 31 in the year that the invoice is issued, the invoice shall be added to and form part of the taxes payable on the subject Real Property as taxes in arrears.

(8559)

Obstruction

20. A person must not interfere with, delay, obstruct or impede a Bylaw Enforcement Officer or designate or other person lawfully authorized to enforce this bylaw in the performance of duties under this bylaw.

(8559)

Offence and Penalties

21. (a) A person who:
- i. contravenes a provision of this bylaw;
 - ii. causes, consents to, allows or permits an act or thing to be done contrary to this bylaw;
 - iii. neglects or refrains from doing anything required by a provision of this bylaw; or
 - iv. fails to comply with any order, direction or notice given under this bylaw,
- commits an offence and is subject to the penalties imposed by this bylaw and the *Offence Act*.
- (b) Each instance that a contravention of a provision of this bylaw occurs and each day that a contravention occurs or continues shall constitute a separate offence.
- (c) A person found guilty of an offence under this bylaw is subject to a fine of not less than \$1,000.00 and not more than \$50,000.00 for every instance that an offence occurs or each day that it occurs or continues, plus the costs of prosecution.
- (8559)**
22. Deleted.
- (8559)**

Severability

23. If any part, clause or subclause of this bylaw is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part, clause or subclause is to be considered to have been severed from the rest of this Bylaw and the rest of this Bylaw remains in force unaffected by that holding or by the severance of that part, clause or subclause.

Repeal

24. The Nuisance Abatement Bylaw 7189 and all amendments thereto, are repealed.

Amended by: **7504, 7625, 8559**