

TOWN OF GIBSONS



PROPERTY MAINTENANCE BYLAW NO. 780

Adopted: November 7th, 1995

Consolidated for convenience November 2021, to include amendments up to 780-04, 2021.

This version of this bylaw is a consolidation of amendments to the original bylaw as of the date specified. This consolidation is done for the convenience of users and accurately reflects the status of the bylaw as of the specified date but must not be construed as the original bylaw and is not admissible in Court unless specifically certified by the Corporate Officer for the Town of Gibsons. Persons interested in the definitive wording of this bylaw and its amendments should view the original sealed bylaws at the Town of Gibsons.

AMENDMENTS IN THIS CONSOLIDATION

NO.	BYLAW NO.	DATE	AMENDMENT
1.	1013	November 15, 2005	<ul style="list-style-type: none"> • Replacing Section 2.1 Bylaw Enforcement Officer definition • Addition of new Subsection 2.3.4 • Addition of new Subsections 3.6.4, 3.6.5 and 3.6.6 • Section 5 replaced in its entirety • Section 6 - Repeal - be renumbered as Section 9 • Addition of Section 6 - Penalties • Addition of Section 7 - Schedule • Addition of Section 8 - Severance • Addition of Schedule "A" - Offences and Fines
2.	1151	September 20 th , 2011	<ul style="list-style-type: none"> • Delete Section 2.3.2 in its entirety and replace • Section 3 "Required standards" amended by re-numbering Subsection 3.1 to read 3.1.1 and adding Subsection 3.1.2
3.	780-03	June 2 nd , 2015	<ul style="list-style-type: none"> • Addition of new Subsection 2.3.5 • Subsection 3.6.1 replaced in its entirety • Amendment of Subsection 6.2
4.	780-04	September 7, 2021	<ul style="list-style-type: none"> • Delete Sections 3.6.4, 3.6.5 and 3.6.6 • Section 6 replaced in its entirety • Delete Section 7 in its entirety and references to Schedule "A" • Delete Schedule "A"

TOWN OF GIBSONS

BYLAW NO. 780

A bylaw to establish required standards for
the maintenance of real property and to prohibit littering

WHEREAS the Municipal Act empowers Council to enact regulations governing the appearance and maintenance of property;

NOW THEREFORE the Municipal Council of the Town of Gibsons, in open meeting assembled, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as the "Property Maintenance Bylaw No. 780" 1995"

2. Interpretation

In this bylaw:

2.1 BYLAW ENFORCEMENT OFFICER means any person employed by the Town of Gibsons for the purpose of enforcement of the Town's bylaws, the Building, Inspector, the Corporate Officer for the Town of Gibsons, or a member of the Royal Canadian Mounted Police (RCMP).

2.2 BUILDING INSPECTOR means every person employed by the Town as Building Inspector.

2.3 UNSIGHTLY includes but is not limited to:

2.3.1 An outdoor accumulation of building material on any property other than premises identified in a Business Licence for building material sales or storage or premises where construction is in progress pursuant to a valid Building Permit;

2.3.2 Any derelict, deteriorating, inoperative or unused vehicle, boat or household appliance, or any parts thereof, on the property whether or not covered by a tarpaulin or similar device except as part of a lawful business operating with a Town of Gibsons Business licence.

2.3.3 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, cardboard, tin cans,

leaves, wood, bedding, crockery, glass, bags and appliances.

2.3.4 Any accumulation of fallen fruit.

2.3.5 Any outdoor accumulation of articles whether or not discarded.

3. Required Standards

3.1 No owner or occupier of real property shall:

3.1.1 allow that property to become or remain unsightly.

3.1.2 cause or create a nuisance or permit a nuisance to be caused or created by allowing a vacant building on the property to fall into such a state of disrepair that it becomes unsightly or creates a hazard, danger, nuisance or inconvenience to the general public.

3.2 No person shall cause or permit water, rubbish or noxious, offensive or unwholesome matter to collect or accumulate around their premises.

3.3 No person shall deposit or throw bottles, broken glass or other rubbish in any open place.

3.4 No person shall place graffiti on walls, fences, or elsewhere on or adjacent to a public place.

3.5 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 agents.

3.6 Every owner and every occupier of real property shall:

3.6.1 Remove from the property every unsightly accumulation of discarded materials, articles or graffiti;

3.6.2 Clear the property of brush, noxious weeds, wild grass and other untended growths;

3.6.3 Prevent infestation of caterpillars and other noxious or destructive insects and shall clear the property of such caterpillars and insects;

4. Removal by the Town

- 4.1 Where any person fails to comply with Section 3.6 of this Bylaw, the Bylaw Enforcement Officer or Building Inspector may give written notice to that person to comply within twenty-one (21) days of delivery of the notice, and in the event of failure to comply with the notice the Town may by its employees or contractors, at reasonable times and in a reasonable manner, enter the property and effect the removal of the offending materials, growths or infestations at the expense of the person who has failed to comply.
- 4.2 The cost of effecting removal pursuant to Section 4.1 of this Bylaw shall be due and payable by the person in default immediately upon removal, and if such costs remain unpaid on December 31 in the year the removal was done, the costs shall be added to and form part of the taxes payable on the property as taxes in arrears.

5. Entry

The Bylaw Enforcement Officer and Building Inspector are hereby authorized, in accordance with Section 16 of the *Community Charter*, to enter, at any reasonable time, onto property in the course of enforcing this bylaw in order to ascertain whether the regulations of this bylaw are being observed.

6. Penalty

- 6.1 Every person who violates a provision of this bylaw, or who consents, allows or permits an act or thing to be done in violation of a section of this bylaw commits an offence and each day a violation continues or is allowed to continue constitutes a separate offence.
- 6.2 Every person who commits an offence under this bylaw is liable on summary conviction to a fine not exceeding the maximum allowed by the Offence act.
- 6.3 Every person who commits an offence under this bylaw shall be liable for fines and penalties established in the Town of Gibsons Bylaw Notice Enforcement Bylaw No.1125, 2010 as amended from time to time.

7. Severance

If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

8. Repeal

The Minimum Maintenance Standards Bylaw No. 307 and amendments thereto are hereby repealed.

READ a first time this	10 th	day of	October	1995
READ a second time this	17 th	day of	October	1995
READ a third time this	17 th	day of	October	1995
ADOPTED this	7 th	day of	November	1995

"T. Eric Small"
Mayor T. Eric Small

"Terry Lester"
Acting Municipal Clerk