

District of Tumbler Ridge



UNSIGHTLY PREMISE BYLAW No. 444, 2001

Adopted December 17, 2001

Consolidated for Convenience

Includes the Following Amending Bylaws:

Date Adopted:

Unsightly Premise Amendment
Bylaw No. 652, 2017

June 12, 2017

Unsightly Premise Amendment
Bylaw No. 704, 2021

July 5, 2021

DISTRICT OF TUMBLER RIDGE

BYLAW NO. 444, 2001

A Bylaw to Prohibit Littering of Public Areas or Damage to Public Property and to Prohibit Unsightly Premises within the District of Tumbler Ridge

WHEREAS Section 725 of the Local Government Act, R.S. Chap. 323, provides that the Council may, by bylaw, do the following:

1.0 Interpretation

1.1 In this bylaw:

“*Bylaw Enforcement Officer*” means a person appointed by the *Council* as a bylaw enforcement officer, building inspector, or a peace officer;

“*developed property*” means a property where a dwelling or other building has been constructed, and excludes parks and properties that have not been built on or developed;

“*District*” means the Corporation of the District of Tumbler Ridge;

“*Council*” means the *Council* of the *District*;

Unsightly Premise Amendment Bylaw No. 701 – July 2021

“*Graffiti*” means an inscription, drawing, writing, pictorial representation, message, slogan, symbol or mark made on a wall, fence, structure or other surface by means of paint, chalk, ink or other substance, or by chisel, hammer, stone or other device but does not include any of the following:

- (i) a sign, public notice or traffic control mark authorized by the District of Tumbler Ridge;
- (ii) a public notice authorized by federal or provincial legislation or a District of Tumbler Ridge bylaw

Unsightly Premise Amendment Bylaw No. 701 – July 2021

“*Noxious Weeds*” means any plant or vegetation as defined in the Weed Control Act of British Columbia

Unsightly Premise Amendment Bylaw No. 701 – July 2021

“*Person*” means any individual, corporation, partnership or other legal entity and the heirs, executors, administrators, successors and assigns of such

“*owner*” means the registered owner of a parcel of land, and where the parcel is not occupied by the registered owner, includes an occupant of the parcel of land;

“*Removal Order*” means a letter issued pursuant to s. 4.1 of this bylaw.

Unsightly Premise Amendment Bylaw No. 652 – June 2017

“*Standing Water*” means any water which is not continuously in movement by a natural or mechanical means that is found in a catch basin or any depression in the parcel, but does not include a natural body of water or water contained in a District owned drain, catch basin or storm water management facility.

Unsightly Premise Amendment Bylaw No. 701 – July 2021

“*Untidy*” means disorderly and includes storage or accumulation.

Unsightly Premise Amendment Bylaw No. 701 – July 2021

2.0 Unsightly/Untidy Premises

2.1 No *owner* shall cause, allow or permit a parcel to become or to remain unsightly, and, specifically:

General

- (a) No *owner* of a parcel shall cause, allow or permit the accumulation of building material on the parcel unless
 - (i) the owner of the parcel is in possession of a valid building permit; or
 - (ii) the building materials are stored in a closed building or structure such that they are not visible from another parcel or a public place;
- (b) No *owner* of a parcel shall cause, allow or permit the storage or accumulation on the parcel of all or part of a vehicle that is not:
 - (i) validly registered or licensed in accordance with the Motor Vehicle Act, or
 - (ii) capable of movement under its own power

unless it is stored in a closed building or structure such that the vehicle, or any portion of the vehicle, is not visible from another parcel or a public place;

- (c) No *owner* of a parcel shall cause, allow or permit a building or structure, or part of a building or structure, which is missing all or a portion of its surface, covering, or coating materials to be on the parcel unless the owner is in possession of a valid building permit in respect of the building or structure;
- (d) No *owner* of a parcel shall cause, allow or permit the accumulation on the parcel of filth, discarded materials, unwholesome matter, or rubbish of any kind, whether or not for commercial purposes or as part of a trade or calling, including but not limited to dead animals, paper products, crockery, glass, metal, plastics, plastic containers, wire, ropes, machinery, tires, appliances, vehicle parts, and any other scrap or salvage;
- (e) No *owner* of a parcel shall cause, allow or permit the presence of graffiti, whether in the form of pictures or words, on the parcel or on the surface of a structure on the parcel;
- (f) No *owner* of a parcel shall cause, allow or permit the accumulation on the parcel of garbage not contained in a covered receptacle;
- (g) No *owner* of a parcel shall cause, allow or permit the accumulation of excessive dog feces, foul smelling compost heaps, or the production of any offensive odors on a parcel;
- (h) No *owner* of parcel shall cause, allow or permit any *standing water* on the parcel, or permit a swimming pool, swimming pool cover, hot tub or artificial pond on a parcel to contain *standing water*;
- (i) No *owner* of a parcel shall cause, allow or permit the accumulation of unused landscaping materials such as dirt piles or discarded planting pots;
- (j) No *owner* of a parcel shall cause, allow or permit the use of uncontained compost piles;
- (k) No *owner* of a parcel shall cause, allow or permit materials of any sort to be strewn about the property in an untidy manner.

Fences

- (l) No *owner* of a parcel shall allow a fence located on a parcel to fall into a state of disrepair

Trees, Shrubs and Other Vegetation

- (m) No *owner* of a parcel shall cause, allow or permit the overgrowth of vegetation or noxious weeds on a parcel to become unsightly, including allowing a grass lawn on a *developed property* to grow higher than 15 centimeters;
- (n) No *owner* of a parcel shall cause, allow or permit landscaping that is dead, severely diseased, damaged, or characterized by lack of maintenance to remain on a *developed property*;
- (o) No *owner* of a parcel shall permit or allow fruit from a tree or bush on a parcel to accumulate on the tree, bush or ground such that it attracts or is likely to attract wildlife.
- (p) No *owner* of a parcel may cause or permit any trees, hedges, bushes or shrubs growing or standing on the parcel to be a hazard to the safety of persons, likely to damage public property or seriously inconvenience the public.
- (q) No *person* shall willfully damage:
- (i) any boulevard, trees, shrubs, lawn, plants, bushes or hedge located in a public place;
 - (ii) anything erected or maintained adjacent to a highway for the purpose of lighting the highway;
 - (iii) any fence erected or maintained adjacent to any highway

- 2.2 The owner of a parcel must remedy or cause to be remedied any condition on a parcel under which section 2.1 has deemed the parcel to be unsightly or untidy.

3.0 Inspection

- 3.1 A *Bylaw Enforcement Officer* may enter on a parcel at all reasonable times to ascertain whether this bylaw is being observed, to gather evidence on any violation, or to serve any notice related to this bylaw.
- 3.2 No person shall obstruct a *Bylaw Enforcement Officer* from entering a parcel in accordance with section 3.1.

4.0 Removal Order

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- 4.1 Where a *Bylaw Enforcement Officer* observes that a parcel is or has become unsightly under section 2.1 of this Bylaw, the *Bylaw Enforcement Officer* may deliver a *Removal Order* to the owner of the parcel:
- (a) requiring the removal, clearing or remedying of any thing or things listed in subsections 2.1(a - d, i - j, l), including a class of things, that render the parcel unsightly within **14 days** of delivery of the *removal order*;
 - (b) requiring the removal, clearing or remedying of any thing or things listed in subsections 2.1(e – h, k, m - p) including a class of things, that render the parcel unsightly within **7 days** of delivery of the *removal order*;
 - (c) stating that, after the defined notification date has elapsed from the date of delivery of the removal order, the District by its officers, employees, contractors, or agents may, at the expense of the owner, enter on the parcel and remove, clear or remedy any thing or things that render the parcel unsightly as stated in the *removal order* at the owner's expense; and
 - (d) stating that the owner may submit application to the District to appear before Council within 5 business days after delivery of the *removal order* so as to contest the removal order.
- 4.2 Where an owner receives a removal order with respect to a parcel, the owner of the parcel must remove, clear, or remedy anything that, as stated in the removal order, renders the parcel unsightly on a date not exceeding the date of delivery of the removal order plus the notification interval defined in the removal order, unless Council directs otherwise under section 4.4.
- 4.3 Should the owner wish to contest the removal order, the owner must submit application to the District to appear before Council within 5 business days from delivery of the removal order.
- 4.4 Upon hearing the *owner*, staff and any other affected persons, *Council* may affirm, vary or revoke the *Removal Order*.

5.0 Default

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- 5.1 On any date exceeding the date of delivery of the Removal Order plus the notification interval defined in the Removal Order, or after the expiry of a date set by Council in a variation of a *Removal Order*, between the hours of 8:00 a.m. and 8:00 p.m., an

employee, contractor, or agent of the District may enter the parcel subject to the *Removal Order* and remove, or clear any thing or things stated in the *Removal Order*, including cutting or mowing any grasses, that render the parcel unsightly.

- 5.2 The *owner* of a parcel where the *District* has performed work under section 5.1 of this bylaw shall owe to the *District*, as a debt, the cost of performing the work.
- 5.3 If the debt under section 5.2 remains unpaid on December 31 in the year the work is done, the *District* shall add the cost of the work to the taxes due and owing on the affected parcel.

6.0 Offence & Penalty

- 6.1 Every person who violates a provision of this bylaw, or who suffers or permits any act or thing to be done in contravention of or in violation of any provision of this bylaw, or who neglects to or refrains from doing anything required to be done by any provision of this bylaw, is guilty of an offence against this bylaw and is liable on summary conviction, to a penalty of not more than \$10,000.00.
- 6.2 Each day that a violation continues to exist is a separate offence against this bylaw.

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- 6.3 Fine amount associated in the issuance of section 6.1 by section of this bylaw are specified in Municipal Ticketing Information Bylaw No. 650. 2011 or as amended from time to time.

7.0 Severability

- 7.1 If at any time, any provision of this bylaw is declared or held to be illegal, invalid, or *ultra vires*, in whole or in part, then the provision shall not apply and the remainder of this bylaw shall continue in full force and effect and be construed as if it had been enacted without the illegal, invalid, or *ultra vires* provision.

9.0 Title

- 9.1 This bylaw may be cited for all purposes as the “Unsightly Premises Bylaw 2001, No. 444”.

10.0 Repeal

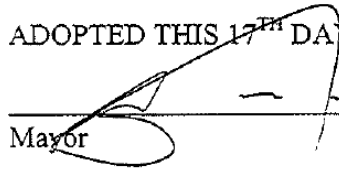
- 10.1 The *District* of Tumbler Ridge Community Pride Bylaw No. 276, 1992 is hereby repealed.

READ A FIRST TIME THIS 3rd DAY OF DECEMBER, 2001.

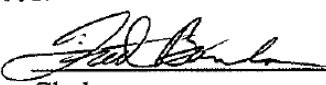
READ A SECOND TIME THIS 3rd DAY OF DECEMBER, 2001.

READ A THIRD TIME this 3rd DAY OF DECEMBER, 2001.

ADOPTED THIS 17TH DAY OF DECEMBER, 2001.



Mayor



Clerk

Al Kopeck
Acting Mayor
District of Tumbler Ridge