DISTRICT OF LOGAN LAKE
BYLAW NO. 659, 2010

A bylaw to regulate unsightly premises within the municipal boundaries of the District of Logan Lake.

WHEREAS a Council may, by bylaw, regulate, prohibit and impose requirements in relation to nuisances and other objectionable situations that may include trees, protection of the natural environment, buildings and other structures; and if determined unsightly, require the owner or occupier of property or their agents to remove there from any accumulations of filth, dismantled or wrecked vehicles, and discarded material, rubbish, noxious or unsightly growth of any kind, hazardous trees and shrubs, and/or to ensure the maintenance of unsightly structures.

NOW THEREFORE, Council in open meeting assembled, assembled enacts as follows:

1.0 Citation

1.1 This bylaw may be cited as "District of Logan Lake Unsightly Premises Bylaw No. 659, 2010".

2.0 Definitions

2.1 In this bylaw:

"Accumulate" means to collect items in a manner that is scattered, amassed or piled;

"Bylaw Enforcement Officer" means members of the Royal Canadian Mounted Police, local government corporate officers, bylaw enforcement officers under section 36 of the *Police Act*; local assistants to the fire commissioner under section 6 of the *Fire Services Act*, licensing inspectors, building inspectors, animal control officers or other persons acting in another capacity on behalf of the District, for the purpose of enforcement of one or more of the District's bylaws.
"Certified Arborist" means a person holding a current certification of "certified arborist" issued by the International Society of Arboriculture;

"Chief Administrative Officer" means a person appointed by the Council as the corporate officer of the District of Logan Lake;

"Council" means the Council of the District of Logan Lake;

"Discarded materials" means substances of little or no apparent economic value, including but not limited to deteriorated lumber, building supplies, old newspapers, furniture, parts, abandoned, broken or neglected equipment, or the scattered remains of such items;

"District" means the District of Logan Lake;

"Employee" includes District employees, corporate officers, contractors or agents authorized by the District to do work on the District's behalf;

"Hazardous tree" means a tree that is dead, dying, severely damaged, unstable or severely leaning and in danger of falling;

"Inspector" means a Bylaw Enforcement Officer, Building Inspector, Peace Officer, or persons authorized by the District;

"Notice" means a letter issued to both the owner and occupier of the property, pursuant to section 4.0 of this bylaw;

"Noxious weeds" includes but are not limited to any plant commonly known as a weed and/or designated by regulation to be a noxious weed pursuant to the Weed Control Act, RSBC 1996,c 487 and all its amendments, and the seeds of all such weeds;

"Occupant" includes, but is not limited to: (i) one or more persons residing on or in property; (ii) the person or persons entitled to the possession of property if there is no person residing on or in the property; and (iii) one or more leaseholders; and shall include the agents of any such person or persons;

"Owner" means one or more persons who has any right, title, estate or interest in property, other than that of an occupant, and shall include the agents of any such persons;

"Person" includes natural persons of either sex, associations, corporations, political bodies, partnerships, whether acting by themselves or by a servant, agent or employee, and the heirs, executors, administrators, successors and assigns or other legal representative of such persons;

"Property" means all real property, including, but not limited to, front yards, side yards, backyards, driveways, walkways and sidewalks and shall include any structure or fence located on such real property;

"Removal Order" means a letter issued to both the owner and occupier of the property, pursuant to section 5.0 of this bylaw;

"Superintendent" means the Superintendent of Public Works for the District;

"Unsightly" means in addition to the common dictionary meaning and regardless of the conditions of other properties in the neighborhood, a property having any one or more of the following characteristics;

(a) the storage, location or accumulation of filth, graffiti, rubbish, debris, or any other discarded materials visible to a person standing on a highway or nearby property;
(b) landscaping and vegetation that is dead, characterized by uncontrolled growth or lack of maintenance, or is damaged;
(c) an area of grass or similar ground covered that extends more than 30 cm above the ground and is unkempt or un-maintained;
(d) fencing characterized by graffiti, holes, breaks, rot, crumbling, cracking, peeling, rusting, or any other evidence of physical decay or neglect or excessive use or lack of maintenance;
(e) a lowering in quality of the condition or appearance of a structure or property or parts thereof characterized by graffiti, holes, breaks, rot, crumbling, cracking, peeling, rusting, the untidy storage, replacement or location of building materials or any other evidence of physical decay or neglect, or excessive use or lack of maintenance; or
(f) any other similar conditions of structural disrepair, dilapidation, or deterioration regardless of the condition of other properties in the neighborhood.

3.0 Unsightly Premises

3.1.1 No owner or occupier of property situated within the District shall cause, allow or permit a property to become or to remain unsightly, and specifically:

a) No owner or occupier of a property shall cause, allow or permit the accumulation of building material on the property unless:
   i) the owner of the property is in possession of a valid building permit;
   ii) the building materials are stored in a closed building or structure such that they are not visible from another property or public space; or
   iii) the owner of the property is licensed to sell building material.
b) No owner or occupier of a property shall cause, allow or permit the storage of accumulation on the property of all or part of vehicles that are dismantled or wrecks that are not capable of movement unless it is stored in a closed building or structure such that the vehicle, or an portion of the vehicle, is not visible from another property or a public place;
c) No owner or occupier of a property shall cause, allow or permit the accumulation on the property or filth, discarded materials, unwholesome matter, or rubbish of any kind including but not limited to dead animals, paper products, crockery, glass, metal, plastics, plastic containers, wire, ropes, machinery, tires, appliances, and any other scrap metal, scrap salvage;
d) No owner or occupier of property shall allow vegetation to become unsightly, including allowing a grass lawn on the property to grow higher than 30 cm.

e) No owner or occupier of a property shall cause, allow or permit graffiti, whether in the form of pictures or words, on a property or on the surface of a structure on the property that is visible from a public space;
f) No owner or occupier of a property shall cause, allow or permit fencing from falling into a state of disrepair or remain unsightly;
g) No owner or occupier shall cause or permit the lowering in quality of the condition or appearance of a structure on a property to become or remain unsightly.

3.2 Owners and occupiers of property must cause all trees on that property to be trimmed, removed, or cut down if the Superintendent (in consultation with a certified arborist) considers that the trees are dangerous and:
a) a hazard to the safety of persons;
b) likely to damage public or private property; and/or
c) seriously inconveniencing the public.

4.0 Inspection, Notice and/or Penalty

4.1 An Inspector shall have the right to enter upon the property of any owner or occupant at reasonable times and in a reasonable manner for the purposes of inspecting the property and declaring whether the property is unsightly or otherwise not in compliance with the provisions of this bylaw.

4.2. Upon declaring the property to be unsightly or otherwise not in compliance with the provisions of this bylaw, a Bylaw Enforcement Officer may give a verbal notice, proceed with a written Notice and/or issue a penalty pursuant to Schedule "A" of this bylaw, to one or more owners or occupants of the property; and may give specific instructions to remedy the unsightly nature of the property or the non-compliance with this bylaw including, but not limited to, any one or more of the following instructions:
(a) remove unsightly accumulations of filth, materials or rubbish from the property;
(b) clean, stack or cover any material;
(c) clear the property of brush, trees, noxious weeds or other growths;
(d) cut grass or weeds present on the property;
(e) prune trees or shrubs;
(f) clear the property of caterpillars or other noxious or destructive insects; and
(g) otherwise remediate, maintain or repair the property so as to bring it into compliance with this bylaw.

4.3 A Notice issued under section 4.2 herein must state:
(a) the civic address of the subject property;
(b) the legal description of the subject property;
(c) the particulars of the unsightly nature of the property or the non-compliance to be remedied;
(d) that the unsightly nature of the property or the non-compliance must be remedied within 14 days of the date of delivery of the Notice; and
(e) that if the owner or occupant fails to comply with the Notice given pursuant to section 4.2, the issue will proceed to Council as pursuant to section 5.0 Removal Order.

5.0 Removal Order

5.1 If, after the expiry of 14 days for remediation, an Inspector considers the property to remain in contravention of this bylaw, the Chief Administrative Officer shall forward a Council Report to Council for its consideration at a specified Council meeting; and inform the owner and/or occupier in writing that they are invited to attend the said meeting at which Council will consider proceeding with a Removal Order.

5.2 Following receipt of the Council Report and Notice from the Chief Administrative Officer outlined in section 5.1, the Council may issue a Removal Order:
a) requiring the removal, clearing, or remedying of any thing or things listed in subsections 3.1 (a-g) or section 3.2, including a class of things that render the property unsightly, within 30 days;

b) stating that, after the expiry of 30 days, the District by its officers, employees, contractors, or agents may, at the expense of the owner, enter on the property and remove, clear or remedy any thing or things that render the property unsightly or render a structure on the property an unsightly structure, or remove dangerous tree or shrubs, as stated in the Removal Order, at the owners expense.

5.3 Where an owner or occupier receives a Removal Order with respect to a property or structure thereon, the owner or occupier of the property must remove, clear, or remedy anything that, as stated in the Removal Order, renders the property unsightly or renders the structure an unsightly structure, within 30 days of delivery of the Removal Order.

5.4 On any date that is 30 days after delivery of a Removal Order, between the hours of 8:00 a.m. and 4:00 p.m., an employee, contractor, or agent of the District may enter the property subject to the Removal Order and remove, clear, or remedy any thing or any condition stated in the Removal Order that renders the property unsightly or renders the structure an unsightly structure.

5.5 The owner of a property where the District has performed work under section 3.1 or 3.2 of this bylaw shall owe the District, as a debt, the cost of performing the work.

5.6 If the debt under section 5.5 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 property.

6.0 Offence and Penalties

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 subject to a penalty as described in Schedule "A" which is attached to and forms a part of this bylaw; and in addition may be liable on summary conviction to a penalty of not more than $2,000.00 and not less than $100.00.

6.2 Each day that a violation continues to exist, it is a separate offence against this bylaw.

7.0 Severability

7.1 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, such decision will not affect the validity of the remaining portion of this bylaw.

8.0 General

8.1 District of Logan Lake Unsightly Premises Bylaw No. 325, 1989 and all amendments are hereby repealed.

8.2 This bylaw shall come into full force and effect upon adoption.

READ A FIRST AND SECOND TIME this 5th day of January, 2010

READ A THIRD TIME this 5th day of January, 2010

RECONSIDERED AND ADOPTED this 19th day of January, 2010.

Mayor (M. Dosch)

Chief Administrative Officer (D. Allen)

Certified a true copy of the District of Logan Lake
Resolution No. / or
Bylaw No. 659, 2010
Dated this 22nd day of January 2010
Corporate Administrator
District of Logan Lake

SCEHDULE "A"

UNSIGHTLY PREMISES BYLAW PENALTIES

Accumulation of building materials	First Offence Second Offence in same calendar year	$ 50.00 $100.00
Accumulation of Vehicles	First Offence Second Offence in same calendar year	$ 50.00 $100.00
Accumulation of filth, discarded materials unwholesome matter or rubbish of any kind	First Offence Second Offence in same calendar year	$ 50.00 $100.00
Unsightly Vegetation (including lawns)	First Offence Second Offence in same calendar year	$ 25.00 $ 50.00
Visible Graffiti	First Offence Second Offence in same calendar year	$ 25.00 $ 50.00
Unsightly Fencing	First Offence Second Offence in same calendar year	$ 50.00 $100.00
Unsightly Structural Disrepair	First Offence Second Offence in same calendar year	$100.00 $250.00

In all cases above third and subsequent offences in the same calendar year ,will be issued a Removal Order.