

# THE CORPORATION OF THE VILLAGE OF MONTROSE

## BYLAW # 603

### A BYLAW TO PROTECT RESIDENTIAL NEIGHBOURHOODS

WHEREAS section 725 of the *Local Government Act*, RSBC 1996, Chapter 323, authorizes Council to prevent, abate and prohibit nuisances and provide for the recovery of the cost of abatement of nuisances, and

WHEREAS Council has been made aware of potential nuisances and disturbances that may be caused by the inappropriate use of residential property, and

WHEREAS Council wishes to take pro-active steps to curtail land uses that may cause disturbances in residential neighbourhoods,

NOW THEREFORE the Council of the Village of Montrose, in open meeting assembled, ENACTS AS FOLLOWS:

### SHORT TITLE

1. (1) This Bylaw may be cited as the "**PROTECTION OF NEIGHBOURHOODS BYLAW.**"

### DEFINITIONS

2. (1) In this Bylaw, unless the context otherwise indicates,
  - controlled substance** means a "controlled substance" as defined and described in Schedules I, II and III of the *Controlled Drugs and Substances Act*, 1996, c.19, as may be amended from time to time, but does not include the trade or manufacture of a controlled substance that is permitted under that Act or otherwise lawfully licensed under the Village's Business License Bylaw;
  - Inspector** means a member of the Royal Canadian Mounted Police, a member of the Kootenay Boundary Regional Fire Department, or a person appointed by Council to enforce this Bylaw;
  - Occupant** includes a person residing on or in property, or a person entitled to the possession of property if there is no person residing on or in the property, or a leaseholder, and shall include the agent of any such person;
  - Owner** means a person who has any right, title, estate or interest in property, other than that of an occupant, and shall include the agent of any such person;
  - Person** includes natural persons of either sex, associations, corporations, bodies politic, co-partnerships, whether acting by themselves or by a servant, agent or employee, and the heirs, executors, administrators, successors and assigns of other legal representative of such persons;
  - Property** means all real property, including, but not limited to, front yards, side yards, back yards, driveways, walkways and sidewalks and shall include any building, structure or fence located on such real property.
3. (1) The purpose of this Bylaw is to:
  - a) protect the community from unsightly, hazardous and blighting conditions that contribute to the deterioration of neighbourhoods,
  - b) prevent the manufacture of noxious or offensive trade in controlled substances in buildings or structures,
  - c) provide for the prevention and abatement of such nuisances and the recovery of the cost of such abatement.

## PROHIBITIONS

4. (1) No Person, Owner or Occupant of Property within the Village of Montrose shall permit or allow the Property to become or remain a place for the trade, business or manufacture of a Controlled Substance.
- (2) No Person, Owner or Occupant shall allow Property to be used in a noxious, offensive or unwholesome manner through the trade or manufacture of a Controlled Substance.
- (3) No Person, Owner or Occupant of Property within the Village of Montrose shall cause or permit water, rubbish or noxious, offensive or unwholesome matter to collect or accumulate around the Property in connection with the manufacture or trade in a Controlled Substance.

## INSPECTIONS

5. (1) Council may, by Bylaw, from time to time appoint an Inspector and one or more assistant Inspectors for the purposes of this Bylaw and any member of the Regional District of Kootenay Boundary Regional Fire Service or the Royal Canadian Mounted Police shall be deemed to be an Inspector for the purposes of this Bylaw.
- (2) An inspector shall have the right to enter upon the Property of any Person at reasonable times and in a reasonable manner for the purposes of inspecting the Property and declaring whether the Property is being used for a noxious or offensive drug trade or manufacture or otherwise not in compliance with the provisions of this Bylaw.

## REMEDIES

6. (1) If an Owner or Occupant fails to comply with a written notice of an Inspector, the Village of Montrose, by its employees or other Persons, at reasonable times and in a reasonable manner, may enter the Property and effect the compliance at the expense of the Owner or Occupant who has failed to comply.
- (2) If an Inspector enters the Property pursuant to a legal search of the Property and has to effect compliance with this Bylaw, the costs of compliance shall be at the expense of the Owner or Occupant who has failed to comply.
- (3) In the event that the Person who has failed to comply fails to pay the costs of compliance before the 31<sup>st</sup> day of December in the year that the compliance was effected, the costs shall be added to and form part of the taxes payable on the Property as taxes in arrears.

## OFFENCES AND PENALTIES

7. (1) Any Person who contravenes, suffers or permits any act or thing to be done in contravention of, or neglects to do so, or refrains from doing anything required to be done pursuant to the provisions of this Bylaw or any notice issued pursuant hereto, commits an offence punishable on summary conviction, and shall be liable to a fine of not less than the sum of one hundred dollars (\$100.00), but not exceeding the sum of five thousand dollars (\$5,000.00).
- (2) Where an offence is a continuing offence, each day that the offence is continued shall constitute a separate and distinct offence.
- (3) Prosecution of a Person pursuant to this section does not exempt the Person from the remediation provisions of section 6 of this Bylaw.

**ENACTMENT**

- 8. (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 the part that is invalid shall not affect the validity of the remainder.
- (2) This Bylaw shall come into full force and effect on final adoption.

READ A FIRST TIME  
 READ A SECOND TIME  
 READ A THIRD TIME  
 RECONSIDERED AND FINALLY ADOPTED

this 6<sup>th</sup> day of May, 2003  
 this day of , 2003  
 this day of , 2003  
 this day of , 2003

-----  
 Mayor

-----  
 Village Clerk

Certified a true copy of Bylaw # 603, as adopted

-----  
 Village Clerk, Andre Carrel