

Bylaw No. 556	
Bylaw name:	Electoral Areas Unsightly Premises and Nuisances Regulation Bylaw No. 377, 2015, Amendment No. 1
Participants:	Electoral Area 'A' (Baynes Sound – Denman / Hornby Islands), Electoral Area 'B' (Lazo North), Electoral Area 'C' (Puntledge – Black Creek)
Purpose:	A bylaw to amend the unsightly premises and nuisances regulations to address nuisance odours and increase fines for ticketable offences
Amends bylaw:	377
Repeals bylaw:	N/A
Staff contact:	A. Mullaly, Acting General Manager of Planning and Development Services

STATUS	
Committee approval:	Electoral Areas Services Committee, July 9, 2018: “THAT the proposed changes to Bylaw No. 377 being the “Electoral Areas Unsightly Premises and Nuisances Regulation Bylaw No. 377, 2015” as noted in the staff report dated June, 27 2018 be approved to clearly address nuisance odours and increase fines for ticketable offences.”
1st & 2nd readings:	August 28, 2018
3rd reading:	August 28, 2018
Final adoption:	

COMOX VALLEY REGIONAL DISTRICT

BYLAW NO. 556

A bylaw to amend the unsightly premises and nuisances regulations to address nuisance odours and increase fines for ticketable offences

WHEREAS the Comox Valley Regional District enacted Bylaw No. 377 being “Electoral Areas Unsightly Premises and Nuisances Regulation Bylaw No. 377, 2015” on July 28, 2015.

AND WHEREAS the Comox Valley Regional District has the authority to regulate unsightly premises and nuisances in accordance with the *Local Government Act*;

AND WHEREAS pursuant to the *Local Government Act* the Comox Valley Regional District may require the owners or occupiers of real property, or their agents, to eliminate or reduce the fouling or contaminating of the atmosphere through the emission of smoke, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia;

NOW THEREFORE, the board of the Comox Valley Regional District in an open meeting enacts as follows:

Amendment

1. That Bylaw No. 377 being “Electoral Areas Unsightly Premises and Nuisances Regulation Bylaw No. 377, 2015” be and is hereby amended as follows:

(a) Replacing the definition in section 1 for “nuisance”, which reads:

“**“nuisance”** means a condition or situation on a property that interferes with another property owner’s use or enjoyment of real property including but not limited to the following:

- (a) excessive or obtrusive light emanating from a property that shines, glares, reflects into neighbouring property;
- (b) emission of smoke, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia; or
- (c) graffiti.”

with the following new definition for “nuisance”:

“**“nuisance”** means a condition or situation on a parcel of land that interferes with another parcel owner or occupier’s use or enjoyment of real property including but not limited to the following:

- (a) excessive or obtrusive light emanating from a parcel that shines, glares, or reflects into a neighbouring parcel;
- (b) emission of smoke, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia;
- (c) graffiti.; or
- (d) odour emanating from a parcel that can be detected from within another parcel.”;

(b) Replacing section 2 (Jurisdiction), which reads:

“This bylaw applies to Electoral Areas ‘A’ (Baynes Sound – Denman/Hornby Islands), ‘B’ (Lazo North) and ‘C’ (Puntledge – Black Creek) of the Comox Valley Regional District.”

With the following:

“This bylaw applies within the participating areas of the Unsightly Premises Extended Service Area of the Comox Valley Regional District as established by bylaw.”;

- (c) Adding the following text to section 3(1) (Prohibitions – nuisances), following the words “permit such property”:

“or any activity on the property”;

- (d) Replacing section 8(1)(a), which reads:

“on summary conviction is liable to a fine of not less than \$500 and not more than \$2,000; or”

with the following section 8(1)(a):

“on summary conviction is liable to a fine of not less than \$5000 and not more than \$10,000; or”.

Citation

This Bylaw No. 556 may be cited as “Electoral Areas Unsightly Premises and Nuisances Regulation Bylaw No. 377, 2015, Amendment No. 1”

Read a first and second time this 28th day of August 2018.

Read a third time this 28th day of August 2018.

Adopted this day of 2018.

Chair

Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 556 being “Electoral Areas Unsightly Premises and Nuisances Regulation Bylaw No. 377, 2015, Amendment No. 1” as adopted by the board of the Comox Valley Regional District on the day of 2018.

Corporate Legislative Officer