

**TOWN OF QUALICUM BEACH
BYLAW NO. 593**

**A Bylaw to Prevent, Abate and Prohibit Nuisances and Provide for the Cost Recovery
of Abatement of Nuisances.**

WHEREAS Section 8(3)(h) of the *Community Charter*, states that a Council may, by bylaw, regulate, prohibit and impose requirements in relation to the protection and enhancement of the well-being of its community in relation to matters of nuisances, disturbances and other objectionable situations;

AND WHEREAS under Section 194(1) of the *Community Charter* a Council may, by bylaw, impose a fee payable in respect of all or part of a service of the municipality;

AND WHEREAS under Section 196(1)(a)(b) and (2) of the *Community Charter* a Council may, by bylaw, impose fees in relation to fire and security alarm systems;

NOW THEREFORE the Council of the Town of Qualicum Beach in open meeting assembled, enacts as follows:

1. Title

This bylaw may be cited as "Town of Qualicum Beach Nuisance Abatement and Cost Recovery Bylaw No. 593, 2005".

2. Interpretation

In this bylaw, unless the context otherwise requires:

"Town" means the Town of Qualicum Beach.

"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.

"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 real property.

3. Service Establishment

The Town hereby establishes the service of nuisance abatement.

4. Nuisance Abatement

The Town may, as work done or services provided to land or improvements, abate or cause to be abated an activity which causes a nuisance.

5. Cost Recovery of Abatement

Where a member of the R.C.M.P., Qualicum Beach Fire Department, a Bylaw Enforcement Officer, or other Town Officials are 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 four nuisance service calls within a twelve (12) month period;
- c) the owner of the real property shall be liable to pay a nuisance abatement fee in accordance with the amounts prescribed in Schedule "A" 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.

Nuisance abatement fees shall be paid by the owner on receipt of an invoice from the Town. If the amount of each invoice is not paid in full before the 31st 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.

An owner may, within 30 days of receipt of an invoice demanding payment of nuisance abatement fees, require that Council reconsider the requirement to pay, or the amount of, the nuisance abatement fees, at which time the owner of the real property shall have an opportunity to be heard by Council.

6. *Process of Providing Notice*

Written notice shall be provided to the owner of the real property from which the nuisance emanated. The Notice may be served personally or mailed by prepaid registered mail to the address of the owner shown on the current year's real property assessment roll.

The Notice will include the following:

- (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 nuisance abatement fees will be imposed for each additional nuisance service call to the same real property and that the imposition of such fees is in addition to the Town's right to seek other legal remedies or actions for abatement of the nuisance.

7. Fees and Charges

The fees and charges recoverable for the service of 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.

READ A FIRST time this 14th day of February, 2005.

READ A SECOND time this 10th day of March, 2008.

READ A THIRD time this 26th day of March, 2008.

ADOPTED this 7th day of April, 2008.

Teunis Westbroek, Mayor

Trudy Coates, Corporate Administrator

SCHEDULE "A" to Bylaw No. 593, 2005

The following hourly rates will be charged for every hour or ¼ hour portion thereof which any of the following Town Staff, RCMP, or Town of Qualicum Beach 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 to two times.

(RCMP rates are charged out rates used by the RCMP, while the remainder of the Town rates reflect combined wage/benefit rate.)

REGULATORY SERVICES	
Town Staff	
Bylaw – Supervisor	50.00
Bylaw Officer	35.00
Building Inspector	40.00
RCMP	
Superintendent	65.00
Inspector	60.00
Staff Sergeant	50.00
Sergeant	45.00
Corporal	40.00
Constable	35.00
Police Vehicle – Cruiser	50.00
Police Vehicle - Dog	50.00
Police Helicopter	1000.00
Qualicum Beach Fire Rescue	
Engines	400.00 Per Engine
Rescue Vehicles	300.00 Per Vehicle
Aerial	600.00
Chief's Vehicle	150.00
Engineering/Public Works	
Engineer	60.00
Foreman	45.00
Utility Worker	40.00
Labourer	35.00

EQUIPMENT	
Qualicum Rates	
Town – Car	25.00
Town Truck – Light	25.00
Town Truck – Heavy	40.00
Town Truck – Service	Cost + 10%
Other Labour Costs	
Special Inspection	300.00
Contract Work	Cost + 10%
Other Equipment Costs	Cost + 10%