

CITY OF NANAIMO

BYLAW NO. 5645

A BYLAW TO PREVENT, ABATE AND PROHIBIT NUISANCES
AND PROVIDE FOR THE COST RECOVERY OF ABATEMENT OF NUISANCES

WHEREAS Section 517 of the *Local Government Act* requires that Council adopt an establishing bylaw for a service in order to operate a service;

AND WHEREAS under Section 725 of the *Local Government Act* Council may, by bylaw, prevent, abate and prohibit nuisances, and provide for the recovery of the cost of abatement of nuisances from the person causing the nuisance or other persons described in the bylaw;

AND WHEREAS under Section 363 of the *Local Government Act* Council may, by bylaw, impose a fee or charge payable in respect of all or part of a service of the municipality or the exercise of a regulatory authority by the municipality;

NOW THEREFORE, the Council of the City of Nanaimo, in open Meeting assembled, enacts as follows:

Title

1. This Bylaw may be cited for all purposes as the City of Nanaimo "NUISANCE ABATEMENT AND COST RECOVERY BYLAW 2003 NO. 5645".

Interpretation

2. In this Bylaw, unless the context otherwise requires:

"City"	means the City of Nanaimo
"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.

Service Establishment

3. The City establishes the service of nuisance abatement.

Nuisance Abatement

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

Cost Recovery of Abatement

5. The City may bill and recover the costs of abating a nuisance from one or more of the following:
 - (1) a person causing the nuisance;
 - (2) the occupier of land from which the nuisance emanates; and
 - (3) the owner of land from which the nuisance emanates.

Fees and Charges

6. 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.

PASSED FIRST, SECOND AND THIRD READINGS 2003-JUN-23.
ADOPTED 2003-JUL-14.

G. R. KORPAN
MAYOR

J. T. BOWDEN
SENIOR MANAGER,
CORPORATE ADMINISTRATION

SCHEDULE "A"

The following hourly rates will be charged for every hour or 1/4 hour portion thereof which any of the following City Staff, RCMP or Nanaimo 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 or two times. (RCMP rates are charge out rates used by the RCMP, while the remainder of City rates reflect combined wage/benefit rate.)

(Hourly rate rounded down to the nearest \$0.50)

REGULATORY SERVICES	
City Staff	
Bylaw - Manager	\$42.50
Bylaw Enforcement Officer	\$29.50
Building Supervisor	\$37.50
Building Inspector	\$33.00
RCMP	
Superintendent	\$51.00
Inspector	\$45.50
Staff Sergeant	\$38.50
Sergeant	\$35.50
Corporal	\$32.50
Constable	\$29.50
Nanaimo Fire-Rescue	
Fire Chief	\$60.50
Deputy Fire Chief	\$57.50
Assistant Fire Chief	\$54.50
Captain - Inspection	\$48.00
Inspector	\$36.00
Captain - Suppression	\$44.00
Lieutenant - Suppression	\$38.00
Firefighter	\$34.50
Platoon Captain	\$44.00
Engineering/Public Works	
Manager	\$57.50
Foreman	\$40.50
Utility Worker	\$38.50
Labourer	\$29.50

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EQUIPMENT	
City Car	\$4.35
City Truck - Light	\$5.10
City Truck - Service	\$5.60
City Vehicle - Other	Per Fleet rate - external
Fire Truck - Rescue	\$100.00
Fire Truck - Pumper	\$100.00
Fire Truck - Aerial	\$150.00
Fire Truck - Other	\$100.00
Fire Vehicle -Inspector	\$10.85
Police Vehicles	\$17.14
Other Labour Costs	
Special Inspection	\$100.00
Contract Work	Cost plus 10%
Other Equipment Costs	
	Costs plus 10%