

CITY OF KELOWNA

BYLAW NO. 11546

Amendment No. 1 to Good Neighbor Bylaw No. 11500

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Good Neighbour Bylaw No. 11500 be amended as follows:

1. THAT **Section 2. Definitions** be amended by adding a new definition for **Vehicle** in its appropriate location that reads:

“**Vehicle** means a device in, upon, or by which a person or thing is or may be transported or drawn upon a highway, except a device designed to be moved by human power or used exclusively upon stationary rails or tracks”
2. AND THAT **Section 4. Property Nuisances, 4.3 (b)** be deleted that reads:

“(b) keep a **derelict motor vehicle**, vehicle, boat or trailer except as part of a lawful business operating under a license from the City;”

And replace with:

“(b) keep a **derelict vehicle** of any sort, including but not limited to a **motor vehicle, vehicle**, boat or trailer except as part of a lawful business operating under a license from the City;”
3. AND THAT **Section 5. Graffiti, 5.1** be amended by adding the words “in or” after the words “sign or any other structure or surface,”
4. AND THAT **Section 6. Street and Public Space Nuisances**, be deleted that reads:

“6.1 No person shall place **graffiti**, or cause **graffiti** to be placed on any wall, building, fence, sign or other structure or surface in a **street** or **public space**.

6.2 No person shall on a **street** or in a **public space**:

 - (a) urinate or defecate;
 - (b) sleep in a **motor vehicle**; or
 - (c) participate in a violent confrontation or struggle.

6.3 No person shall on a **street** or in a **public space**:

 - (a) scatter, dump, or dispose of any garbage, glass, crockery, litter or other material, whether liquid or solid, and whether likely to injure any person, animal, vehicle or not;
 - (b) place or throw any circular, pamphlet, handbill or other paper material, whether or not the paper material had been previously placed upon any **motor vehicle** or other vehicle, without the consent of the **owner** or driver thereof;
 - (c) cut, remove or damage any tree, shrub or flower plant, bush or hedge;
 - (d) deface, injure or damage any **street**, ditch or fence or anything erected or maintained for purpose of lighting a **street**;
 - (e) dispose or place or leave any cement, mortar, lime, or any other substance having a damaging or destructive effect upon the concrete, asphalt, bushes, shrubs, or trees, or grass situate thereon;

- (f) stamp, paint, post, affix or otherwise place any placard, bill, poster, notice advertisement without first having obtained the permission of the City; or
- (g) remove to, or accumulate in from lands adjacent to a **street** or **public space**, grass cuttings, leaves or **rubbish.**"

And replace with:

"6.1 No person shall on a **street** or in a **public space**:

- (a) urinate or defecate;
- (b) sleep in a **motor vehicle**; or
- (c) participate in a violent confrontation or struggle.

6.2 No person shall on a **street** or in a **public space**:

- (a) scatter, dump, or dispose of any garbage, glass, crockery, litter or other material, whether liquid or solid, and whether likely to injure any person, animal or cause damage to a vehicle or not;
- (b) place or throw any circular, pamphlet, handbill or other paper material, whether or not the paper material had been previously placed upon any motor vehicle or other vehicle, without the consent of the motor vehicle owner or occupant thereof;
- (c) cut, remove or damage any tree, shrub or flower plant, bush or hedge;
- (d) deface or damage any **street**, ditch or fence or anything erected or maintained for purpose of lighting a **street**;
- (e) dispose or place or leave any cement, mortar, lime, or any other substance having a damaging or destructive effect upon the concrete, asphalt, bushes, shrubs, or trees, or grass situate thereon;
- (f) stamp, paint, post, affix or otherwise place any placard, bill, poster, notice advertisement without first having obtained the permission of the City; or
- (g) remove to, or accumulate in from lands adjacent to a **street** or **public space**, grass cuttings, leaves or rubbish."

5. AND THAT **Section 8. Construction Noise**, 8.1 be amended by deleting "0700 hours or after 2100 hours" and replacing it with "7:00 am or after 9:00 pm".

6. AND THAT **Section 9. Deemed Objectionable Noises**, 9.5 be amended by:

- a) Deleting "sections 7.1 to 8.1 and 9.1 to 9.4 of this bylaw" and replacing it with "sections 7.1 to 8.1 and 9.1 to 9.4, 10.1 to 10.4 and 11.1 to 11.4 of this bylaw";
- b) adding in sub-section (b)(ii) the word "alarm" after the words "a **motor vehicle** horn,"; and
- c) deleting in sub-section (c) "0700 hours or after 2100 hours" and replacing it with "before 7:00 am or after 9:00 pm"

7. AND THAT **Section 10. Compliance Orders**, 10.2 be amended by deleting section 10.2 that reads:

"10.2 Where a condition exists that is a contravention of any of the provisions in sections 4 and 5 of this bylaw, the **bylaw supervisor** may issue an **order to comply** requiring the person to remedy the nuisance or non-compliance within fourteen (14) days of deemed service or ten (10) days in the case of a contravention of section 5.3 of this bylaw, or on a date the **bylaw supervisor** considers reasonable in the circumstances if in the opinion of the **bylaw supervisor** a further period of time is required due to:"

And replace it with:

"10.2 Where a condition exists that is a contravention of any of the provisions in sections 4 and 5 of this bylaw, a **Bylaw Enforcement Officer** may issue an **order to comply** requiring the person to remedy the nuisance

or non-compliance within fourteen (14) days of deemed service or ten (10) days in the case of a contravention of section 5.3 of this bylaw, or on a date a **Bylaw Enforcement Officer** considers reasonable in the circumstances if in the opinion of the **Bylaw Supervisor** a further period of time is required due to:"

8. This bylaw may be cited for all purposes as "Bylaw No.11546 being Amendment No. 1 to Good Neighbor Bylaw No. 11500."
9. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this 26th day of March, 2018.

Amended at third reading by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk