



COUNCIL REPORT
Finance, Administrative and Protective Services
For the June 25, 2019 Council Meeting

DATE: June 11, 2019 Bylaw No. 151.01
TO: Jim Zaffino, CAO
FROM: Shelley Schnitzler
RE: Good Neighbour Amendment Bylaw No. 151.01

RECOMMENDED MOTION:

THAT Council give first, second and third reading to “City of West Kelowna Good Neighbour Amendment Bylaw No. 151.01, 2019”.

RATIONALE:

This is a housekeeping amendment to clarify the intent of Section 10.5 of the Good Neighbour Bylaw, which references compliance for removal, disposal and clean up of rubbish or unsightliness of real property.

BACKGROUND:

If a person fails to comply with provisions of the Good Neighbour Bylaw for property clean-up, the City may enter the subject property and remove, clean up and dispose of matter to bring about compliance, and the cost will be borne by the defaulting owner.

For properties where the issue of unsightliness is beyond the scope of the Good Neighbour Bylaw (ie. is unsafe, offensive to the community, etc.) the City also has authority, under Section 72 of the *Community Charter*, to impose a remedial action requirement for declared nuisances. A Remedial Action Requirement is initiated through a Council resolution, for the property to be remedied. The owner may be given opportunity to request Council reconsideration of the requirement.

These two requirements for clean-up are very different in the scope and significance of the matter to be remedied. Orders issued under the Good Neighbour Bylaw will address nuisances such as unsightly accumulations of materials and rubbish, brush, trees, weeds and other growths. Remedial Action Orders are issued if Council considers that the matter creates an unsafe condition, or is so dilapidated or unclean that it is offensive to the community,

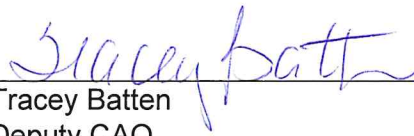
Section 10.5 of the Good Neighbourhood Bylaw should not address Remedial Action Orders. This section would be used, as an example, when a property owner is ordered to remove weeds and overgrown brush from their property. As such, wording referencing Remedial Action Requirements has been removed from Section 10.5.

Section 10.6 also references process related to a remedial action requirement and as such, has been removed from the bylaw.

Respectfully submitted,

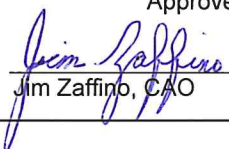

Shelley Schnitzler
Legislative Services Manager


Mike Cain
Senior Bylaw Enforcement Officer


Tracey Batten
Deputy CAO

Powerpoint: Yes ☐ No ☒

Attachments: Bylaw No. 0151.01
Bylaw No. 0151
Bylaw No. 0151 (red-lined version)

Approved for Agenda	
 Jim Zaffino, CAO	<u>June 20, 2019</u> Date

CITY OF WEST KELOWNA

BYLAW NO. 151.01

A BYLAW TO AMEND THE GOOD NEIGHBOUR BYLAW

WHEREAS the Council of the City of West Kelowna wishes to amend City of West Kelowna Good Neighbour Bylaw No. 0151;

THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna in open meeting assembled, hereby enacts as follows:

1. Title

This Bylaw may be cited as the "CITY OF WEST KELOWNA GOOD NEIGHBOUR AMENDMENT BYLAW NO. 151.01, 2019."

2. Amendments

"City of West Kelowna Good Neighbour Bylaw No. 0151, 2018" is hereby amended as follows:

2.1 By deleting Section 10.5 in its entirety and replacing with the following Section 10.5:

10.5. If the owner of real property or other responsible person fails to comply with the Bylaw Enforcement Officer's compliance order within the time period specified in such notice, the City, by its workers or others, may at all reasonable times and in a reasonable manner, enter the real property and bring about such compliance at the cost of the defaulting owner or other responsible person. Such costs shall consist of all costs and expenses incurred by the City to achieve compliance with this Bylaw including, without limitation, administrative costs, costs to attend property by City employees or its contractors and the costs of removal, clean up and disposal.

2.2 By deleting Section 10.6 in its entirety.

READ A FIRST, SECOND AND THIRD TIME
ADOPTED

MAYOR

CITY CLERK

5. **Compliance Orders**

- 10.1 If the owner of real property or other responsible person fails to comply with a requirement of this Bylaw, the Bylaw Enforcement Officer may issue an Order requiring that the owner or other responsible person, bring the real property into compliance with the provisions of this Bylaw.
- 10.2 Service of an Order referred to in Section 10.1 will be sufficient if a copy of the order is:
- (a) served personally or mailed by registered mail to the owner of the real property as shown on the current year's real property assessment roll; and
 - (b) either posted on the real property or delivered or mailed by regular mail to the occupier of the real property.
- 10.3 An Order issued under Section 10.1 herein must state:
- (a) the civic address of the subject real property;
 - (b) the legal description of the subject real property;
 - (c) the particulars of the non-compliance with this Bylaw to be remedied;
 - (d) that the non-compliance with this Bylaw must be remedied within 14 days of the date of delivery of the notice, or in the case of snow, ice or rubbish on a sidewalk or footpath, within 24 hours from the time the snow, ice or rubbish is deposited thereon.
- 10.4 An Order issued under section 10.1 herein may give specific instructions to remedy the non-compliance with this Bylaw including, but not limited to, any one or more of the following directions:
- (a) remove unsightly accumulations of materials and rubbish from the real property;
 - (b) remove snow, ice and rubbish from sidewalks and footpaths;
 - (c) clean, stack or cover any material;
 - (d) clear the real property of brush, trees, noxious weeds and other growths;
 - (e) cut grass and weeds present on the real property;
 - (f) prune trees and shrubs;
 - (g) remove rubbish, weeds, grass, and other growth from adjacent boulevards or laneways;
 - (h) remediate, maintain or repair the real property as specified in the Order, so as to bring it into compliance with this Bylaw.
- 10.5 If the owner of real property or other responsible person fails to comply with the Bylaw Enforcement Officer's compliance Order within the time period specified on the Order, ~~Council may, by way of a resolution, impose a remedial action requirement on the person~~

~~subject to the requirement and the owner of the land. If the person subject to the remedial action requirement, fails to carry out the remedial requirements within the specified time frame,~~ then the City, by its workers or its contractors, may at all reasonable times and in a reasonable manner, enter the real property and bring about such compliance at the cost of the defaulting owner or other responsible person. Such costs shall consist of all costs and expenses incurred by the City to achieve compliance with this Bylaw including, without limitation, administrative costs, costs to attend the property by City employees or its contractors and the costs of removal, clean up and disposal.

~~10.6 A person who is issued a remedial action requirement may, by written request to the Corporate Officer, and within 14 days of receiving such notice, seek to have Council of the City reconsider the remedial action requirement.~~

10.7 If an owner of real property or other responsible person defaults in paying the cost referred to in Section 10.5 to the City within 30 days after receipt of a demand for payment from the City, the City may either recover from the owner or other responsible person, in any court of competent jurisdiction, the cost as a debt due to the City, or direct that the amount of the cost be added to the real property tax roll as a charge imposed in respect of work or service provided to the real property of the owner, and be collected in the same manner as property taxes.

10.8 Service of a demand for payment referred to in Section 10.7 will be sufficient if a copy of the demand is served personally or mailed by regular mail to the owner of the real property as shown on the current year's real property assessment roll.



**CITY OF WEST KELOWNA
GOOD NEIGHBOUR BYLAW NO. 151**

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CITY OF WEST KELOWNA

BYLAW NO. 0151

A Bylaw to enhance the quality of life for the Citizens of the City of West Kelowna

WHEREAS, the Council of the City of West Kelowna desires to protect quality of life for its citizens, and endeavors to promote civic responsibility, and further, strives to encourage good relationships between neighbours;

THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title**

This Bylaw may be cited as the "CITY OF WEST KELOWNA GOOD NEIGHBOUR BYLAW NO. 0151, 2018."

2. **Interpretation**

2.1 Words or phrases defined in the *British Columbia Interpretation Act, Motor Vehicle Act, Local Government Act* or any successor legislation, shall have the same meaning when used in this Bylaw unless otherwise defined in this Bylaw.

2.2 If any part of this Bylaw is for any reason held invalid by any court of competent jurisdiction, the invalid portion shall be severed and the severance shall not affect the validity of the remainder of this Bylaw.

3. **General Regulations**

3.1 No person shall obstruct or interfere with a Bylaw Enforcement Officer in the exercise of their duties.

3.2 A Bylaw Enforcement Officer shall have the right to enter upon the property of any owner or occupant at all reasonable times and in a reasonable manner for the purposes of inspecting to determine compliance with the provisions of this Bylaw.

4. **Definitions**

In this Bylaw:

"accumulation" means a build up, growth or collection, either scattered, amassed or piled, existing at the time of inspection;

"automated teller machine" means a device linked to a financial institution's account records which is able to carry out financial transactions;

"blasting operations" means preparing, placing and firing a charge, handling a misfire and destroying or disposing of explosive materials;

“boulevard” means that portion of highway between the curb lines or the lateral boundary lines of a roadway and the adjoining property or between the curbs on median strips or islands, but does not include curbs, sidewalks, ditches or driveways;

“bus stop” means a section of street which is designed for the loading and unloading of buses and where parking and stopping of all other vehicles is prohibited;

“Bylaw Enforcement Officer” means the person appointed by Council as such, and shall include members of the Royal Canadian Mounted Police;

“container” means a dumpster, garbage can, garbage bin or other receptacle designed, intended or used to hold rubbish, discarded materials and debris;

“Council” means the Council of the City of West Kelowna;

“crossing” means any improvement that is constructed over a boulevard or sidewalk for the purpose of allowing vehicles or pedestrians to gain access between the highway and the land adjacent to the highway;

“derelict vehicle” means any vehicle or part thereof, propelled other than by muscle power, which:

- (1) is physically wrecked or disabled;
- (2) is not capable of operating under its own power; and
- (3) does not have attached licence plates for the current year pursuant to the regulations of the *Motor Vehicle Act* of the Province of British Columbia;

“City” means the City of West Kelowna;

“drainage facility” means boulevard drainage inlets, catch basins, grates, or culverts;

“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:

- (1) the cost of police and City staff salaries, including all fringe benefits;
- (2) the cost of using police, fire and City equipment and vehicles;
- (3) the administration costs incurred by the City in responding to a nuisance service call and abating a nuisance; and
- (4) the cost of repairs to damaged City equipment, vehicles and property;

“filth” means foul or putrid matter;

“General Manager” means General Manager of Development Services or their designate.

“grass” shall include plants that are commonly known or referred to as grass;

“highway or other public place” includes every street, road, land, boulevard, sidewalk, lane, bridge, viaduct and any other way open to public use and any park, school grounds, building, conveyance, private place or passageway to which the public has, or is permitted to have access or is invited;

“lane” means a public thoroughfare or way which affords only a secondary means of access to a lot at the side or rear;

“motor boat” means a boat or any vehicle used on water that is powered by an engine;

“noxious weed” means any weed designated by regulation to be a noxious weed pursuant to the *British Columbia Weed Control Act*;

“nuisance” means anything that annoys or gives trouble, or that which is offensive, irritating or a pest to anyone residing within the City;

“nuisance service call” means a bylaw enforcement, police, or City response to and abatement of any nuisance or other activity, conduct or condition occurring on or near real property which substantially and unreasonably interferes with another person’s use and enjoyment of a public place or of real property occupied by that person, or which causes injury to the health, comfort or convenience of an occupier of real property and which is caused by or arises from a person’s failure to comply with the requirements of this Bylaw;

“offensive matter” means physical objects which are objectionable to the public;

“panhandle” means to beg for, 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 where approved by the City;

“real property” means land and any property attached directly to it. It is any subset of land that has been improved through legal human actions. Real property also entails the right of use, control and disposition of the land and its attached objects. Real properties can include buildings, trees, ponds, and roads among other things.

"rubbish", in addition to its common dictionary meaning, shall include decaying or non-decaying solid and semi-solid wastes, including, but not limited to, both combustible and non-combustible wastes, such as 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, construction and demolition waste, derelict vehicles and other vessels, tires, machinery, mechanical or metal parts, discarded or dilapidated appliances, discarded or dilapidated furniture, ashes from fireplaces and on-site incinerators, yard clippings and brush, wood, dry vegetation, dirt, weeds, dead trees and branches, stumps, and piles of earth mixed with any of the above;

“street” means any highway, roadway, sidewalk, boulevard, place or right of way which the public is ordinarily entitled or may be permitted to use for the passage of vehicles or pedestrians and includes a structure located in any of those areas;

"traffic control signal" means a traffic control signal as defined in the *British Columbia Motor Vehicle Act*.

“unwholesome matter” means physical objects which are detrimental to the physical or mental well being of persons.

"unsightly", in addition to its common dictionary meaning and regardless of the condition of other properties in the neighbourhood, means any property having any one or more of the following characteristics:

- (1) the storage, location or accumulation visible to a person standing on a public highway or on nearby property, or in a building or structure situate on a public highway or nearby property, of filth, rubbish, graffiti or any other discarded materials;
- (2) 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 situate on a public highway or nearby property;
- (3) landscaping or vegetation that is dead or characterized by uncontrolled growth or lack of maintenance, or is damaged;
- (4) any other similar conditions of disrepair, dilapidation, or deterioration.

"weed" means and shall include brush, trees, noxious weeds and other growth that is allowed to come to a state of causing, or about to cause, a nuisance and any vegetation that may by its root system, limbs, shoots or leaves intrude into a lane in a manner that may impact travel, construction, maintenance levels, longevity or esthetics of the said lane.

5. **Blasting Regulations**

5.1 **Requirement for Blasting Permit**

No owner of property shall blast or engage in blasting operations on that property, or allow blasting or allow blasting operations on that property, unless the owner is the holder of a Blasting Permit under this Bylaw.

5.2 **Permit Application Form**

An owner of property may apply to the City for a Blasting Permit by completing an application form and submitting it to the City.

5.3 **Blasting Permit Requirements**

A Blasting Permit will not be issued unless it is accompanied by all of the following information, and the information is satisfactory to the General Manager:

- (a) Copy of valid Business Licence issued to the Blaster by the City;
- (b) Copy of Blasting Certificate issued by WorkSafe BC;
- (c) Site plan of area within 300 meters where blasting will occur;
- (d) Commercial General Liability insurance covering the blasting site and all operations related to the blasting work, and contact information of the insurance company naming the City as an additional insured;
- (e) Name of the independent company which will carry out vibration and air over pressure monitoring;

- (f) A communication plan for the area located within 300 meters from the edge of the blast, by which owners and occupiers within this area will be advised of the following:
 - Description and purpose of the blasting to be done;
 - Dates on which blasting will occur;
 - Times when blasting will occur;
 - Methods intended to safeguard persons and property, including plan of vibration and air over pressure monitoring;
 - Signals and other warning methods to be used to inform those nearby of an impending blast;
 - Name, telephone number, cellular telephone number and email address of the blaster;
 - Name, address, and telephone number of the blaster's insurer;
- (g) Information of any proposed road closures, detours, etc.

5.4 Permit Fee

A Blasting Permit fee, as set out in the City's Fees and Charges Bylaw, must be paid to the City prior to issuance of a Blasting Permit.

5.5 Permit Issuance

The General Manager may issue a Blasting Permit

- (a) after an applicant has paid the Blasting Permit fee and submitted a completed application for a Blasting Permit, with all information satisfactory to the General Manager; and
- (b) once the General Manager has confirmed that the blasting would comply with this Bylaw, all other applicable bylaws of the City, all municipal covenants, rights of way, and other charges and interests affecting the property.

5.6 Refusal/Suspension of Permit

If the General Manager considers that the requirements of Section 5.3 are not satisfied, then the General Manager may refuse to issue the Blasting Permit. If the Fire Chief considers that weather conditions are not conducive to blasting activities, the Fire Chief may suspend the Blasting Permit for a period of time. The applicant may, by written request to the Corporate Officer, seek to have Council of the City reconsider the refusal or suspension of the Blasting Permit.

5.7 Commencement of Blasting

The holder of a Blasting Permit may not commence or allow blasting or blasting operations until such time as the holder of the Blasting Permit has given one week notification to the neighbourhood as required by the terms of the Blasting Permit - Communications Plan, as approved by the General Manager who issued the Blasting Permit.

5.8 Permit Duration

The duration of a Blasting Permit shall be six (6) months from the date of issuance of the Blasting Permit, subject to earlier suspension or revocation of the Blasting Permit. A Blasting Permit may not be renewed or extended.

5.9 Suspension and Revocation of Blasting Permit

The General Manager may either suspend a Blasting Permit or revoke a Blasting Permit if the holder of the Permit is in contravention of the terms of the Blasting Permit.

If the General Manager lifts the suspension of a Blasting Permit before the expiry of the Permit, the six-month duration of the Blasting Permit will not be extended.

If the General Manager should suspend or revoke a Blasting Permit, the holder of the Blasting Permit may, by written request to the Corporate Officer, seek to have Council of the City, reconsider the suspension or revocation.

There will be no refund of the fee for the Blasting Permit in the event the Blasting Permit is suspended or revoked.

6. Street Nuisances

6.1 No person shall panhandle within 10 metres of:

- (a) an entrance to a bank, credit union or trust company;
- (b) an automated teller machine;
- (c) a bus stop;
- (d) a bus shelter; or
- (e) the entrance to any liquor store.

6.2 No person shall panhandle from an occupant of a motor vehicle which is:

- (a) parked;
- (b) stopped at a traffic control signal; or
- (c) stopped temporarily for the purpose of loading or unloading.

6.3 No person shall panhandle after sunset on any given day.

6.4 No person shall sit or lie on a street for the purpose of panhandling.

6.5 No person shall continue to panhandle from a person, or follow a person, after that person has made a negative response.

6.6 No person shall apply graffiti on walls, fences, or structures on or adjacent to any park or public place.

7. Noise Regulations

7.1 General Prohibitions

- (a) No person shall make or cause, or permit to be made or caused, any noise in or on a highway or other public place in the City which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity of that place.

- (b) No person, being the owner, occupier or tenant of real property, shall allow or permit such real property to be used so that noise or sound which occurs thereon or emanates there from, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons on the same property or in the neighbourhood or vicinity of that property.

7.2 Specific Prohibitions

Without limiting the generality of Section 7.1 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 premises or on any highway or other public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity of those premises or place.
- (b) No person, being the owner, occupier or tenant of real property, shall allow or permit his real property to be used by a person or persons for playing or operating any radio or stereophonic equipment or other instrument or other apparatus for the production or amplification of sound in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity of said real property.
- (c) Subject to Section 7.4(e), no person shall own, keep or harbour any animal or bird which by its cries or sounds unduly disturbs the peace, quiet, rest or tranquility of the surrounding neighbourhood or of persons in the vicinity.
- (d) No person may operate, or cause, suffer or permit the operation of, any motorized lawn-grooming or garden equipment in the City between 9:00 p.m. and 7:00 a.m.
- (e) Subject to Section 7.5(a), no person in the City shall, and no owner of real property shall, on any day before 7:00 a.m. or after 8:00 p.m., construct, erect, reconstruct, alter, repair or demolish any building, structure or thing, blast or engage in blasting operations unless otherwise regulated in the Blasting Permit, excavate or fill in land in any manner which causes noise or sounds in or on a highway or elsewhere in the City which disturbs or tends to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity.

7.3 Boat Noise

- (a) No person shall launch a motor boat from any lands in the City or operate a motor boat in the City if that motor boat is equipped with an exhaust system that permits the exhaust gases from the engine to be expelled directly into the air without first passing through the water unless the boat motor is equipped with a muffling device that ensures the exhaust gases from the engine are cooled and expelled without excessive noise;
- (b) No person shall operate a motor boat powered by an engine equipped with the exhausting devices commonly described as dry stacks or dry headers;

- (c) No person shall operate a motor boat powered by an engine equipped with all exhausting devices commonly described as water injected headers unless a properly operating muffler is installed thereto;
- (d) No person shall operate a motor boat powered by an engine equipped with exhausting devices commonly described as over-transom water cooled exhaust unless a properly operating muffler is installed thereto; and
- (e) No person shall operate a motor boat so as to cause noise which disturbs the peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.

7.4 Exemptions

Notwithstanding anything contained herein, no person shall be guilty of an infraction of this Bylaw while:

- (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, snow removal, watermain and sewer main break repairs and civil defence 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) lawfully carrying on a trade or industry at a commercial, industrial or light industrial zoned area, provided that the sound or noise therefrom 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;
- (e) conducting farm operations conducted in accordance with normal farm practices under the *Farm Practices Protection (Right to Farm) Act*;
- (f) operating residential household equipment including, but not limited to, pool pump motors, air conditioning units, exhaust fans, hot tub pumps, provided that the sound or noise therefrom 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.

7.5 Special Exemptions

- (a) Construction and Blasting Permits:

Where the General Manager considers that it is impossible or impractical for a person to comply with Section 7.2 (e), the General Manager may, on application in writing, grant a construction permit or a blasting permit to carry out work that is found to be necessary, at designated hours on designated days.

8. **Property Maintenance**

PRIVATE PROPERTY MAINTENANCE

8.1 Regulations

Except as permitted under section 8.2 of this Bylaw, no owner or occupier of real property shall cause, suffer or permit:

- (a) water, rubbish, noxious, offensive, or unwholesome matter to collect or accumulate on the real property;
- (b) rubbish to overflow from or accumulate around any container situate on the real property;
- (c) the real property to become or remain unsightly;
- (d) the accumulation of dead landscaping, vegetation, noxious weeds or other growths to occur or to remain on the real property; or
- (e) demolition waste, construction waste or trade waste to accumulate on the real property with respect to real property for which a Building Permit has been issued by the City.

8.2 Exemptions

- (a) Section 8 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*.
- (b) Section 8 of this Bylaw does not apply to the orderly outdoor storage of goods and chattels where permitted by the City's Zoning Bylaw.

BOULEVARD & LANEWAY MAINTENANCE

8.3 Regulations

Every owner or occupier of real property shall maintain the sidewalk, boulevard, and land adjacent to their real property and in particular shall:

- (a) remove accumulations of filth, leaves, rubbish, discarded materials, hazardous objects and materials which obstruct a drainage facility;
- (b) in keeping with the reasonable standard of maintenance in the area, keep grassed areas trimmed and free of all weeds;
- (c) keep in good repair and up to City standards, all driveway crossings;

- (d) trim and maintain all plantings;
 - (e) remove all filth, leaves, rubbish, discarded materials, hazardous objects and materials from all boulevards and sidewalks.
- 8.4 As of November 26, 2013, hedges, rocks or gravel are not permitted to be placed on the boulevard adjacent to a roadway, curb or sidewalk, except:
- (a) gravel placed by City personnel on the boulevard for the purposes of drainage; or
 - (b) where a sidewalk is present, gravel that is no larger than 2.5 cm in diameter may be placed between the sidewalk and an adjacent property line, provided that the gravel is at least 2.5 cm below the level of the sidewalk to prevent spillage onto the sidewalk; or
 - (c) where a sidewalk is not present and a curb is located in the boulevard, gravel that is no larger than 2.5 cm in diameter may be placed between the curb and an adjacent property line, provided that the gravel is at least 2.5 cm below the level of the curb to prevent spillage onto the road.

SNOW REMOVAL

8.5 Regulations

- (a) Every owner and occupier of real property shall remove all snow and ice from all sidewalks bordering the real property within 24 hours from the cessation of a snowfall or storm event which caused such accumulation.
- (b) An owner or occupier shall not use equipment which could cause damage to the boulevard or sidewalk due to excess weight of the equipment or sharp edges which could cause abrasions or scrapes to the sidewalk or boulevard.
- (c) Every owner or occupier of real property shall remove all snow and ice from the roof or other part of any structure on the property, where the location of that structure is such that it is reasonable to expect that the snow or ice on it may fall onto any sidewalk or highway, within 24 hours of the cessation of any snowfall or storm event that caused the accumulation.
- (d) No persons shall deposit snow, ice or other material removed from sidewalks, boulevards, lanes, or private property onto City property or highways.

8.6 Exemptions

- (a) Notwithstanding the provision of 8.6(a), owners or occupiers of real property bordering the following stretches of roadway and parks shall be exempt from removing snow and ice from sidewalks along those stretches only:

STREET NAME	FROM	TO	SIDE	METERS
Horison Drive				378.08
Horizon Drive			N	505.05
Westlake Road	Starlight	Horizon Drive	E	961.23

Glenrosa Road	McGinnis	Gates	E	380.94
Shannon Lake Rd	Bridge	Golf Course Dr		1430.99
Industrial Road	Westlake Road	Stevens Road	W	96.55
Asquith Road	Shannon Lake	Saddleback		384.50
Asquith Road	Saddleback	Ironridge		552.17
Boucherie Road	Stuart	Hayman		1292.24
Boucherie Road	Hwy 97 N			160.35
Old Okanagan Hwy	Hwy 97 S	Drought	E	74.34
Hwy 97 N				722.59
Hwy 97 S	Gosset	Old Okanagan		233.26
Hwy 97 N	Hebert	Elliot	S	188.96
Hwy 97 N	Elliot	Brown	S	179.53
Hwy 97 N	Brown	Hoskins	S	83.03
Hwy 97 N	Hoskins	Old Okanagan	S	79.38
Paynter Road	Hwy 97 S			175.66
Hebert Road	Main	Chruchill		47.63
Hebert Road	Churchill	Hwy 97 N		45.26
Hwy 97 N	Hebert	Elliot	N	193.78
Hwy 97 N	Elliot	Brown Road	N	185.43
Hwy 97 N	Brown Road	Hoskins	N	82.39
Hwy 97 N	Hoskins	Old Okanagan	N	82.58
Hwy 97 N	Old Okanagan		N	316.39
RCMP	Up Stairs	Hwy 97 S		35.32
Old Okanagan Hwy			E	85.77
Hwy 97 S	Old Okanagan	Hoskins	S	83.06
Hwy 97 S	Hoskins	Brown Road	S	81.40
Brown Road	Hwy 97		E	88.21
Hoskins	Hwy 97		W	85.01
Hwy 97 S	Old Okanagan	Hoskins	N	78.98
Hwy 97 S	Hoskins	Brown Road	N	81.36
Old Okanagan	Hwy 97		W	88.26
Hoskins	Hwy 97		E	84.56
Hwy 97 S	Brown Road	Elliot Road	S	183.45
Hwy 97 S	Brown Road	Elliot Road	N	177.48
Hwy 97 S	Elliot Road	Hebert	N	193.00
Hwy 97 S	Elliot Road	Hebert	S	195.37
Elliot Road	Hwy 97		E	110.79
Elliot Road	Hwy 97		W	49.21
Elliot Road	Hwy 97		W	48.03
Brown Road	Hwy 97		W	88.93
Gellatly South			E	474.88
Salmon Road	Stonegate Crt			233.71
Gellatly Road	Carrington Transit Stop	Witt		519.47
Mission Hill	Boucherie Road	First House		767.28
East Boundary	Vineyard Drive	Strata	E	572.37
Vineyard Drive	Pinot Gris	Pinot Noir		351.27
Peak Point Park				88.06
Moonbeam Park				37.36
Sunview Park				47.48
Rosewood Spratsfield				395.29

Rose Meadow Park				177.40
Pinot Noir Park				172.47
Vineyard Park				307.49
Jonagold Park				54.31
Chardonnay Walkway Park				70.94
Shannon Way Park				383.64
Shannon Lake Trail				187.78
Stonegrove Park				157.94
Cobblestone Park				29.81
Wild Horse Park				216.72
Powerline Walkway				33.74
Deer Ridge Park				125.24
Shannon Woods Park				349.65
Gellatly Multiuse	Cove	Angus		645.38
Glen Abbey park		Walnut Glen		293.88
Majoros Pond	Witt	Majoros		125.11
Shiraz Court	3281	3309	W	197.2
Gregory Road	1575	DL 2045	S	218.1
Westlake Road	Starlight Cres	Stevens Road	E	1643.5
Westlake Rod	Stevens Road	Hwy #97	E&W	534.9
Rosewood Drive	Westlake Road	NE corner of 2101 McDougall	S	137.0

9. **Repeat Nuisance Service Calls**

9.1 Where a member of the RCMP, a Bylaw Enforcement Officer, or other City official is required to respond to a real 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 owner of the real property shall be liable to pay an excessive nuisance abatement fee in accordance with the City's Fees and Charges Bylaw - Bylaw Enforcement Fees and Fines.

9.2 Before imposing an excessive nuisance abatement fee, written notice shall first be provided to the owner of the real property:

- (a) describing in detail the nature of the nuisance conduct, activity or condition that occurred, or was maintained or permitted in, on or near the real property; and
- (b) advising the owner that excessive nuisance abatement fees will be imposed for each additional nuisance service call to the same real property and that the imposition of such fees is in addition to the City's right to seek other legal remedies or actions for abatement of the nuisance.

9.3 Excessive nuisance abatement fees shall be paid by the owner on receipt of an invoice from the City. If the amount of each invoice is not paid in full before the 31st

day of December in the year received, on written notice to the owner, the amount shall be added to and form part of the taxes on the real property, as taxes in arrears.

- 9.4 An owner may, within 30 days of receipt of an invoice demanding payment of excessive nuisance abatement fees, by written request to the Corporate Officer, seek to have Council reconsider the requirement to pay, or the amount of, the excessive nuisance abatement fees.

10. **Compliance Orders**

- 10.1 If the owner of real property or other responsible person fails to comply with a requirement of this Bylaw, the Bylaw Enforcement Officer may issue an Order requiring that the owner or other responsible person, bring the real property into compliance with the provisions of this Bylaw.

- 10.2 Service of an Order referred to in Section 10.1 will be sufficient if a copy of the order is:

- (a) served personally or mailed by registered mail to the owner of the real property as shown on the current year's real property assessment roll; and
- (b) either posted on the real property or delivered or mailed by regular mail to the occupier of the real property.

- 10.3 An Order issued under Section 10.1 herein must state:

- (a) the civic address of the subject real property;
- (b) the legal description of the subject real property;
- (c) the particulars of the non-compliance with this Bylaw to be remedied;
- (d) that the non-compliance with this Bylaw must be remedied within 14 days of the date of delivery of the notice, or in the case of snow, ice or rubbish on a sidewalk or footpath, within 24 hours from the time the snow, ice or rubbish is deposited thereon.

- 10.4 An Order issued under section 10.1 herein may give specific instructions to remedy the non-compliance with this Bylaw including, but not limited to, any one or more of the following directions:

- (a) remove unsightly accumulations of materials and rubbish from the real property;
- (b) remove snow, ice and rubbish from sidewalks and footpaths;
- (c) clean, stack or cover any material;
- (d) clear the real property of brush, trees, noxious weeds and other growths;
- (e) cut grass and weeds present on the real property;
- (f) prune trees and shrubs;

- (g) remove rubbish, weeds, grass, and other growth from adjacent boulevards or laneways;
 - (h) remediate, maintain or repair the real property as specified in the Order, so as to bring it into compliance with this Bylaw.
- 10.5 If the owner of real property or other responsible person fails to comply with the Bylaw Enforcement Officer's compliance Order within the time period specified on the Order, Council may, by way of a resolution, impose a remedial action requirement on the person subject to the requirement and the owner of the land. If the person subject to the remedial action requirement, fails to carry out the remedial requirements within the specified time frame, then the City, by its workers or its contractors, may at all reasonable times and in a reasonable manner, enter the real property and bring about such compliance at the cost of the defaulting owner or other responsible person. Such costs shall consist of all costs and expenses incurred by the City to achieve compliance with this Bylaw including, without limitation, administrative costs, costs to attend the property by City employees or its contractors and the costs of removal, clean up and disposal.
- 10.6 A person who is issued a remedial action requirement may, by written request to the Corporate Officer, and within 14 days of receiving such notice, seek to have Council of the City reconsider the remedial action requirement.
- 10.7 If an owner of real property or other responsible person defaults in paying the cost referred to in Section 10.5 to the City within 30 days after receipt of a demand for payment from the City, the City may either recover from the owner or other responsible person, in any court of competent jurisdiction, the cost as a debt due to the City, or direct that the amount of the cost be added to the real property tax roll as a charge imposed in respect of work or service provided to the real property of the owner, and be collected in the same manner as property taxes.
- 10.8 Service of a demand for payment referred to in Section 10.7 will be sufficient if a copy of the demand is served personally or mailed by regular mail to the owner of the real property as shown on the current year's real property assessment roll.
- 11. **Enforcement and Penalty**
 - 11.1 The provisions of this Bylaw may be enforced by any Bylaw Enforcement Officer.
 - 11.2 Every person who contravenes or violates any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, commits an offence and, upon conviction, shall be liable to a fine or penalty not less than \$100.00 and not exceeding \$10,000.
 - 11.3 Where the offence is a continuing one, each day the offence continues shall be a separate offence.
- 12. **Repeal**

"District of West Kelowna Good Neighbour Bylaw 2009, No. 0071, 0071.01, 0071.02, 0071.03, 0071.04, and 0071.05, 0071.06, and 0071.07" are hereby repealed.

READ A FIRST TIME, SECOND AND THIRD TIME THIS 8TH DAY OF MAY, 2018
ADOPTED THIS 22ND DAY OF MAY, 2018

MAYOR

CORPORATE OFFICER