# BOWEN ISLAND MUNICIPALITY

## REAL PROPERTY MAINTENANCE BYLAW NO. 174, 2006

*A Bylaw to Regulate the Maintenance of Real Property*

***WHEREAS Section 64*** of the ***Community Charter*** authorizes the Municipal Council to enact a variety of regulations governing the appearance and maintenance of real property*;*

**NOW THEREFORE** the Council of Bowen Island Municipality, in open meeting assembled, enacts as follows:

*1.* This bylaw may be cited for all purposes as *"Bowen Island Municipality Real Property Maintenance Bylaw No. 174, 2006".*

2. In this bylaw,

"**Graffiti**" means drawing, printing or writing scratched, sprayed, painted or scribbled on a wall, fence, or other surface, but does not include a sign for which a permit has been issued by the Municipality.

"**Real property**" means land, with or without improvements so affixed to the land as to make them, in fact and law, a part of it.

"**Rubbish**" includes any and all manner of garbage; discarded or disused material; yard waste, tree trimmings and waste from land clearing; noxious, offensive or unwholesome matter; and all discarded, broken or useless items.

"**Unsightly**" includes but is not limited to the accumulation of rubbish and without restricting the generality of the word "unsightly", any one or more of the following conditions may render real property unsightly within the meaning of this Bylaw:

(a) Accumulations of rubbish, bottles, broken glass or other discarded materials;

(b) Materials of any sort that are strewn about the real property rather than piled in a neat and appropriate manner;

(c) More than one motor vehicle stored on the real property that are unlicensed and not capable of normal vehicular operation, unless stored in an enclosed structure;

(d) Automotive parts, unless stored in an enclosed structure;

(e) Construction materials where there is no apparent or real construction occurring on the real property for which the materials are required, unless stored where they cannot be seen from a public highway or neighbouring property, or such real property is zoned for such storage;

(f) Uncontained compost or manure piles;

(g) Furniture (other than furniture designed specifically for outdoor use), bedding or appliances stored outside the premises;

(h) Unused landscaping materials, unless stored where they cannot be seen from a public highway or neighbouring property;

(i) Dilapidated, broken or leaning fences, except where they cannot be seen from a public highway or neighbouring property; or

(j) Graffiti on fences, buildings or structures on the real property or on patios, driveways or other finished ground surfaces.

3. The owner or occupier of real property within Bowen Island Municipality shall:

   (a) Maintain such real property in a manner that averts any risk to public health and safety;

   (b) Maintain such real property in a manner that prevents it from becoming unsightly; and

   (c) Not permit rubbish or noxious, offensive or unwholesome matter of any kind to collect or accumulate on or around such real property.

4. Upon order by any duly appointed officer of the Municipality, the owner or occupier of real property within Bowen Island Municipality, or his agent, shall remove or cause to be removed from such real property any accumulation of rubbish or noxious, offensive or unwholesome matter of any kind.

5. If the owner or occupier of real property within Bowen Island Municipality, or his agent, fails to remove any accumulated rubbish or noxious, offensive or unwholesome matter of any kind from such real property, the Municipality, by its employees and others, may enter and effect such removal at the expense of the defaulting owner or occupier or agent, and the charges for the removal, if unpaid on the thirty-first day of December in the year in which they are incurred, shall be added to and form part of the taxes payable on that real property as taxes in arrears.

6. Every person who offends against any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, or who does any act or thing which violates any of the provisions of this Bylaw, shall be deemed to be guilty of an infraction of this Bylaw, and shall be liable to the penalties hereby imposed.

7. Any person who violates any provision of this bylaw commits an offence.

8. Each separate circumstance where a provision of this Bylaw is violated constitutes a separate offence.

9. Each day's continuance of an offence constitutes a new and distinct offence.

10. The following persons are hereby designated as authorized to enforce the provisions of this Bylaw:

    (a) A Bylaw Enforcement Officer;
    (b) A Building Official;
    (c) The Fire Chief;
    (d) The Deputy Fire Chief; or
    (e) The Public Works Superintendent.

11. Where a person is in violation of any provision of this Bylaw, those persons authorized under Section 10 may issue a violation notice upon the person in violation; and such person shall be liable to pay the Bowen Island Municipality the respective sum or sums, indicated in the violation notice set out as follows:

    <u>First Offence:</u>
    $100.00 for each violation of this Bylaw.
    $75.00 for each violation if paid within fourteen (14) days of the issuance of the violation notice.

Second Offence:
$200.00 for each violation of this Bylaw.
$175.00 for each violation if paid within fourteen (14) days of the issuance of the violation notice.

Subsequent Offences:
$500.00 for each violation of this Bylaw
$475.00 for each violation if paid within fourteen (14) days of the issuance of the violation notice.

If the penalty indicated on the Violation Notice is not paid within thirty (30) days of the issuance, a Summons may be issued in respect to the violation.

12. Any person named in Section 10 may enter upon property at all reasonable times to ascertain whether the provisions of this Bylaw are being observed.

13. Except as otherwise provided in this Bylaw, every person who violates any of the provisions of this Bylaw, or who suffers or permits any act, or thing, to be done in contravention of this Bylaw, or who refuses, omits, or neglects to fulfill, observe, carry out, or perform any duty or obligation imposed by this Bylaw is liable on summary conviction to a fine not exceeding one thousand dollars ($1,000.00) or in the alternative to imprisonment for a period not exceeding six (6) months.

14. If a court of competent jurisdiction should declare any section or part of a section of this bylaw to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the bylaw and it is hereby declared that the remainder of the bylaw shall be valid and shall remain in force.

15. "*Greater Vancouver Regional District Electoral Areas "B" and "C" Unsightly Premises Bylaw 583, 1987*" and any amendments thereto are hereby repealed.

Read a FIRST TIME this 13th day of February 2006.

Reread a FIRST TIME AS AMENDED this 23rd day of May, 2006.

Read a SECOND TIME this 23rd day of May, 2006.

Read a THIRD TIME this 23rd day of May, 2006.

RECONSIDERED and FINALLY ADOPTED this 12th day of June, 2006.

(Original signed)
Bob Turner, Mayor

(Original signed)
Isabell Hadford, Clerk

Certified to be a true and correct copy of Bylaw No. 174, 2006, cited as "*Bowen Island Municipality Real Property Maintenance Bylaw No. 174, 2006*" adopted by the Council of Bowen Island Municipality this 12th day of June, 2006.

(Original signed)
Isabell Hadford, Clerk