



**CITY OF PORT ALBERNI**

**Name of Bylaw No.4705  
(with amendments to Date)  
Consolidated for convenience only**

This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws of this subject.

This Bylaw has been consolidated for convenience only and includes amendments from:

**Bylaw No. 4969 - adopted August 13, 2018**

**Bylaw No. 4705-2 - adopted November 13, 2018**

**CITY OF PORT ALBERNI**

**BYLAW NO. 4705**

**A BYLAW TO REGULATE, ABATE AND PROHIBIT NUISANCES  
AND PROVIDE FOR THE COST RECOVERY OF  
ABATEMENT OF NUISANCES**

**WHEREAS** under sections 8 and 64 of the *Community Charter*, Council may, by bylaw, regulate, prohibit and impose requirements in relation to nuisances;

**AND WHEREAS** under section 194 of the *Community Charter* Council may, by bylaw, impose a fee or charge payable in respect of all or part of a service of the municipality or the exercise of a regulatory authority by the municipality;

**NOW THEREFORE**, the Council of the City of Port Alberni, in open Meeting assembled, enacts as follows:

**1. Title**

This Bylaw may be known and cited for all purposes as “**City of Port Alberni Nuisance Abatement 2008, Bylaw No. 4705**”.

**2. Interpretation**

In this Bylaw, unless the context otherwise requires:

“City” means the City of Port Alberni;

“Nuisance” means an activity which substantially and unreasonably interferes with a person’s use and enjoyment of a public area or of land he or she occupies or which causes injury to the health, comfort or convenience of an occupier of land and, if it does so, without limiting the generality of the foregoing, may include, an activity such as a noisy party, a group of people making noise, loud music, car racing, revving engines, yelling, shouting, screaming, fighting, littering and trespassing.

**3. Prohibition**

No person shall cause a nuisance or permit the land he or she owns or occupies to be used so as to cause a nuisance.

Bylaw #4705-2 adds section 4(3)

#### **4. Nuisance Abatement**

- 1) A person who causes a nuisance or permits the land he or she owns or occupies to be used so as to cause a nuisance, or their agents, shall abate or cause to be abated an activity which causes a nuisance.
- 2) The City may, by its employees, contractors and agents, abate or cause to be abated an activity which causes a nuisance if the person who caused the nuisance or permitted the land that he or she owned or occupied to be used so as to cause a nuisance failed to comply with a direction from Council to abate the nuisance.
- 3) Before Council makes an order under section 4(2), the owner or occupier must be provided an opportunity to be heard by Council in respect of the matter.

Bylaw #4705-2 adds section 5(2)

#### **5. Cost Recovery of Abatement**

The City may bill and recover the costs of abating a nuisance from one or more of the following:

- (1) The City may bill and recover the costs of abating a nuisance from one or more of the following:
  - (a) a person causing the nuisance;
  - (b) the occupier of land from which the nuisance emanates; and
  - (c) the owner of land from which the nuisance emanates.
- (2) The City may recover the costs imposed under section 5(1) in accordance with:
  - (a) Section 231 of the Community Charter, as a debt due and recoverable in a court of competent jurisdiction;
  - (b) Section 258 of the Community Charter, in the same manner as property taxes; or
  - (c) In any other manner authorized by law.

#### **6. Fees and Charges**

The fees and charges recoverable for nuisance abatement shall be those prescribed in schedule "A" to this Bylaw. Schedule "A" forms a part of this Bylaw and is enforceable in the same manner as this Bylaw.

#### **7. Offences**

A person contravenes this Bylaw by doing an act that it forbids, or by omitting to doing an act that it requires to be done, commits an offence and shall be liable on summary conviction to a fine not exceeding \$10,000.00.

**8. Severance**

In the event that any portion of this Bylaw is declared ultra vires by a court of competent jurisdiction then such portion shall be deemed to be severed from the Bylaw to the intent that the remainder of the Bylaw shall continue in full force and effect.

**READ A FIRST TIME THIS 29<sup>TH</sup> DAY OF SEPTEMBER, 2008.**

**READ A SECOND TIME THIS 29<sup>TH</sup> DAY OF SEPTEMBER, 2008.**

**READ A THIRD TIME THIS 29<sup>TH</sup> DAY OF SEPTEMBER, 2008.**

**FINALLY ADOPTED BY COUNCIL THIS 14<sup>TH</sup> DAY OF OCTOBER, 2008.**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**SCHEDULE “A”**

The following hourly rates will be charged for every hour or ¼ hour portion thereof which any of the following City staff, RCMP or Fire/Rescue Personnel use to deal with the abatement of a nuisance and depending upon the day of the week and the time of day which such services are required the hourly rate may be increased by one and a half or two times.

Bylaw #4969 deletes Schedule “A” and replaces with the following Schedule “A”

| City Staff   | Hourly Rate |
|--|-------------|
| Director of Development Services                         | \$60.21     |
| Manager of Bylaw Services                                | \$43.59     |
| Building Inspector                                       | \$36.80     |
| Bylaw Enforcement Officer/<br>Business License Inspector | \$33.95     |

| RCMP           | Hourly Rate |
|----------------|-------------|
| Inspector      | \$67.00     |
| Staff Sergeant | \$57.00     |
| Sergeant       | \$52.00     |
| Corporal       | \$48.00     |
| Constable      | \$44.00     |

| Fire/Rescue                   | Hourly Rate |
|-------------------------------|-------------|
| Fire Chief                    | \$62.49     |
| Deputy Fire Chief             | \$58.32     |
| Captain                       | \$56.20     |
| Chief Fire Prevention Officer | \$56.20     |
| Fire Fighter                  | \$45.44     |

| Engineering/Public Works | Hourly Rate |
|--------------------------|-------------|
| Superintendent           | \$45.40     |
| Charge Hand              | \$36.66     |
| Tradesperson             | \$34.50     |
| Operator                 | \$32.91     |
| Labourer                 | \$28.56     |

The following hourly rates will be charged for every hour or ¼ hour portion thereof which any of the following equipment and vehicles are used to deal with the abatement of a nuisance and depending upon the day of the week and the time of day which such services are required the hourly rate may be increased by one and a half or two times.

| Equipment and Vehicles  | Hourly Rate |
|-------------------------|-------------|
| City Car                | \$5.00      |
| City Truck – Light      | \$8.00      |
| City Truck – Service    | \$20.00     |
| City Equipment          | \$32.00     |
| Fire Truck              | \$100.00    |
| Fire Vehicle, Inspector | \$10.00     |
| Police Vehicles         | \$10.00     |

| Contract Work and Contracted Equipment | Hourly Rate |
|--|-------------|
| Cost plus 10% administration           | N/A         |