City of Merritt

"City of Merritt Good Neighbour Bylaw 2387, 2024"

Consolidated For Convenience – August 31, 2026

Bylaw 2387	December 17, 2024

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CITY OF MERRITT

BYLAW NO. 2387

GOOD NEIGHBOUR BYLAW

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 2387, 2024**".

2. Repeal

2.1 The "City of Merritt Good Neighbour Bylaw 2238, 2018" and all amendments thereto, is hereby repealed.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.

"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:

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 Services Officer in the exercise of their duties.

4.2 A Bylaw Services 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 were 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 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 where the storage of motor vehicles is a permitted use pursuant to the City of Merritt Zoning Bylaw;
g) more than one 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 boarders on that real property shall allow for hedges or trees to encroach on the sidewalk or footpath boarding the real property.

PART IV – COMPLIANCE ORDERS AND COST RECOVERY

15. Compliance Orders

15.1 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.

15.2 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 (14) 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.

15.3 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.

15.4 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.

16. Remedial Work

16.1 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.

17. Cost Recovery

17.1 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.

17.2 If an owner or occupier defaults in paying the issued invoice as per section 14.1 to the City within thirty (30) 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

18. Nuisance Property Designation

18.1 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 15.4 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.

18.2 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.

18.3 Notwithstanding section 15.2, 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.

18.4 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 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 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.

18.5 Service of the notice referred to in Section 15.4 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.

18.6 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.

18.7 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

19. Reconsideration by Council

19.1 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 14; or,
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 16.2 of this Bylaw.

19.2 All requests for reconsideration must:

a) be submitted in writing to the Director of Corporate Services within:
   (i) ten calendar days of the compliance order being served in accordance with this Bylaw; or,
   (ii) ten calendar 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.

19.3 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.

19.4 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

20. Right of Entry

20.1 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.

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

21. Penalty

21.1 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.

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

21.3 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	10th day of December, 2024
Read a Second Time this	10th day of December, 2024
Read a Third Time this	10th day of December, 2024
Adopted this	17th day of December, 2024

_____	_____
Mike Goetz MAYOR	Linda Brick CORPORATE OFFICER