

TOWNSHIP OF SPALLUMCHEEN

BYLAW 1710

A BYLAW TO PROHIBIT UNTIDY AND UNSIGHTLY PREMISES

(Consolidated with Amendments for Convenience Only)

Amendment: Bylaw 1834, 2012

WHEREAS Council, pursuant to Section 8(3)(h) of the Community Charter, may exercise authority for 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 authority of the Council may be exercised in relation to the following:

- a) nuisances;
- b) the emission of smoke, dust, gas sparks, ash, soot, cinders, fumes or other effluvia that is liable to foul or contaminate the atmosphere;
- c) refuse, garbage or other material that is noxious, offensive or unwholesome;
- d) the use of waste disposal and recycling services;
- e) the accumulation of water on property;
- f) unsanitary conditions of property;
- g) drains, cesspools, septic tanks and outhouses;
- h) the carrying on of a noxious or offensive business activity;
- i) graffiti and unsightly conditions on property;

AND WHEREAS Council deems it necessary and desirable to exercise the authority granted by Section 8(3)(h) of the Community Charter;

NOW THEREFORE the Municipal Council of the Township of Spallumcheen, in open meeting assembled, enacts as follows:

1. Purpose of Bylaw

The purpose of this bylaw is to promote property maintenance and prohibit unsightly conditions on real property within the Township.

2. Exemptions

This bylaw does not apply to normal farm practices or farm operations in accordance with the Farm Practices Protection (Right to Farm) Act.

This bylaw does not apply to outside storage on real property that is permitted and appropriately screened in accordance with "Township of Spallumcheen Zoning Bylaw 1700, 2008" as amended from time to time.

3. Unsightly Real Property

No owner or occupier of real property shall permit that property to become or remain unsightly.

Without in any way restricting the generality of the word "unsightly", any one or more of the following conditions may render real property unsightly within the meaning of this bylaw:

- a) dilapidated, broken or leaning fences;
- b) materials of any sort that are strewn on the real property rather than piled in a neat and appropriate manner;
- c) unenclosed storage of vehicles in contravention of the Township of Spallumcheen Zoning Bylaw 1700, 2008 and amendments thereto and/or Motor Vehicle Act of BC;
- d) construction materials where there is no apparent construction occurring on the real property for which the materials are required;
- e) accumulation of rubbish ("rubbish" includes, but is not limited to trash or bags of trash, piles of dirt, concrete, asphalt, mulch, clippings, paper, plastic, scrap wood, scrap metal, broken glass, garbage, tires, vessels, machinery, or other discarded or unwholesome materials);
- f) furniture (other than furniture designed specifically for outdoor use), mattresses, bedding or appliances stored outside the premises;
- g) exterior finishing of buildings that has become excessively dirty or dilapidated through lack of maintenance;
- h) unused landscaping materials including, but not limited to, dirt poles, bark mulch or discarded planting pots;
- i) uncontained compost piles;
- j) nuisance weeds or noxious weeds, as the latter are defined and amended from time to time in the Weed Control Act of BC;

- k) landscaping that is dead, damaged, excessively overgrown or characterized by a lack of maintenance; or
- l) graffiti on fences, buildings or other structures on real property or on patios, driveways or other finished ground surfaces.

4. Right of Entry

Any officer, employee or agent of the Township authorized by this or any other bylaw of the Township to enforce this bylaw (an "Authorized Person") may enter at all reasonable times on a property in the Township to ascertain whether the requirements of this bylaw are being met or the regulations are being observed.

5. Notice of Non-Compliance

An Authorized Person may, by oral notice given to an occupier of real property or by written notice sent by registered mail to the registered owner of the property, the occupant, or their agent, for the purpose of remedying unsightliness on real property, require the owners or occupiers of real property, or their agent, to:

- a) remove from the real property the unsightly materials, or
- b) clear from the real property the rubbish, graffiti, or noxious, unsightly or unwholesome matter, or overgrown vegetation, shrubs, brush or trees, lawn area, or matter deemed to be offensive to the community;

within the time specified in the notice.

6. Township Effects Compliance

- a) If the owners or occupiers of real property, or their agent, fail to comply with a notice given pursuant to section 5 of this bylaw, an Authorized Person or other person(s) performing work on behalf of the Township, may enter on the real property and effect the compliance specified in the notice at the expense of the person who failed to comply.
- b) If the person at whose expense the compliance is carried out under section 6 (a) does not pay the costs incurred by the Township to effect compliance on or before December 31 in the year that the compliance was effected, the costs will be added to and form part of the taxes payable on the real property as taxes in arrears.

7. Reporting

In the event of any of the following circumstances an information report shall be provided in confidence to Council:

- a) When an Authorized Person, as contemplated in this bylaw, is threatened or denied or refused entry to a property or premises in the course of their bylaw enforcement duties,

- b) When an Authorized Person, as contemplated in this bylaw, determines that the condition of a property or premises possesses a risk to other persons or the public,
- c) When a property or premises has been the subject of numerous and continuous on going complaints.

(Item 7(a) through (c) is Amended by Bylaw 1834, 2012)

8. No Interference

No person shall interfere with an Authorized Person in the performance of his or her duties under this bylaw; or as directed by the Township to carry out the terms of any notice pursuant to section 5 of this bylaw.

9. Offences

- a) Any *person* who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw or who neglects to do or refrains from doing any act or thing which violates any of the provisions of this bylaw shall be liable to the penalties hereby imposed. Each day that such violation is permitted to continue shall constitute a separate offence.
- b) Any *person* who violates any of the provisions of this bylaw shall upon summary conviction be liable to a penalty of not more than Two Thousand Dollars (\$2,000.00) or a term of imprisonment not exceeding six (6) months, or to both.

10. Severance

If any provision contained in the bylaw is found by a court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, the validity, legality or enforceability of the remaining provisions contained herein shall not be, in any way, affected or impaired thereby to the extent that the purpose of the bylaw may be fulfilled in the absence of the impugned provision or provisions of the bylaw.

11. Repeal Bylaw

Upon adoption of this bylaw "Township of Spallumcheen Untidy and Unsightly Premises Bylaw No. 1260, 1992" and amendments thereto are hereby repealed.

12. Citation

This Bylaw may be cited as "Township of Spallumcheen Unsightly Premises Bylaw 1710 , 2008".

READ A FIRST TIME THIS 16th DAY OF June, 2008.

READ A SECOND TIME THIS 16th DAY OF June, 2008.

READ A THIRD TIME THIS 16th DAY OF June, 2008.

ADOPTED THIS 21st DAY OF July, 2008.

Certified Correct:

Consolidated Version

Corporate Officer

Mayor