



Good Neighbour Bylaw: Best Practice & Nuisance Abatement Solution

September 2017



Agenda

- 1) Overview of Bylaw and drafting process
- 2) Nuisance Abatement Fee Use
- 3) Other Bylaws changed and repealed
- 4) Panhandling
- 5) Next Steps

Scope

- ▶ Nuisance Abatement Fees – New authority!
- ▶ Unsightly Premises
- ▶ Noise
- ▶ Parks & Roads – Public spaces
- ▶ Graffiti

Best Practice & Harm Reduction

- ▶ Consolidates nuisance related bylaws
- ▶ Related bylaws needed updating
- ▶ Good fit with nuisance abatement fees

Consultation, Research & Legal Review (how)

- ▶ Significant Internal Consultation
- ▶ Use of City Solicitor to develop content & wording
- ▶ Survey of similar bylaws in BC and Canada
- ▶ Interviews with Surrey Bylaw staff regarding the practical aspects of application & impacts

Nuisance Property Abatement Fees

- ▶ Imposed on property owners following repeated call
- ▶ More than 1 in 24hrs or more than 3 per year
- ▶ Proposed amount is: \$250 per call
- ▶ Includes attendance by RCMP, KFD or Bylaw
- ▶ Successfully being used in BC
- ▶ Fees can be applied to taxes
- ▶ Does not restrict other enforcement actions

Abatement Fees – When?

- ▶ Multiple calls for service related to nuisances at the property logged, its strongly **recommended a fine be issued for each call**
- ▶ At a minimum, have at least 3 separate nuisance files documented within a 12-month period or 2 calls in a 24-hours

Abatement Fee Procedures

- ▶ Prior to charging the fee the owner of the property will be provided with written notice of the City's intent to charge nuisance abatement fees for subsequent service calls, the notice will include:
 - ▶ The particulars of nuisances associated with the property in the last 12 months;
 - ▶ Notification of the fees that could be imposed;
 - ▶ Notification that other legal remedies may be undertaken in addition to the nuisance abatement fees
 - ▶ Provide the owner 30 days to remedy the situation prior to the first nuisance abatement fee being applied.

Abatement Fee Procedures

- ▶ RCMP, Bylaw & KFD to meet and communicate about properties on the 'watch list'
- ▶ If identified as a nuisance property, that designation remains with the property for 12 months, regardless of ownership change
- ▶ RCMP & KFD to provide Bylaw call details to log nuisance calls and trigger fees to be charged
- ▶ Unpaid fees placed on the property's taxes as taxes on December 31st
- ▶ Will not count medical calls (ODs), serious crime, false alarms, etc.

Bylaws: Repealed

- ▶ Anti-Litter Bylaw, No. 3477
- ▶ Noise & Disturbances Control Bylaw, No. 6647
- ▶ Residential Nuisance Bylaw, No. 7782
- ▶ Unsightly Premises and Visual Nuisance Bylaw, No. 8217
- ▶ Bylaw Notice Enforcement, bylaw No. 10475 (***amend***)

Notable Changes & Updates

- ▶ Graffiti – Includes distribution & utility boxes
- ▶ Noise – Reduced Constriction period, 10pm to 9pm end
- ▶ Noise – Allows City Engineer to authorize construction noise outside 7:00-21:00
- ▶ Noise – Restricts “roaring or explosive” engine or exhaust sounds from cars, motorbikes & boats
- ▶ Composting / Vermin – requires organic material be in a closed & sealed composter

Panhandling Bylaw Coming

- ▶ Most of the work has been done, revise before 2018
- ▶ Tone & detail required are a better fit outside GNB

Fines

- ▶ \$500 minimum for property nuisances, construction noise & “party” noise
- ▶ \$100 minimum for all other infractions
- ▶ Actual fine amounts for offences contained in Bylaw Notice Enforcement, bylaw No. 10475
 - ▶ Bylaw Notice amounts can be less than minimums



Questions?

For more information, visit kelowna.ca.