



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



## **Good Neighbour Bylaw**

### **Bylaw No. 412, 2009**

Adopted July 21, 2009

Repealed: Section 27, Zoning Bylaw No. 362, 2004

PO Box 141, 400 Centre Road, Lions Bay, BC V0N 2E0  
Phone: 604-921-9333 Fax: 604-921-6643  
Email: [office@lionsbay.ca](mailto:office@lionsbay.ca) Web: [www.lionsbay.ca](http://www.lionsbay.ca)

## **Bylaw No. 412, 2009**

### **GOOD NEIGHBOUR BYLAW**

The **Council** of the **Village** of Lions Bay enacts as follows:

#### **Part 1 Citation**

1.1 This Bylaw may be cited as “Good Neighbour Bylaw No 412, 2009.”

#### **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 portion.

#### **Part 3 Previous Bylaw Repeal**

3.1 Section 27 of Zoning Bylaw No. 362, 2004, section 27 is hereby repealed.

#### **Part 4 Definitions**

4.1 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;

“**Derelict vehicle**” includes a **Motor vehicle** incapable of movement under its own power that does not contain all of the parts necessary for movement on a highway;

“**Council**” means the **Council** of the **Village** of Lions Bay;

“**Emergency Vehicle**” has the same meaning as in the *Motor vehicle Act*;

“**Enforcement officer**” shall mean:

1. every **person** designated by **Council** by name of office or otherwise as an **enforcement officer** for the purposes of administering and enforcing this Bylaw;
2. a peace officer, including every officer of the Royal Canadian Mounted Police; and
3. designated members of Lions Bay Fire Rescue and employees of Lions Bay Public Works.

“**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;

“**Nuisance**” means any activity, conduct or condition occurring in or near **residential premises** which substantially and unreasonably interferes with a **person’s** use and enjoyment of a public place or of land or premises occupied by that **person** or which causes injury to the health, comfort or convenience of an occupier of land.

“**Outdoor light**” means any **Light source** that is not contained inside a building or structure;

“**Owner**” means any **person** who is the registered **owner**, or **owner** under agreement, of real property, and includes any **person** in actual or apparent possession of real property under a lease, license or other agreement with another **owner**;

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

“**Repair**” includes replacing, making additions or alterations or taking action required for the premises to conform to the standards prescribed by this bylaw;

“**Residential premises**” means a dwelling unit used for residential purposes;

“**Rubbish**” includes, without limiting the generality of the word, a Derelict Vehicle or **Motor vehicle** parts;

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

“**Village**” means the **Village** of Lions Bay;

“**Zoning Bylaw**” means Zoning Bylaw No. 362, 2004

## Part 5 General Provisions

### 5.1 Owner Prohibitions

5.1.1 No **person** may create or cause a **nuisance**.

5.1.2 No **Owner** may permit a **nuisance** to be caused or to exist on or from a parcel of the **owner**.

5.1.3 No **Owner** may allow a parcel owned by the **Owner** to become or remain unsightly.

5.1.4 Without limiting subsections 5.1.1, 5.1.2 or 5.1.3:

- (a) no **Owner** in respect of a parcel of the **Owner** may cause, allow or permit the accumulation 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, foam, wire, rope, machinery, tires, appliances, vehicle parts, or 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 **Owner**, in respect of a parcel of the **Owner**, may permit or cause water to collect or accumulate in an open drain, watercourse, pond, swimming pool, hot tub or as surface water which could become sufficiently stagnant as to permit the breeding of mosquitos which may result in the spread of the West Nile Virus or of other harmful disease bearing insects as deemed affecting public safety as determined by the Medical Health Officer;
- (c) no **person** may deposit or store bottles, broken glass or other **rubbish** on a parcel unless the materials are in a closed building or structure such that they are not visible from another parcel or a public place;
- (d) no **person** may place graffiti on walls, fences or elsewhere on, or visible from, a public place;
- (e) no **Owner** may allow an **outdoor light** to be placed or lit on a parcel of the **Owner** such that the **light source** creates a **nuisance** in any residential zone;
- (g) except when specified as a permitted use in the Zoning Bylaw, no **Owner** of a parcel may cause, allow or permit the accumulation of **building materials** on the parcel for more than 15 days unless:
  - (i) the **Owner** is in possession of a valid building permit in respect of the parcel; or
  - (ii) the **building materials** are stored in a closed building or structure such that they are not visible from another parcel, highway or other public place;
- (h) except when expressly specified as a permitted use in the Zoning Bylaw, no **Owner** may cause, allow or permit the storage or accumulation on the parcel 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 from a highway or another public place.
- (i) no **Owner** in respect of a parcel of the **Owner** may cause, allow or permit a fence, retaining structure, wall or similar structure to become unsightly, unstable or unsafe.

## 5.2 Property Owner Obligation

5.2.1 Every **person** who is the **Owner** of a parcel must prevent and abate **nuisances** on or from the parcel.

5.2.2 Without limiting the generality of subsection 5.2.1, every **Owner** of a parcel must:

- (a) remove from the parcel any unsightly accumulation of discarded materials, **rubbish** of any kind or graffiti;
- (b) prevent the infestation of the parcel by noxious or destructive insects, or clear the parcel of said insects;
- (d) clear the parcel of brush, noxious weeds listed in Schedule "A", and of grass in excess of 30 centimetres in length;
- (e) ensure that an **outdoor light** on the property is shielded by a **shade** or fixture such that the **light source** does not create a **nuisance**.
- (f) **repair**, remove, replace or otherwise deal with an unsightly, unstable or unsafe fence, retaining structure, wall or similar structure as determined by the Building Inspector.

## 5.3 Exceptions

5.3.1 The prohibitions in section 5.1 and the requirement in section 5.2(e) do not apply to the following:

- (a) Christmas or holiday lights between November 15 and January 15;
- (b) street lighting provided by the **Village**;
- (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.

## Part 6 Enforcement

### 6.1 Enforcement officer:

- 6.1.1 An **Enforcement officer** may, to the extent necessary to give effect to this bylaw and in accordance with the requirements of the *Community Charter*, enter on any property subject to the regulations of **Council** to inspect and determine whether all regulations, prohibitions and requirements of this bylaw are being observed.

## Part 7 Order to Comply

### 7.1 Service of Order

- 7.1.1 If a **person** has failed to perform the obligations pursuant to subsections 5.2.2 (a) to (f), the **Enforcement officer** may, serve on such **person** an Order to Comply which requires the **person** to remove the contravention;
  - (a) within 14 days or,
  - (b) three days if the **Enforcement officer** believes the contravention is a **nuisance** under this bylaw.
- 7.1.2 The **Enforcement officer** may serve the Order to Comply:
  - (a) on the **owner** of the parcel where the contravention exists by:
    - (i) personal service, or
    - (ii) return by express post to the address of the **owner** shown on the last revised real property assessment rolls;
  - (b) on the occupier of the parcel where the contravention exists by:
    - (i) personal service, or
    - (ii) delivery to a mail box or other receptacle for messages, if any, on the parcel, or
    - (iii) posting on the real property;

(c) on any agent of the **owner** or occupier of the parcel where the **nuisance** exists by:

(i) personal service, or

(ii) return express post;

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

## 7.2 Appeal

7.2.1 A **person** upon whom an Order to Comply has been served may, by giving notice in writing to the Corporate Secretary 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 must hear and determine the appeal by confirming, amending or rescinding the Order to Comply.

## 7.3 Default

7.3.1 If the obligations stipulated in an Order to Comply are not performed by the date therein set out, the **Village** by its employees and others may enter the parcel and perform the obligations at the expense of the **person** defaulting. The **Enforcement officer** shall certify 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 17 of the Community Charter. If the **Owner** does not pay the cost of removal on or before December 31 in the year in which the removal was done, the cost shall be added to and form part of the taxes payable on the parcel as taxes in arrears.

7.3.2 No **person** shall in any way interfere with, resist or willfully obstruct any **person** authorized to carry out any duty under the provisions of this bylaw.

## Part 8 Designation of Bylaw

8.1 This bylaw is designated as a bylaw that may be enforced by means of a municipal ticket information under the Community Charter or a bylaw notice under the Local Government Bylaw Notice Enforcement Act.

## Part 9 Designation of Bylaw Officer

9.1 **Enforcement officers** are designated to enforce this bylaw by means of a municipal ticket information under the *Community Charter* or a bylaw notice under the *Local Government Bylaw Notice Enforcement Act*.

## Part 10 Offence and Penalty

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10.1 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. He or she is liable, upon summary conviction, to a fine not exceeding \$10,000 and not less than \$500, and is guilty of a separate offence each day that a violation continues or exists.

READ A FIRST TIME on July 6, 2009

READ A SECOND TIME on July 6, 2009

READ A THIRD TIME on July 20, 2009

ADOPTED by the **Council** on July 21, 2009

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Mayor

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Village Manager



Certified a true copy of  
Bylaw 412, 2009 as adopted

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Village Manager

**SCHEDULE A to Good Neighbour Bylaw No. 412, 2009**

**Noxious Weeds**

<b>Canada Thistle</b>	<b>(Cirsium areense)</b>
<b>Bindweed or Morning Glory</b>	<b>(Convolvulus sp.)</b>
<b>Couchgrass</b>	<b>(Agropyon Repens)</b>
<b>Purple Loosestrife</b>	<b>(Lythrum salicaria)</b>
<b>Giant Hogweed</b>	<b>(Heracleum Mantegazzianum)</b>