



Property Maintenance Bylaw NO. 12, 2009

(Consolidated June 2018 for Ease of Use)

CONSOLIDATED VERSION INCLUDES:

- NRRM Bylaw No. 61, 2011 – Municipal Ticket Amendment Bylaw,
- NRRM Bylaw No. 146, 2018 – Property Maintenance Amendment (Boulevard Maintenance) Bylaw



Northern Rockies Regional Municipality Property Maintenance Bylaw No. 12, 2009

A bylaw to regulate the maintenance of private and public property within the Northern Rockies Regional Municipality.

WHEREAS the Regional Council has the authority to regulate and control pollution, nuisances, pests, noxious weeds, unsightly premises, unwholesome or noxious materials, and odors and impose requirements in relation to bylaw enforcement and related matters;

NOW THEREFORE the Council for the Northern Rockies Regional Municipality in open meeting assembled enacts as follows:

INTERPRETATION

1. Citation

This Bylaw may be cited as the “Property Maintenance Bylaw No. 12, 2009”.

2. Definitions

Definition added by Bylaw No. 146/18

“Boulevard” means the area between the curb lines or the shoulder of a roadway and the adjacent property line.

“Bylaw Enforcement Officer” means any person employed by the Northern Rockies Regional Municipality for the purpose of enforcement of municipal bylaws, the Director of Public Works, the Building Inspector, the City Manager or any staff appointed by the City Manager, or a member of the Royal Canadian Mounted Police (RCMP);

Definition added by Bylaw No. 146/18

“Director of Public Works” means a person appointed in accordance with the Bylaws of the Northern Rockies Regional Municipality, as amended from time to time, and includes any other person authorized to act on behalf of the Director of Public Works.

“Graffiti” means an inscription, drawing, writing, pictorial representation, message, slogan, symbol or mark made on a wall, fence or other surface by means of paint, chalk, ink, or other substance, or by chisel, hammer, stone or other device.

“Noxious Weeds” include weeds designated as such under the Weed Control Regulation pursuant to the Weed Control Act;

“Order” means an order issued pursuant to Section 4 of this Bylaw.

“Rubbish” means any discarded materials, substances and objects.

“Unsightly” means, but is not limited to:

- a) An outdoor accumulation of building or construction material on any property other than premises identified in a Business License for building material sales or storage or premises where construction is in progress pursuant to a valid Building Permit;
- b) An accumulation of motorized vessels, vehicles or trailer parts or all or part of any motor vehicle which is not registered and licensed in accordance with the Motor Vehicle Act; or capable of movement under its own power; including any dismantled, wrecked, or non operational vehicle for more than one month in any 12 month period or any vehicle which is not licensed for a period of one year which is not covered with a fitted vehicle cover or housed in a garage or carport;
- c) Any accumulation of water, filth, discarded materials, rubbish or noxious, offensive or unwholesome matter of any kind, including but not limited to ashes, dead animals, paper, tires, plastic, cardboard, metals, leaves, wood, dilapidated, broken or leaning fences, crockery, and glass;
- d) Materials of any sort that are strewn about the real property rather than piled in a neat and appropriate manner;
- e) Placards, bills, signboards, posters, notices or advertisements in any public place, unless expressly permitted by the Municipality.
- f) Furniture (other than furniture designed specifically for outdoor use), bedding or appliances stored outside the premises or in open carport areas;
- g) Exterior finishing of premises that has become excessively dirty or dilapidated through lack of maintenance;
- h) Unused landscaping materials such as dirt piles or discarded planting pots;
- i) Uncontained compost piles;
- j) Graffiti on any real property, wall, fence or other surface by means of paint, chalk, ink, or other substance, or by chisel, hammer, stone or other device.
- k) Uncontrolled growth of vegetation, brush or grass in excess of 30 centimetres in height;

MAINTENANCE OF PROPERTY

3. General Provisions

3. a) amended by Bylaw No. 146/18

- a) No owner or occupier of real property shall allow his property, including the boulevard(s), to become or remain unsightly and shall not cause or permit water, filth, rubbish, discarded materials or noxious, offensive, or unwholesome matter to collect or accumulate around his premises.

3. b) amended by Bylaw No. 146/18

- b) Every owner or occupier of real property must clear, or cause to be cleared, from the property, including the boulevard(s), any infestations by caterpillars and other noxious or destructive insects.

3. c) amended by Bylaw No. 146/18

- c) Every owner or occupier of real property must remove, or cause to be removed, from the property, including the boulevard(s), any unsightly accumulations of noxious weeds, brush or uncontrolled growth of vegetation, or grass in excess of 30 centimetres in height.
- d) No person shall deposit or throw rubbish, bottles, glass, grass or vegetation clippings, or animal droppings on a highway, on any private property or any public place.
- e) No person shall place graffiti on any wall, fence, structure or elsewhere on or adjacent to a public place.
- f) No owner or occupier of real property shall allow their property to become unsightly by graffiti.
- g) No person shall foul, obstruct or impede, or permit the fouling, obstructing or impeding of the flow of any waterway or culvert within the municipality.
- h) No owner or occupier of real property shall foul or contaminate the atmosphere by burning household garbage.
- i) No person shall stamp, paint, post, glue, nail, spray, tape, staple, affix or otherwise place any placard, bill, signboard, poster, notice or advertisement in any public place.
- j) Owners of vacant properties or buildings shall maintain the aesthetic quality of the land and/or structures and not permit them to become unsightly.
- k) Every owner or occupier of real property shall not deposit or sweep ashes, mud, dirt, or refuse from the property, onto any sidewalk adjoining the property.

- l) Every owner and occupier of real property shall eliminate or reduce the emission of dust from that property into the atmosphere such that no airborne dust travels beyond any boundary of the property. Without limiting the generality of this section, during excavation or construction on property, dust shall be controlled by the application of water or other dust control.
- m) Except by permit, owners and occupiers of real property must not place snow removed from private property on public streets or boulevards so that it impedes the Municipality's crews from clearing the streets. This includes pushing snow from private driveways or parking lots onto the street or across the street, to place snow on boulevards at intersections, over sewer or storm manhole covers, water main valves or fire hydrants.

ORDER TO COMPLY

4. Serving of an Order to Comply

4.1 amended by Bylaw No. 146/18

- 4.1 Where an owner or occupier, or their agents fail to comply with any of the provisions of Part 3 General Provisions, a Bylaw Enforcement Officer may, in accordance with Section 4 serve an Order to Comply on such person, which requires the person to remove or clear the offending material from the real property, including the boulevard(s), within 14 days of service of such Order to Comply.
- 4.2 Where an Order to Comply has been served in accordance with this Subsection 4.1 and the Bylaw Enforcement Officer is satisfied that special circumstances exist, the Bylaw enforcement Officer may set a time to comply, other than 14 days, that is reasonable in the circumstances.
- 4.3 The Bylaw Enforcement Officer must serve the Order to Comply:
 - (a) on the owner of the real property on which the offending material is located, by either:
 - (i) personal service, or
 - (ii) registered mail with acknowledgement of receipt, to the address of the owner shown on the last real property assessment rolls;
 - (b) on the occupier of the real property on which the offending material is located, by either:
 - (i) personal service,
 - (ii) delivery to a mail box or other receptacle for messages, if any, on the real property, or
 - (iii) posting the order on the real property; and
 - (c) on any agent of the owner or occupier of the real property on which the offending material is located, by either:
 - (i) personal service, or

(ii) registered mail with acknowledgement of receipt.

4.4 When an Order to Comply is not personally served in accordance with clause 4.3(a)(i), 4(b)(i), or 4(c)(i) of subsection 4.3, whichever is applicable, such order is deemed to have been served:

- (a) on the third day after mailing in accordance with clause 4.3(a)(ii) or 4.3(c)(ii), whichever is applicable;
- (b) upon delivery in accordance with clause 4.3(b)(ii); or
- (c) upon posting in accordance with clause 4.3(b)(iii).

Authority to Enter Property in connection with an Order to Comply

4.5 A Bylaw Enforcement Officer may enter, at all reasonable times, upon any real property to determine whether the provisions of this bylaw or the directions of an Order to Comply are being complied with.

4.6 amended by Bylaw No. 146/18

4.6 If the owner or the occupier of such property, or their agents fail to remove or clear the offending material from the real property, including the boulevard(s), as directed in an Order to Comply, municipal staff or a contractor engaged by the municipality, may enter on the real property, at reasonable times and in a reasonable manner, to remove or clear the offending material at the expense of the defaulting owner or occupier of the real property, or their agents.

4.7 Where offending material has been removed or cleared in accordance with subsection 4.6, the charges for such removal or clearance, if unpaid on or before December 31st in the year in which the charges are incurred, form part of the taxes payable on such property, as taxes in arrears.

Appeal Against an Order to Comply

4.8 A person upon whom an "Order to Comply" has been served may, by giving notice in writing to the Corporate Manager at least 72 hours prior to the expiration of the time given in the Order to Comply to remove or clear the offending material, appeal to Regional Council who must hear and determine the appeal by confirming, amending or rescinding the Order to Comply.

4.9 added by Bylaw No. 146/18

Waiving Boulevard Maintenance Requirements

4.9 The Director of Public Works may waive the requirements for property owners to maintain a specific boulevard area as required under this bylaw if, in the opinion of the Director of Public Works, it would be unreasonable for a property owner to maintain the boulevard area.

MISCELLANEOUS PROVISIONS

5. a) This bylaw shall apply to the geographic service area identified on the map of "Schedule A" as attached to and forming part of this bylaw.
- b) 5. b) Repealed by Bylaw No. 61/11
- c) "Schedule C" Order to Comply is attached to and forms part of this bylaw.
- d) No person shall obstruct or interfere with the Bylaw Enforcement Officer or Municipal Staff in the exercise of the powers under this Bylaw.

OFFENCE AND PENALTIES

6. a) Any person who violates or who causes to be violated any of the provisions of this bylaw, shall be guilty of an offence against the bylaw, and each day that such violation is caused or allowed to continue shall constitute a separate offence.
- b) Any person who contravenes any of the provisions of this bylaw shall be liable to a fine of not more than Two Thousand Dollars and not less than one hundred dollars or to imprisonment for a term of not more than six (6) months, or to both a fine and imprisonment.

6. c) Repealed and Replaced by Bylaw No. 61/11

- c) This bylaw may be enforced by means of a notice in the form prescribed under the Local Government Bylaw Notice Enforcement Act.
- d) 6. d) Repealed by Bylaw No. 61/11
- e) 6. e) Repealed by Bylaw No. 61/11
- f) Any person who has been issued a ticket as being in contravention of any provision of this bylaw and wishes to dispute the allegation, may deliver, have delivered, or mail a notice of dispute to the Northern Rockies Municipal Office, 5319 – 50th Avenue South, Fort Nelson BC, V0C 1R0.
- g) 6. g) Repealed by Bylaw No. 61/11

SEVERABILITY

7. a) If any division, section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the bylaw.

- b) Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful permit, order or license.

REPEALS

8. "The Town of Fort Nelson Property Maintenance Bylaw No. 614, 2002" is hereby repealed in its entirety.

READ a first time this 10th day of August, 2009

READ a second time this 10th day of August, 2009

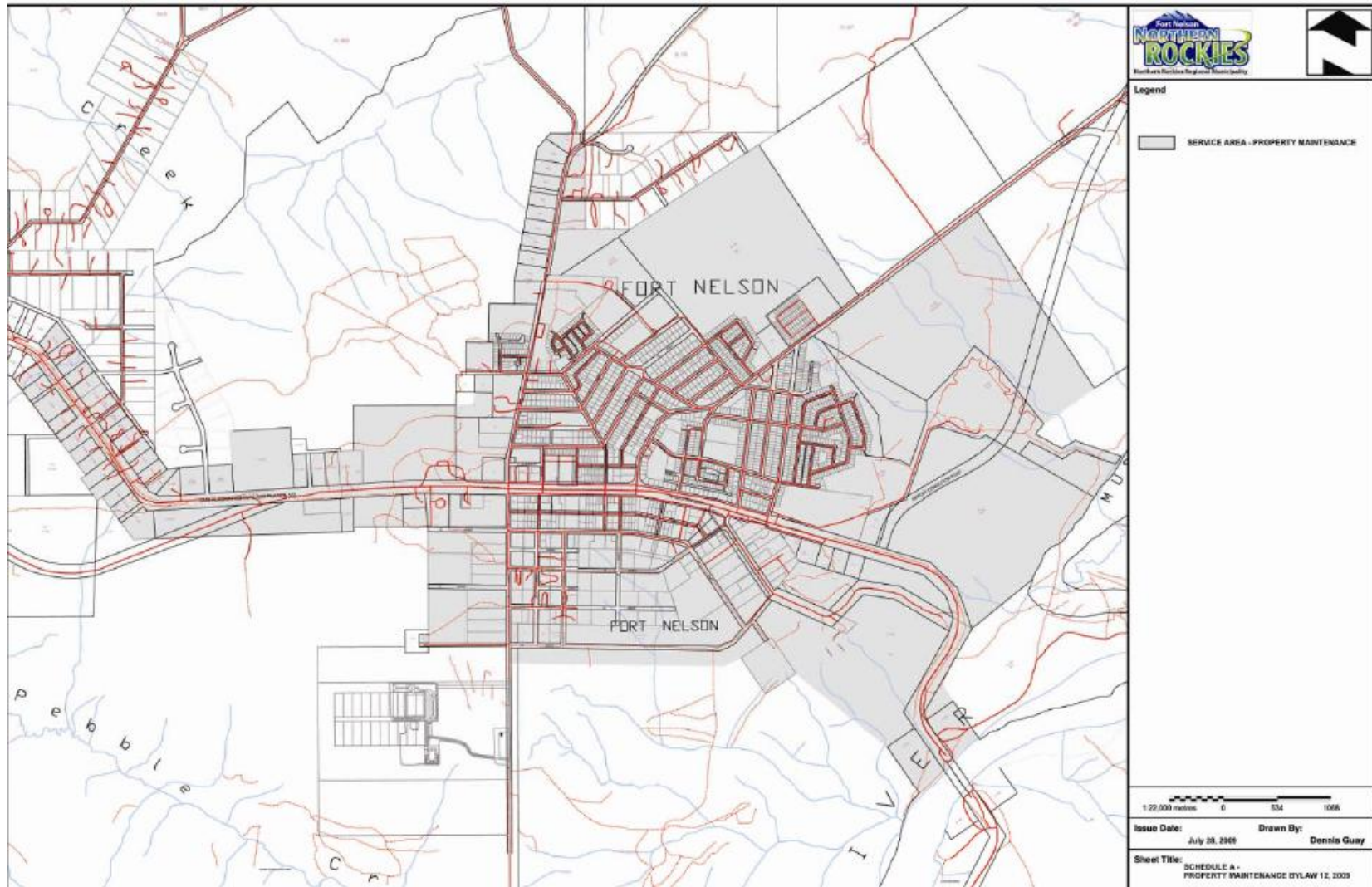
READ a third time this 10th day of August, 2009

Adopted this 19th day of August, 2009

Bill Streeper, Mayor

Heather Cosman, Corporate Manager

“Schedule A”
Geographic Service Area for Property Maintenance Bylaw 12, 2009



"Schedule B" Repealed by Bylaw No. 61/11



“Schedule C”
Northern Rockies Regional Municipality Bylaw 12, 2009

ORDER TO COMPLY

Date:

Pursuant to the Northern Rockies Regional Municipality Property Maintenance Bylaw No. 12, 2009 and the Community Charter and the Local Government Act.

Civic Address _____

Legal Description _____

You are hereby ordered to bring the condition of this property into conformity with the Property Maintenance Bylaw No. 12, 2009 by doing the following:

- (a) action details; and
- b) provide details on the Order to Comply process, and including appeal process.