



City of Maple Ridge

Nuisance Prohibition Bylaw No. 7596 - 2019

Effective Date:

January 28, 2020

City of Maple Ridge

Nuisance Prohibition Bylaw No. 7596 - 2019

Table of Contents

Part 1	Citation.....	1
Part 2	Severability	1
Part 3	Definitions.....	1
Part 4	Prohibitions and Nuisance Abatement.....	2
Part 5	Inspection	4
Part 6	Offence and Penalty.....	4
Schedule A	- Nuisance Abatement Fees.....	5

City of Maple Ridge

Nuisance Prohibition Bylaw No. 7596 - 2019

A bylaw for Preventing, Abating and Prohibiting Nuisances

WHEREAS Council wishes to exercise its authority pursuant to the *Community Charter [SBC] 2003, c.26*;

AND WHEREAS Council considers it necessary to adopt a bylaw for the purpose of prohibiting and requiring the abatement of nuisances on properties in the City of Maple Ridge;

AND WHEREAS section 8 (3) (h) of the *Community Charter* provides authority for Council to regulate, prohibit and impose requirements for the protection and enhancement of the well-being of its community in relation to matters referred to in section 64 [nuisances, disturbances and other objectionable situations];

NOW THEREFORE, pursuant to sections 8(3)(h), 16, 17, 64 and 194 of the *Community Charter*, the Council of the City of Maple Ridge, in open meeting assembled, **ENACTS AS FOLLOWS**:

Part 1 Citation

1.1 This bylaw may be cited for all purposes as the Nuisance Prohibition Bylaw No. 7596-2019.

Part 2 Severability

2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsequent, paragraph, subparagraph, clause or phrase.

Part 3 Definitions

3.1 In this bylaw:

City means the City of Maple Ridge.

Nuisance includes any activity which substantially and unreasonably interferes with a person's use and enjoyment of property, or with the use and enjoyment of a highway, park or other public place, and which may include matters such as, but not limited to:

- (i) noise, vibration, odour, dust, illumination or any other matter that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;

- (ii) the emission of smoke, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia that is liable to foul or contaminate the atmosphere;
- (iii) refuse, garbage or other material that is noxious, offensive or unwholesome;
- (iv) the accumulation of water on Property;
- (v) unsanitary conditions on Property;
- (vi) drains, cesspools, septic tanks and outhouses;
- (vii) the carrying on of a noxious or offensive business activity; and
- (viii) any other objectionable situation which constitutes a nuisance at law.

Nuisance Abatement Fees includes the **Nuisance Service Call Response** fee plus the administration and overhead fee as prescribed in Schedule "A" of this Bylaw.

Nuisance Service Call Response means an Officer's attendance at a **Property** for the purpose of responding to and investigating a complaint about a nuisance on that **Property**, or for the purpose of taking action under this Bylaw to abate the nuisance.

Officer means a Bylaw Officer, the Manager of Bylaws & Licensing Services for the City or designate, and shall include any members of the Maple Ridge Fire Department and the Royal Canadian Mounted Police.

Owner, in addition to any other meaning, includes:

- (i) the registered owner of the land, premises or **Property**;
- (ii) any **Person** residing on or in land, premises or **Property**;
- (iii) the **Person** entitled to the possession of land, premises or **Property** if there is no **Person** residing on or in the land, premises or **Property**; and
- (iv) a leaseholder;

and shall include the agent of any such **Person**.

Person includes natural persons of either sex, associations, corporations, bodies politic, co-partnerships, whether acting by themselves or by a servant, agent or employee, and the heirs, executors, administrators, successors and assigns or other legal representative of such persons.

Property means all real property, including but not limited to front yards, side yards, backyards, driveways, walkways, sidewalks and boulevards and shall include any building or structure located on such real property.

Part 4 Prohibitions and Nuisance Abatement

4.1 Nuisances Prohibited:

- (a) No **Owner** or **Person** shall cause a **Nuisance** on the **Owner's** land, premises or **Property**.
- (b) No **Owner** or **Person** shall permit land they own or occupy, to be used so as to cause a **Nuisance**.

(c) An **Owner** or **Person** who causes or permits **Property** that he or she owns or occupies to be used so as to cause a nuisance shall abate or cause to be abated the activity which causes the nuisance.

4.2 If an **Owner** or **Person** fails to abate or cause to be abated the activity causing a nuisance, an **Officer** may abate or cause to be abated the activity which causes the nuisance in accordance with section 17 of the *Community Charter*.

4.3 Repeat Nuisance Service Calls:

(a) Where there are three (3) or more **Nuisance Service Call Response(s)** at the same **Property** within a twelve (12) month period, the **City** may impose upon the **Owner** of that **Property** the **Nuisance Abatement Fees** for each additional **Nuisance Service Call Response** within the twenty-four (24) month period following the date of issuance of the City's notice pursuant to Sections 4.3(b) and (c) of this bylaw.

(b) The City's notice referred to in Section 4.3(a) of this bylaw shall state:

- (i) the particulars of the nuisance;
- (ii) that the nuisance must cease or the activity giving rise to the nuisance must be otherwise remedied within 30 days, or within the time prescribed in the City's notice;
- (iii) that if the **Owner** fails to comply with the City's notice, the **City** will impose the **Nuisance Abatement Fees** for each additional **Nuisance Service Call Response** at the same **Property** within the twenty-four (24) month period following the date of issuance of the City's notice; and
- (iv) that the imposition of the **Nuisance Abatement Fees** is in addition to the City's right to seek other legal remedies or actions for abatement of the nuisance.

(c) Service of the City's notice pursuant to Sections 4.3(a) and (b) of this bylaw will be sufficient if the City's notice:

- (i) in the case of service on an individual, is served personally or mailed by registered mail to the **Owner**; and
- (ii) 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 registered mail to the registered office or other address of the corporation.

(d) If any fees imposed pursuant to this bylaw are unpaid as of December 31st in the year that they are imposed, they shall be added to and form part of the taxes payable on the **Property** to which the fees apply as taxes in arrears.

- (e) **Nuisance Abatement Fees** may be imposed by the **City** even if no **Person** has been charged with an offence relating to a nuisance, or if a **Person** charged with an offence relating to a nuisance was acquitted of all charges before a court or the charges are withdrawn, stayed or otherwise do not proceed.
- (f) Nothing in Sections 4.3(a) to (e) of this bylaw shall be construed to limit the City's other available remedies for violation of this or any other City bylaw.

Part 5 Inspection

- 5.1 An **Officer** may, in accordance with section 16 of the *Community Charter*, enter on any **Property** at any reasonable time to ascertain whether the requirements of this bylaw, or any order issued pursuant to this bylaw, are being observed.

Part 6 Offence and Penalty

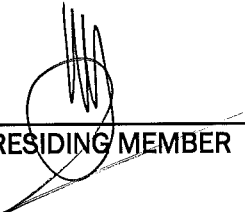
- 6.1 Any **Person** who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of or neglects to do or refrains from doing any act or thing required to be done pursuant to any provision of this bylaw or any notice issued pursuant hereto, commits an offence and shall be liable to the penalties hereby imposed and each day that such violation is permitted to exist shall constitute a separate offence.
- 6.2 Any **Person** who violates any of the provisions of this bylaw shall, upon summary conviction thereof, be liable to a penalty of not less than \$100.00 and not more than \$10,000.00 plus the cost of the prosecution, or to a term of imprisonment not exceeding 30 days or both.

READ a first time the 14th day of January, 2020.


READ a second time the 14th day of January, 2020.

READ a third time the 14th day of January, 2020.

ADOPTED, the 28th day of January, 2020.



PRESIDING MEMBER



CORPORATE OFFICER

Schedules

Schedule A – Nuisance Abatement Fees

City of Maple Ridge
Bylaw No. 7596-2019

Schedule A
Nuisance Abatement Fees

Services Provided	Fee
Nuisance Service Call Response Fee	\$700.00 per response
Administration and Overhead Fee	\$300.00 per response