

TOWN OF LADYSMITH

NUISANCE ABATEMENT BYLAW NO. 1893

A Bylaw to regulate, prohibit and impose requirements in relation to the abatement of nuisances, disturbances and other objectionable situations.

WHEREAS in accordance with sections 8(3)(h) and 64 of the *Community Charter* Council may, by bylaw, regulate, prohibit and impose requirements in relation to the protection and enhancement of the well-being of the Community in relation to nuisances or any other matter that is liable to disturb the quiet, peace, rest, enjoyment or comfort or convenience of individuals or the public, or other objectionable situations as set out in Section 64 of the *Community Charter*;

AND WHEREAS under sections 17 and 194 of the *Community Charter* Council may impose costs and recover costs of taking action in the event of default by a person who fails to take action as lawfully directed.

NOW THEREFORE the Council of the Town of Ladysmith, in open meeting assembled, HEREBY ENACTS as follows:

1. Definitions

In this bylaw, unless the context otherwise requires:

“**Bylaw Officer**” – means the employee(s) of the Town of Ladysmith so designated from time to time by the Council of the Town of Ladysmith.

“**Town**” – means the Town of Ladysmith.

“**Fire Chief**” – means the Fire Chief duly appointed by Council from time to time and shall include the Deputy Fire Chief.

“**Nuisance**” – means an activity or any matter that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public, and without limiting the generality of the foregoing, may include noisy parties, a group of people making noise, loud music, car racing, revving engines, yelling, shouting, screaming, fighting, littering, trespassing, illuminations, vibration, odour, accumulation of water or other liquids on a property, or unsanitary conditions on property or other objectionable situations.

“**Nuisance Abatement**” – means works or services undertaken by the Town to land or improvements, to abate, or cause to be abated, an activity or any matter that causes a nuisance.

“**Public Place**” – includes land owned by a public authority.

2. General Prohibition

- 1) No person shall cause a nuisance or permit property which he or she owns or occupies to be used so as to cause a nuisance.
- 2) No person or persons shall make or cause or permit to be made or caused any nuisance in or on any highway or other public place in the Town which is liable to disturb the quiet, peace, rest, enjoyment or comfort or conveniences of individuals or persons in the neighbourhood or vicinity of that place.

3. Declaration of Nuisance

If Council of the Town of Ladysmith, in open meeting assembled, declares that a nuisance exists, if the person directed to abate the nuisance fails to do so within the time stipulated by Council, Town staff is authorized to undertake the steps and utilize resources deemed necessary to abate the nuisance and recover the costs of abating the nuisance as set out in this bylaw.

4. Cost Recovery and Collection

- 1) The Town may recover the costs of abating a nuisance from one or more of the following:
 - (a) a person causing the nuisance;
 - (b) the occupier of land from which the nuisance emanates; and
 - (c) the owner of land from which the nuisance emanates.
- 2) The Town may recover the costs of abating a nuisance under section 5 in accordance with:
 - (a) Section 231 of the *Community Charter*, as a debt due and recoverable in a court of competent jurisdiction;
 - (b) Section 258 of the *Community Charter*, in the same manner as property taxes,or in any other manner authorized by law.

5. Costs Recoverable

- 1) The costs recoverable for nuisance abatement shall be the actual costs of the actions taken by the Town to abate the nuisance, including, but not limited to, hiring an independent contractor to abate a nuisance.
- 2) In addition to the costs set out in 6(1), in the event that the members of the RCMP or Town staff, including Fire Rescue personnel, are involved in abating the nuisance, or are called to investigate a nuisance complaint at a property that has been declared a nuisance under section 4, the charges shall be as follows:
 - (a) \$300 per hour for RCMP attendance plus 15% for administration, and
 - (b) \$150 per hour for Town staff attendance, including Fire Rescue personnel, plus 15% for administration.
- 3) All charges as set out in this bylaw are in addition to and separate from any fine assessed through the issuance of a municipal ticket under the "*Ladysmith Ticket Information Utilization Bylaw 2002, No. 1457*" and amendments thereto or a fine assessed by a court under the *Offence Act*.

6. Offences

- 1) A person who contravenes a provision of this Bylaw is guilty of an offence and is subject to a fine of not more than \$10,000.00;
- 2) Section 7(1) shall not prevent the Town or an authorized person on behalf of the Town issuing and enforcing a ticket under the "*Ladysmith Ticket Information Utilization Bylaw 2002, No 1457*".

3) Each day that a contravention of a provision of this Bylaw occurs or continues shall constitute a separate offence.

7. **Severability**

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.

8. **Repeal**

This bylaw repeals "Nuisance Regulation Bylaw 1993, No. 1094" and all amendments thereto.

9. **Citation**

This Bylaw may be cited for all purposes as the "Ladysmith Nuisance Abatement Bylaw 2015, No. 1893."

READ A FIRST TIME	this	28 th day of	September, 2015.
READ A SECOND TIME	this	28 th day of	September, 2015.
READ A THIRD TIME	this	28 th day of	September, 2015.
ADOPTED	this	13 th day of	October, 2015.



 Mayor (A. Stone)

 Corporate Officer (S. Bowden)