

DISTRICT OF FORT ST. JAMES

GOOD NEIGHBOUR BYLAW

BYLAW NO. 1002, 2018

A Bylaw to limit nuisances and enhance the quality of life that all residents of the District of Fort St James experience.

The Council of the District of Fort St. James enacts as follows:

1. This Bylaw may be cited as “District of Fort St. James Good Neighbour Bylaw No. 1002, 2018.”
2. “The Village of Fort St. James Park Use Bylaw No. 561, 1993” as amended is repealed.
3. This bylaw includes:
 - 3.1 Schedule “A”: Fines.

DEFINITIONS

4. The following words used in this bylaw have the meanings assigned in this section.
 - 4.1 “**Alien Invasive Species**” means the species, of animals listed in Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation and all amendments.
 - 4.2 “**Boulevard**” means the portion of District property between the curb or road’s edge and the adjacent front property line, boulevards may border or include sidewalks, multi-use trails, and alleys.
 - 4.3 “**Council**” means the current Council of the District of Fort St. James.
 - 4.4 “**Dangerous Wildlife**” means bear, cougar, coyote, or wolf, or a species of Wildlife that is prescribed as dangerous under the *Wildlife Act*.
 - 4.5 “**District**” means the District of Fort St. James or the area within the boundaries of the District of Fort St. James as the context may require.
 - 4.6 “**Land**” means any lot, block or other area in which Land is held or into which it is subdivided and includes any improvement on a parcel but excludes streets, lanes, and municipal parks and public places.
 - 4.7 “**Landscaped**” means the planting of lawns, shrubs, and trees and the addition of fencing, Walkways, drives, or other structures or materials used in landscape architecture.
 - 4.8 “**Noxious**” means harmful, poisonous, or very unpleasant.
 - 4.9 “**Nuisance**” means an activity which substantially and unreasonably interferes with a Person’s use and enjoyment of a street, municipal park, or public space or of Land he or she Owns or Occupies or which causes injury to the health, comfort or convenience of an Owner or

Occupier of Land and, if it does so, without limiting the generality of the foregoing, may include, an activity such as, production of Noxious or offensive odours, littering, and trespassing.

4.10 “**Occupier**” means a Person who:

- a) is or appears to be over the age of 18; and
- b) is in physical possession of land, premises, or property; or
- c) is responsible for, and has control over, the condition of, the activities conducted on, and the Persons allowed to enter or use, land, premises or property.

4.11 “**Officer**” means a bylaw enforcement officer appointed by the District of Fort St. James, or a peace officer.

4.12 “**Owner**” means any Person in relation to the Land who is the registered Owner of an estate in fee simple, the tenant for life under a registered life estate, or the registered holder of the last registered agreement for sale. In the case of Crown or municipal owned Lands, Owner shall mean the Occupier of the Land.

4.13 “**Person**” means any individual, corporation, partnership, or other legal entity and the heirs, executives, administrators, successors, and assigns of such.

4.14 “**Public Park**” means a public space held in common which is open to all persons, land zoned P-1 which used for the purpose of a:

- a) public park;
- b) public playground;
- c) sports and athletic field;
- d) walkways; and,
- e) trails,

and land zoned as P-3 Greenbelt

4.15 “**Neglect**” means any of the following conditions, which apply to improvements on real property, including:

- a) dirty;
- b) obstructed;
- c) unfit;
- d) unsafe; and,

- e) a manner which does not allow for safe passage under normal weather conditions.

4.16 “**Refuse**” means all manner of:

- a) rubbish or garbage;
- b) discarded or disused items;
- c) junk;
- d) filth;
- e) unused or dismantled electronic devices;
- f) glass or plastic bottles or objects;
- g) tin cans or other metal containers;
- h) paper;
- i) glass;
- j) pipes; or,
- k) unused wood or wood products excluding seasoned untreated wood or manufactured products cut in lengths for use as fuel in solid fuel burning appliances.

4.17 “**Temporary Structure**” means any non-permanent overhead structure, constructed from tarpaulin, plastic, cardboard, or other rigid or non-rigid material, including:

- a) an improvement;
- b) overhead Cover;
- c) a tent;
- d) a bivouac sack;
- e) a lean-to; and,
- f) any materials used for the purpose of camping.

4.18 “**Walkway**” means a highway used or intended to be used solely for pedestrian traffic.

4.19 “**Weapon**” means a firearm, slingshot, bow, crossbow, catapult, BB gun, or other weapon which releases a projectile.

4.20 “**Wildlife**” has the meaning prescribed in the *Wildlife Act* and all amendments.

4.21 “**Wildlife Attractant**” means any substance that could be reasonably expected to attract Dangerous Wildlife or deer including:

- a) food products;
- b) pet food;
- c) game meat;
- d) animal carcasses;
- e) seeds;
- f) restaurant grease;
- g) glass or metal ware; or,
- h) other item having contained food.

4.22 “**Wildlife Act**” means the *Wildlife Act*.

APPLICATION

5. The Provisions of this Bylaw shall apply to streets, public places, and to all Land in the boundaries of the District, and the Owner or Occupier of the Land shall be responsible for carrying out or causing to be carried out the work required under this Bylaw in accordance with the provisions of this Bylaw.

STREET AND PUBLIC PLACE NUISANCES

6. A Person shall not, without the written permission of the District, build, construct, maintain, or use a Temporary Structure, to be used for the purpose of sleeping, on or near:
- a) a street;
 - b) a public building;
 - c) a playground;
 - d) a sports field;
 - e) a footpath;
 - f) a school field;
 - g) a school park;
 - h) a road within a municipal park;
 - i) an environmentally sensitive area; and,

- j) Public Park grounds other than those designated as a camping space.
- 7. A Person shall not deposit or discard Refuse or Noxious, offensive or unwholesome objects or materials, on a street, municipal park, or other public place except in receptacles designated for this purpose.
- 8. A Person shall not carry out an indecent, obscene, or lewd act performed with the intention of arousal, insult, or offence.

LIGHT TRESPASS

- 9. Every Owner or Occupier shall not permit light from an exterior or interior source to shine onto neighbouring Land to the extent that it disturbs the Owner's or Occupier's:
 - a) peace;
 - b) rest;
 - c) enjoyment;
 - d) comfort; or,
 - e) convenience.
- 10. Section 9 shall not apply to exterior lighting emanating from:
 - a) streetlights;
 - b) lights on playing fields;
 - c) lights on school:
 - i) playgrounds;
 - ii) playing fields; and,
 - d) events which have provided notice and received written approval from the District.

ODOUR

- 11. Every Owner or Occupier of Land shall not cause or permit the discharge or emission of Noxious odours from the Land or any object or thing placed on the land.

DRIVEWAYS, SIDEWALKS, AND BOULEVARDS

- 12. Every Owner or Occupier shall, maintain improvements, so they do not fall into a state of Neglect on real property which they are the Owner or Occupier of including:
 - a) a driveway;

- b) a Walkway;
- c) steps;
- d) parking spaces; and,
- e) Landscaped Boulevards.

13. A person shall not allow snow or other regularly occurring weather related hazards to obstruct access to:

- a) a driveway;
- b) a Walkway;
- c) steps;
- d) parking spaces; or,
- e) Landscaped Boulevards meant for pedestrian or vehicle traffic

for a period of time greater than four days.

PEST INFESTATION

14. Every Owner or Occupier of Land must prevent, cause to be prevented, or remove the infestation of the Land of the Owner or Occupier by:

- a) Alien Invasive Species;
- b) vermin;
- c) insects; or,
- d) animals;

except Wildlife.

WATER PONDING

15. Every Owner or Occupier shall not cause or permit water to accumulate or pond on the Land of the Owner or Occupier, unless the ponding is:

- a) a natural occurrence; or
- b) approved by an agency having jurisdiction, and the water being retained in accordance with that approval.

16. Every Owner or Occupier of Land shall not cause or permit water to flow from the Land of the Owner or Occupier in such a manner as to create a hazard or potential hazard onto an adjacent:

- a) street;
- b) municipal park;
- c) parcel of Land; or,
- d) public place.

FEEDING WILDLIFE AND CONTROL OF WILDLIFE ATTRACTANTS

- 17. A Person shall not store, handle, or dispose of Wildlife Attractants in such a way that they are accessible to deer or Dangerous Wildlife.
- 18. A Person shall not feed or attempt to feed Dangerous Wildlife, or deposit Wildlife Attractants in a place or manner that attracts deer or Dangerous Wildlife.
- 19. Every Owner or Occupier of Land must keep the area below a bird feeder on the Land of the Owner or Occupier free of the accumulation of seed and debris from the bird feeder at all times.
- 20. Every Owner or Occupier shall not permit or allow fruit from a tree or bush on the Land of the Owner or Occupier to fall on the ground and accumulate in such a manner that it attracts or is likely to attract Dangerous Wildlife.
- 21. The regulations, prohibitions, and requirements in section 17 to 20 do not apply in the circumstances set out in Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation as amended.

PARK HOURS

- 22. A Person must not enter a Public Park between the hours of 11:00 p.m. and 6:00 a.m. unless written approval from the District has been obtained.

PARK SIGNAGE

- 23. A Person shall not erect a sign or device prohibiting, restricting, or specifying conduct in a Public Park.
- 24. A Person must not perform an action prohibited by a sign erected in a park under section 23.

CONDUCT IN PARKS

- 25. A Person shall not threaten, interfere, create an obstruction, or impede with any person or traffic lawfully using a Public Park.
- 26. A Person shall not use any language in a Public Park which is:
 - a) indecent;
 - b) obscene;
 - c) blasphemous; or,

d) grossly insulting.

27. A Person shall not, in a Public Park, consume liquor or an alcoholic beverage unless written approval was obtained from the District and alcohol service and consumption is performed in accordance with the District of Fort St. James Municipal Alcohol Policy.

28. A Person shall not smoke or vape any substance or product in a Public Park.

29. A Person shall not deposit, dump, or leave any:

- a) soil;
- b) Refuse;
- c) domestic waste;
- d) commercial waste;
- e) debris; or,
- f) objects which may cause an obstruction

in a Public Park.

30. A Person shall not deposit:

- a) paper;
- b) cardboard; or,
- c) glass

in a Public Park waste container.

31. A Person shall not have a Weapon in their possession while in a Public Park.

32. A Person shall not:

- a) throw stones;
- b) throw sharp objects; or,
- c) propel a golf ball

in a Public Park.

33. A Person shall not damage, remove, or deface any:

- a) vegetation;
- b) development;
- c) flower or shrub bed;
- d) bench;

- e) building;
- f) Walkway;
- g) sign; or,
- h) improvement.

in a Public Park

34. A Peace Officer, the Public Works Superintendent, or an employee of the District given authority may remove or order a person to leave a Public Park immediately after being requested if any provision in section 22 to 33 was violated.

EXEMPTIONS

35. The following persons are exempt from the provisions of section 22 to 34 of this bylaw:

- a) employee's or agents of the District;
- b) a public authority; or,
- c) emergency personnel;

INSPECTION & ENFORCEMENT

36. An Officer is authorized to enter upon any lands in the municipality at all reasonable times to ascertain whether this Bylaw is being observed.
37. An Officer may issue an information by means of a ticket to an Owner or Occupier of real property for any offence under this bylaw.
38. An Officer may issue a notice requiring the Owner or Occupier of real property, or their agent, to
- a) remove, repair, clean, or refinish dirty Walkways, steps, and parking spaces;
 - b) remove or paint over graffiti on finished ground surfaces, Walkways, steps, and parking spaces;
 - c) remove infestations of pests;
 - d) mow, clear, or tidy Landscaped Boulevards;
 - e) remove or appropriately store:
 - i) accumulations of Refuse;
 - ii) objects or substances which emit Noxious or unpleasant odours;
 - iii) Wildlife Attractants; and,
 - iv) Temporary Shelters;

- f) remove or drain pooled water;
 - g) alter, remove, or appropriately store objects emanating prohibited levels of light
- within a time specified in the notice.

39. Written notice of an offence in contravention with this bylaw will be sent or delivered to the Owner or an Occupier of the Land.

DISTRICT EFFECTS COMPLIANCE

40. If the Owner or Occupier of real property, or their agent, fails to comply with a notice given pursuant to section 38 of this bylaw, the District of Fort St. James, by its employees or other Person, at reasonable times, may enter on the real property and effect the compliance specified in the notice at the expense of the Person who failed to comply.
41. If the Person at whose expense the compliance is carried out under section 40 does not pay the costs incurred by the District of Fort St. James to effect compliance on or before December 31 in the year that the compliance was affected, the costs will be added to and form part of the taxes payable on the real property as taxes in arrears.

OFFENCES AND PENALTIES

42. A Person shall not interfere with:

- a) an Officer in the performance of his or her duties under this bylaw; or
- b) any employee or other Person directed by the District of Fort St. James to carry out the terms of any notice pursuant to section 40 of this Bylaw.

43. A Person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done or omitted in contravention of this Bylaw will be:

- a) liable on summary conviction to a penalty not exceeding the maximum penalty specified by the Offence Act of British Columbia as amended; or,
- b) if an information is laid by means of a ticket, be liable to pay a fine as set out in **Schedule "A"**.

44. For purposes of determining if a contravention, violation, or failure to perform any provision of this Bylaw has occurred, each day of such contravention, violation, or failure will be deemed to be a separate offence.

READ A FIRST, SECOND AND THIRD TIME THE 9th DAY OF OCTOBER 2018

ADOPTED THIS 31 DAY OF OCTOBER 2018.

Rob MacDougall, Mayor

Lina Gasser, Corporate Officer

Schedule “A” – Fines

The following fines are applicable where an Officer lays an information by means of a ticket.

Offence	Section	Fine
Maintaining an overhead shelter or tent in a prohibited place	5	\$50
Discarding Refuse in a public place	6	\$100
Committing an indecent act in a public place	7	\$200
Permitting exterior lighting which disturbs the peace	8	\$200
Permitting Noxious odours	10	\$200
Failure to maintain driveways, Walkways, steps, or Boulevards	11, 12	\$100
Allowing an infestation of pests to occur	13	\$100
Allowing an unnatural accumulation of water to occur	14	\$100
Allowing water to flow onto adjacent land creating a hazard	15	\$200
Storing, or handling Wildlife Attractants in a manner prohibited by this bylaw	16, 18, 19	\$100
Feeding Dangerous Wildlife	17	\$300
Remaining in a Public Park during a prohibited time	22	\$100
Erecting a Sign in Public Park	23	\$100
Threatening or impeding with a Person or traffic lawfully using a Public Park	25	\$100
Using indecent language in a Public Park	26	\$50

Consuming alcohol in a Public Park	28	\$50
Smoking or Vaping in a Public Park	29	\$50
Leaving prohibited materials in a Public Park	30, 31	\$200
Possessing a Weapon in a Public Park	32	\$250
Committing a prohibited action in a Public Park	33,34	\$100
Refusing an order to leave a Public Park	35	\$100
Interfering with an Officer	43	\$200