

**DISTRICT OF VANDERHOOF
UNSIGHTLY PREMISES AND
PROPERTY MAINTENANCE BYLAW NO. 1058, 2009**

Being a bylaw to establish standards for the minimum maintenance of private property and to regulate unsightly premises, nuisances, disturbances and other objectionable situations.

WHEREAS pursuant to Section 8(3)(h) of the *Community Charter*, Council may, by bylaw, regulate, prohibit and impose requirements in relation to the protection and enhancement of the well-being of its community in relation to the matters referred to in Section 64 (nuisances, disturbances and other objectionable situations);

AND WHEREAS pursuant to Section 8(8) of the *Community Charter*, the powers to regulate, prohibit and impose requirements include the powers to require persons to do things with their property, to do things at their expense and to provide security for fulfilling a requirement;

AND WHEREAS the Municipal Council has deemed it necessary in the public interest to regulate such matters for the benefit of the residents of the District of Vanderhoof;

NOW THEREFORE the District of Vanderhoof Council, in open meeting assembled, enacts as follows:

1. DEINITIONS

Bylaw Enforcement Officer means the person appointed to the office by Council

Council means the Council of the District of Vanderhoof

District means the District of Vanderhoof municipality

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 Vanderhoof;

(ii) a public notice authorized by federal or provincial legislation or a District of Vanderhoof bylaw.

Mural means a painting that is applied directly to the wall of a building with the consent of the owner and does not include any text other than the name of the artist

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

Nuisance includes any matter or thing that disturbs the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public

Occupier	means a person who is in physical possession of land, premises or property or who is responsible for, and has control over the condition of the activities conducted upon the land, premises or property and the persons allowed to enter or use the land, premises or property
Person	means any individual, corporation, partnership or other legal entity and the heirs, executors, administrators, successors and assigns of such
Rubbish	includes, but is not limited to any and all manner of garbage; discarded materials; filth; noxious and offensive matters; unlicensed, unused or stripped automobiles, trucks trailers, boats, vessels, machinery and mechanical or metal parts; bottles; glass; brush and noxious weeds or other weeds of any kind
Unightly	<p>means the accumulation of rubbish and without restricting the generality of the word 'unightly', any one or more of the following conditions that may render real property unightly within the meaning of this bylaw:</p> <ul style="list-style-type: none"> (i) dilapidated, broken or leaning fences; (ii) materials of any sort that are strewn about the property; (iii) the storage or accumulation of all or part of any motor vehicle which is: not validly registered and licensed in accordance with the <i>Motor Vehicle Act</i> or capable of movement under its own power, unless stored in an enclosed building; (iv) construction materials where there is no apparent or real construction occurring on the property; (v) old wood or paper piles; (vi) furniture (other than furniture designed specifically for outdoor use), bedding or appliances stored outside the premises or in open carport areas; (vii) exterior finishing of premises that has become excessively dirty or dilapidated through lack of maintenance; (viii) unused landscaping materials such as dirt piles or discarded planting pots; (ix) uncontained compost piles; (x) unmowed grass; (xi) overgrown vegetation or noxious weeds; (xii) accumulations of rubbish, trash, bottles, broken glass or other discarded or unwholesome materials; (xiii) graffiti on fences, buildings or structures on the property or on patios, driveways or other finished ground surfaces.

Untidy means disorderly and includes storage or accumulation.

2. GENERAL PROVISIONS

- 2.1** No person shall cause or permit to be caused water, rubbish or noxious, offensive matter to collect or accumulate around their premises.
- 2.2** No person shall deposit or throw bottles, broken glass or other rubbish in any open place.
- 2.3** No owner or occupier of real property shall permit that property to become or remain unsightly or untidy.
- 2.4** No owner or occupier of real property shall permit graffiti to remain on walls, fences or elsewhere adjacent to any public and/or privately owned place and no person shall do any act that results in graffiti appearing on any public or privately owned place.
- 2.5** Owners or occupiers of real property or their agents shall keep their property clear of brush, trees and other growths that create a safety hazard and shall keep their property clear of noxious weeds and infestations of caterpillars and other destructive insects.
- 2.6** Owners or occupiers of real property shall not permit any nuisance, disturbance or other objectionable situation on such property.

3. NOTICE OF NON-COMPLIANCE

- 3.1** In the event that the Bylaw Enforcement Officer has determined there has been a violation of this bylaw, he shall serve notice of the violation upon the owner or occupier of the real property.
- 3.2** A notice shall be served either in person or by registered mail to the last known address as registered with the Land Title Office.
- 3.3** All owners or occupiers of real property shall comply with the orders in the notice to remedy the unsightly conditions within
 - 3.3.1** seven (7) days in the case of a local owner, or
 - 3.3.2** fourteen (14) days in the case of an out-of-town owner.

4. ENFORCEMENT

- 4.1** The Bylaw Enforcement Officer is authorized to enter onto any property at all reasonable times to ascertain whether the regulations and directions of this bylaw are being met.
- 4.2** The Bylaw Enforcement Officer is hereby authorized to remove a vehicle abandoned on a highway or on a public right-of-way.
- 4.3** No person shall interfere with or obstruct the entry of the Bylaw Enforcement Officer who is acting in the conduct of administration and enforcement of this Bylaw.

- 4.4** Upon any failure by the owner or occupier of real property to undertake the work necessary to comply with Section 3.3 of this bylaw, the District may, pursuant to Section 72 of the *Community Charter*, by its own forces or those of a contractor, carry out the work necessary to comply with Section 3.3 of this bylaw at the expense of the owner or occupier. The District may recover the costs of undertaking the work as a debt against the person in default, which shall be invoiced to the owner by the District and shall be due and payable immediately. If the debt remains outstanding at December 31 in the year that the compliance was effected, pursuant to Section 17 and Section 258 (2) of the *Community Charter*, it shall be added to and form part of the taxes payable on the real property as taxes in arrears.

5. SEVERANCE

If any section, subsection, or other portion of the bylaw is held by a court of competent jurisdiction to be invalid, such invalidity shall not affect the validity of the remainder of this Bylaw.

6. REPEAL

The following bylaws are hereby repealed:

- 6.1** the District of Vanderhoof Minimum Maintenance Bylaw No. 416, 1979
6.2 the District of Vanderhoof Untidy and Unsightly Premises Bylaw No. 567, 1984
6.3 the District of Vanderhoof Untidy or Unsightly Property Bylaw No. 621, 1987

7. CITATION

This Bylaw shall be known as the District of Vanderhoof Unsightly Premises and Property Maintenance Bylaw No. 1058, 2009.

READ A FIRST TIME THIS 28th DAY OF October, 2009.

READ A SECOND TIME THIS 28th DAY OF October, 2009.

READ A THIRD TIME THIS 28th DAY OF October, 2009.

ADOPTED THIS 10th DAY OF November, 2009.

MAYOR

CORPORATE OFFICER