

CITY OF TERRACE
CONSOLIDATED
BYLAW NO. 1318-1993/1640-1998

**"A BYLAW OF THE CITY OF TERRACE TO PROVIDE FOR
THE REGULATION OF MISCELLANEOUS NUISANCES."**

WHEREAS Section 551 of Chapter 323 of the R.S.B.C., 1996, provides that Council may prohibit a person from fouling, obstructing, or impeding the flow of a stream, creek, waterway, watercourse, waterworks, ditch, drain or sewer, whether or not it is situate on private property;

WHEREAS Section 723 of Chapter 323 of the R.S.B.C., 1996, provides that Council may regulate or prohibit the removal or deposit of soil or other material from and on any land in the municipality;

WHEREAS Section 725 of Chapter 323 of the R.S.B.C., 1996, provides that Council may prevent, abate and prohibit nuisances, regulate and prohibit certain activities and disturbances and require owners and occupiers to do certain things;

WHEREAS Section 725 of Chapter 323 of the R.S.B.C., 1996, provides that Council may regulate or prohibit certain things; and

WHEREAS Section 725 of Chapter 323 of the R.S.B.C., 1996, provides for the removal of trees and shrubs dangerous to public safety; and

WHEREAS Section 727 of Chapter 323 of the R.S.B.C., 1996, provides for the removal of erections and things dangerous to public safety or health; and

WHEREAS the Council of the City of Terrace wish to maintain and promote a harmonious relationship between land use, people, nature, and animals within the City of Terrace.

NOW THEREFORE the Council of the City of Terrace, in open meeting assembled enacts as follows:

1. **DEFINITIONS:**

In this Bylaw, unless the context otherwise requires:

- (a) **"Bylaw Officer"** means any person or persons appointed from time to time by Council to enforce certain Bylaws of the City of Terrace;
- (b)(i) **"Council"** means the City Council of the City of Terrace;

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- (b)(ii) **"Effluvia"** includes an offensive exhalation or smell;
- (c) **"Firearm"** means a rifle, gun, spring gun, air gun, revolver, pistol or any device using, as a propellant, compressed air, explosives or gas.
- (d) **"Fireworks"** includes cannon crackers, fireballs, fire crackers, mines, Roman candles, sky rockets, squibs, torpedoes, and any other explosive designated as a fireworks by the Lieutenant-Governor in Council.
- (e) **"Highway"** includes a street, road, lane, bridge, viaduct, and any other way open to public use, but does not include a private right-of-way on private property.
- (f) **"Noxious Insects"** includes bees and caterpillars.
- (g) **"Noxious weed"** means any plant which is described in Schedule A to this Bylaw, and includes the seeds of the noxious weed.
- (h) **"Nuisance"** means any act or omission which obstructs or causes inconvenience or damage to the public or to a segment of the public in the exercise of rights common to all members of the public;
- (i) **"Unightly"** includes, but is not limited to:
 - (a) the accumulation of building material on any property other than premises licensed under the Business Licence Bylaw, unless the owner or occupier of the property is in possession of a valid Building Permit or unless the accumulation is stored in a covered building;
 - (b) the storage or accumulation of all or part of any motor vehicle which is not
 - i) validly registered and licensed in accordance with the Motor Vehicle Act, R.S.B.C., 1979, c. 288; or
 - ii) capable of movement under its own power, unless stored in a covered building; or
 - (c) the accumulation of filth, discarded materials or rubbish of any kind, including, but not limited to, ashes, dead animals, paper, cardboard, tin cans, leaves, wood, bedding, crockery, glass, bags and appliances".

- (j) **"Waterway"** means any stream, creek, waterway, watercourse, waterworks, ditch, drain or sewer within the City of Terrace, whether or not it is situate on private property.

2. **Waterways**

- (1) No person shall foul, obstruct or impede the flow of any waterway within the boundaries of the City of Terrace.
- (2) Without limiting the generality of subsection (1), no person shall construct a crossing over any waterway.

3. **Soil Deposit or Removal**

- (1) No person shall remove or deposit more than 76 cubic metres (100 cubic yards) of soil from or onto any land within the City of Terrace without
- (a) first obtaining from the City of Terrace a permit for such deposit or removal or
- (b) being in possession of a valid and subsisting Building Permit in respect of such land.

4. **Nuisances**

- (1) No person shall permit pigeons to perch, roost, or nest on any building owned or occupied by them, unless such pigeons are household pets that are housed within their owner's dwelling.
- (2) No person shall by doing, or failing to do, any act, deed, thing, or action, create a nuisance.
- (3) No person shall permit or cause water, rubbish, or noxious, offensive, or unwholesome matter to accumulate around their premises, or deposit or throw bottles, broken glass, or other rubbish in any open place.
- (4) No owner or occupier of real property shall permit or cause that property to become or remain unsightly.
- (5) No owner or occupier of real property, or their agents, shall fail to clear such property of brush, trees, noxious weeds, or other growths when directed to do so by the City of Terrace.

- (6) *No owner or occupier of real property, or their agents, shall permit infestations of caterpillars or other noxious or destructive insects to be on such property.*
- (7) *Where an owner or occupier of real property, or their agents, fails to comply with the provisions of subsection (4), (5) or (6),*
 - (a) *The City of Terrace, by its employees or other persons, at reasonable times and in a reasonable manner, may enter on the property and effect a remedy and*
 - (b) *where that owner or occupier or their agents fail to pay the costs of the remedy on or before December 31 in the year that the remedy was done, the unpaid costs shall be added to and form part of the taxes payable in respect of that real property as taxes in arrears.*
- (8) *No person shall post, exhibit, or distribute placards, play bills, posters, advertisements, writings or pictures or write words, or make pictures or drawings which are indecent, or may tend to corrupt or demoralize, on walls or fences or elsewhere, on or adjacent to any highway, or other public place.*
- (9) *In relation to the emission of smoke, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia,*
 - (a) *require the owners or occupiers of real property, or their agents, to eliminate or reduce the fouling or contaminating of atmosphere through those emissions,*
 - (b) *prescribe measures and precautions to be taken for the purpose of subparagraph (a), and*
 - (c) *establish limits not to be exceeded for those emissions.*

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5. FIREARMS AND FIREWORKS

- (1) *The Fireworks Act (R.S.B.C. 1996, c. 146) is hereby declared to apply to the City of Terrace.*
- (2) *No person shall discharge any firearm of any kind or calibre within the boundaries of the City of Terrace unless authorized by this Bylaw.*

- (3) *Persons duly authorized to destroy predatory animals or control domestic animals or any other lawful duty may obtain a permit for the use of firearms within the Municipal Boundaries from the N.C.O. i/c R.C.M.P.*
- (4) *No person shall*
 - (a) *sell fireworks or dispose of fireworks to any person or*
 - (b) *explode fireworks,*

except between October 24 and November 1 in any year.
- (5) *No person shall explode any fireworks on any highway or other public place unless specifically authorized to do so by the Fire Chief of the City of Terrace.*
- (6) *No person shall sell fireworks or dispose of fireworks to any person under 19 years of age.*
- (7) *Notwithstanding the provisions of this Bylaw, fireworks may be sold to and discharged by any person or organization at a public display if such public display is held with the written permission of the Fire Commissioner or any of his local assistants having jurisdiction in the City of Terrace [1076-1985].*

6. **REMOVAL OF TREES AND SHRUBS DANGEROUS TO PUBLIC SAFETY**

- (1) *The City of Terrace may order the removal, cutting down, or trimming of any trees, shrubs, hedges, or bushes growing or standing on land adjacent to a highway which the Council believes are dangerous, or where the Council believes the safety or convenience of the public so requires, or where the trees, shrubs, hedges, or bushes become injurious to the road bed, sidewalk or works, at the expense of the owners or occupiers of land on which they grow or stand.*
- (2) *Before exercising the powers conferred by subsection (1), the Council shall give to the owner or occupier of the land notice requiring him within 5 days from the date of the notice to remove, cut down, or trim the trees, shrubs, hedges, or bushes designated in the notice; and if the owner or occupier defaults or does not make application to the Supreme Court, the City of Terrace, by its employees and others, may enter and effect the removal, cutting down or trimming at the expense of the person defaulting.*

- (3) *The expenses incurred by the City of Terrace under this section shall, if unpaid on December 31 in any year, be added to and form part of the taxes payable on the land designated in the notice.*

7. **REMOVAL OF ERECTIONS AND THINGS DANGEROUS TO PUBLIC SAFETY OR HEALTH:**

- (1) *The Council may declare any building, structure, or erection of any kind or a drain, ditch, watercourse, pond, surface water, or other matter or thing, in or on private land or a highway, or in or about a building or structure, a nuisance, and may direct and order that it be removed, pulled down, filled up, or otherwise dealt with by its owner, agent, lessee, or occupier, as the Council may determine and within the time after service of the order that may be named in it.*
- (2) *Service of the order made under subsection (1) shall be effected by sending a copy of the order by return registered mail to the owner of the land upon which the nuisance exists, and to all other persons whose names appear on the records of the Land Title Office as having an interest in the land, and to the agent, if known, of the registered owner, and to the lessee and occupier of the land, the notice to be sent to the last known address of each interested person referred to in this subsection.*
- (3) *The Council may further order that, in case of default by the owner, agent, lessee, or occupier to comply with the order within the period named in it, the City of Terrace, by its employees and others, may enter and effect the removal, pulling down, filling up, or other dealing at the expense of the person defaulting, and may further order that the charges for so doing, including all incidental expenses, if unpaid on December 31 in any year, shall be added to and form part of the taxes payable on that land or real property as taxes in arrears.*
- (4) *Where the nuisance so declared is a building, structure, or erection, the Council may, after the expiration of 60 days from the date of the mailing of the notice to the owner under subsection (2) and after the expiration of the period named in the order, sell by auction or by public or private tender, or otherwise dispose of the building, structure, or erection so ordered to be dealt with, or any part or material in it. From the proceeds of the sale or disposal, there shall be deducted for the use of the City of Terrace the actual costs, including incidental expenses, incurred by the City of Terrace*

in carrying out the order, and the remainder of the proceeds shall be paid by the City of Terrace to the owner or other person lawfully entitled.

- (5) *This section applies to any building, structure, or erection of any kind which the Council believes is so dilapidated or unclean as to be offensive to the community.*

8. **VIOLATION AND PENALTY:**

(1) *Any person who:*

- (a) *violates or does any act or things which violates any provision of the Bylaw;*
- (b) *suffers or permits any act or thing to be done in violation or contravention of any of the provisions of this Bylaw; or*
- (c) *neglects or refrains from doing anything required to be done by any of the provisions of this Bylaw;*

is guilty of an offence and is liable upon summary conviction to a fine of not less than One Hundred (\$100.00) Dollars and not more than \$500.00.

9. *The following sections of this Bylaw are hereby designated for the purpose of Section 272 of the Municipal Act:*

- s. 2 (1) and (2);
s. 3 (1);
s. 4 (1), (2), (4), (5), (6), (7), and (8); and
s. 5 (4), (5), and (6).*

10. *If any section, subsection, clause, sub-clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this BYLAW.*

11. *Bylaw numbers 841, 1053, and 1076 are hereby repealed.*

12. *This Bylaw may be cited as "**City of Terrace Nuisance Bylaw No. 1318-1993**".*

This Bylaw is consolidated for convenience only. If discrepancies exist between this consolidation and the original bylaws, the original bylaws shall prevail.

BYLAW #1318-1998 READ a first time this 13th day of April, 1993.

BYLAW #1318-1998 READ a second time this 13th day of April, 1993.

BYLAW #1318-1998 READ a third time this 13th day of April, 1993.

BYLAW #1318-1998 ADOPTED this 26th day of April, 1993.

ORIGINAL SIGNED BY "J. TALSTRA"

Mayor

ORIGINAL SIGNED BY "E.R. HALLSOR"

Clerk-Administrator

SCHEDULE "A"

Blueweed (*Echium vulgare*)
Burdock (*Arctium minus* Hill)
Canada Thistle (*Cirsium arvense* (L.) Scop.)
Cleavers (*Galium aparine* L.)
Dodder (*Cuscuta* spp.)
Giant Burdock (*Arctium* spp.)
Hoary Cress (*Cardaria* spp.)
Houndstongue (*Cynoglossum officinale*)
Knapweed spp. -
 Diffuse (*Centaurea diffusa* Lam.)
 Spotted (*Centaurea maculosa* L.)
 Russian (*Centaurea repens* L.)
Leafy spurge (*Euphorbia esula* L.)
Morning-glory (Field Bindweed) (*Convolvulus arvensis* L.)
Night flowering catchfly (*Silene noctiflora*)
Nodding thistle (*Carduus nutans* L.)
Oxeye Daisy (*Chrysanthemum leucanthemum*)
Poison hemlock (*Conium maculatum* L.)
Quackgrass (*Agropyron repens*)
Scentless Chamomile (*Matricaria maritima* var. *agrestis* (Knaf.)(Wilmot)
Sow thistle, annual perennial (*Sonchus* spp.)
Sulphur cinquefoil (*Potentilla recta* L.)
Tansy (*Tanacetum vulgare* L.)
Tansy ragwort (*Senecio jacobaea* L.)
Tartary buckwheat (*Fagopyrum tataricum* L.)
Toadflax spp. -
 Common (*Linaria vulgaris* Hill)
 Dalmation (*Linaria dalmatica* L.)
Water Hemlock (*Cicuta maculata* L.)
White Cocle (*Lychnis alba*)
Wild Mustard (*Brassica kaber*)
Wild Oats (*Avena fatua* L.)