

# City of Rossland



# *GOOD NEIGHBOUR BYLAW # 2430*

BYLAW NUMBER 2430

**GOOD NEIGHBOUR BYLAW 2430**

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## BYLAW NUMBER 2430

### THE CORPORATION OF THE CITY OF ROSSLAND BYLAW NUMBER 2430

A bylaw to enhance the Quality of Life for the  
Citizens of The City of Rossland

WHEREAS, the Council for the City of Rossland desires to protect Quality of Life for its' citizens, and endeavors to promote civic responsibility, and further, strives to encourage good relationships between neighbours.

The Council of the City of Rossland, in open meeting assembled,  
ENACTS AS FOLLOWS:

#### **PART I – INTERPRETATION**

- 1.1 This Bylaw may be cited as “City of Rossland Good Neighbour Bylaw Number 2430”.
- 1.2 Words or phrases defined in the British Columbia Interpretation Act, Motor Vehicle Act or Local Government Act or any successor legislation, shall have the same meaning when used in this Bylaw unless otherwise defined in this Bylaw.
- 1.3 Schedules “A” – “D” contain definitions of terms used in this Bylaw.
- 1.4 In this Bylaw, unless the context otherwise requires, the singular shall include the plural and the masculine includes the feminine gender.
- 1.5 The headings contained in this Bylaw are for convenience only and are not to be construed as defining, or in any way limiting, the scope or the intent of the provisions of this Bylaw.
- 1.6 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.

#### **PART II – GENERAL REGULATIONS**

- 2.1 No person shall obstruct or interfere with a bylaw enforcement officer in the exercise of his duties.
- 2.2 A bylaw enforcement officer shall have the right to enter upon the property of any owner or occupant at all reasonable times and in a reasonable manner for the purposes of inspecting property and declaring whether the

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property is unsightly or otherwise not in compliance with the provisions of this Bylaw.

### **PART III - STREET NUISANCES**

#### **RESTRICTIONS ON PANHANDLING**

- 3.1 Schedule "B" contains definitions of terms used in Part III of this Bylaw.
- 3.2 No person shall panhandle within 10 metres of:
  - (a) an entrance to a bank, credit union or trust company;
  - (b) an automated teller machine;
  - (c) a bus stop;
  - (d) a bus shelter; or
  - (e) the entrance to any liquor store.
- 3.3 No person shall panhandle from an occupant of a motor vehicle which is:
  - (a) parked;
  - (b) stopped at a traffic control signal; or
  - (c) standing temporarily for the purpose of loading or unloading.
- 3.4 No person shall panhandle after sunset on any given day.
- 3.5 No person shall sit or lie on a street for the purpose of panhandling.
- 3.6 No person shall continue to panhandle from a person, or follow a person, after that person has made a negative response.

### **PART IV - NOISE REGULATION**

#### **NOISE RESTRICTIONS**

- 4.1 Schedule "C" contains definitions of terms used in Part IV of this Bylaw.

#### **EXEMPTIONS**

- 4.2 Notwithstanding anything contained herein, no person shall be guilty of an infraction of this Bylaw while:
  - (a) operating or in charge of Fire Department, Police or Ambulance vehicles while in the execution of their duties;
  - (b) operating any motor vehicle, machinery or other apparatus or thing during an emergency or for a public purpose or in furtherance of the public interest including, without limiting the generality of the foregoing, watermain and sewer main

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break repairs and civil defense exercises. For public purposes, snow removal will only be permitted between 5:00 am and 11:00 pm;

- (c) performing works of an emergency nature for the preservation or protection of life, health or property, provided that, the onus shall be on the person performing the work to show cause that the work was of an emergency nature;
- (d) lawfully carrying on a trade or industry at a commercial, industrial or light industrial zoned area, provided that the sound or noise therefrom does not exceed the sound or noise common to such trade or industry where carried out in accordance with generally accepted industry standards using equipment and facilities in good operating order;
- (e) farm operations conducted in accordance with normal farm practices under the *Farm Practices Protection (Right to Farm) Act*;
- (f) operating residential household equipment including, but not limited to, pool pump motors, air conditioning units, exhaust fans, hot tub pumps, provided that the sound or noise therefrom does not exceed the sound or noise common to such household equipment when in good operating order and being used in accordance with generally accepted industry standards.

### VEHICLES IDLING AND AIR QUALITY

- 4.3 (a) The City of Rossland is concerned with air quality and is committed to meeting the City's carbon neutral targets, therefore, will consider a breach of this section of the bylaw an offence:
- i. the exhaust of an engine of a bus, truck or other vehicle which has been idling or otherwise running continuously for more than three minutes at the same location except:
    - a) a bus that is located within a garage or depot intended for it's long term parking or maintenance.
    - b) A vehicle containing equipment that must be operated inside or in association with a vehicle; or
    - c) A vehicle serving as a facility for taking measurements or making observations by or on behalf of the municipality , public utility, police, fire or ambulance;

## **SPECIAL EXEMPTIONS**

### **4.4 (a) Construction Permits:**

Where the City's Chief Building Inspector considers that it is impossible or impractical for a person to comply with Section 4.6 (e) and (f), the Chief Building Inspector may, on application in writing, grant a construction permit to carry out work that is found to be necessary, at designated hours on designated days and on such other terms and conditions as the Chief License Inspector considers reasonable in the circumstances;

### **(b) Mobile Public Address Systems:**

No person may operate a mobile public address system without first obtaining a permit under this Bylaw and complying with the following terms and conditions:

- (i) upon application in writing, a permit may be granted by the Deputy City Clerk (DCC) designate, for a mobile public address system, provided such system is used and operated, as follows:
  - the system may only be used between the hours of 9:00 a.m. and 6:00 p.m.;
  - the system must not be operated while the motor vehicle, trailer or other device containing the system is parked on a highway; and
  - the system must not be operated more than once per day on any residential highway which has on either side of it an area zoned residential under the City's Zoning Bylaw;
  - the system must not be operated so as to cause a nuisance or other disturbance to any person.
- (ii) a permit for non-commercial purposes shall be for a stated period of days;
- (iii) no fee shall be payable for a non-commercial permit; and
- (iv) a permit fee of \$100.00 per day shall be payable for a commercial permit.

The Deputy City Clerk may cancel a licence for a mobile public address system if the licence holder fails to comply with the requirements and restrictions on use of the system established in this Bylaw, or otherwise causes a nuisance.

## **GENERAL PROHIBITIONS**

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- 4.5 (a) No person shall make or cause, or permit to be made or caused, any noise in or on a highway or other public place in the City which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity of that place;
- (b) No person being the owner, occupier or tenant of real property shall allow or permit such real property to be used so that noise or sound which occurs thereon or emanates there from, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons on the same property or in the neighbourhood or vicinity of that property.

### **SPECIFIC PROHIBITIONS**

4.6 Without limiting the generality of Section 4.5 herein:

- (a) No person shall play or operate any radio, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound either in or on private premises or on any highway or other public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity of those premises or place;
- (b) No person being the owner, occupier or tenant of real property shall allow or permit his real property to be used by a person or persons for playing or operating any radio or stereophonic equipment or other instrument or other apparatus for the production or amplification of sound in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity of said real property;
- (c) Subject to subsection 4.2 (e), no person shall own, keep or harbor any animal or bird which by its cries or sounds unduly disturbs the peace, quiet, rest or tranquility of the surrounding neighbourhood or of persons in the vicinity;
- (d) No person may operate, or cause, suffer or permit the operation of, any motorized lawn-grooming or garden equipment in the City between the hours of 9:00 pm and 7:00 am;
- (e) Subject to subsection 4.4(a), no person in the City shall, on any day before 7:00 am or after 9:00 pm, construct, erect, reconstruct, alter, repair or demolish any building, structure or thing, or excavate

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or fill in land in any manner which causes noise or sounds in or on a highway or elsewhere in the City which disturbs or tends to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity;

- (f) Subject to subsection 4.4(a), no owner of real property shall, on any day before 7:00 am or after 9:00 pm, cause, permit or allow a person to construct, erect, reconstruct, alter, repair or demolish any building, structure or thing, or excavate or fill in land in any manner which causes noise or sounds in or on any real property, a highway or elsewhere in the City which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity;
- (g) No person shall create a nuisance or disturbance upon any portion of a highway or other public place by participating in a fight or other similar physical confrontation between consenting or non-consenting persons.

## PART V - PROPERTY MAINTENANCE

### PRIVATE PROPERTY MAINTENANCE

5.1 Schedule "D" contains definitions of terms used in Part V of this Bylaw

#### Exemptions

- 5.2 (a) Part V of this Bylaw does not apply to farm operations conducted in accordance with normal farm practices under the *Farm Practices Protection (Right to Farm) Act*.
- (b) Part V of this Bylaw does not apply to the orderly outdoor storage of goods and chattels when permitted by the City of Rossland Zoning Bylaw 1912.

#### Regulations

- 5.3 Except as permitted under section 5.2 of this Bylaw, no owner or occupier of real property shall cause, suffer or permit:
  - (a) water, rubbish, noxious, offensive, or unwholesome matter to collect or accumulate on the real property;
  - (b) rubbish to overflow from or accumulate around any container situate on the real property;



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- (c) allow the real property to become or remain unsightly;
- (d) the accumulation of dead landscaping, vegetation, noxious weeds or other growths to occur or to remain on the real property; or
- (e) in respect to real property for which a Building Permit has been issued by the City, cause or permit demolition waste, construction waste or trade waste to accumulate on the real property, it will be required that it is removed in one week.

### **BOULEVARD & LANEWAY MAINTENANCE**

#### **Regulations**

- 5.4 Every owner or occupier of real property adjacent to a boulevard or lane shall ensure that the portion of the boulevard or lane adjacent to the real property, up to the centerline of the lane, is kept free and clear, at all times, of weeds.
- 5.5 Every owner or occupier of real property adjacent to a boulevard or lane shall ensure that the real property is kept free and clear, at all times, of weeds that are within one meter from the border between the real property and the adjacent boulevard or lane, so as to prevent and control the spreading of weeds to adjacent boulevards or lanes.
- 5.6 No owner or occupier of real property adjacent to a boulevard or lane, or any other person, shall deposit or cause, suffer or permit the deposit of any garden or vegetation waste materials containing weeds on or upon a boulevard or lane adjacent to the real property.

### **SNOW REMOVAL / ICE**

#### **Regulations**

- 5.7 Every owner or occupier of real property shall remove, or cause the removal of snow, ice or rubbish from every sidewalk or footpath that borders on that real property within 24 hours from the time the snow, ice or rubbish is deposited thereon.

### **COMPLIANCE ORDERS**

- 5.8 If, in the opinion of the Bylaw Enforcement Officer, the owner of real property or other responsible person fails to comply with a requirement of this Bylaw, the Bylaw Enforcement Officer may issue an order requiring that the owner or other responsible person bring the real property into

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compliance with the provisions of this Bylaw within such time as the Bylaw Enforcement Officer considers appropriate in the circumstances.

5.9 Service of an order referred to in Section 5.8 will be sufficient if a copy of the order is:

- (a) served personally or mailed by prepaid registered mail to the owner of the real property as shown on the current year's real property assessment roll; and;
- (b) either posted on the real property or delivered or mailed by regular mail to the occupier of the real property.

5.10 Notice issued under section 5.8 herein must state:

- (a) the civic address of the subject real property;
- (b) the legal description of the subject real property;
- (c) the particulars of the unsightly nature of the real property or other non-compliance with this Bylaw to be remedied;
- (d) that the unsightly nature of the property or other non-compliance with this Bylaw must be remedied within 14 days of the date of delivery of the notice, or, in the case of snow, ice or rubbish on a sidewalk or footpath, within 24 hours from the time the snow, ice or rubbish is deposited thereon.
- (e) that if the owner or occupant fails to comply with the notice, the City may, without further notice, proceed to carry out the work required, and the cost of such work will be added to the taxes of the real property, and the owner or occupant or both may be subjected to prosecution for an offence under this Bylaw.

5.11 Notice issued under section 5.8 herein may give specific instructions to remedy the unsightly nature of the real property or other non-compliance with this Bylaw including, but not limited to, any one or more of the following directions:

- (a) remove unsightly accumulations of materials or rubbish from the real property;
- (b) remove snow, ice or rubbish from sidewalks and footpaths;
- (c) clean, stack or cover any material;

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- (d) clear the real property of brush, trees, noxious weeds or other growths;
  - (e) cut grass or weeds present on the real property;
  - (f) prune trees or shrubs;
  - (g) remove rubbish, or cut grass, weeds or other growth from adjacent boulevards or laneways
  - (h) otherwise remediate, maintain or repair the real property as specified in the notice, so as to bring it into compliance with this Bylaw.
- 5.12 If the owner of real property or other responsible person fails to comply with the Bylaw Enforcement Officer's compliance order within the time period specified in such notice, the City, by its workers or others, may at all reasonable times and in a reasonable manner, enter the real property and bring about such compliance at the cost of the defaulting owner or other responsible person. Such costs shall consist of all costs and expenses incurred by the City to achieve compliance with this Bylaw including, without limitation, administrative costs, costs to attend property by City employees or its contractors and the costs of removal, clean up and disposal.
- 5.13 If an owner of real property or other responsible person defaults in paying the cost referred to in Section 5.12 to the City within 30 days after receipt of a demand for payment from the City, the City may either recover from the owner or other responsible person, in any court of competent jurisdiction, the cost as a debt due to the City, or direct that the amount of the cost be added to the real property tax roll as a charge imposed in respect of work or service provided to the real property of the owner, and be collected in the same manner as property taxes.
- 5.14 Service of a demand for payment referred to in Section 5.13 will be sufficient if a copy of the demand is served personally or mailed by regular mail to the owner of the real property as shown on the current year's real property assessment roll.

## **PART VI - ENFORCEMENT AND PENALTY**

### **ENFORCEMENT**

- 6.1 The provisions of this Bylaw may be enforced by any Bylaw Enforcement Officer.

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### **PENALTY**

- 6.2 Every Person who contravenes or violates any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, commits an offence and, upon conviction, shall be liable to a fine or penalty not exceeding \$10,000 and, where the offence is a continuing one, each day the offence continues shall be a separate offence.

### **REPEAT NUISANCE SERVICE CALLS**

- 6.3 Where a member of the RCMP, a Bylaw Enforcement Officer, or other City official is required to respond to a real property for:
- (a) more than one nuisance service call within a twenty-four (24) hour period; or
  - (b) more than three nuisance service calls within a twelve (12) month period;
  - (c) the owner of the real property shall be liable to pay an excessive nuisance abatement fee in accordance with the amounts prescribed in Schedule "E" of this Bylaw for each additional nuisance service call responded to at the same real property within the twelve (12) month period following the date of the notice referred to in Section 6.5.
- 6.4 Despite Section 6.3, where legal title to a real property is transferred, nuisance service calls made before the date that the new owner obtains legal title to the real property shall not apply to a determination under Section 6.3 of whether excessive nuisance abatement fees are payable. The new owner shall, in any event, be liable for all unpaid excessive nuisance fees imposed against the real property in respect of past nuisance service calls.
- 6.5 Before imposing an excessive nuisance abatement fee, written notice shall first be provided to the owner of the real property:
- (a) describing in reasonable detail the nature of the nuisance conduct, activity or condition that occurred, or was maintained or permitted in, on or near the real property; and
  - (b) advising the owner that excessive nuisance abatement fees will be imposed for each additional nuisance service call to the same real

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property and that the imposition of such fees is in addition to the City's right to seek other legal remedies or actions for abatement of the nuisance.

- 6.6 Service of the notice referred to in Section 6.5 will be sufficient if the notice:
- (a) in the case of service on an individual, is served personally or mailed by prepaid registered mail to the address of the owner shown on the current year's real property assessment roll for the real property for which the notice is issued;
  - (b) in the case of service on a corporation, is served personally on a director, officer or manager of the corporation or by leaving it at or mailing it by prepaid registered mail to the registered office of the corporation.
- 6.7 Excessive nuisance abatement fees shall be paid by the owner on receipt of an invoice from the City. If the amount of each invoice is not paid in full before the 31<sup>st</sup> day of December in the year received, on written notice to the owner, the amount shall be added to and form part of the taxes on the real property, as taxes in arrears.
- 6.8 An owner may, within 30 days of receipt of an invoice demanding payment of excessive nuisance abatement fees, require that Council reconsider the requirement to pay, or the amount of, the excessive nuisance abatement fees, at which time the owner of the real property shall have an opportunity to be heard by Council.

## **PART VII – REPEAL**

- 7.1 Bylaw #2406 is hereby repealed.

READ A FIRST TIME this 24<sup>th</sup> day of November, 2008

READ A SECOND TIME this 24<sup>th</sup> day of November, 2008

READ A THIRD TIME this 24<sup>th</sup> day of November, 2008.

RECONSIDERED and ADOPTED this 1<sup>st</sup> day of December, 2008.

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\_\_\_\_\_  
MAYOR:

\_\_\_\_\_  
CITY CLERK:

**SCHEDULE “A”**

In this Bylaw:

“Bylaw Enforcement Officer” means the persons duly appointed by Council as such, and shall include any peace officer;

“City” means the City of Rossland or the area within the municipal boundaries as the context may require;

“Council” means the Council of the City of Rossland;

“excessive nuisance abatement fees” include, but are not limited to the following costs and expenses incurred while responding to a nuisance service call for the purpose of abating nuisance conduct, activity or condition:

- (1) the cost of police and City staff salaries, including all fringe benefits;
- (2) the cost of using police, fire and City equipment and vehicles;
- (3) the administration costs incurred by the City in responding to a nuisance service call and abating a nuisance; and
- (4) the cost of repairs to damaged City equipment, vehicles or property.

"highway or other public place" includes every street, road, land, boulevard, sidewalk, lane, bridge, viaduct and any other way open to public use and any park, building, conveyance, private place or passageway to which the public has, or is permitted to have access or is invited;

“noxious weed” means any weed designated by regulation to be a noxious weed pursuant to the British Columbia *Weed Control Act*;

"nuisance" means anything that annoys or gives trouble, or that which is offensive, irritating or a pest to anyone residing within the City;

“nuisance service call” means a City or police response to and abatement of any nuisance or other activity, conduct or condition occurring on or near real property which substantially and unreasonably interferes with another person’s use and enjoyment of a public place or of real property occupied by that person, or which causes injury to the health, comfort or convenience of an occupier of real

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property and which is caused by or arises from a person's failure to comply with the requirements of this Bylaw.

"peace officer" has the same meaning as in the British Columbia *Interpretation Act* and includes a bylaw enforcement officer;

"person" includes a natural person, a company, corporation, partnership, firm, association, society, or party and the personal or other legal representatives of a person to whom the context can apply according to law;

"real property" means land, with or without improvements so affixed to the land as to make them in fact and in law a part of the real property, and includes, as the context requires, individual premises located on the real property;

"traffic control signal" means a traffic control signal as defined in the British Columbia *Motor Vehicle Act*.



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**SCHEDULE “B”**

In Part III of this Bylaw:

“automated teller machine” means a device linked to a financial institution’s account records which is able to carry out transactions, including, but not limited to, account transfers, deposits, withdrawals, balance inquiries, and mortgage and loan payments;

“bus stop” means a section of street which is reserved for the loading and unloading of buses and where parking and stopping of all other vehicles is prohibited;

“panhandle” means to beg for, or without consideration, ask for money, donations, goods or other things of value whether by spoken, written or printed word or bodily gesture for one’s self or for any other person but does not include soliciting where approved by the City;

“street” means any highway, roadway, sidewalk, boulevard, place or right of way which the public is ordinarily entitled or may be permitted to use for the passage of vehicles or pedestrians and includes a structure located in any of those areas;

“traffic control signal” means a traffic control signal as defined in the *Motor Vehicle Act*, R.S.B.C., 1996 c. 318, as amended, from time to time;

“trust company” means an office or branch of a trust company to which the *Trust and Loans Companies Act (Canada)* applies and in which deposit accounts are held.

**SCHEDULE "C"**

In Part IV of this Bylaw:

"mobile public address system" means a public address system that can be used or is used while mounted on a motor vehicle, trailer or such other device transported or moved by human power;

"public address system" means a sound amplification system, either by megaphone or electronically, used outdoors to disseminate the spoken word and/or music to the public in general, and includes outdoor sound amplification systems used for purposes of a performance, concert, exhibition or entertainment, but does not include systems used for internal communications in schools and businesses.

**SCHEDULE “D”**

In Part V of this Bylaw:

"accumulation" means a build up, growth or collection, either scattered, amassed or piled, existing at the time of inspection.

“boulevard” means that portion of highway between the curb lines or the lateral boundary lines of a road way and the adjoining property or between the curbs on median strips or islands, but does not include curbs, sidewalks, ditches or driveways;

“lane” means a public thoroughfare or way which affords only a secondary means of access to a lot at the side or rear; and

"container" includes a dumpster, garbage can, garbage bin or other receptacle designed, intended or used to hold rubbish, discarded materials and debris.

“derelict vehicle” means any vehicle or part thereof, propelled otherwise than by muscle power which:

- (a) is physically wrecked or disabled;
- (b) is not capable of operating under its own power; and
- (c) does not have attached number plates for the current year pursuant to the regulations of the *Motor Vehicle Act* of the Province of British Columbia

“filth” means foul or putrid matter.

“grass” shall include plants that are commonly known or referred to as grass.

“offensive matter” means physical objects which are objectionable to the public, "rubbish", in addition to its common dictionary meaning, shall include decaying or non-decaying solid and semi-solid wastes, including, but not limited to, both combustible and non-combustible wastes, such as paper, trash, refuse, cardboard, waste material, cans, glass, bedding, mattresses, crates, rags, barrels, boxes, lumber not neatly piled, scrap iron, tin and other metal, scrap paving material, construction and demolition waste, derelict vehicles and other vessels, tires, machinery, mechanical or metal parts, discarded or dilapidated appliances, discarded or dilapidated furniture, ashes from fireplaces and on-site incinerators, yard clippings and brush, wood, dry vegetation, dirt, weeds, dead trees and branches, stumps, and piles of earth mixed with any of the above;

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“street” means any highway, roadway, sidewalk, boulevard, place or right of way which the public is ordinarily entitled or may be permitted to use for the passage of vehicles or pedestrians and includes a structure located in any of those areas;

"unsightly", in addition to its common dictionary meaning and regardless of the condition of other properties in the neighbourhood, shall include property having any one or more of the following characteristics:

- (i) the storage, location or accumulation visible to a person standing on a public highway or on nearby property, or in a building or structure situate on a public highway or nearby property, of filth, rubbish, graffiti or any other discarded materials;
- (ii) the untidy storage, location or placement of building materials on a site where construction is not taking place, except where they cannot be seen from a public highway or from nearby property, or from a building or structure situate on a public highway or nearby property;
- (iii) landscaping or vegetation that is dead or characterized by uncontrolled growth or lack of maintenance, or is damaged;
- (iv) any other similar conditions of disrepair, dilapidation, or deterioration.

“unwholesome matter” means physical objects which are detrimental to the physical or mental well being of persons.

"weed" means and shall include brush, trees, noxious weeds and other growth that is allowed to come to a state of causing, or about to cause, a nuisance and any vegetation that may by its root system, limbs, shoots or leaves intrude into a lane in a manner that may impact travel, construction, maintenance levels, longevity or esthetics of the said lane.

**SCHEDULE 'E'**

**EXCESSIVE NUISANCE ABATEMENT FEES**

1. RCMP Nuisance Service  
Call.....\$100.00/call
2. City of Rossland Fire Services Nuisance Service Call...as  
prescribed in the Administrative Fees Bylaw
3. Other City of Rossland Staff Nuisance Service  
Call.....\$200.00 plus actual costs