

October 16, 2024

Notice of Rescheduling – Policy Review Committee

Notice is hereby given that the City of Merritt Policy Review Committee meeting scheduled for October 17, 2024 has been rescheduled to Thursday October 24, 2024, it will be held in the Council Chambers of the City Hall, 2185 Voght Street, Merritt, BC, commencing at 3:30 pm.

The agenda for this meeting is available on the City of Merritt website at www.merritt.ca.



Linda Brick,
Director of Corporate Services





POLICY REVIEW COMMITTEE AGENDA CITY OF MERRITT

Thursday, October 24, 2024

3:30 P.M.

COUNCIL CHAMBERS, CITY HALL

2185 Voght Street

Merritt, B.C

Mission Statement: *The City of Merritt is a progressive, attractive, economically viable City that is socially responsible and environmentally sustainable.*

Pages

1. CALL TO ORDER

1.1 Call to Order

1.2 Land Acknowledgement

We would like to begin this meeting by acknowledging that we are gathered on the traditional, ancestral and unceded territories of the Nlaka'pamux and Syilx people.

2. ADOPTION OF MINUTES

2.1 Policy Review Committee Meeting Minutes - July 25, 2024

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Recommendation:

THAT the Minutes of the Policy Review Committee Meeting held on July 25, 2024 be adopted.

3. UNFINISHED BUSINESS

3.1 Policy - Memorial Recognition and Community Enhancement

5

The Policy is being returned from the August 27, 2024 Regular Council Meeting for further consideration.

4. NEW BUSINESS

4.1 City of Merritt Parks Regulation Bylaw 2054, 2008

7

4.2 Loitering Bylaw

4.3 Country Music Artists Murals

11

Recommendation:

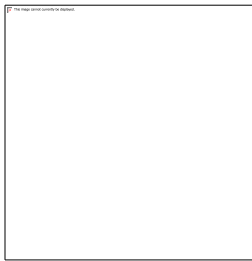
THAT the Committee recommend to Council "THAT the Country Artist Murals in City Centre Policy be rescinded."

4.4 Good Neighbour Bylaw

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5. INFORMATION ITEMS

6. TERMINATION OF MEETING



MINUTES
CITY OF MERRITT
POLICY REVIEW COMMITTEE

Thursday, July 25, 2024
3:30 P.M.
COUNCIL CHAMBERS, CITY HALL
2185 Voght Street
Merritt, B.C

PRESENT: **Councillor A. Etchart, Chair**
 Councillor D. Egan
 Councillor W. Charney

IN ATTENDANCE: **Ms. C. White, Chief Administrative Officer**
 Ms. L. Brick, Deputy Corporate Officer
 Mr. A. Hart, Emergency Program Coordinator

1. CALL TO ORDER

1.1 Call to Order

Chair Etchart called the meeting to order at 3:30 pm.

1.2 Land Acknowledgement

We would like to begin this meeting by acknowledging that we are gathered on the traditional, ancestral and unceded territories of the Nlaka’pamux and Syilx people.

2. ADOPTION OF MINUTES

2.1 Policy Review Committee Meeting Minutes - June 20, 2024

THAT the Minutes of the Policy Review Committee Meeting held on June 20, 2024 be adopted.

Moved, Seconded, CARRIED

3. **UNFINISHED BUSINESS**

Nil

4. **NEW BUSINESS**

4.1 **Baillie House Lease**

CAO White advised that Heritage Society has requested that the lease be reviewed as it is up for renewal in 2 years time. The Committee suggested the term of the lease be reduced and the service agreement and lease timelines should be aligned.

4.2 **Policy Memorial Recognition & Community Enhancement**

To be presented by the Director of Corporate Services.

THAT the Policy Review Committee forward the Memorial Recognition and Community Enhancement policy to Council for consideration.

Moved, Seconded, CARRIED

4.3 **City of Merritt Emergency Measures Bylaw**

THAT the Policy Review Committee forward the City of Merritt Emergency Measures Bylaw No. 2374 to Council for consideration.

Moved, Seconded, CARRIED

5. **INFORMATION ITEMS**

Nil


6. **TERMINATION OF MEETING**

The Chair declared the meeting ended at 3:51 pm.

Corporate Officer
Linda Brick

Chair
Adam Etchart

City of Merritt Council Policy

Council Policy Memorial Recognition & Community Enhancement	
Category No. 08	
Contact Department: Community Services	

1. PURPOSE:

The City of Merritt recognizes the importance of providing a Memorial Recognition/Community Enhancement Program whereby individuals, clubs, groups, organizations and businesses can purchase trees, picnic tables or benches in memory of, or as a donation, to enhance areas within the community.

2. POLICY

All applications to purchase and install a memorial tree, picnic table, or bench shall be completed on an official application form.

Upon receipt of the application, the City will require full payment for the cost to purchase and install the item. Should the actual cost exceed the payment, the applicant will be required to pay the actual cost, or if the actual cost is less than the payment received, the applicant will receive a refund of the balance of payment.

It shall be the City's responsibility to order the trees, picnic tables and benches.

Memorial trees may be planted in the locations as requested by the applicant but will receive final approval by the Public Works Superintendent. Applicants will indicate a second choice of location on the appropriate application.

Memorial benches may be placed in the location as requested by the applicant, but will receive final approval by the Manager of Planning and Development Services if the request is inside the downtown core. Applicants will indicate a second choice of location on the appropriate application.

If an applicant wishes to donate a memorial bench, picnic table, or tree that doesn't meet the current design or type used by the City, or a memorial other than a bench, picnic table or tree the applicant may have their application put before Council for consideration.

A Memorial Recognition/Community Enhancement purchase will be accepted on the basis it will be maintained by the City for ten years after which time the disposition of the item will be at the sole discretion of the City. After the ten-year period, the

City of Merritt Council Policy

applicant may be given first opportunity to purchase a replacement fixture for the same location and renew their tenure.

It is the responsibility of the applicant to provide the City with updated contact information, the City will make every effort to contact the applicant should the memorial be removed.

3. OBJECTIVES

To ensure that memorial and community enhancement donations are coordinated in a consistent, cohesive and cost-effective manner.

Approved on	2010/08/10
Amended on	2018/06/26
Amended on	



City of Merritt

"City of Merritt Parks Regulation Bylaw 2054, 2008"

Consolidated for Convenience – July 2, 2024

Bylaw No. 2054	August 26, 2008
Amendment Bylaw 2211	July 12, 2016
Amendment Bylaw 2334	May 24, 2022

This is a consolidated bylaw prepared by the City of Merritt for convenience only. The City does not warrant that the information contained in this consolidation is current. It is the responsibility of the person using this consolidation to ensure that it accurately reflects current bylaw provisions.

CITY OF MERRITT

BYLAW 2054 PARKS REGULATION BYLAW

The Council for the City of Merritt, in open meeting assembled, enacts as follows:

1. Citation

This bylaw shall be cited as "**City of Merritt Parks Regulation Bylaw 2054, 2008**".

2. Repeal

"City of Merritt Parks Regulation By-Law No. 1351, 1992" and amendments thereto is hereby repealed.

3. Definitions

Unless otherwise defined by this bylaw, the definitions used in the *Community Charter*, the *Local Government Act* and the *Interpretation Act* apply to this bylaw.

3.1 "**Homeless Person**" Means a person who has no fixed address or no safe location to return to sleep on a regular basis.

(2334)

3.2 "**N'Kwala Park**" Means the Northerly portion of the land legally described with Parcel Identifier 005-103-321 being the grassy area separated by a fence from the portion of the land used for the purposes of lawn bowling and pickleball.

(2334)

3.3 "**Park**" means any real property owned or subject to a right of occupation by the City for the purposes of pleasure, recreation or community uses of the public including public parks, playgrounds, public squares, green spaces, and footpaths; but does not include the travelled portion of a highway.

(2211)

3.4 "**Smoke or Smoking**" means to inhale, exhale, burn, or carry a lighted cigarette, cigar pipe, hookah pipe, electronic cigarette, or other smoking equipment, that burns or vaporizes tobacco, marihuana, or any other substance.

(2211)

4. Regulations

4.1. No person shall cut, pick, break, dig, pull up, injure or in any way destroy, change or damage in whole or in part, any tree, shrub, plant, grounds, turf, flower, building, structure, fence, sign, equipment, seat, bench, thing or ornament of any kind, irrigation system, or in any way foul, litter or

pollute any fountain, stream, pool, pond, in any park, boulevard or driveway, or injure, deface or destroy any notices, rules or regulations posted or affixed to anything by order or permission of Council.

- 4.2. No person shall climb, walk or sit upon any wall, fence or other erection in or upon any park or boulevard, or use any grass plot or land where signs have been posted forbidding such use.
- 4.3. No person shall deposit any waste, offensive material or other substance of any kind into or upon any such park, grass plot, or driveway, or in any stream, pond or pool within the limits of the park, or in or around any recreation building or area, or on or along any driveway except in the receptacles provided for such purpose.
- 4.4. No person shall remove any soil, earth, topsoil, dirt, or other material from lands within any park.
- 4.5. No person shall sell or expose for sale or gift any refreshments or any article or merchandise or thing, or conduct any business in any park unless valid permission in writing is given by Council or its appointed representative.
- 4.6. No person shall erect, construct, or build or cause to erected, constructed or built in or on any park or boulevard any tent, building, shelter, pavilion or other construction whatsoever, save and except with the express written permission of Council or its appointed representative.
 - 4.6.1: A Homeless Person may erect a tent as a temporary shelter in N’Kwala Park for the purpose of sheltering overnight on the day the shelter is constructed. **(2334)**
 - 4.6.2: Any tent erected by a Homeless Person under section 4.6.1 may not be erected earlier than 7pm on the day it is constructed, and must be dismantled and removed from the park by 8am the following morning. **(2334)**
- 4.7. No person shall use, occupy or travel along or upon any park or park property in such a manner as to obstruct or cause an obstruction, or to interfere with any person or traffic lawfully using the same; or encumber or obstruct in any manner whatsoever, any park or park property unless he have valid written permission of Council or its appointed representative.
 - 4.7.1. Council, by its workmen or others, may remove or cause to be removed from any park any obstruction or thing placed therein or thereon contrary to the provisions of this bylaw, at the expense of the person who obstructed or created the obstruction.
- 4.8. No person shall throw or place on the grounded any lighted match, cigar, cigarette or other burning substance within the limits of any park, except where such lighted material or burning substance is part of a fireworks exhibition approved by Council or its appointed representative.

4.9. All parks in the City of Merritt shall be closed to the public and to all vehicles each day of the year from sundown until sunrise of the following day and all persons found therein shall be treated as being in the park unlawfully, except:

4.9.1. where there is a special event, concert, or fireworks exhibition held with the valid written permission of Council or its appointed representative

4.9.2. where a person or group has contracted with the City to rent or to use the park(s)

4.10. Except as otherwise provided by this bylaw, no vehicles shall be parked in any park while such park is closed, and any such vehicle parked contrary to the provisions of this bylaw may be removed at the expense of the owner of the vehicle.

4.11. No person shall ride, drive or herd horses or other livestock within any park except with the express written permission of Council or its appointed representative.

4.12. No person shall smoke at or in a park.

(2211)

5. Penalty

Every person who contravenes any provision of this bylaw is liable on summary conviction of a fine not exceeding Two Thousand Dollars (\$2,000.00).

6. Exemption

Notwithstanding any thing contained in this bylaw or any other bylaw of the City to the contrary, the officers, officials and employees of the City, while in the exercise of their duties, shall be exempt from the provisions hereof.

7. Severability

If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder.



CITY OF MERRITT POLICY AND PROCEDURE MANUAL

POLICY TITLE: Country Music Artists Murals in City Centre	Our File: 0595 and 4520.2 Policy No. 2.15 (New Master)
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ADOPTED BY COUNCIL: August 01, 2006 REVISED BY COUNCIL:
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COUNCIL RESOLUTION No. 0308/06
Revised: Resolution No.

Policy Statement: Council supports the promotion of Merritt as the Country Music Capital of Canada through the Walk of Stars country music artist murals in the City Centre.

Policy Background:

The Walk of Stars Youth Mural Project has been instrumental in promoting the Country Music Capital of Canada designation and tourism in Merritt, as well as working with youth at risk. The City Centre area has been designated by Council as the focal area for murals depicting country music artists.

Policy Goal:

To set in place approval process for Walk of Stars murals in the City Centre area.

Policy Objectives:

City Administration is authorized to issue permits for murals of country music artists in the City Centre provided that:

1. The mural is being painted by Michelle Loughery and the Walk of Stars Youth Mural Project.



CITY OF MERRITT POLICY AND PROCEDURE MANUAL

2. A mural permit application signed and paid for by the owner of the property is received by the City. (See Schedule A) In the case where the applicant is the lease holder, a copy of the lease agreement allowing painting as a leasehold improvement shall accompany the application.
3. Permission from the artist or agent of the artist whose likeness is being painted is received by the City.
4. Mural permit application fees of \$50.00 is received.
5. No painting shall commence until the City issues a permit.



CITY OF MERRITT POLICY AND PROCEDURE MANUAL

Schedule "A" Country Music Capital - Mural Permit Application

Date: _____

Name of Applicant: _____

I am the owner of the building _____ Leaseholder: _____

Address of Requested Mural: _____

Telephone Number: _____ Fax: _____

Wall location of mural (north, south, east, west?) _____

Artist to be painted: _____

Signature: _____ Fee Paid: (\$50.00) _____

For City Use only:

Application Received (date): _____

Artist Permission Received: _____

Mural Rendering on file: _____

Location checked (City Centre) : _____

Owner's permission: _____

Permit No. _____ Issued: _____

Corporate Services Manager

CITY OF MERRITT

BYLAW NO. 2238

GOOD NEIGHBOUR BYLAW

WHEREAS Section 8(3)(h) of the Community Charter provides that Council may regulate, prohibit, and impose requirements in relation to the protection and enhancement of the well-being of the city, including in relation to nuisances, disturbances, and other objectionable situations, as well as in relation to noise, vibrations, and any other matter that is liable to disturb the quiet, rest, enjoyment, comfort, or convenience of individuals or the public;

WHEREAS, Council may, by bylaw, impose and recover costs of nuisance remediation where a person fails to take action as lawfully directed;

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

PART I - INTRODUCTION

1. Citation

1.1 This Bylaw shall be cited as "City of Merritt Good Neighbour Bylaw 2238, 2018."

2. Repeal

2.1 City of Merritt Nuisance Abatement Bylaw No. 2040, 2008 and amendments thereto, are hereby repealed.

2.2 City of Merritt Noise Abatement Bylaw No. 1866, 2004 and amendments thereto, are hereby repealed.

3. Definitions

3.1 In this Bylaw:

"Boulevard" means that area of public property between the property line of private property and the abutting roadway.

"Bylaw Services Officer" means an employee of the City, appointed by Council for enforcement of City bylaws.

"City" means the City of Merritt.

"Construction Noise" means any noise or sound made by the carrying on of works in connection with the construction, demolition, reconstruction, alteration or repair of any building or structure; or the carrying on of any excavation by machinery or heavy equipment; or the moving or operating of any kind of machine, engine or construction equipment.

"Council" means the municipal Council of the City of Merritt.

"Director of Corporate Services" means the municipal officer appointed by Council and assigned responsibility for corporate administration for the City under Section 148 of the Community Charter.

"Derelict Vehicle" means any motor vehicle, or part thereof, which:

- a) is physically damaged, 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.

"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 conditions:

- a) the cost of police and City staff salaries, including all fringe benefits;
- b) the cost of using police, fire and City equipment and vehicles;
- c) the cost of repairs to damaged City equipment, vehicles or property.

"Lane" means the dedicated roadway abutting the side or rear of any Property.

"Noxious Weeds" means those weeds listed in the regulations to the Weed Control Act.

"Nuisance Property" means a Property for which the owner has received notice of Nuisance Property designation in accordance with section 14.4 of this Bylaw and which is not otherwise excluded by virtue of sections 14.2 and 14.3 of this Bylaw.

"Nuisance Service Call" means a City or police response, including any abatement thereof, to 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 property.

"Person" includes any company, corporation, owner, partnership, firm, association, society or party.

“Property” means all real property, including, but not limited to, front yards, side yards, backyards, driveways, walkways, Lanes, Boulevards and sidewalks, together with any and all structures or fences located thereon.

“Public Place” includes every roadway, lane, bridge, highway, park, or other places which the public has access to as a right or by invitation, express or implied.

“Rubbish” means decaying or non-decaying solid and semi-solid wastes, including, but not limited to, both combustible and non-combustible wastes, such as the following:

- a) paper, trash, refuse, cardboard, waste material, cans, glass, bedding, mattresses, crates, rags, barrels, carpeting, boxes, lumber not neatly piled;
- b) scrap iron, tin and other metal;
- c) scrap paving material, construction and demolition waste;
- d) Derelict Vehicles, tires, machinery, mechanical or metal parts;
- e) discarded or dilapidated appliances or furniture;
- f) ashes from fireplaces and on-site incinerators;
- g) yard clippings and brush, wood, dry vegetation, dirt, weeds, dead trees and branches, stumps, overgrown vegetation and trees which may harbor insect or rodent infestations or may become a fire hazard, animal feces, and piles of earth mixed with any of the above.

“Unightly” in addition to its common dictionary meaning and regardless of the condition of other properties in the neighbourhood, includes, but is not limited to:

- a) the accumulation of filth, discarded materials or Rubbish of any kind;
- b) the untidy placement, storage or accumulation of building materials on a site where construction is not taking pace, except where they are not visible from a public highway or nearby Property;
- c) the accumulation of mechanical equipment including bulldozers, graders, backhoes or other similar heavy construction equipment on any site in the City where such site is not zoned for such use;
- d) fences characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or any other evidence of physical decay or neglect or excessive use or lack of maintenance;

- e) landscaping that is dead, damaged, or characterized by uncontrolled growth or lack of maintenance;
- f) a lowering in quality of the condition or appearance of a structure or parts thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay or neglect or excessive use or lack of maintenance;
- g) any other similar conditions of disrepair, dilapidation, or deterioration.

4. Severability

- 4.1 If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and shall not affect the validity of the remainder.

5. Interpretation

- 5.1 Words defined in the Motor Vehicle Act, RSBC 1996 C. 318 shall have the same meaning when used in this Bylaw unless the context otherwise requires.

PART II – NOISE REGULATION

6. Prohibitions

- 6.1 No person shall make or cause, or permit to be made or caused, any noise or sound 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 the neighbourhood, or of persons in the vicinity.
- 6.2 Without limiting the generality of section 6.1, no person shall:
 - a) except in the case of an emergency, use an engine brake of any kind (including a brake commonly known as a “Jacobs” brake) to slow or stop a motor vehicle on a highway within the municipality;
 - b) allow an animal or bird under the control of, or owned by the person, to make any kind of sound continuously or sporadically for any period of more than fifteen (15) minutes;
 - c) operate any form of public address system in the City, including megaphones or voice amplification equipment, without first obtaining a permit from the City for that purpose.

7. Construction hours

- 7.1 No person in the City shall make Construction Noise on any day before 7:00 a.m. or after 10:00 p.m. which disturbs, or tends to disturb, the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, or of persons in the vicinity.
- 7.2 Where it is impossible or impracticable to comply with section 7.1, a person must make an application to the Director of Engineering and Development, who may, at their sole discretion, give approval in writing to carry on Construction Noise outside of the permitted hours.
- 7.3 Any application made under this section must be made at least 48 hours prior to the intended commencement of construction.

8. Exclusions

- 8.1 Notwithstanding any provisions of this Bylaw, a person may perform works of an emergency nature for the preservation or protection of life, health or property, but the onus shall be on the person performing the work to show cause that the work was of an emergency nature.
- 8.2 Nothing in this Bylaw shall preclude any act of maintenance or repair being carried out by employees or contractors of the City, the Ministry of Transportation and Infrastructure or any public or private utility company.
- 8.3 This Bylaw does not apply to police, fire or other emergency vehicles and equipment in an emergency situation.
- 8.4 The prohibitions contained in section 6 of this Bylaw do not apply to lands zoned M2, "Heavy Industrial" under the City's Zoning Bylaws.

PART III – PROPERTY MAINTENANCE

9. Regulation of Unsightly Properties

- 9.1 No owner or occupier of Property shall cause or permit the Property to become or remain Unsightly.
- 9.2 Without limiting the generality of section 9.1, an owner or occupier of Property must not cause, permit, or allow on or around the Property:
 - a) unsanitary conditions or an accumulation of other offensive or unwholesome materials, substances, or objects;
 - b) an accumulation of standing water;

- c) an accumulation of Noxious Weeds;
- d) graffiti;
- e) more than two (2) unlicensed motor vehicles, except where the Property is zoned for such storage;
- f) an infestation of caterpillars, termites or other noxious or destructive insects or rodents.

9.3 Without limiting the generality of section 9.1, in respect of a Property for which a building permit has been issued by the City, no Person shall cause, permit, or allow demolition waste, construction waste, or trade waste to accumulate on the Property.

10. Snow Removal Regulations

10.1 Every owner or occupier of residential zoned property shall remove snow or ice from sidewalks or pathways abutting the said property within twenty-four (24) hours of accumulation.

10.2 Every owner or occupier of real property shall immediately remove snow, ice or Rubbish from the roof or other part of a structure adjacent to a highway or pathway or sidewalk where such snow, ice or Rubbish presents a hazard to vehicular or pedestrian traffic.

10.3 Every owner or occupier of commercial or industrial zoned property shall remove snow or ice from sidewalk or pathways abutting the said property by 10:00 a.m. and additionally as needed, following the accumulation of snow or ice.

PART IV – COMPLIANCE ORDERS AND COST RECOVERY

11. Compliance Orders

11.1 If, in the opinion of a Bylaw Services Officer, the owner or occupant of a Property fails to comply with a requirement of this Bylaw, the Bylaw Services Officer may issue a compliance order requiring the owner or occupant to bring the Property into compliance with the Bylaw within such time as the Bylaw Services Officer considers appropriate in the circumstances.

11.2 A compliance order 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 non-compliance to be remedied and the specified time by which that non-compliance must be remedied; and
- d) that if the owner or occupant fails to comply with the terms of the compliance order within the time specified, the City may, without further notice, at all reasonable times and in a reasonable manner, enter the Property and carry out the work required at the cost of the defaulting owner or occupier; the cost of such work will be added to the taxes of the real property.

11.3 Service of a compliance order is deemed sufficient:

- a) for an owner, on the day on which it is personally delivered, or on the fifth business day after being mailed by regular post to the address shown on the current year's property assessment roll; and
- b) for an occupant, on the day on which it is personally delivered, or the day on which it is posted on the Property, or on the fifth business day after being mailed by regular post to the address of the Property.

11.4 Service of an compliance order in relation to snow removal is deemed sufficient if a copy of the order:

- a) is personally served to the owner or, where the forgoing is impossible or impracticable, mailed by regular post to the owner of the real property as shown on the current year's property assessment roll; and
- b) is posted on the real property or, where the forgoing is impossible or impracticable, delivered or mailed by regular mail to the occupier of the real property.

12. Remedial Work

- 12.1 If the owner or occupant fails to comply with the terms of a compliance order within the time period set out therein, the City, by its employees, agents, or contractors, may at all reasonable times and in a reasonable manner, enter the Property and bring about such compliance at the cost of the occupant and/or owner of the Property from which the non-compliance with this Bylaw arises.

13. Cost Recovery

- 13.1 The owner and/or occupant shall be required to pay the actual costs incurred by the City to remedy the non-compliance, which costs shall include but are not limited to, the costs of City employees and contractors attending the Property with any necessary equipment, plus an administrative fee of fifteen (15%) percent.

- 13.2 If an owner or occupier fails to pay for costs invoiced in accordance with section 13.1 by the 31st day of December in the year in which the costs were incurred, the amount invoiced will be added to and form part of the taxes payable in respect of that Property as taxes in arrears.

PART V – NUISANCE PROPERTIES

14. Nuisance Property Designation

- 14.1 The Director of Corporate Services may declare a Property to be a Nuisance Property by providing notice to the owner of the Property in accordance with section 14.4 and in the following circumstances:
- a) where more than one Nuisance Service Call has been received within a twenty-four (24) hour period; or
 - b) where more than three Nuisance Service Calls have been received within a twelve (12) month period.
- 14.2 The Nuisance Property designation will remain on the Property until such time as there is a period of twelve (12) consecutive months wherein there are no Nuisance Service Calls in relation to the Property.
- 14.3 Notwithstanding section 14.2, where legal title to a Property is transferred, the Nuisance Property designation shall be removed, subject to the following conditions:
- a) the new owner shall be liable for all unpaid Excessive Nuisance Abatement Fees imposed against the Property in respect of past Nuisance Service Calls;
 - b) any Nuisance Service Calls made before the date that the new owner obtains legal title to the Property will not be considered for any Nuisance Property determination.
- 14.4 Before imposing Excessive Nuisance Abatement Fees, written notice shall first be provided to the owner of the Property, which notice shall state:
- a) that the Property has been designated as a Nuisance Property until such time as there is a period of twelve (12) consecutive months wherein there are no Nuisance Service Calls in relation to Property;
 - b) in reasonable detail, the nature of the nuisance conduct, activity, or condition that occurred, was maintained, or permitted in, on, or near the Property; and

- c) advising the owner that Excessive Nuisance Abatement Fees will be imposed for each additional Nuisance Service Call to the same 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.
- 14.5 Service of the notice referred to in Section 14.4 is deemed to be given on the day on which it is personally delivered to the owner or on the fifth business day after being mailed by regular post to the address shown on the current year's property assessment roll.
- 14.6 Where a police officer, Bylaw Services Officer, volunteer fire fighter, or other City employee is required to respond to a Nuisance Service Call at a Nuisance Property, the owner of the Property shall be liable to pay Excessive Nuisance Abatement Fees, plus an administrative fee of fifteen (15%) percent.
- 14.7 Excessive Nuisance Abatement Fees must be paid by the owner on receipt of a demand for payment from the City. If the amount of each demand is not paid in full before the 31st day of December in the year received, upon written notice to the owner, the City may either:
- a) recover the Excess Nuisance Service Call Fees from the owner or occupier of the Property, in any court of competent jurisdiction, as a debt due to the City; or
 - b) direct that the amount of the Excessive Nuisance Abatement Fees be added to and form part of the property tax roll as a charge imposed in respect of work done or services provided to the Property of the owner.

PART VI – RECONSIDERATION

15. Reconsideration by Council

- 15.1 A person may request that Council reconsider:
- a) the issuance or terms of a compliance order;
 - b) recovery of costs for remedial work performed by the City or it's contractors pursuant to section 13
 - c) a demand for payment of Excessive Nuisance Abatement Fees;
- by submitting a written request for reconsideration to the City's Director of Corporate Services in accordance with Section 15.2 of this Bylaw.

- 15.2 All requests for reconsideration must:
 - a) be submitted in writing to the Director of Corporate Services within:
 - (i) ten (10) days of the compliance order being served in accordance with Section 5.3 of this Bylaw; or
 - (ii) ten (10) days when of the demand for payment for Excessive Nuisance Abatement Fees or remedial work performed pursuant to section 13 of this Bylaw, is issued by the City;
 - as the case may be; and
 - b) include a description of the grounds upon which the request for Council reconsideration is made.
- 15.3 Upon receipt of a compliant written request for reconsideration, the Director of Corporate Services shall schedule the time, date, and place for Council to hear the matter.
- 15.4 Upon reconsidering the issuance or terms of a compliance order or a demand for payment of Excessive Nuisance Abatement Fees issued under this Bylaw, Council may confirm, set aside, or alter the order or demand, as it may deem appropriate in the circumstances.

PART VII – ENFORCEMENT AND PENALTIES

16. Right of Entry

- 16.1 The Bylaw Services Officer is authorized, at all reasonable times, to enter on any property in order to ascertain whether the regulations contained within this Bylaw are being observed.
- 16.2 No owner or occupier of real property shall hinder or obstruct the Bylaw Services Officer in the performance of their duties.

17. Penalty

- 17.1 Every person who violates a provision of this Bylaw or who permits any act or thing to be done in contravention of this Bylaw, or who fails to do any act or thing required by this Bylaw, shall be deemed to have committed an offence against this Bylaw and:
 - a) shall be liable to a fine set out in the City of Merritt Municipal Ticket Information Bylaw 2044, 2009, as amended from time to time; or

- b) where a specific penalty has not otherwise been designated, shall be liable to a fine and/or penalty provided under the *Community Charter* of not less than One Hundred Dollars (\$100) and not more than Ten Thousand Dollars (\$10,000), plus the costs of prosecution, and any other order imposed pursuant to the *Community Charter*; or
- c) to pay any fees prescribed for the particular non-compliance set out in this Bylaw; or
- d) any combination of the above.

17.2 Each day that an offence against this Bylaw continues shall be deemed a separate and distinct offence.

17.3 Any penalty imposed pursuant to this Bylaw shall be in addition to and not in substitution for any other penalty or remedy imposed pursuant to this Bylaw, along with any other applicable statute, law, or legislation.

Read a First Time this 28th Day of August, 2018

Read a Second Time this 28th Day of August, 2018

Read a Third Time this 28th Day of August, 2018

Adopted this 18th Day of September, 2018

**Original signed by
Neil Menard,
MAYOR**

**Original signed by
Sean Smith,
CORPORATE OFFICER**

CITY OF MERRITT

BYLAW NO. 2238 GOOD NEIGHBOUR BYLAW

WHEREAS Section 8(3)(h) of the Community Charter provides that Council may regulate, prohibit, and impose requirements in relation to the protection and enhancement of the well-being of the city, including in relation to nuisances, disturbances, and other objectionable situations, as well as in relation to noise, vibrations, and any other matter that is liable to disturb the quiet, rest, enjoyment, comfort, or convenience of individuals or the public;

WHEREAS, Council may, by bylaw, impose and recover costs of nuisance remediation where a person fails to take action as lawfully directed;

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

PART I - INTRODUCTION

1. Citation

1.1 This Bylaw shall be cited as "City of Merritt Good Neighbour Bylaw 2238, 2018."

2. Repeal

2.1 City of Merritt Nuisance Abatement Bylaw No. 2040, 2008 and amendments thereto, are hereby repealed.

2.2 City of Merritt Noise Abatement Bylaw No. 1866, 2004 and amendments thereto, are hereby repealed.

3. Definitions

3.1 In this Bylaw:

"Boulevard" means that area of public property between the property line of private property and the abutting roadway.

"Bylaw Services Officer" means an employee of the City, appointed by Council for enforcement of City bylaws.

"City" means the City of Merritt.

"Construction Noise" means any noise or sound made by the carrying on of works in connection with the construction, demolition, reconstruction, alteration or repair of any building or structure; or the carrying on of any excavation by machinery or heavy equipment; or the moving or operating of any kind of machine, engine or construction equipment.

"Council" means the municipal Council of the City of Merritt.

"Director of Corporate Services" means the municipal officer appointed by Council and assigned responsibility for corporate administration for the City under Section 148 of the Community Charter.

"Derelict Vehicle" means any motor vehicle or recreational vehicle, or any modified configuration or parts thereof, which:

- a) is physically damaged, wrecked or disabled;
- b) in the case of travel trailers, tent-trailers, campers, and tow trailers, is incapable of being towed or hauled in the manner in which a recreational vehicle of that type is normally towed or hauled; or
- c) in the case of all other motor vehicles and recreational vehicles, is not capable of operating under its own power.

"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 conditions:

- a) the cost of police and City staff salaries, including all fringe benefits;
- b) the cost of using police, fire and City equipment and vehicles;
- c) the cost of repairs to damaged City equipment, vehicles or property.

"Lane" means the dedicated roadway abutting the side or rear of any Property.

"Noxious Weeds" means those weeds listed in the regulations to the Weed Control Act.

"Nuisance Property" means a Property for which the owner has received notice of Nuisance Property designation in accordance with section 14.4 of this Bylaw and which is not otherwise excluded by virtue of sections 14.2 and 14.3 of this Bylaw.

"Nuisance Service Call" means a City or police response, including any abatement thereof, to 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 property.

"Person" includes any company, corporation, owner, partnership, firm, association, society or party.

"Property" means all real property, including, but not limited to, front yards, side yards, backyards, driveways, walkways, Lanes, Boulevards and sidewalks, together with any and all structures or fences located thereon.

"Public Place" includes every roadway, lane, bridge, highway, park, or other places which the public has access to as a right or by invitation, express or implied.

"Rubbish" means decaying or non-decaying solid and semi-solid wastes, including, but not limited to, both combustible and non-combustible wastes, such as the following:

- a) paper, trash, refuse, cardboard, waste material, cans, glass, bedding, mattresses, crates, rags, barrels, carpeting, boxes, lumber not neatly piled;
- b) scrap iron, tin and other metal;
- c) scrap paving material, construction and demolition waste;
- d) Derelict Vehicles, tires, machinery, mechanical or metal parts;
- e) discarded or dilapidated appliances or furniture;
- f) ashes from fireplaces and on-site incinerators;
- g) yard clippings and brush, wood, dry vegetation, dirt, weeds, dead trees and branches, stumps, overgrown vegetation and trees which may harbor insect or rodent infestations or may become a fire hazard, animal feces, and piles of earth mixed with any of the above.

"Unightly" 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:

- a) the storage, location or accumulation of 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;
- b) 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;
- c) landscaping or vegetation that is dead or characterized by uncontrolled growth or lack of maintenance, or is damaged;
- d) the placement, storage, or accumulation of one or more derelict vehicles that are visible to a person standing on a highway or on or in nearby property;

- e) fences characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or any other evidence of physical decay or neglect or excessive use, or lack of maintenance;
- f) a lowering in quality of the condition or appearance of a structure or parts thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or any other evidence of physical decay, neglect, excessive use, or lack of maintenance; or
- g) any other similar conditions of disrepair, dilapidation, or deterioration.

4. General Regulations

- 4.1 No person shall obstruct or interfere with a bylaw enforcement officer in the exercise of their duties.
- 4.2 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 property is unsightly or otherwise not in compliance with the provisions of this Bylaw.

5. Severability

- 5.1 If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and shall not affect the validity of the remainder.

6. Interpretation

- 6.1 Words defined in the Motor Vehicle Act, RSBC 1996 C. 318, **as amended from time to time**, shall have the same meaning when used in this Bylaw unless the context otherwise requires.

PART II – NOISE REGULATION

7. Prohibitions

- 7.1
 - a) No person shall make or cause, or permit to be made or caused, any noise or sound 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 the neighbourhood, or of persons in the vicinity.
 - 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.
- 7.2 Without limiting the generality of section 7.1, no person shall:

- a) except in the case of an emergency, use an engine brake of any kind (including a brake commonly known as a “Jacobs” brake) to slow or stop a motor vehicle on a highway within the municipality;
- b) allow an animal or bird under the control of, or owned by the person, which by its cries or sounds unduly disturbs the peace, quiet, rest or tranquility of the surrounding neighbourhood or persons in the vicinity;
- c) operate any form of public address system in the City, including megaphones or voice amplification equipment, without first obtaining a permit from the City for that purpose.

8. Construction hours

- 8.1 No person in the City shall make Construction Noise on any day before 7:00 a.m. or after 10:00 p.m. which disturbs, or tends to disturb, the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, or of persons in the vicinity.
- 8.2 Where it is impossible or impracticable to comply with section 8.1, a person must make an application to the Director of Engineering and Development, who may, at their sole discretion, give approval in writing to carry on Construction Noise outside of the permitted hours.
- 8.3 Any application made under this section must be made at least 48 hours prior to the intended commencement of construction.

9. Exclusions

- 9.1 Notwithstanding any provisions of this Bylaw, a person may perform works of an emergency nature for the preservation or protection of life, health or property, but the onus shall be on the person performing the work to show cause that the work was of an emergency nature.
- 9.2 Nothing in this Bylaw shall preclude any act of maintenance or repair being carried out by employees or contractors of the City, the Ministry of Transportation and Infrastructure or any public or private utility company.
- 9.3 This Bylaw does not apply to police, fire or other emergency vehicles and equipment in an emergency situation.
- 9.4 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.

PART III – PROPERTY MAINTENANCE

10. Regulation of Unsightly Properties

- 10.1 No owner or occupier of Property shall cause or permit the Property to become or remain Unsightly.
- 10.2 Without limiting the generality of section 10.1, an owner or occupier of Property must not cause, permit, or allow on or around the Property:
- a) unsanitary conditions or an accumulation of other offensive or unwholesome materials, substances, or objects;
 - b) an accumulation of standing water;
 - c) an accumulation of Noxious Weeds;
 - d) graffiti;
 - e) more than two (2) unlicensed motor vehicles, except where the Property is zoned for such storage;
 - f) any accumulation of motor vehicle parts or other mechanical parts and shall remove the same except there the storage of motor vehicles is permitted use pursuant to the City of Merritt Zoning Bylaw;
 - g) more than one (1) recreational vehicle may be parked per dwelling unit. Additional vehicles may be parked or stored on the property such that the vehicle is entirely enclosed within a building;
 - h) an infestation of caterpillars, termites or other noxious or destructive insects or rodents.
- 10.3 Without limiting the generality of section 10.1, in respect of a Property for which a building permit has been issued by the City, no Person shall cause, permit, or allow demolition waste, construction waste, or trade waste to accumulate on the Property.

11. Snow Removal Regulations

- 11.1 Every owner or occupier of residential zoned property shall remove snow or ice from sidewalks or pathways abutting the said property within twenty-four (24) hours of accumulation.
- 11.2 Every owner or occupier of real property shall immediately remove snow, ice or Rubbish from the roof or other part of a structure adjacent to a highway or pathway or sidewalk where such snow, ice or Rubbish presents a hazard to vehicular or pedestrian traffic.

- 11.3 Every owner or occupier of commercial or industrial zoned property shall remove snow or ice from sidewalk or pathways abutting the said property by 10:00 a.m. and additionally as needed, following the accumulation of snow or ice.
- 11.4 Every owner or occupier of any building or premises, including any vacant lot, within the City, shall not deposit snow, ice, or rubbish on a City highway or portion thereof.

12. Boulevard and Laneway Maintenance Regulations

- 12.1 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 is kept clean and free of debris, common and noxious weeds.
- a) Every owner or occupier of real property adjacent to a boulevard or lane shall maintain all ground covers and plant materials including but not limited to trees, shrubs, herbs, grasses and perennials and plant materials planted by the City, developer or property owner, on the adjacent boulevards or lanes.
- b) 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 metre 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.
- c) 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.

13. Rubbish Removal Regulations

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

14. Encroachments of Sidewalks Regulations

- 14.1 No owner or occupier of real property adjacent to a sidewalk or footpath that borders on that real property shall allow for hedges or trees to encroach on the sidewalk or footpath bordering the real property.

15. Vacant Buildings

- 15.1 Every owner or occupier of a real property that contains a vacant building shall:
- a) maintain \$2M in liability insurance and obtain a Vacant Building Registration permit within thirty days of an order by a Bylaw Enforcement Officer.
- b) Maintain the building in compliance with the standards of this bylaw.

- c) Board the building and ensure it is secure from persons or animals entering the building.
- 15.2 No person shall allow a building or structure for human, industrial, or commercial use, or occupancy to stand vacant for more than sixty days unless one of the following applies:
- a) The building is subject to an active building permit for repair or rehabilitation, or a valid permit for demolition, and the owner is progressing diligently to complete the repair or rehabilitation.
 - b) The building meets all applicable codes, does not contribute to blight, is ready for occupancy and is actively being offered for sale, lease, or rent, the building is to be supplied with minimum utilities to maintain the proper functioning of the facilities as well as to prevent damage to mechanical and plumbing facilities from freezing. Commercial buildings that are classified to have a fire alarm and/or fire suppression systems must maintain electrical and heating systems to maintain these life safety components.
 - c) The Building Official determines that the building does not contribute a nuisance or hazardous condition requiring building permits for remedial work or demolition.
- 15.3 Where a Bylaw Enforcement Officer reasonably believes the building or structures on property are considered a vacant building, the Bylaw Enforcement Officer shall notify the owner of the vacant building in writing to:
- a) Apply for a Vacant Building Registration Permit; or
 - b) Apply for a Building Permit to renovate a building or structure to a state of safe occupancy; or
 - c) Demolish the structure(s) within ninety days; and
 - d) The Building Official may require in addition to the above, a Professional Engineer licenced or registered to practice in British Columbia to perform field evaluation of an existing structure and any required remedial work to make the structure safe for occupation or further inspections.
- 15.4 A Bylaw Enforcement Officer may enter onto land without notice to and without the consent of the owner in order to monitor a building that is boarded or appears to be vacant in order to determine:
- a) Whether the building is vacant;
 - b) Whether a vacant building is to be boarded; and/or
 - c) Whether the building complies with this bylaw.
- 15.5 In order to obtain a Vacant Building Registration (VBR) permit, an owner must:
- a) Apply to the Building Office for a special safety inspection within thirty days of receiving an order and pay the fee hereby imposed for such special inspection as specified in the City's current Fees and Charges Bylaw.
 - b) Provide an address for service of notices and orders during the period that the permit is valid and thereafter, provide prompt notice of any change in the address given for service.

- c) Pay any application or permit fees established with the City's current Fees and Charges Bylaw.
 - d) Provide the Building Official with a copy of the certificate of insurance as required in section 15.1(a) above.
 - e) Ensure that all combustible materials within a vacant building are removed to reduce any potential fire load.
- 15.6 Upon payment of permit fees, the owner of a commercial, multi-family or industrial building(s) may obtain a permit for a period of 24 months from the date it is issued. The permit is automatically transferred to the next owner of the property.
- 15.7 Upon payment of the permit fees, the owner of a vacant residential building is entitled to obtain a single permit for the building(s), valid for a period of one (1) year from the date it is issued. The permit is automatically transferred to the next owner of the building.
- 15.8 Owners shall display the permit in a prominent location as determined by the Building Official.
- 15.9 Every owner with a permit shall allow for entry of a Bylaw Enforcement Officer no less than on a monthly basis into a vacant building for the purposes of ensuring:
- a) The building is maintained as per section 15 of this bylaw.
 - b) The building is secured against unauthorized entry; and to ensure
 - i. That all combustible materials within a vacant building are removed to reduce any potential fire load;
 - ii. There is no illegal occupancy; and
 - iii. There is no existence of rodents or any other potential health or safety risks to the community.
- 15.10 Once a permit has been issued, no additional permit may be issued in respect to the building until and unless Council has approved an additional permit issued under Section XX.X
- 15.11 The current owner of a permit is entitled to a partial refund of the permit fee referred in Section XX.X or XX.X if the building is brought into compliance with Section XX.X of this Bylaw. Any outstanding fees, utility charges or penalties imposed on the owner pursuant to this or another Bylaw are to be deducted from any refund paid.
- 15.12 Upon application by an owner whose vacant building has been issued a permit under Section 15.14 or, and payment of any additional fees or penalties, Council may direct the Building Official to issue an additional permit in respect of the building(s).
- 15.13 In determining whether to approve an additional permit, Council must take into account:
- a) That the building(s) do not create a hazard or nuisance on adjacent buildings

- and the surrounding neighbourhood;
 - b) The viability and credibility of the owner's plans to bring the building into compliance and maintain it thereafter in compliance with this Bylaw and other bylaws;
 - c) The likelihood that the building will be re-occupied or demolished in the future; and
 - d) The owner's record of compliance or non-compliance with the Bylaw and other bylaws of the City and the subject property and elsewhere.
- 15.14 In approving the issuance of an additional permit, Council may require that any conditions it considers reasonable are imposed on the additional permit. The permit is valid for twelve months and may be cancelled by the Building Official who concludes that the conditions imposed on it have not been met or have been breached.
- 15.15 An additional permit issued under section 15.14 is conditional upon payment as described in the City's Fees and Charges Bylaw.
- 15.16 Any additional inspections performed by staff beyond monitoring inspections of the permit will result in additional fees as described in the City's Fees and Charges Bylaw.
- 15.17 If the owner is unable to comply with the requirements of this Bylaw or Council determines that the vacant building is a nuisance or hazard to the community, then the City may order the owner to remove the vacant building(s) on thirty days' notice by the City. If the owner does not remove the vacant building(s) within thirty days, the City or its contractors, employees or agents may enter onto the property and perform the required work to remove the vacant building(s) and the cost of such removal may be added to the property taxes for the property. The owner may seek reconsideration by Council of the Order requiring removal of the vacant building(s) within fourteen days of receiving the order by delivering written notice to the City.

PART IV – COMPLIANCE ORDERS AND COST RECOVERY

16. Compliance Orders

- 16.1 If, in the opinion of a Bylaw Services Officer, the owner or occupant of a Property fails to comply with a requirement of this Bylaw, the Bylaw Services Officer may issue a compliance order requiring the owner or occupant to bring the Property into compliance with the Bylaw within such time as the Bylaw Services Officer considers appropriate in the circumstances.
- 16.2 A compliance order 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 non-compliance to be remedied and the specified time by which that non-compliance must be remedied;
- d) that the unsightly nature of the property or other non-compliance with this Bylaw must be remedied within fourteen days of the date of delivery of the notice, or in the case of rubbish on a sidewalk or footpath, within 24 hours from the time the rubbish is deposited thereon; and
- e) that if the owner or occupant fails to comply with the terms of the compliance order within the time specified, the City may, without further notice, at all reasonable times and in a reasonable manner, enter the Property and carry out the work required at the cost of the defaulting owner or occupier; the cost of such work will be added to the taxes of the real property.

16.3 Service of a compliance order is deemed sufficient:

- a) for an owner, on the day on which it is personally delivered, or on the fifth business day after being mailed by regular post to the address shown on the current year's property assessment roll; and
- b) for an occupant, on the day on which it is personally delivered, or the day on which it is posted on the Property, or on the fifth business day after being mailed by regular post to the address of the Property.

16.4 Service of a compliance order in relation to snow removal is deemed sufficient if a copy of the order:

- a) is personally served to the owner or, where the forgoing is impossible or impracticable, mailed by regular post to the owner of the real property as shown on the current year's property assessment roll; and
- b) is posted on the real property or, where the forgoing is impossible or impracticable, delivered or mailed by regular mail to the occupier of the real property.

17. Remedial Work

17.1 If the owner or occupant fails to comply with the terms of a compliance order within the time period set out therein, the City, by its employees, agents, or contractors, may at all reasonable times and in a reasonable manner, enter the Property and bring about such compliance at the cost of the occupant and/or owner of the Property from which the non-compliance with this Bylaw arises.

18. Cost Recovery

18.1 If the obligations imposed by the terms of a Compliance Order are not performed

within the time period set out therein, the City, by its employees, agents, or contractors, may at all reasonable times and in a reasonable manner enter the Property and bring about such compliance at the cost of one or more of the following:

a) the occupant of the Property from which the non-compliance of this bylaw arises; and /or

b) the owner of the Property from which the non-compliance of this bylaw arises;

all of which said costs shall be calculated and invoiced at actual expenses incurred by the City to achieve compliance with this bylaw, including, without limitation, administrative costs; the cost to attend the Property by City employees and its contractors; the costs of equipment, removal, clean up, and disposal; and the cost of repairs to damaged City equipment, vehicles, or Property.

18.2 If an owner or occupier defaults in paying the issued invoice as per section 18.1 to the City within thirty days after receipt of demand for payment from the City, the City may either:

a) recover the fees from the owner or occupier of the Property, in any court of competent jurisdiction, as a debt due to the City; or

b) direct that the amount of the fees be added to and form part of the property tax roll in the year of the fees charged as a charge imposed in respect of work done or services provided to the Property of the owner.

PART V – NUISANCE PROPERTIES

19. Nuisance Property Designation

19.1 The Director of Corporate Services may declare a Property to be a Nuisance Property by providing notice to the owner of the Property in accordance with section 19.4 and in the following circumstances:

a) where more than one Nuisance Service Call has been received within a twenty-four hour period; or

b) where more than three Nuisance Service Calls have been received within a twelve month period.

19.2 The Nuisance Property designation will remain on the Property until such time as there is a period of twelve consecutive months wherein there are no Nuisance Service Calls in relation to the Property.

19.3 Notwithstanding section 19.2, where legal title to a Property is transferred, the Nuisance Property designation shall be removed, subject to the following

conditions:

- a) the new owner shall be liable for all unpaid Excessive Nuisance Abatement Fees imposed against the Property in respect of past Nuisance Service Calls;
 - b) any Nuisance Service Calls made before the date that the new owner obtains legal title to the Property will not be considered for any Nuisance Property determination.
- 19.4 Before imposing Excessive Nuisance Abatement Fees, written notice shall first be provided to the owner of the Property, which notice shall state:
- a) that the Property has been designated as a Nuisance Property until such time as there is a period of twelve (12) consecutive months wherein there are no Nuisance Service Calls in relation to Property;
 - b) in reasonable detail, the nature of the nuisance conduct, activity, or condition that occurred, was maintained, or permitted in, on, or near the Property; and
 - c) advising the owner that Excessive Nuisance Abatement Fees will be imposed for each additional Nuisance Service Call to the same 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.
- 19.5 Service of the notice referred to in Section XX is deemed to be given on the day on which it is personally delivered to the owner or on the fifth business day after being mailed by regular post to the address shown on the current year's property assessment roll.
- 19.6 Where a police officer, Bylaw Services Officer, volunteer fire fighter, or other City employee is required to respond to a Nuisance Service Call at a Nuisance Property, the owner of the Property shall be liable to pay Excessive Nuisance Abatement Fees, plus an administrative fee of fifteen (15%) percent.
- 19.7 Excessive Nuisance Abatement Fees must be paid by the owner on receipt of a demand for payment from the City. If the amount of each demand is not paid in full before the 31st day of December in the year received, upon written notice to the owner, the City may either:
- a) recover the Excess Nuisance Service Call Fees from the owner or occupier of the Property, in any court of competent jurisdiction, as a debt due to the City; or
 - b) direct that the amount of the Excessive Nuisance Abatement Fees be added to and form part of the property tax roll as a charge imposed in respect of work done or services provided to the Property of the owner.

PART VI – RECONSIDERATION

20. Reconsideration by Council

- 20.1 A person may request that Council reconsider:
- a) the issuance or terms of a compliance order;
 - b) recovery of costs for remedial work performed by the City or its contractors pursuant to section ~~XX~~
 - c) a demand for payment of Excessive Nuisance Abatement Fees;
- by submitting a written request for reconsideration to the City's Director of Corporate Services in accordance with Section ~~XX~~ of this Bylaw.
- 20.2 All requests for reconsideration must:
- a) be submitted in writing to the Director of Corporate Services within:
 - (i) ten (10) calendar days of the compliance order being served in accordance with this Bylaw; or
 - (ii) ten (10) calendar days when of the demand for payment for Excessive Nuisance Abatement Fees or remedial work performed pursuant to section ~~XX~~ of this Bylaw, is issued by the City;as the case may be; and
 - b) include a description of the grounds upon which the request for Council reconsideration is made.
- 20.3 Upon receipt of a compliant written request for reconsideration, the Director of Corporate Services shall schedule the time, date, and place for Council to hear the matter.
- 20.4 Upon reconsidering the issuance or terms of a compliance order or a demand for payment of Excessive Nuisance Abatement Fees issued under this Bylaw, Council may confirm, set aside, or alter the order or demand, as it may deem appropriate in the circumstances.

PART VII – ENFORCEMENT AND PENALTIES

21. Right of Entry

- 21.1 The Bylaw Services Officer is authorized, at all reasonable times, to enter on any property in order to ascertain whether the regulations contained within this Bylaw are being observed.

21.2 No owner or occupier of real property shall hinder or obstruct the Bylaw Services Officer in the performance of their duties.

22. Penalty

22.1 Every person who violates a provision of this Bylaw or who permits any act or thing to be done in contravention of this Bylaw, or who fails to do any act or thing required by this Bylaw, shall be deemed to have committed an offence against this Bylaw and:

- a) shall be liable to a fine set out in the City of Merritt Municipal Ticket Information Bylaw 2044, 2009, as amended from time to time; or
- b) where a specific penalty has not otherwise been designated, shall be liable to a fine and/or penalty provided under the *Community Charter* of not less than One Hundred Dollars (\$100) and not more than Ten Thousand Dollars (\$10,000), plus the costs of prosecution, and any other order imposed pursuant to the *Community Charter*, or
- c) to pay any fees prescribed for the particular non-compliance set out in this Bylaw; or
- d) any combination of the above.

22.2 Each day that an offence against this Bylaw continues shall be deemed a separate and distinct offence.

22.3 Any penalty imposed pursuant to this Bylaw shall be in addition to and not in substitution for any other penalty or remedy imposed pursuant to this Bylaw, along with any other applicable statute, law, or legislation.