



CITY OF PORT ALBERNI

“City of Port Alberni Nuisance Abatement Bylaw, 2008”

(Bylaw No. 4705)

(with amendments to January 27, 2025)

Consolidated for convenience only

This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws of this subject.

This Bylaw has been consolidated for convenience only and includes amendments from:

Bylaw No. 4969 - adopted Aug. 13, 2018 (Amend #1) - Repealed by Bylaw No. 4705-3

Bylaw No. 4705-2 - adopted Nov. 13, 2018 (Amend #2)

Bylaw No. 4705-3 - adopted Jan. 27, 2025 (Amend #3)

CITY OF PORT ALBERNI

BYLAW NO. 4705

A BYLAW TO REGULATE, ABATE AND PROHIBIT NUISANCES AND PROVIDE FOR THE COST RECOVERY OF ABATEMENT OF NUISANCES

WHEREAS under sections 8 and 64 of the *Community Charter*, Council may, by bylaw, regulate, prohibit and impose requirements in relation to nuisances;

AND WHEREAS under section 194 of the *Community Charter* Council may, by bylaw, impose a fee or charge payable in respect of all or part of a service of the municipality or the exercise of a regulatory authority by the municipality;

NOW THEREFORE, the Council of the City of Port Alberni, in open Meeting assembled, enacts as follows:

1. Title

This Bylaw may be known and cited for all purposes as “**City of Port Alberni Nuisance Abatement 2008, Bylaw No. 4705**”.

2. Interpretation

In this Bylaw, unless the context otherwise requires:

“City” means the City of Port Alberni;

Bylaw #4705-3 replaces the definition of “nuisance”

“Nuisance” means a condition of property, or any situation that substantially interferes with the use and enjoyment of real property, endangers health or safety, or detracts from the quality of life of a reasonable person or of the community, including but not limited to:

- i. property nuisances, such as unsightly and unsanitary conditions, neglected buildings, overgrown vegetation, pest infestations, accumulated filth, discarded materials, or rubbish, and graffiti;
- ii. environmental nuisances, such as improper waste disposal and pollution releasing harmful substances into the atmosphere, water, or soil; and
- iii. social nuisances, such as excessive noise, disturbing behaviour, and offensive language or materials; and
- iv. any other actions or conditions that legally constitute a nuisance.

Bylaw #4705-3 adds the following definitions to Section 2:

“Person” means an individual or any organization, such as a corporation, company, society, firm, partnership, association, or group;

“Public Place” means any City-owned or City-leased real property where the public is ordinarily invited or permitted access, including but not limited to parks, community centres, roads, sidewalks, streets, parking lots, conservation areas, and any other place to which the public has either express or implied access;

“Occupier” means any person residing on the land, or possesses the land under a lease, licence, agreement for sale, or other agreement with the owner of the land;

“Owner” means any person listed as the title holder on a property’s legal certificate of title;

“Real Property” means land, any buildings or structures on that land, and any individual premises located on it, and includes commercial properties;

“Unightly” means, in addition to its common meaning and regardless of neighboring properties, any property that has one or more of the following traits:

- i. the presence of graffiti or visible storage, accumulation, or location of filth, discarded materials, or rubbish from a public place or other properties;
- ii. the untidy storage of building materials on a site where no construction is taking place, unless they are not visible from a public place or nearby properties;
- iii. dead or overgrown landscaping or vegetation, or damaged plants;
- iv. a derelict structure on the property;
- v. a derelict vehicle on the property, unless it is inside a fully enclosed permanent building; and
- vi. other similar signs of disrepair, dilapidation or deterioration.

Bylaw #4705-3 replaces Section 3

3. Prohibition

- 1) No owner or occupier of real property, or their agents, shall cause, permit, suffer, or allow any act to be done on that real property which constitutes a nuisance.
- 2) No person shall create, allow, or contribute to any nuisance in any public place in the City which is liable to disturb the quiet, peace, rest, enjoyment, comfort, or conveniences of individuals or persons in the neighbourhood or vicinity of that place.
- 3) No person shall:
 - (a) allow any real property they own or occupy to become or remain unsightly or unsanitary due to the accumulation of any of the following:
 - (i) filth, discarded materials, or rubbish;
 - (ii) standing water or other liquids;
 - (iii) hazardous or overgrown grass, weeds, or trees; and
 - (iv) noxious or destructive insects, rodents, or other pests;
 - (b) emit smoke, dust, gas, sparks, ash, soot, cinders, fumes, or other effluvia that fouls or contaminates the atmosphere;
 - (c) cause, allow, or permit any vegetation, structure, or object to encroach upon a public place in a way that obstructs or hinders pedestrian or vehicle movement, sightlines, or the City’s ability to perform maintenance or repairs;
 - (d) cause noise, vibration, odour, dust, or illumination that disturbs the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public;
 - (e) deposit or throw bottles, broken glass, or other rubbish in any open place;

- (f) place graffiti on walls, fences, or elsewhere on or adjacent to a public place;
 - (g) carry on a noxious or offensive trade, business, or manufacture;
 - (h) behave indecently or use profane, blasphemous, or grossly insulting language in a public place; or
 - (i) allow, cause, permit, or carry on anything which constitutes a nuisance at law.
- 4) Sections 3(3)(d) and 3(3)(e) do not apply to activities permitted by the City in writing or specifically authorized by the City by a permit or licence.
- 5) The prohibitions in Sections 3(1)-(3) are supplementary and do not replace the Property Maintenance Bylaw, Building Standards Bylaw, Noise Control Bylaw, Anti-Littering Bylaw, Fireworks Regulation Bylaw, or any other relevant City bylaws, as amended.

Bylaw #4705-2 adds Section 4(3)

4. Nuisance Abatement

- 1) A person who causes a nuisance or permits the land he or she owns or occupies to be used so as to cause a nuisance, or their agents, shall abate or cause to be abated an activity which causes a nuisance.
- 2) The City may, by its employees, contractors and agents, abate or cause to be abated an activity which causes a nuisance if the person who caused the nuisance or permitted the land that he or she owned or occupied to be used so as to cause a nuisance failed to comply with a direction from Council to abate the nuisance.
- 3) Before Council makes an order under section 4(2), the owner or occupier must be provided an opportunity to be heard by Council in respect of the matter.

Bylaw #4705-2 adds Section 5(2)

5. Cost Recovery of Abatement

The City may bill and recover the costs of abating a nuisance from one or more of the following:

- 1) The City may bill and 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 City may recover the costs imposed under section 5(1) 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
 - (c) In any other manner authorized by law.

6. Fees and Charges

The fees and charges recoverable for nuisance abatement shall be those prescribed in

schedule "A" to this Bylaw. Schedule "A" forms a part of this Bylaw and is enforceable in the same manner as this Bylaw.

Bylaw #4705-3 replaces Section 7

7. Prohibition and Offences

- 1) A person contravenes this Bylaw by doing an act that it forbids, or by omitting to doing an act that it requires to be done, commits an offence and shall be liable on summary conviction to a fine not exceeding \$10,000.00.
- 2) Each instance that a contravention of a provision of this bylaw occurs and each day that a contravention occurs or continues shall constitute a separate offence.
- 3) This Bylaw is designated pursuant to section 264 of the *Community Charter*, S.B.C. 2003, c.26 as a bylaw that may be enforced by means of a ticket in the form prescribed.
- 4) The words or expressions listed in Schedule "B" of this Bylaw in the "Designated Expression" column are authorized to be used on a ticket pursuant to section 264(1)(c) of the *Community Charter* to designate an offence against the respective section of this Bylaw appearing opposite in the "Section" column. The amounts appearing in the "Fine" column are the fines set pursuant to section 265 of the *Community Charter* for contravention of the respective section of this Bylaw appearing opposite in the "Section" column.

8. Severance

In the event that any portion of this Bylaw is declared ultra vires by a court of competent jurisdiction then such portion shall be deemed to be severed from the Bylaw to the intent that the remainder of the Bylaw shall continue in full force and effect.

READ A FIRST TIME THIS 29TH DAY OF SEPTEMBER, 2008.

READ A SECOND TIME THIS 29TH DAY OF SEPTEMBER, 2008.

READ A THIRD TIME THIS 29TH DAY OF SEPTEMBER, 2008.

FINALLY ADOPTED BY COUNCIL THIS 14TH DAY OF OCTOBER, 2008.

Mayor

Clerk

**Bylaw #4969 replaces Schedule "A";
Bylaw #4705-3 replaces Schedule "A"**

SCHEDULE "A"

The following hourly rates will be charged for every hour or ¼ hour portion thereof which any of the following City staff, RCMP or Fire/Rescue Personnel use to deal with the abatement of a nuisance and depending upon the day of the week and the time of day which such services are required the hourly rate may be increased by one and a half or two times.

City Staff	Hourly Rate
Director of Development Services	\$100.14
Manager of Bylaw Services	\$71.25
Building Inspector	\$58.41
Bylaw Enforcement Officer/ Business License Inspector	\$50.38

RCMP	Hourly Rate
Inspector	\$144.38
Staff Sergeant	\$138.37
Sergeant	\$132.35
Corporal	\$126.33
Constable	\$120.32

Fire/Rescue	Hourly Rate
Fire Chief	\$100.64
Deputy Fire Chief	\$98.42
Captain	\$96.34
Chief Fire Prevention Officer	\$87.91
Fire Fighter	\$82.18

Engineering/Public Works	Hourly Rate
Superintendent	\$65.82
Charge Hand	\$54.49
Tradesperson	\$52.71
Operator	\$49.66
Labourer	\$44.66

The following hourly rates will be charged for every hour or ¼ hour portion thereof which any of the following equipment and vehicles are used to deal with the abatement of a nuisance and depending upon the day of the week and the time of day which such services are required the hourly rate may be increased by one and a half or two times.

Equipment and Vehicles	Hourly Rate
City Car	\$60.00
City Truck – Light	\$65.00
City Truck – Service	\$75.00
City Equipment	\$180.00
Fire Truck	\$250.00
Fire Vehicle, Inspector	\$100.00
Police Vehicles	\$100.00

Contract Work and Contracted Equipment	Hourly Rate
Cost plus 10% administration	N/A

Bylaw #4705-3 adds Schedule "B"

SCHEDULE "B"

Fine Schedule

Designated Expression	Section	Fine Amount
Cause/permit nuisance on real property	3(1) & 3(3)	\$500.00
Cause/permit nuisance in public	3(2) & 3(3)	\$175.00