

TITLE: The Corporation of the Village of Cumberland Prevention of Public Nuisances Bylaw No. 870, 2007

APPLICANT: Village of Cumberland

PURPOSE: To replace the existing unsightly premises bylaw (Nos. 419, 639 & 798) with an expanded “Nuisance” bylaw.



COUNCIL:
Date: September 10th, 2007
Decision: First, Second and Third Reading

COUNCIL:
Date: September 24th, 2007
Decision: Fourth & Adoption

VILLAGE OF CUMBERLAND

BYLAW NO. 870

A bylaw relating to nuisances and to the care, maintenance and regulation of property within the Village of Cumberland

WHEREAS pursuant to Sections 8 and 64 of the *Community Charter*, a municipality may pass bylaws regulating nuisances, disturbances and other objectionable situations;

NOW THEREFORE the Council of the Corporation of the Village of Cumberland, in open meeting assembled, enacts as follows:

1. DEFINITIONS

In this bylaw, unless the context otherwise requires:

AUTHORIZED PERSON includes the following: (a) a member of the Royal Canadian Mounted-Police; (b) a Bylaw Enforcement Officer; (c) the Building Inspector and his/her duly authorized representatives; (d) any other peace officer;

BOULEVARD means the area between the curb lines, the lateral lines or the shoulder of a roadway and the adjacent property line;

BYLAW ENFORCEMENT OFFICER means the person designated or appointed by the Council to enforce bylaws within the Village;

GRAFFITI means drawing, printing or writing scratched, sprayed, painted or scribbled on a wall or other surface, but does not include a sign for which approval has been obtained from the Village or that meets zoning bylaw requirements;

INTERSECTION means the area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the two highways which join one another at or approximately at right angles, or the area within which vehicles travelling on different highways joining at any other angle may come in conflict, and, for the purpose of this definition "highway" does not include a lane or way less than 5.0 metres (16.4 feet) in width separating the rear property lines of parcels of land fronting on highways running more or less parallel to and on each side of the lane or way;

NOXIOUS WEEDS means weeds designated as noxious pursuant to the *Weed Control Act*;

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| <i>REAL PROPERTY</i> | means land, with or without improvements so affixed to the land as to make them in fact and law a part of it; |
| <i>SIDEWALK</i> | means the area between the curb lines or lateral lines of a roadway and the adjacent property lines improved for use of pedestrians; |
| <i>UNSIGHTLY</i> | includes dirt, gravel, bark mulch or refuse and all discarded, broken or useless items and without restricting the generality of the foregoing, includes old paper or wood products no longer in use or motor vehicles that do not have a current licence or parts thereof, and: <ul style="list-style-type: none">(a) The storage of building materials on a site where the owner or occupier of the property is not in possession of a valid building permit.(b) The storage, cleaning, repairing or servicing of motor vehicles, hauling or construction equipment except where the same is carried out entirely within a building.(c) An accumulation on residential property of any goods or merchandise which is offered or intended to be offered for sale. |
| <i>VILLAGE</i> | means the Village of Cumberland. |

2. GRAFFITI, RUBBISH AND LITTER CONTROL

- (a) No owner or occupier of real property shall cause or permit stagnant water, rubbish, or any noxious, offensive, or unwholesome matter or substance to collect, or accumulate on or around his or her real property.
- (b) No owner or occupier of real property shall deposit or throw bottles, broken glass, or other rubbish, in or on any highway or public place, or any real property within the Village.
- (c) No person shall place graffiti on walls, fences or elsewhere on or adjacent to private property or a public place within the Village.

3. UNSIGHTLY PREMISES

- (a) No owner or occupier of real property shall allow such property to become or to remain unsightly by the accumulation thereon of any filth, discarded materials, rubbish or graffiti of any kind.
- (b) Every owner or occupier of real property shall:
 - (i) keep such property clear of noxious weeds, and other untended growth;

- (ii) prevent infestation by noxious or destructive insects, vermin or rodents, and take all necessary steps to eliminate the insects, vermin or rodents in order to prevent their reappearance; and
- (iii) remove from such property any unsightly accumulation of filth, discarded materials, rubbish and graffiti.

4. NOXIOUS WEEDS

Pursuant to the *Weed Control Act*, the Bylaw Enforcement Officer shall be the Weed Control Officer within the Village and shall be authorized to enforce the provisions of the *Weed Control Act* on behalf of the Council.

5. ROOF SNOW REMOVAL

Every owner or occupier of real property shall remove snow, ice, and rubbish from any roof or other part of any structure therein adjacent to any portion of any highway if the snow, ice or rubbish constitutes a hazard to persons or property.

6. FENCES

- (a) Where an owner or occupier of real property adjacent to a highway has erected a fence adjacent to that highway, the owner or occupier shall not allow that fence to fall into a state of disrepair.
- (b) An owner or occupier of real property whose fence erected adjacent to a highway has fallen into a state of disrepair shall repair it forthwith upon a receipt of notice given pursuant to this bylaw.
- (c) In every property where the keeping of livestock is permitted, every owner or occupier of real property abutting upon any highway shall, upon receipt of notice given pursuant to this bylaw, erect fences along the boundary of that property abutting on the highway for the purpose of preventing his/her livestock from straying upon such highway.

7. BOULEVARDS/SIDEWALKS

- (a) No person shall wilfully damage:
 - (i) any boulevard, trees, shrubs, plants, bushes or hedge adjacent to any Highway or on any public right of way;
 - (ii) anything erected or maintained adjacent to a highway for the purpose of lighting the highway or public right of way;
 - (iii) any fence erected or maintained adjacent to any highway or public right of way.
- (b) Every owner or occupier of real property shall maintain boulevards to the following standards:

- (i) keep free of noxious weeds;
 - (ii) keep grass trimmed; and
 - (iii) keep shrubs and trees from overhanging pedestrian walkways so as not to interfere with pedestrian or vehicular traffic.
- (c) Every owner or occupier of real property within the Village shall keep any sidewalk adjoining such real property in a proper state of cleanliness, and shall not place rubbish from the sidewalk onto any highway in the Village.
- (d) Every owner or occupier of real property within the Village abutting on any paved sidewalk shall remove and keep clear at all times all snow, ice and dirt from the paved sidewalk which abuts or fronts upon such building or land.

8. VISION CLEARANCE

No owner or occupier of real property located at any intersection shall place or permit to be or grow any tree, shrub, plant, fence, or other structure with a horizontal dimension exceeding 0.46 metres (1.5 feet) within the triangular area formed by two intersecting lot lines and the line joining the points on such lot lines 2.4 metres (7.9 feet) from the point of intersection, between an elevation such that an eye 1.0 to 2.4 metres (3.3 feet to 7.9 feet) above the surface elevation of one road, cannot see an object 1.0 to 2.4 metres (3.3 feet to 7.9 feet) above the surface of the other road.

9. STREET SIGNS

No person shall remove, deface or damage any street name sign or any other sign or marker erected upon any highway by, or at the direction of, the Village.

10. HAZARDOUS TREES AND SHRUBS

- (a) If, in the opinion of Council, any trees, hedges, bushes, shrubs or plants growing or standing on any real property are:
- (i) a hazard to the safety of persons;
 - (ii) likely to damage public property; or
 - (iii) seriously inconveniencing the public;

Council may order such trees, hedges, bushes, shrubs or plants to be trimmed, removed or cut down at the expense of the owners or occupiers of the real property on which they grow or stand.

11. HOUSE NUMBERING

All owners and occupiers of buildings shall display in a conspicuous place on the property on which the building is located, the street number assigned by the Village to such building so that the same is readable from the highway.

12. DEMOLITION SITES

On any property where the demolition of any building or structure has taken place:

- (a) all debris and material whether to be discarded or retained shall be removed forthwith; and
- (b) any basement or other excavation shall be filled in or covered over to lot grade level forthwith.

13. RIGHT OF ENTRY

An authorized person may at all reasonable times, enter upon any property in the Village in order to ascertain whether the regulations contained within this bylaw are being complied with.

14. NOTICES

Any notice to be given in regards to this bylaw may be given by an authorized person and shall be sufficiently delivered if personally served upon a person apparently aged 16 years or more and apparently occupying the real property affected by such notice, or if sent to the owner of the real property and the holders of registered encumbrances by registered mail to the most recent address appearing upon the last revised assessment roll. All notices hereunder shall be in the form of a letter or shall be in such other forms as the Council may from time to time approve by resolution.

15. ENFORCEMENT

- (a) If any person fails to comply with the terms of any notice served pursuant to this bylaw, the Village by its employees or other persons authorized to act on its behalf may enter the property and carry out such work as is required in order to bring the property into compliance with this bylaw at the expense of the person given such notice.
- (b) If the person given notice in accordance with the bylaw does not pay the costs of any action taken by Village employees or authorized persons on or before December 31 in the year in which the costs were incurred, the costs shall be added to and form part of the taxes payable on the real property as taxes in arrears.

16. PENALTIES

A person found guilty of an offence under this bylaw, is punishable in accordance with the *Offence Act*.

17. EFFECT

- (a) This bylaw shall come into full force and effect upon its final passage and adoption.
- (b) If any portion of this Bylaw is held invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Bylaw.

18. REPEAL

- (a) The “Village of Cumberland Minimum Maintenance and Occupancy Standards Bylaw No. 419, 1976”, and amendments thereto, is hereby repealed.
- (b) The “Village of Cumberland Unsightly Premises Bylaw No. 639, 1993”, and amendments thereto, is hereby repealed.

19. CITATION

This bylaw may be cited for all purposes as the "Village of Cumberland Prevention of Public Nuisances Bylaw No. 870, 2007".

READ A FIRST TIME THIS 10th DAY OF SEPTEMBER, 2007.

READ A SECOND TIME THIS 10th DAY OF SEPTEMBER, 2007.

READ A THIRD TIME THIS 10th DAY OF SEPTEMBER, 2007.

ADOPTED THIS 24th DAY OF SEPTEMBER, 2007.

MAYOR

CORPORATE ADMINISTRATOR

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 870 of the Village of Cumberland cited as the “Corporation of the Village of Cumberland Prevention of Public Nuisances Bylaw No. 870, 2007”, as adopted by the Village Council on the 24th day of September, 2007.

CORPORATE ADMINISTRATOR