

**THE COMMITTEE OF THE WHOLE
AGENDA
6:30 P.M.**

**Tuesday, July 9, 2024
Ladysmith Seniors Centre
630 2nd Avenue
Pages**

1. CALL TO ORDER AND ACKNOWLEDGEMENT

The Town of Ladysmith acknowledges with gratitude that this meeting takes place on the unceded territory of the Stz'uminus First Nation.

Members of the public may attend meetings in person at the Ladysmith Seniors Centre or view the livestream on YouTube:

<https://www.youtube.com/channel/UCH3qHAExLiW8YrSuJk5R3uA/featured>.

2. AGENDA APPROVAL

Recommendation

That the agenda for this July 9, 2024 Committee of the Whole meeting be approved.

3. MINUTES

3.1 Minutes of the Committee of the Whole Meeting held May 14, 2024

3

Recommendation

That the minutes of the Committee of the Whole meeting held May 14, 2024 be approved.

4. PRESENTATION

4.1 Ladysmith Detachment Annual Policing Priorities for 2024 to 2025

Tracy Dubnyk, Ladysmith RCMP, will speak to the 2024 Annual Policing Priorities.

5. REPORTS

5.1 Direction for Future Spring Clean Up 8

Recommendation

That the Committee recommend that Council direct staff to discontinue the annual large item Spring Clean Up program.

5.2 Ray Knight Drive Parking update 11

Recommendation

That the Committee recommend that Council receive the July 9, 2024 report from the Infrastructure Services department regarding the parking situation on Ray Knight Drive.

6. COUNCIL SUBMISSIONS

6.1 Division of Maintenance Responsibilities on the Trans-Canada Highway 15

Councillor Paterson has requested that the Committee discuss the division of maintenance responsibilities on the Trans-Canada Highway as Town staff have had to provide maintenance to the central median through Ladysmith.

7. UNFINISHED BUSINESS

7.1 Invasive Species Bylaw - Discussion 17

At the May 7, 2024 Regular Council meeting, the Broombusters organization made a presentation regarding invasive species and asked Council to consider adopting a bylaw to regulate property maintenance as it relates to invasive species. Two sample bylaws have been provided for the Committee's consideration and discussion, as well as the Town's current Property Maintenance Bylaw.

8. NEW BUSINESS

9. ADJOURNMENT



**COMMITTEE OF THE WHOLE MEETING
MINUTES**

Tuesday, May 14, 2024

6:13 P.M.

**Ladysmith Seniors Centre
630 2nd Avenue**

Council Members Present:

Councillor Tricia McKay, Chair
Mayor Aaron Stone
Councillor Ray Gourlay
Councillor Amanda Jacobson

Councillor Duck Paterson
Councillor Marsh Stevens
Councillor Jeff Virtanen

Staff Present:

Allison McCarrick
Erin Anderson
Chris Barfoot
Jake Belobaba
Ryan Bouma

Chris Geiger
Michele Gill
Maggie Robinson
Sue Bouma
Andrea Hainrich

1. CALL TO ORDER AND ACKNOWLEDGEMENT

Councillor McKay, Chair, called this Committee of the Whole meeting to order at 6:13 p.m., and acknowledged with gratitude that it was being held on the unceded territory of the Stz'uminus First Nation.

2. AGENDA APPROVAL

CW 2024-025

That the agenda for this May 14, 2024 Committee of the Whole meeting be approved.

Motion Carried

3. MINUTES

3.1 Minutes of the Committee of the Whole Meeting held March 12, 2024

CW 2024-026

That the minutes of the Committee of the Whole Meeting held March 12, 2024 be approved.

Motion Carried

4. PRESENTATION

4.1 Geographic Information System (GIS) DEMONSTRATION

Engineering staff, Michele Gill and Maggie Robinson, presented the new GIS mapping system, and demonstrated the functions of the internal and external tools to Council. They also discussed next steps, such as including street lighting, asbestos piping, garbage and plow routes, and active building permits in town.

Chair McKay thanked staff for their presentation and for bringing this technology forward.

5. DISCUSSION

5.1 Ladysmith Detachment Annual Policing Priorities for 2024 to 2025

Council discussed policing priorities for 2024-2025. Their list included the need for increased visibility in key areas of speeding, (school zones, playgrounds, parks, and main corridor roads), increased visibility around the overnight shelter, and greater consistency and longevity in leadership for the detachment.

The RCMP will return to a future Committee of the Whole or Council meeting to speak on these items and add insight to areas of concern from the RCMP point of view.

6. REPORTS

6.1 Building Inspector's Report to April 30, 2024

CW 2024-027

That the Committee receive the Building Inspector's Report for the months January to April 2024.

Motion Carried

6.2 Ladysmith Fire/Rescue Reports for March and April 2024

CW 2024-028

That the Committee receive the Ladysmith Fire/Rescue Reports for the months March and April 2024.

Motion Carried

6.3 Coastal Animal Control Services Reports for January to March 2024

CW 2024-029

That the Committee receive the Coastal Animal Control Services Reports for the months January to March 2024.

Motion Carried

6.4 2024 Q1 (Jan-Mar) Financial Update

CW 2024-030

That the Committee receive the staff report dated May 14, 2024, regarding the 2024 Q1 (Jan to March) Financial Update from the Director of Financial Services.

Motion Carried

6.5 2023-2026 Strategic Priorities Update

CW 2024-031

That the Committee receive the 2023-2026 Strategic Priorities Update dated May 14, 2024.

Motion Carried

6.6 Proposed Animal Control Bylaw to allow Backyard Poultry and Goats for Vegetation Management

CW 2024-032

That the Committee recommend that Council:

1. Give first, second and third readings to "Town of Ladysmith Animal Control Bylaw 2024, 2167".
2. Direct staff to bring forward consequential amendments to the "Town of Ladysmith Zoning Bylaw 2014, No. 1860".

CW 2024-033

AMENDMENT

That the Committee recommend that Bylaw 2167 be separated into two bylaws, with one addressing backyard poultry and the other addressing vegetation management.

Amendment Defeated

OPPOSED: Mayor Stone, Councillors Gourlay, McKay and Stevens

CW 2024-032

The question was called on the main motion as presented.

Motion Carried

OPPOSED: Councillors Virtanen and Paterson

6.7 PRC Fees and Charges Proposed Changes and Amendments

CW 2024-034

That the Committee recommend that Council direct staff to:

1. Amend “Town of Ladysmith Community Centre Facilities Fees and Charges Bylaw 2021, No. 2086,” as presented in Attachment A of the May 14, 2024, staff report;
2. Present the proposed FJCC admission changes to the Cowichan North Recreation Commission and Cowichan Valley Regional District for their respective endorsement;
3. Upon the Commission’s and Board’s endorsement, bring the amended “Community Centre Facilities Fees and Charges Bylaw 2021, No. 2086” to Town of Ladysmith Council for consideration; and
4. Amend the “Fees and Charges Department: Parks, Recreation and Culture Policy” definition of family from four to six children.

Motion Carried

7. COUNCIL SUBMISSIONS

7.1 Council Meeting Venue Change

Council discussed the possibility of holding a Council meeting or Committee of the Whole meeting at Ladysmith Secondary School, to encourage civic engagement with youth in the Town. Councillor Paterson will meet with the principal and follow up with Council.

8. ADJOURNMENT

CW 2024-035

That this Committee of the Whole Meeting be adjourned at 7:27 p.m.

Motion Carried

CERTIFIED CORRECT

Chair (Councillor T. McKay)

Corporate Officer (S. Bouma)

STAFF REPORT TO COMMITTEE OF THE WHOLE

Report Prepared By: Ryan Bouma, Director of Infrastructure Services
Reviewed By: Allison McCarrick, CAO
Meeting Date: July 9, 2024
File No: 5360-02
Re: Direction for Future Spring Clean Up

RECOMMENDATION:

That the Committee recommend that Council direct staff to discontinue the annual large item Spring Clean Up program.

EXECUTIVE SUMMARY:

For many years, Ladysmith has provided a Spring Clean Up where residents may discard large items that would not normally be accepted in regular solid waste collection. The program has evolved to exclude more materials and has become difficult to manage. Additionally, the program comes with a relatively large expense and needs to be re-evaluated.

PREVIOUS COUNCIL DIRECTION:

N/A

INTRODUCTION/BACKGROUND:

The annual Spring Clean Up was completed by the Town's solid waste contractor in April this year as part of their required services. As staff prepare the Request for Proposals for a new solid waste contractor, staff want to confirm if the Committee remains committed to providing and funding this program for at least the next five years.

Based on anecdotal feedback from residents, Spring Clean Up is well used and appreciated; however, multiple complaints are received about missed pickups, delayed pickups, general appearance of neighbourhoods, and excluded materials. The nature of the complaints led staff to believe some non-residents in neighbouring communities may be dumping within Town along the pickup route.

Through general discussions amongst staff who receive complaints and deal with the contractor, the following concerns with the program were compiled:

1. Equipment breakdowns and staff shortages led to delays in pickup. Residents were frustrated with the time their waste remained on the boulevard. This led to further

complaints about the appearance of neighbourhoods as waste was left at the side of the streets for days.

2. Missed pickups were a common complaint, some of which indicated waste in front of their house was not theirs and suggesting people were dumping after pickup had occurred. Staff could not confirm dumping was happening, but the inference seems reasonable.
3. Often times waste materials were left behind as they are excluded from the pickup. Items such as unwrapped mattresses, drywall, construction debris, etc. are left behind by the contractor. Residents must find alternative disposal methods for these items.
4. Although some attempt at sorting wood and metal is made by the contractor, a better sorting job of materials could occur to ensure more materials were redirected from the landfill. Improvements have been made over the years, but the program does not meet the Town's sustainability goals.
5. Infrastructure Services reviewed the Spring Clean Up costs with the Director of Financial Services and found the program to cost \$43,174 for this last spring versus the \$38,722 budgeted.

ALTERNATIVES:

The Committee may recommend to Council to:

1. Ask staff to continue the program status quo; or
2. Ask staff to provide other alternatives in a future report.

FINANCIAL IMPLICATIONS:

The large item pickup is included in the solid waste collections contract. For 2024 the actual cost for this program was \$4,452 more than budget.

LEGAL IMPLICATIONS:

The Spring Clean Up is an optional provision in the Town's Solid Waste contract. If Council directs staff to end the program, staff would simply not include the requirement of the program in the upcoming request for proposals for solid waste collection.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Residents may have mixed reactions as there is a mixture of feedback. Some people appreciate the ability to discard large waste without the need for a truck or van while others do not like the look during spring time. Some residents may not have a convenient way to bring waste materials to the Peerless Transfer Station.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Infrastructure Services worked with Financial Services to obtain previous costs for the program.

ALIGNMENT WITH STRATEGIC PRIORITIES:

- Core Infrastructure
- Official Community Plan Implementation
- Waterfront Area Plan
- Economy
- Leadership
- Not Applicable

I approve the report and recommendation.

Allison McCarrick, Chief Administrative Officer

STAFF REPORT TO COMMITTEE OF THE WHOLE

Report Prepared By: Michele Gill, ASCT, Senior Engineering Technologist
Reviewed By: Ryan Bouma, Director of Infrastructure Services
Meeting Date: July 9, 2024
File No: 5400-01
Re: Ray Knight Drive Parking update

RECOMMENDATION:

That the Committee recommend that Council receive the July 9, 2024 report from the Infrastructure Services department regarding the parking situation on Ray Knight Drive.

EXECUTIVE SUMMARY:

Staff reviewed the parking and traffic movements on Ray Knight Drive and found no concerns.

PREVIOUS COUNCIL DIRECTION:

Resolution	Resolution Details
CS 2024-109	That Council direct staff to prepare a report for the July Committee of the Whole meeting with suggestions to alleviate Ray Knight Drive parking and traffic concerns.

INTRODUCTION/BACKGROUND:

Residents’ concerns regarding the parking on Ray Knight Drive were brought to Council’s attention at the May 21, 2024 Council meeting. Staff attended Ray Knight Drive and found very little congestion, although there was some queuing of construction vehicles on John Wilson Place.

Ray Knight Drive is a 10m wide local road where speeds are expected to be low. At intersections there are bulbs to reduce the width to 7.0m. This narrowing results in a shorter crossing for pedestrians and defines the intersection drive lanes.

Parking is permitted on both sides of the road. When vehicles are parked on both sides of the street there is 6.0m of travel surface for moving traffic. Figure 1 shows cars parked on both sides of the road on Ray Knight Drive.





Figure 1 - Parked vehicles on Ray Knight Dr



Figure 2 - Car passing parked vehicles.

While at the site, staff observed a vehicle travel up the road between the parked cars. The closeness of the parked cars causes travelling drivers to slow down. As shown in Figure 2, there was no problem observed for the vehicle passing between the two parked cars. As staff drove by the parked cars in Figure 2, an oncoming vehicle approached but neither vehicle had issues passing the other nor the parked cars. Both staff and the other travelling car did slow down to pass.

Staff further drove onto John Wilson Place and found the road to have some parked construction vehicles. John Wilson Place is 8m wide with parking on both sides. Two-way traffic cannot occur on the remaining 5m surface, when both sides of the road are parked on.

If vehicles are parked on both sides, driveway openings provide passing places when two vehicles are approaching from opposite directions. While at the site, several vehicles were parked on both sides and other vehicles, including a pick-up truck, came and went resulting in the drivers going slow and graciously taking turns to pass each other around the parked vehicles.



Figure 3 - Vehicles parked on John Willson Pl.

Construction and emergency vehicles are less than 3.2m wide and therefore have room to pass parked cars. Once construction is complete, cars and pick-up trucks will be the typical vehicles parked on the streets.

A travel surface of 6.0m results in 3.0m lanes. The 3.0m lane width is becoming more common on local roads as narrower lanes reduce traffic speed, reduce pavement area, reduce rain runoff, reduce asphalt maintenance, increase pedestrian and cyclist space and increase green space.

Staff considered the option of removing parking on one side with signage. The outcome of this option would increase the speed of transiting vehicles and reduce parking for residents.

ALTERNATIVES:

Council can choose to:

1. Direct staff to add parking restrictions.

FINANCIAL IMPLICATIONS:

N/A

LEGAL IMPLICATIONS:

N/A

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

Staff listened to the concerns raised by residents during the Public Hearing regarding parking and narrow streets and included information on those concerns above.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

Protective Services concurs with staff's assessment that a 3.0m lane is sufficient width for emergency vehicles to travel along Ray Knight Dr. Staff would request however, that a cul-de-sac style turnaround be provided at the end of Ray Knight Dr in the next phase of construction.

ALIGNMENT WITH STRATEGIC PRIORITIES:

- Core Infrastructure
- Official Community Plan Implementation
- Waterfront Area Plan
- Economy
- Leadership
- Not Applicable

I approve the report and recommendation.

Allison McCarrick, Chief Administrative Officer

**DIVISION OF MAINTENANCE RESPONSIBILITIES
TRANS CANADA HIGHWAY #1: WITHIN MUNICIPALITY OF
LADYSMITH**

BETWEEN

Town of Ladysmith and Ministry of Transportation

The following document highlights the Arterial Highway maintenance responsibilities, excluding street lighting and traffic signals, on the Trans Canada Highway #1 within the Municipal boundaries of the Town of Ladysmith.

The intent of this document is to establish an operational agreement between the Town and the Ministry, but it should not be interpreted to supercede the Ministry's policies on this subject as detailed in the following documents, as they may be modified from time to time: *G23/87 Responsibility and Cost Sharing Guide* or the Ministry's *Landscape Policy and Design Standards*.

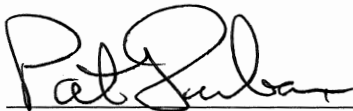
Ladysmith Maintenance Responsibilities:

- Pavement surfaces of intersecting side streets and frontage roads (patching, crack sealing and rehabilitation). **See Appendix "A" (Laning Plans)**
- Roadside litter and rubbish removal within the curb and gutter sections of the Trans Canada Highway (Approximately from Methuen Street to Strathcona Road), also on all frontage roads and side streets.
- Sweeping the roadway within the curb and gutter sections of the Trans Canada Highway, frontage roads and side streets.
- Non regulatory signs at the intersections of and are for frontage roads, side streets and accesses.
- Repair and cleaning of sidewalks, pedestrian/wheel chair ramps and paths.
- Repair and cleaning of storm drain systems within the curb and gutter section of the Trans Canada Highway, frontage roads and side streets (including pipes, catch basins and manholes). **See Appendix "B" (Drainage Plans)**
- All things relating to the pedestrian underpass located in the vicinity of Methuen Street, including the access to and from the underpass and signing.
- All landscaping works and associated irrigation systems/costs within the Trans Canada Highway, adjacent side streets and frontage roads, except for landscaping within the median of the Trans Canada Highway. Date of take over by the Town shall be the same as the expiry of the installers maintenance agreement, December 8, 2001.
- Removal of snow plowed from the Trans Canada Highway.
- Plowing of intersecting side streets and frontage roads.
- Repair and maintenance of all sewer and water services.

While the municipality is responsible for the above items, the Ministry reserves the right to carry out these works in the absence of appropriate municipal action and to charge the municipality accordingly.

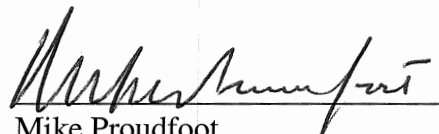
Ministry Maintenance Responsibilities:

- Repair of the pavement surfaces of the Trans Canada Highway #1 (patching, crack sealing and rehabilitation). **See Appendix "A" (Laning Plans)**
- Roadside litter and rubbish removal outside the curb and gutter sections of the Trans Canada Highway #1.
- Debris removal from the road surface of the Trans Canada Highway #1.
- Sweeping the roadway outside the curb and gutter sections of the Trans Canada Highway #1.
- Signs that guide and control traffic on the Trans Canada Highway #1.
- Regulatory signs at the intersection of and for the control of traffic entering the Trans Canada Highway #1 from frontage roads, side streets, and accesses.
- Maintenance of paint line markings, and raised pavement markings including crosswalks and stop bars on intersecting side streets at signalized intersections. Avenue. **See Appendix "B" (Laning Plans)**
- Maintenance and repairs of curbs and gutters.
- Maintenance and repair of storm drain systems not within, the curb and gutter sections of the Trans Canada Highway #1, frontage roads or side streets (including pipes, catch basins, manholes, and ditches).
- Maintenance and repairs of retaining walls.
- All Landscaping works and associated irrigation systems/costs within the medians of the Trans Canada Highway #1.
- Snow plowing, sanding and salting of the Trans Canada Highway.



Patrick Durban
Manager of Corporate Services
Town of Ladysmith

APRIL 4, 2002
Date



Mike Proudfoot
District Manager, Transportation
Vancouver Island District
Ministry of Transportation

April 8, 2002
Date

Attachments

Appendix "A" – Laning Plans
Appendix "B" – Drainage Plans



Received

CITY OF PARKSVILLE

BYLAW NO. 1383

Consolidated for convenience only to include Bylaw No. 1383.1

**A BYLAW TO REGULATE THE MAINTENANCE OF REAL PROPERTY AND
RELATED MATTERS**

WHEREAS a Council may, by bylaw, under Section 725 of the *Local Government Act*, adopt a bylaw to regulate the maintenance of real property and related matters;

AND WHEREAS the Council of the City of Parksville may, by bylaw, require the owners and occupiers of real property to maintain the property and keep it clear of rubbish;

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

1. DEFINITIONS

In this bylaw unless the context otherwise requires:

BYLAW COMPLIANCE OFFICER means the Bylaw Compliance Officer for the City of Parksville;

CITY means the City of Parksville;

COUNCIL means the Council of the City of Parksville;

JUNK means refuse;

NOXIOUS WEED includes but is not limited to Broom, Himalayan Balsam, Carpet Burweed, Wild Chervil, Daphne, Dodder, Gorse, Orange Hawkweed, Introduced Yellow Hawkweed, Giant Hogweed, Horsetail, Knapweed, Japanese Knotweed, Leafy Spurge, Garlic Mustard, Perennial Pepperweed, Poison Ivy, Purple Loosestrife, Ragwort, Scotch Broom, Thistle [Canada and Sow], Toadflax [Yellow and Dalmatian] and any plant on Schedule A, Part 1 - Provincial Weeds list under the *Weed Control Act*;

PROPERTY OWNER means the person or persons whose name is registered on the State of Title Certificate of a parcel;

REAL PROPERTY means any parcel of private land within the City of Parksville;

REFUSE includes, but is not limited to, food wastes, market wastes, combustibles such as paper, cardboard, yard trimmings, leaves and brush, plastics, and leather, non combustibles such as metal, cans, glass and glass containers, crockery, dirt, ashes from fireplaces, street sweepings, bulky wastes such as furniture, appliances, tires, stumps, recycling, construction, trade and demolition waste, unlicensed, unused or

stripped automobiles, trucks, trailers, boats, vessels, machinery, mechanical or metal parts, and excludes contained residential compost;

RUBBISH means refuse;

UNSIGHTLY means an untidy or otherwise non-aesthetic accumulation of filth, discarded materials, junk, refuse or rubbish on any real property, and includes graffiti.

2. **APPLICABILITY**

This bylaw shall apply to all real property within the City of Parksville.

3. **INTERPRETATION**

a. Maintenance

All real property within the City of Parksville shall be maintained by the property owner or his or her designate;

b. Accumulation of Rubbish

No property owner of real property shall cause or permit his or her parcel to collect or accumulate any junk, refuse or rubbish.

c. Storage of Motorized Vehicles

No property owner of real property shall cause or permit his or her parcel to be used for the storage of motor vehicles, boats, recreational vehicles, unlicensed for more than 12 months or heavy equipment incapable of sustained motorized motion on a public highway, or the parts and accessories associated with such machines;

d. Noxious Weeds

No property owner of real property, except those lands within the Provincial Agricultural Land Reserve, shall cause or permit the growth of noxious weeds on his or her parcel.

e. Unsightly Growth

No property owner of real property, except those lands within the Provincial Agricultural land Reserve, shall cause or permit grass or weeds to grow higher than:

- i. 30 cm on a parcel with a primary use;
- ii. 60 cm on a vacant parcel.

f. Accumulation of Water

No property owner of real property shall cause or permit water to accumulate in any unnatural or manmade depression or container. This excludes swamps, creeks, lakes, ponds, rivers, the sea, natural wetlands, stream, spring, ravine, or gulch.

g. Destructive Insects

No property owner of real property shall cause or permit a parcel to become infested by pest caterpillars and other noxious or destructive insects and shall immediately clear the parcel of any offensive insects;

h. Fire Hazard

No property owner of real property shall cause or permit a fire hazard to develop as determined by the Fire Chief or his or her designate of the City of Parksville;

i. Litter Control

No person shall deposit or throw bottles, broken glass or other rubbish in any open place, City park or other public property.

4. AUTHORIZATION TO ENTER

The Bylaw Compliance Officer, Fire Chief, or authorized designate for the City of Parksville, is hereby authorized to enter at all reasonable times upon any property within the City for the purpose of ascertaining whether the regulations under this bylaw are being observed or whether a requirement of the City of Parksville is being met.

5. ENFORCEMENT

Bylaw No. 1383.1 adopted December 3, 2012 replaced Section 5 a. with the following:

- a. An owner of real property or his or her designate shall remove from the parcel any unsightly accumulations of junk, refuse, rubbish, noxious weeds or unsightly growth;
- b. Where an owner of real property fails to comply with a requirement under 5.a., the City of Parksville may, by its employees or other persons, at reasonable time and in a reasonable manner, enter on the property and effect the removal at the expense of the person who failed to comply;
- c. Where the person at whose expense removal is carried out under 5.b. does not pay the costs of removal on or before December 31 in the year that the removal was done, the costs shall be added to and form part of the taxes payable on the property as taxes in arrears.

6. PENALTY

- a. Any person found guilty of a contravention of this Bylaw shall be liable upon summary conviction to a penalty not exceeding \$2,000.00 for each offence;
- b. Or a ticket, as set out in City of Parksville Municipal Ticketing Bylaw.

7. REMAINDER OF BYLAW TO BE MAINTAINED INTACT

If any portion of this bylaw is held to be invalid by a decision of a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this bylaw.

8. REPEAL

"Property Maintenance Bylaw, 1990, No. 1043" is hereby repealed.

9. CITATION

This bylaw may be cited for all purposes as "Property Maintenance Bylaw, 2003, No. 1383."

READ A FIRST TIME this 6th day of October, 2003

READ A SECOND TIME this 6th day of October, 2003

READ A THIRD TIME this 6th day of October, 2003

ADOPTED this 20th day of October, 2003

Original signed by Mayor
Mayor

Original Signed by City Clerk
Clerk

Consolidated under the provisions of the *Community Charter* to include Bylaw 1383.1.
Printed under the authority of the Corporate Officer of the City of Parksville this 4th day of
December, 2012



Corporate Officer

CITY OF PORT ALBERNI

BYLAW NO. 4712

A BYLAW TO REGULATE THE MAINTENANCE OF REAL PROPERTY AND RELATED MATTERS.

WHEREAS the City of Port Alberni wishes to promote a safe, comfortable and inviting community for all of its citizens, businesses and visitors;

AND WHEREAS it is recognized that a minority of property owners neglect to take reasonable steps to maintain their property and that poorly maintained property can adversely affect the well-being of a community;

AND WHEREAS pursuant to section 8(h) of the *Community Charter*, the Council of the City of Port Alberni may, by bylaw, regulate, prohibit, and impose requirements in relation to the protection and enhancement of the well-being of its community in relation to nuisances, disturbances, and other objectionable situations as defined in section 64 of the *Community Charter*.

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 "**Property Maintenance Bylaw 2009, No. 4712**".

2. DEFINITIONS

In this Bylaw unless the context otherwise requires:

Enforcement Officer means a member of the Royal Canadian Mounted Police or a Bylaw Enforcement Officer for the City of Port Alberni, or his or her designate;

City means the City of Port Alberni;

Council means the elected Council of the City of Port Alberni;

Graffiti means any expressive depiction including pictures, words or symbols created by paint or other substance that forms a graphic image or any collection of things or substances that make an expressive form that is visible to the public and has not been sanctioned or approved in writing by City Council or staff.

Noxious weed includes but is not limited to Broom, Himalayan Balsam, Carpet Burweed, Wild Chervil, Daphne, Dodder, Gorse, Orange Hawkweed, Introduced Yellow Hawkweed, Giant Hogweed, Horsetail, Knapweed, Japanese Knotweed, Leafy Spurge, Garlic Mustard, Perennial Pepperweed, Poison Ivy, Purple Loosestrife, Ragwort, Scotch Broom, Thistle [Canada and Sow], Toadflax [Yellow and Dalmatian] and any plant on Schedule A, Part 1 – Provincial Weeds list under the *Weed Control Act*;

Person includes a natural person, any company, corporation, owner, partnership, firm, association, society, or party.

Property owner means the person or persons whose name is registered on the State of Title Certificate of a parcel;

Public Place includes every sidewalk, park, courtyard, square, walkway, parking lot, green space, undeveloped land, and any other area open to public use;

Real property means any parcel of land within the City of Port Alberni which is owned by a person other than the City of Port Alberni;

Refuse includes, but is not limited to; food waste; market waste; combustibles such as paper, cardboard, yard trimmings, leaves and brush, plastics, or leather; non combustibles such as metal, glass, crockery, dirt, ashes, and street sweepings; bulky wastes such as furniture, appliances, tires, or stumps; construction or trade waste; demolition waste; stripped or wrecked automobiles, trucks, trailers, boats, vessels, or machinery; parts or components of any of the aforementioned; structures, outbuildings, temporary buildings, tarps, fencing, furniture, ornaments, or ornamental structures that have fallen into an unsightly state of disrepair; and excludes an inhabitable dwelling house and contained and maintained residential compost;

Rubbish means refuse;

Unsightly means an untidy or otherwise non-aesthetic accumulation of filth, discarded materials or refuse on any real property, and includes graffiti.

3. **APPLICABILITY**

This bylaw shall apply to all real property within the City of Port Alberni.

4. **REGULATIONS**

- a. All real property shall be maintained by the property owner or his or her designate;
- b. No property owner shall cause or permit the accumulation of refuse on his or her property.

- c. No property owner shall cause or permit his or her property to be used for the storage of motor vehicles, boats or recreational vehicles, unlicensed or unused for a period of more than 12 months and including the parts and accessories associated with such vehicles, boats and equipment;
- d. No property owner shall permit the storage of construction materials including but not limited to wood, metal, piping, ducting, wire, cable, fabrics, roofing material, or concrete products for a period exceeding 12 months, unless a building permit has been issued and remains valid under provisions of Building Bylaw No. 4577, and only construction material intended for use on that property shall be stored on a property and must be stored in a side or back yard;
- e. No property owner shall cause or permit the growth of noxious weeds on his or her property;
- f. No property owner shall cause or permit grass, weeds or uncultivated brush to grow higher than 15 cm;
- g. No property owner shall cause or permit water to accumulate in any unnatural or manmade depression or container;
- h. No property owner shall permit a natural or artificial opening in the ground
- i. No property owner shall cause or permit a parcel to become infested by pest caterpillars and other noxious or destructive insects;
- j. No property owner shall cause or permit a parcel to become infested with rats;
- k. No property owner shall permit graffiti in a place visible from adjacent public or private property;
- l. No person shall deposit refuse in a public place or on real property without consent of the property owner, and such consent shall be the offender's responsibility to show.

5. EXEMPTIONS

- a. Section 4. c. does not apply to a vehicle or boat that is subject to an active restoration project or to vehicles or boats that are stored within an enclosed garage;
- b. Section 4. g. does not apply to natural wetlands, swamps, creeks, lakes, ponds, rivers, springs, or adequately maintained and chlorinated swimming pools or spas;

- c. Section 4. h. does not apply to temporary openings created during a construction process where industry safety guidelines have been observed or to a naturally formed ravine or gulch that is adequately marked or barricaded
- d. Section 4. k. does not apply to graffiti on privately owned property where the graffiti is permitted by the property owner and not visible from adjacent property.

6. AUTHORIZATION TO ENTER

An Enforcement Officer or an authorized designate, is hereby authorized to enter at all reasonable times upon any property within the City for the purpose of ascertaining whether the regulations under this bylaw are being observed or whether a requirement of the City is being met.

7. ENFORCEMENT

- a. Enforcement Officers are authorized to enforce this Bylaw.
- b. A property owner or his or her designate, upon receiving written Notice of a violation from an Enforcement Officer, shall comply with the provisions of this bylaw as identified in the Notice within the period prescribed in the Notice;
- c. The Notice issued by the Enforcement Officer must be signed by the Enforcement Officer, and include the date of inspection, the action required to bring the property into compliance, the date compliance is required, and instructions on how to appeal the order to Council;
- d. A Notice may be served in person, mailed, or left in the mail box of the property owner at the most recent address in the City's records;
- e. A time period prescribed in section 7. b. shall be reasonable and shall consider such things as quantity of work, weather and other circumstances deemed relevant by the Enforcement Officer and may be lengthened by an Enforcement Officer or the City Clerk upon request of the property owner where it is shown that the work cannot reasonably be performed within the prescribed time period or to do so would cause undue hardship;
- f. A person served with an order under section 7. b. may appeal all or part of the order in writing to the City Clerk prior to the compliance date set out in 7. c. and such an appeal will be heard by Council at the next conveniently available scheduled public meeting and upon hearing the appeal Council may uphold the Notice, deem all or part of the Notice invalid, or vary the conditions of the Notice;
- g. A decision made by Council in respect to Section 7. f. is final;

- h. Where an owner of real property fails to comply with a Notice the City may, by its employees or other persons, at a reasonable time and in a reasonable manner, enter on the property and effect the required work at the expense of the property owner;
- i. Where the person at whose expense the work is performed under section 7. h. does not pay the costs of the work on or before December 31 in the year that the work was done, the costs shall be added to and form part of the taxes payable on the property as taxes in arrears;
- j. The owner of the real property shall not use as an excuse for failing to comply with an Order issued under section 7. b. that the property is rented, leased or otherwise occupied by a person other than the owner of the property.

8. OBSTRUCTION

No person shall block, harass, abuse, threaten or otherwise obstruct an Enforcement Officer, City employee, or contractor employed by the City while carrying out activities authorized by this bylaw.

9. OFFENCES AND PENALTIES

- a. Any person who fails to comply with a Notice issued by an Enforcement Officer by the compliance date is in violation of this Bylaw and may be prosecuted under provisions of the *Offence Act* and is subject to a fine not less than \$1000.00 and not more than \$10,000;
- b. Any person who was subject to a Notice under provisions of this Bylaw in the previous 12 months and is again found to be in contravention for a similar offence is immediately in violation and may be charged or ticketed prior to issuing a Notice.
- c. 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 prescribed form;
- d. The words or expressions listed in Schedule "A" 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;

9. SEVERABILITY

If any portion of this bylaw is held to be invalid by a decision of a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this bylaw.

10. REPEAL

"Property Maintenance Bylaw No. 3915" is hereby repealed.

READ A FIRST TIME THIS 14TH DAY OF APRIL, 2009.

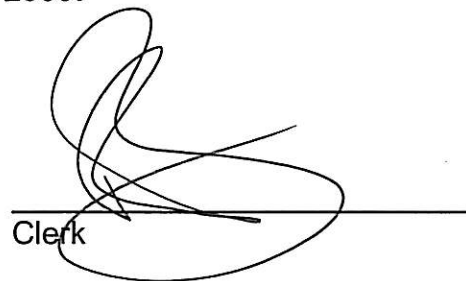
READ A SECOND TIME THIS 27TH DAY OF APRIL, 2009.

READ A THIRD TIME THIS 27TH DAY OF APRIL, 2009.

FINALLY ADOPTED THIS 11TH DAY OF MAY, 2009.



Mayor



Clerk

SCHEDULE "A"
FINE SCHEDULE

Designated Expression	Section	Fine Amount
Accumulate refuse	4. b.	\$100
Store derelict vehicle	4. c.	\$100
Store construction material	4. d.	\$100
Noxious weeds	4. e.	\$100
Unsightly growth	4. f.	\$100
Water accumulation	4. g	\$100
Ground opening	4. h.	\$100
Insect infestation	4. i.	\$100
Rat infestation	4. j.	\$100
Permit Graffiti	4. k.	\$100
Deposit Refuse	4. l.	\$100

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TOWN OF LADYSMITH

PROPERTY MAINTENANCE BYLAW NO. 1970

A Bylaw to establish required standards for the maintenance of Real Property within the Town.

WHEREAS pursuant to section 8(h) of the *Community Charter*, the Council of the Town of Ladysmith may, by bylaw, regulate, prohibit and impose requirements in relation to the protection and enhancement of the well-being of its community in relation to nuisances, disturbances and other objectionable situations as defined in section 64 of the *Community Charter*.

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1.0 DEFINITIONS

1.1 In this Bylaw:

- (a) "**Graffiti**" means drawing, painting, etching, printing, writing or other graphic representation that:
- i. is scribbled, scratched, sprayed, painted, or similarly placed directly on a supporting surface; and
 - ii. if it is on private property that is not located on public real property, has been placed without the consent of the Owner of that private property,

and excludes:

- i. a sign for which permits have been issued under the *Sign and Canopy Bylaw 1995, No. 1176*, as amended or replaced from time to time; and
 - ii. a Mural for a purpose other than commercial advertising;
- (b) "**Mural**" means a painting:
- i. that is applied directly to the wall of a building or other structure with the consent of the Owner of that building or structure; and
 - ii. that does not include any text or logo other than the name of the artist;
- (c) "**Occupier**" means any person who occupies Real Property, or who is qualified to maintain an action for trespass in respect of the Real Property, or who is in possession of the Real Property under a lease, licence, agreement for sale or other agreement with the Owner of the Real Property;
- (d) "**Owner**" means any person in relation to the Real Property 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.;
- (e) "**Real Property**" means any parcel of private land within the Town of Ladysmith;
- (f) "**Refuse**" includes, but is not limited to:
- i. food wastes;
 - ii. market wastes;
 - iii. combustibles like paper, cardboard, yard trimmings, leaves and brush, plastics, and leather;
 - iv. non-combustibles such as metal, cans, glass, dirt, ashes, and street sweepings;

- v. bulky wastes such as furniture, appliances, tires, stumps, recycling, and construction waste;
 - vi. unlicensed, unused, or stripped automobiles, trucks, trailers, boats, vessels, machinery, mechanical parts, and metal parts; and
- (g) "Unsightly" means an untidy or otherwise non-aesthetic accumulation of filth, discarded materials, junk, or Refuse on any Real Property, and includes Graffiti.

2.0 GRAFFITI PROHIBITED

- 2.1 A person must not place Graffiti on a wall, fence, or elsewhere on or adjacent to a public place.

3.0 REFUSE – UNSIGHTLY PROPERTY PROHIBITED

- 3.1 A person must not do any of the following activities:
- (a) cause or permit water, or Refuse, garbage or other material that is noxious, offensive or unwholesome to collect or accumulate on Real Property;
 - (b) deposit or throw bottles, broken glass, or other Refuse in any open place; or
 - (c) allow Real Property, of which that person is the Owner or Occupier, to become or remain Unsightly.

4.0 WEEDS PROHIBITED

- 4.1 The Owner or Occupier of Real Property must not allow to be present on that property weeds or other growths that:
- (a) because of their condition, are likely to spread or become a nuisance to other Real Property in the vicinity; or
 - (b) are so unkempt as to be Unsightly to nearby residents.

5.0 REMOVAL OF GRAFFITI, REFUSE, WEEDS, UNLICENSED VEHICLES

- 5.1 Every Occupier of Real Property, or its Owner if there is no Occupier, must remove from that property:
- (a) Graffiti;
 - (b) Refuse and other material described in section 3.1; and
 - (c) Weeds and other growths described in section 4.1.

6.0 INSPECTION TO DETERMINE WHETHER BYLAW IS BEING FOLLOWED

- 6.1 RCMP and Bylaw Officers at all reasonable times may enter on Real Property to determine whether a requirement set out in sections 3.1, 4.1, and 5.1(a), (b) and (c) is being observed.
- 6.2 A Bylaw Officer at all reasonable times may enter on Real Property to determine whether a requirement set out in sections 4.1 and 5.1(c) is being observed.

7.0 TOWN'S ACTION AT DEFAULTER'S EXPENSE

- 7.1 If an Owner or Occupier fails to take an action required under section 5.1, Council may issue a written order directing that the Owner or Occupier take that action, provided that, prior to Council making an order the Owner or Occupier has been provided an opportunity to be heard by Council in respect of the matter.
- 7.2 If an Owner or Occupier subject to an order under section 7.1 fails to comply with the order within 14 days after being served with the order, RCMP and Bylaw Officers or the Town's contractors, with respect to a matter under section 5.1(a) or (b) and Bylaw Officers

or the Town's contractors with respect to a matter under section 5.1(c), on behalf of the Town and at a defaulting person's expense, at reasonable times and in a reasonable manner, may enter on the Real Property owned or occupied by that person and take the action required by the order.

- 7.3 If the Town takes action under section 7.2 and the costs of the action are not paid on or before December 31 in the year in which they are incurred,
 - (a) they may be recoverable from the person as a debt, or
 - (b) they may be collected in the same manner and with the same remedies as ordinary taxes on the Real Property on which the action was taken.

7.4 For the purposes of section 7.3(b), the costs are considered to be taxes in arrears.

8.0 OFFENCES AND PENALTIES

- 8.1 A person who contravenes, violates or fails to comply with any provision of this Bylaw or who suffers or permits any act or thing to be done in contravention or violation of this Bylaw, or who fails to do anything required by this Bylaw, commits an offence and shall be liable upon conviction to a fine of not more than \$10,000.00 (TEN THOUSAND DOLLARS) and not less than \$200 (TWO HUNDRED DOLLARS), the cost of prosecution and any other penalty or order imposed pursuant to the *Community Charter*, S.B.C. 2003, c. 26 or the *Offence Act*, R.S.B.C. 1996, c.338.
- 8.2 Section 8.1 shall not prevent the Town or an authorized person on behalf of the Town issuing and enforcing a ticket under the "*Ladysmith Ticket Information Utilization Bylaw 2002, No 1457*".
- 8.3 Each day that a contravention of a provision of this Bylaw occurs or continues shall constitute a separate offence.

9.0 SEVERABILITY

- 9.1 If any part of this Bylaw is for any reason held invalid by any court of competent jurisdiction, the invalid portion shall be severed and the severance shall not affect the validity of the remainder.

10.0 REPEAL

- 10.1 *Ladysmith Property Maintenance Bylaw 2015 No. 1894* is hereby repealed.

11.0 CITATION

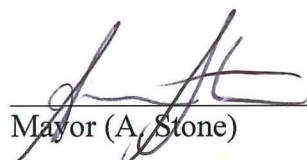
- 11.1 This Bylaw may be cited as the "*Ladysmith Property Maintenance Bylaw 2018, No. 1970*."

READ A FIRST TIME on the 20th day of August, 2018

READ A SECOND TIME on the 20th day of August, 2018

READ A THIRD TIME on the 20th day of August, 2018

ADOPTED on the 4th day of September, 2018



 Mayor (A. Stone)



 Corporate Officer (J. Winter)

