
Unsightly Premises Bylaw No. 4206, 2025

(Adopted June 23, 2025)

This is a consolidation of the Unsightly Premises Bylaw No. 4206, 2025 and the adopted Amendment Bylaws listed below. The amending bylaws have been combined with the original Unsightly Premises Bylaw No. 4206, 2025 for convenience only. If discrepancies exist between this consolidation and the original bylaws, the original bylaws shall prevail.

THIS CONSOLIDATION IS NOT A LEGAL DOCUMENT.

CONSOLIDATION FOR CONVENIENCE PURPOSES ONLY TO INCLUDE:

<u>Bylaw No.</u>	<u>Adoption Date</u>	<u>Particulars</u>
4251	July 27, 2026	<ul style="list-style-type: none">• Add Part 2 – Graffiti• Add Section 3.2(e)
4235	March 23, 2026	<ul style="list-style-type: none">• Amend Part 2 – Discarded Materials• Add Part 2 – Derelict Vehicle• Add Section 3.2(c)• Amend Section 4.3(c) and 4.3(d)• Add Section 4.3(e)• Amend Section 4.4

UNSIGHTLY PREMISES BYLAW

A bylaw to prohibit unsightly premises and visual nuisances within the City of Cranbrook.

WHEREAS Council may, by bylaw, regulate, prohibit and impose requirements in relation to the health, safety, or protection of persons or property, nuisances, disturbances, and other objectionable situations, and protection of the natural environment as per Sections 8(3)(g), 8(3)(h), and 8(3)(j) of the *Community Charter*;

AND WHEREAS Council wishes to regulate, prohibit and impose requirements in relation to property in the City;

AND WHEREAS officers, employees and agents are authorized to enter at all reasonable times on any property to ascertain compliance with the City's bylaws as per Section 16 of the *Community Charter*;

The Municipal Council of the Corporation of the City of Cranbrook, in open meeting assembled, enacts as follows:

PART 1 – GENERAL ADMINISTRATION

1.1 THAT this bylaw may be cited as the “Unsightly Premises Bylaw No. 4206, 2025”.

PART 2 – INTERPRETATION

2.1 In this bylaw the following words, terms, and phrases, have the following meaning assigned to them:

“Bylaw Services Officer” means a person appointed to that position by the Chief Administrative Officer of the City;

“Chief Administrative Officer” means the individual appointed to that position for the City pursuant to section 147 of the *Community Charter*;

“City” means the Corporation of the City of Cranbrook;

“Council” means the Municipal Council of the City;

“Discarded Materials” means materials which are not being used for any active construction of a building, in addition to, but not limited to appliances, inoperable vehicles, vehicle parts, unoccupied tents or other temporary shelters, clothes, food, unstacked firewood, scrap lumber, chattels in a dismantled and damaged condition, or chattels not being used for a purpose for which manufactured.;

“Derelict Vehicle” means any vehicle as defined in the Motor Vehicle Act, RSBC 1996, c. 318 or part thereof, which:

- a. is physically wrecked, disabled, or damaged; or
- b. is not capable of operating under its own power; and

- c. does not have attached license plates for the current year; or
- d. has not been insured or licensed as required under the Motor Vehicle Act, RSBC 1996, c. 318 for a minimum of 90 days within the previous 12-month period.

"Graffiti" means writing or pictures scratched, painted or drawn by any means on a wall, fence, building, sign or structure of any kind, but does not include marks made accidentally, or any of the following:

- a) a sign authorized pursuant to the City's applicable bylaw provisions regulating signs.
- b) a public notice authorized by a City bylaw or by provincial or federal legislation.
- c) in the case of private property, a letter, symbol or mark authorized by the owner or occupant of the property, such a mural.

"Noxious Weeds" has the same meaning prescribed in the *Weed Control Act* and *Weed Control Regulation*;

"Property" means land, a building, a portion of a building, or a strata lot under the *Strata Property Act*;

"Rubbish" means decaying or non-decaying solid and semi-solid wastes, including but not limited to both combustible and non-combustible wastes, such as paper, trash, refuse, cardboard, waste materials, cans, yard clippings, wood, glass, bedding, mattresses, crates, rags, barrels, boxes, scrap iron, tin, and other metal, scrap paving materials, discarded furniture, dry vegetation and trees and piles of earth mixed with any of the above.

"Vegetation" means any combination of grass or weeds.

- 2.2 All words and phrases that are not defined in this bylaw must be construed in accordance with the meanings assigned to them by the *Community Charter*, *Local Government Act* and *Interpretation Act* as the context and circumstances require. A reference to a statute or regulation in this bylaw refers to a statute or regulation of the Province of British Columbia, and a reference to any enactment refers to that enactment as it may be amended or replaced from time to time. Words in the singular include the plural and gender specific terms include both genders and corporations. Headings in this bylaw are for convenience only and do not define or limit the scope or intent of this bylaw. A reference to a section number is a reference to a section number in this bylaw unless otherwise indicated.

PART 3 – PROHIBITIONS

- 3.1 An owner or occupier of a Property must not cause, suffer, permit or allow the Property to become or remain unsightly.
- 3.2 Without limiting the scope of Section 3.1, an owner or occupier of a Property must not cause, suffer, permit or allow:
 - (a) garbage, rubbish or Discarded Materials to accumulate or remain outside on the Property;
 - (b) Vegetation to be unkempt or to exceed 30 cm in height;
 - (c) more than one Derelict Vehicle to be parked, stored or kept on the Property so that it is visible from the adjacent Property; or

(d) Noxious Weeds to grow or accumulate on the Property.

(e) Graffiti to be placed or to remain on the property, including any fence, tree, sign or structure that is visible from a highway or public place.

PART 4 – REMEDIAL NOTICE

4.1 A Bylaw Services Officer may determine whether there is a contravention of this bylaw in relation to a Property based on the Bylaw Services Officer's direct observations of the Property.

4.2 If a Bylaw Services Officer determines under section 4.1 that there is a contravention of this bylaw, the Bylaw Services Officer may issue to the owner or occupier of the Property a written notice which orders the owner or occupier to cease the contravention by carrying out the remedial requirements specified in the written notice, and such notice must advise that reconsideration of the notice may be sought by a written request to the Bylaw Services Officer setting out the reasons for the reconsideration.

4.3 A written notice issued under Section 4.2 is deemed to be received by the owner or occupier:

(a) immediately upon it being personally served on the owner or occupier;

(b) immediately upon acknowledgement via email from the owner or occupier of receipt of the written notice via email;

(c) in relation to an owner located within the Province of BC, 7 days after being mailed by regular mail to the address of the owner as indicated in the land title search of the Property subject to the written notice;

(d) in relation to an owner located outside of the Province of BC, 10 days after being mailed by regular mail to the address of the owner as indicated in the land title search of the Property subject to the written notice; or

(e) in relation to an occupier, 7 days after being posted in a visible location on the Property subject to the written notice

4.4 If a request for consideration is made within 7 days of receipt of the written notice under Section 4.3 the Bylaw Services Officer may cancel the notice, and for certainty, the cancellation of a notice does not preclude the subsequent issuance of a similar notice.

4.5 Unless the written notice is cancelled under Section 4.4, within 21 days of receipt of the written notice under Section 4.3, the owner or occupier must complete the remedial requirements described in the written notice.

4.6 If an owner or occupier fails to comply with Section 4.5, the City or its agents may, at the expense of the owner or occupier, enter onto the Property and complete the remedial requirements described in the written notice.

4.7 The owner or occupier must pay to the City the City's costs of completing the remedial requirements under Section 4.6, and such costs are a debt due and payable to the City recoverable in any court of competent jurisdiction.

- 4.8 If costs under Section 4.7 are not paid by December 31 of the calendar year in which the costs were incurred, the costs may be collected as Property taxes on the Property subject to the written notice in accordance with Sections 258 and 259 of the *Community Charter*.

PART 5 – ENFORCEMENT AND PENALTIES

- 5.1 This bylaw may be enforced by a Bylaw Services Officer or by a member of the RCMP.
- 5.2 Subject to Section 16 of the *Community Charter*, a Bylaw Services Officer may enter on any Property for the purpose of determining whether all the regulations, prohibitions and requirements are being met in relation to this bylaw.
- 5.3 Every person must not obstruct a Bylaw Services Officer engaged in the enforcement of this bylaw.
- 5.4 Any person who:
- (a) violates or fails to comply with any provision of this bylaw;
 - (b) causes, permits, suffers or allows any action or thing to be done in violation of this bylaw; or
 - (c) fails or neglects to do anything required to be done under this bylaw,
- contravenes this bylaw, and where the contravention is a continuing one, each day that the contravention continues amounts to a separation contravention.
- 5.5 Any person who contravenes this bylaw commits an offence and upon conviction by way of a proceeding under the *Offence Act* is liable to a penalty not less than five hundred dollars (\$500) and not exceeding fifty thousand dollars (\$50,000) for each offence and the costs of prosecution.
- 5.6 This bylaw may be enforced by the issuance of a bylaw notice under the Bylaw Notice Enforcement Bylaw No. 4049, 2021, as amended or replaced, or by the issuance of a municipal ticket information under the Municipal Ticket Information Bylaw No. 3856, 2016, as amended or replaced.

PART 6 – SEVERABILITY

- 6.1 If any part, section, subsection, paragraph or clause of this bylaw is held to be invalid by a court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this bylaw shall be deemed to continue as valid and enforceable.

PART 7 – REPEAL

7.1 “Unsightly Premises Bylaw No. 3390, 2000” and all amendments are hereby repealed.

Read a first time this 9th day of June 2025.

Read a second time this 9th day of June 2025.

Read a third time this 9th day of June 2025.

Adopted this 23rd day of June 2025.

W. PRICE

Mayor

M. DUECK

City Clerk