

THE CORPORATION OF THE VILLAGE OF TELKWA

GOOD NEIGHBOUR BYLAW NO. 587, 2008

A bylaw to prohibit unsightly premises, nuisances and other objectionable situations

The Council of the Village of Telkwa in open meeting assembled pursuant to sections 8(3)(h) and 64 of the *Community Charter* enacts as follows:

CITATION

1. This bylaw may be cited for all purposes as "Good Neighbour Bylaw No. 587, 2008".

PREVIOUS BYLAW REPEAL

2. "Property Maintenance Bylaw No. 150, 1980" is repealed.

DEFINITIONS

3. In this Bylaw:

"Bylaw Enforcement Officer" means an officer or employee of the Municipality appointed by Council as a Bylaw Enforcement Officer or other person authorized by Council under contract to enforce this Bylaw;

"Council" means the Council of the Village of Telkwa;

"Derelict Vehicle" means a motor vehicle which is any one or more of the following:

- (a) physically wrecked or disabled;
- (b) not capable of operating under its own power;
- (c) not displaying a current and valid license plate in accordance with the *Motor Vehicle Act*.

"Graffiti" means drawing, printing, or writing that is etched, scratched, sprayed, painted or scribbled on a wall or other surface, but does not include a sign for which a permit has been issued by the Municipality;

"Junk" means old metal, glass, paper, wood or other material which may be usable again in some fashion;

"Motor Vehicle" means a vehicle, not on rails, that is designed to be self-propelled;

"*Motor Vehicle Act*" means the *Motor Vehicle Act* RSBC, 1996 Chapter 318;

"Noxious Weeds" means: See Schedule A of this Bylaw

"Noxious, offensive or unwholesome material" includes all manner of refuse or garbage; discarded or disused items; junk, filth, unused or dismantled aircraft,

electronic devices, trailers, boats, vessels, machinery, mechanical or metal parts, glass or plastic bottles, tin cans or other metal containers, glass, pipes, dilapidated furniture, inoperative appliances, derelict vehicles and other similar things; unused wood or wood products, excluding seasoned untreated wood or manufactured products cut in lengths and properly stored for use as fuel in solid fuel-burning appliances.

"Occupier" means any person who occupies the property, or who is qualified to maintain an action for trespass in respect of the property, or who is in possession of the property under a lease, license, agreement for sale or other agreement with the owner of the property.

"Owner" means any person in relation to property who is the registered owner of an estate in fee simple, the tenant for life under a registered life estate, or the registered holder of the last registered agreement for sale;

"Property" means real property consisting of land only or land and improvements, and includes a portion of real property occupied separately by the owner or an occupier.

"Zoning Bylaw" means the Village of Telkwa's Zoning Bylaw No. 514, 2001.

GENERAL PROVISIONS

4. No owner or occupier shall cause or permit noxious, offensive or unwholesome material to collect or accumulate on or around the property of that owner or occupier.
5. No owner or occupier shall allow their property to become or to remain unsightly.
6. No person shall place graffiti in such a manner as to be visible from a highway, public place or other property.
7. No person shall deposit or throw refuse or garbage on a highway, public place or property where there are no buildings or structures.
8. No owner or occupier shall cause or permit the storage or accumulation on the property of that owner or occupier of a derelict vehicle or parts of a derelict vehicle unless:
 - (a) the Zoning Bylaw permits the use of auto wrecking or salvage yard on that property; or
 - (b) the derelict vehicle or parts of a derelict vehicle are stored in a building or structure such that they are not visible from another property, highway or other public place.
9. Despite paragraph 8(b), an owner or occupier is permitted to store up to two (2) derelict vehicles visible from another property, highway, or other public place provided that the only reason the derelict vehicle is derelict is because it is unlicensed.

10. No owner or occupier shall cause or permit water to accumulate on the property of that owner or occupier.
11. No owner or occupier shall cause or permit unsanitary conditions to exist on the property of that owner or occupier.
12. No owner or occupier shall cause or permit noxious weeds to grow or accumulate on the property of that owner or occupier.
13. No owner or occupier shall cause or permit any trees or other growths that create a safety hazard to remain on the property of that owner or occupier.

REQUIREMENTS

14. Every owner and occupier of property shall remove, or cause to be removed, from such property all:
 - (a) noxious, offensive or unwholesome material;
 - (b) unsightly conditions;
 - (c) graffiti;
 - (d) derelict vehicles or parts of a derelict vehicle;
 - (e) accumulations of water;
 - (f) unsanitary conditions;
 - (g) noxious weeds;
 - (h) trees and other growths that create safety hazards; and

ENFORCEMENT

15. Subject to the procedures prescribed in section 16 of the *Community Charter*, a Bylaw Enforcement Officer is authorized to enter on and into property to inspect and determine whether all regulations, prohibitions and requirements of this Bylaw are being met.
16. Where a Bylaw Enforcement Officer determines that the regulations, prohibitions and requirements of this Bylaw are not being met with respect to a property, the Bylaw Enforcement Officer may, by notice, require the owner or occupier of the property to comply with this Bylaw within a time period stated in the notice.

COUNCIL ORDER

17. If an owner or occupier property fails to comply with the direction from the Bylaw Enforcement Officer given under section 16 of this Bylaw, the Council may issue a written order directing the owner or occupier of the property to comply, within a time specified in the Council's order, with the specific regulations, prohibitions and requirements of this Bylaw that are not being met in respect of the property of that owner or occupier.
18. Prior to Council making an order under paragraph 17, the Council shall give an opportunity to the owner or occupier of the property to appear before Council to be

heard in respect of the matter contained in the notice of the Bylaw Inspection Officer made under paragraph 16.

19. If the owner or occupier of the property fails to comply with an order of the Council issued under section 17 of this Bylaw, the Municipality, by its employees, contractors and agents, may take action under section 17 of the *Community Charter* to fulfill the requirements of the order and to recover the costs from the owner or occupier of the property.

OFFENCE AND PENALTY

20. Every person who violates a provision of this Bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this Bylaw, or who neglects or refrains from doing anything required by a provision of this Bylaw, is guilty of an offence and is liable, upon summary conviction to a fine not greater than Ten Thousand (\$10,000) Dollars.
21. Every day during which there is a contravention of this Bylaw shall constitute a separate offence.

SEVERABILITY

22. 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 portion.

Read a first time this 14th day of July, 2008.

Read a second time this 14th day of July, 2008.

Read a third time this 14th day of July, 2008.

Adopted this 21st,day of July, 2008.

Sharon L. Hartwell
Mayor

Tom Dall
Corporate Administration

**Village of Telkwa
Schedule A
"Noxious Weeds" Definition Bylaw No. 587**

Invasive weed species covered under the Northwest Invasive Plant Council (NWIPC) Weed Control 50/50 Program.

Common Name	Latin Name	Common Name	Latin Name
Agrimony	<i>Agrimonia striata</i>	Lamb's-quarter	<i>Chenopodium</i> spp.
Blue buttons	<i>Centaurea cyanus</i>	Loosestrife	<i>Lythrum</i> spp.
Bluet, mountain	<i>Centaurea montana</i>	Medic, black	<i>Medicago lupulina</i>
Blueweed	<i>Echium vulgare</i>	Mullein	<i>Verbascum thapsus</i>
Broom	<i>Cytisus scoparius</i>	Mustard hedge	<i>Sisymbrium officinale</i>
Buckwheat, wild	<i>Polygonum convolvulus</i>	Mustard, dog	<i>Erucastrum gallicum</i>
Bugloss, small	<i>Lycopsis arvensis</i>	Mustard, tumble	<i>Sisymbrium</i> spp.
Burdock, common	<i>Arctium minus</i>	Mustard, wild	<i>Sinapis arvensis</i>
Campion, bladder	<i>Silene cucubalus</i>	Pineapple weed	<i>Matricaria matricarioides</i>
Catchfly, night-flowering	<i>Silene noctiflora</i>	Policeman's helmet or Himalayan balsam	<i>Impatiens glandulifera</i>
Chamomile, scentless	<i>Matricaria maritima</i>	Primrose, evening	<i>Oenothera biennis</i>
Chicory	<i>Cichorium intybus</i>	Ragwort, tansy	<i>Senecio jacobaea</i>
Cockle, white	<i>Lychnis alba</i>	Scabious, field or blue buttons	<i>Knautia arvensis</i>
Daisy, oxeye	<i>Chrysanthemum leucanthemum</i>	Spurge leafy	<i>Euphorbia esula</i>
Dock, curled	<i>Rumex crispus</i>	St. John's-wort	<i>Hypericum perforatum</i>
Fleabane, Canadian	<i>Conyza canadensis</i>	Stinkweed or Pennycress	<i>Thlaspi arvense</i>
Goat's-beard	<i>Tragopogon</i> spp.	Sulphur cinquefoil	<i>Potentilla recta</i>
Gorse	<i>Ulex europaeus</i>	Tansy, common	<i>Tanacetum vulgare</i>
Groundsel, common	<i>Senecio vulgaris</i>	Tarweed	<i>Madia glomerata</i>
Hawksbeard, narrowleaf	<i>Crepis tectorum</i>	Thistle, bull	<i>Cirsium vulgare</i>
Hawkweeds	<i>Hieracium</i> spp.	Thistle, Canada	<i>Cirsium arvense</i>
Hemp-nettle	<i>Galeopsis tetrahit</i>	Thistle, marsh plume	<i>Cirsium palustre</i>
Himalayan blackberry	<i>Rubus discolor</i>	Thistle, nodding	<i>Carduus nutans</i>
Hop-clover	<i>Trifolium agrarium</i>	Thistle, Russian	<i>Salsola kali</i>
Hound's-tongue	<i>Cynoglossum officinale</i>	Thistle, sow	<i>Sonchus</i> spp.
Iris, yellow flag	<i>Iris pseudacorus</i>	Toadflax, common	<i>Linaria vulgaris</i>
Knapweed, black, brown & greater	<i>Centaurea nigra, jacea & scabiosa</i>	Toadflax, dalmation	<i>Linaria dalmatica</i>
Knapweed, diffuse	<i>Centaurea diffusa</i>	Vetch, tufted	<i>Vicia cracca</i>
Knapweed, spotted	<i>Centaurea stoebe</i> , (syn. <i>C. maculosa</i> & <i>C. biebersteinii</i>)	Wormwood or absinthium	<i>Artemisia absinthium</i>
Knotweeds	<i>Fallopia & Polygonum</i> sp.		