

CITY OF PARKSVILLE

BYLAW NO. 1383

Consolidated to include Bylaw No. 1383.1, 1383.2 and 1383.3

A BYLAW TO REGULATE THE MAINTENANCE OF REAL PROPERTY AND RELATED MATTERS

Bylaw 1383.2 adopted April 18, 2016, replaced the first paragraph with the following:

WHEREAS a Council may, by bylaw, under Sections 8(3)(h), 16, 17, 64, 258, 260 to 263 of the *Community Charter*, adopt a bylaw to regulate the maintenance of real property and related matters;

AND WHEREAS the Council of the City of Parksville may, by bylaw, require the owners and occupiers of real property to maintain the property and keep it clear of rubbish;

NOW THEREFORE the Council of the City of Parksville in open meeting assembled enacts as follows:

1. DEFINITIONS

In this bylaw unless the context otherwise requires:

Bylaw No. 1383.3 adopted July 21, 2025, added the following definition:

AUTHORIZED PERSON means the City of Parksville Chief Administrative Officer or their designate.

Bylaw No. 1383.3 adopted July 21, 2025, added the following definition:

BOULEVARD means the area of a highway between the edge of pavement, sidewalk, and/or curb of the roadway and the adjacent property line, but excludes a sidewalk.

Bylaw 1383.2 adopted April 18, 2016, deleted the definition "Bylaw Compliance Officer" in its entirety and replaced it with the following:

BYLAW COMPLIANCE OFFICER means the Bylaw Compliance Officer appointed by Council, or other persons acting in another capacity on behalf of the City for the purpose of enforcing this bylaw;

CITY means the City of Parksville;

COUNCIL means the Council of the City of Parksville;

Bylaw No. 1383.3 adopted July 21, 2025, added the following definition:

CROSSING means any improvement that is constructed over a boulevard or sidewalk for the purpose of allowing vehicles or pedestrians to gain access between the highway and the land adjacent to the highway.

Bylaw No. 1383.3 adopted July 21, 2025, added the following definition:

HIGHWAY includes all public streets, roads, ways, trails, lanes, bridges and any other public way or right-of-way open to public use.

Bylaw No. 1383.3 adopted July 21, 2025, added the following definition:

IMPROPERLY STORED means not stored, screened and/or secured using suitable shelter or fencing, which also complies with the City's current zoning bylaw, to prevent safety hazards, deterioration or decay, and may include items or materials which have been left exposed to weather conditions including but not limited to precipitation or wind, or pests including but not limited to rodents or insects.

JUNK means refuse;

Bylaw 1383.2 adopted April 18, 2016, deleted the definition "Noxious Weed" in its entirety and replaced it with the following:

NOXIOUS WEED includes but is not limited to Broom, Himalayan Balsam, Carpet Burweed, Wild Chervil, Daphne, Dodder, Gorse, Orange Hawkweed, Introduced Yellow Hawkweed, Giant Hogweed, Horsetail, Knapweed, Japanese Knotweed, Leafy Spurge, Garlic Mustard, Perennial Pepperweed, Poison Ivy, Purple Loosestrife, Ragwort, Scotch Broom, Thistle [Canada and Sow], Toadflax [Yellow and Dalmatian] and any plant on Schedule A, Part 1 - Provincial Weeds list under the *Weed Control Regulation BC Reg. 66/85*;

Bylaw No. 1383.3 adopted July 21, 2025, added the following definition:

OCCUPIER has the same meaning as under the *Community Charter*.

Bylaw 1383.2 adopted April 18, 2016, deleted the definition "Property Owner" in its entirety and replaced it with the following:

OWNER has the same meaning as under the *Community Charter*;

Bylaw 1383.2 adopted April 18, 2016, deleted the definition "Real Property" in its entirety and replaced it with the following:

REAL PROPERTY means any parcel of private or public land within the City of Parksville;

Bylaw 1383.2 adopted April 18, 2016, deleted the definition "Refuse" in its entirety and replaced it with the following:

Bylaw No. 1383.3 adopted July 21, 2025, amended the definition of "Refuse" to read as follows:

REFUSE includes, but is not limited to, food wastes; market wastes; litter; combustibles such as paper and cardboard; yard trimmings, leaves and brush; plastics; leather; non-combustibles such as metal; cans, glass and glass containers; crockery; dirt; ashes from fireplaces; street sweepings; bulky wastes such as furniture; appliances; tires; stumps; recycling, construction, trade and demolition waste; unlicensed, unused or stripped automobiles, trucks, trailers, boats, vessels, machinery, mechanical or metal parts; improperly stored items or materials; but excludes properly contained residential compost.

RUBBISH means refuse;

Bylaw 1383.2 adopted April 18, 2016, deleted the definition "Unsightly" in its entirety and replaced it with the following:

UNSIGHTLY means an untidy or otherwise non-aesthetic accumulation of filth, discarded materials, or refuse on any real property, and includes graffiti.

Bylaw No. 1383.3 adopted July 21, 2025, added the following definition:

VACANT/ ABANDONED BUILDING means any building, unit within a building, portion of a building or structure, that is not occupied and that, by reason of its unfinished or dilapidated, or fire damaged condition, that a fire starting in the building will spread rapidly, endangering life and property and or, is open to the elements or is in a state such that there is no control over unauthorized entry to the building or structure.

2. APPLICABILITY

This bylaw shall apply to all real property within the City of Parksville.

3. INTERPRETATION

a. Maintenance

Bylaw 1383.2 adopted April 18, 2016, deleted the wording under Section 3.a. "Maintenance" in its entirety and replaced it with the following:

All real property within the City of Parksville shall be maintained by the property owner, occupier, or his or her designate.

b. Accumulation of Rubbish

Bylaw 1383.2 adopted April 18, 2016, deleted the wording under Section 3.b. "Accumulation of Rubbish" in its entirety and replaced it with the following:

No property owner of real property shall cause or permit his or her parcel to collect or accumulate any refuse.

Bylaw 1383.2 adopted April 18, 2016, deleted Sections 3.c., 3.f. and 3.h in their entirety and renumbering the subsections in Section 3 accordingly.

~~c. Storage of Motorized Vehicles~~

~~No property owner of real property shall cause or permit his or her parcel to be used for the storage of motor vehicles, boats, recreational vehicles, unlicensed for more than 12 months or heavy equipment incapable of sustained motorized motion on a public highway, or the parts and accessories associated with such machines;~~

Bylaw No. 1383.3 adopted July 21, 2025, added the following as Section 3(c) and renumbered the following sections accordingly:

c. Improper Storage of Items or Materials

No owner of real property shall cause or permit any items or materials of any kind to be stored, retained or kept on any portion of the property without reasonably appropriate storage or screening as determined by bylaw compliance officers and in compliance with the City's Zoning and Development Bylaw No. 2000 and any successor bylaws. Appropriate storage means items or materials must be stored, screened, and/or secured using suitable shelter or fencing to prevent safety hazards, deterioration or decay; items or materials must not be left exposed to weather conditions including but not limited to precipitation or wind, or pests including but not limited to rodents or insects. Any items or materials of any type which have been improperly stored may be deemed as refuse.

d. Noxious Weeds

No property owner of real property, except those lands within the Provincial Agricultural Land Reserve, shall cause or permit the growth of noxious weeds on his or her parcel.

e. Unightly Growth

No property owner of real property, except those lands within the Provincial Agricultural land Reserve, shall cause or permit grass or weeds to grow higher than:

- i. 30 cm on a parcel with a primary use;

- ii. 60 cm on a vacant parcel.

f. ~~Accumulation of Water~~

~~No property owner of real property shall cause or permit water to accumulate in any unnatural or manmade depression or container. This excludes swamps, creeks, lakes, ponds, rivers, the sea, natural wetlands, stream, spring, ravine, or gulch.~~

f. Destructive Insects

No property owner of real property shall cause or permit a parcel to become infested by pest caterpillars and other noxious or destructive insects and shall immediately clear the parcel of any offensive insects;

h. ~~Fire Hazard~~

~~No property owner of real property shall cause or permit a fire hazard to develop as determined by the Fire Chief or his or her designate of the City of Parksville;~~

Bylaw 1383.2 adopted April 18, 2016, deleted "Litter Control" in its entirety and replaced it with the following "No Dumping":

g. No Dumping

No person shall dump, deposit or leave refuse in any open space, City park or other public property.

Bylaw No. 1383.3 adopted July 21, 2025, added the following as Section 4 and renumbered the following sections accordingly:

4. BOULEVARD & SIDEWALK MAINTENANCE

- a. Every owner and occupier of real property shall remove all snow or ice from all sidewalks bordering the real property within 12 hours from the cessation of a snowfall or storm event which caused such accumulation. An owner or occupier shall not use equipment which could cause damage to the boulevard or sidewalk due to the excess weight of the equipment or sharp edges which could cause abrasions or scrapes to the sidewalk or boulevard.
- b. Every owner or occupier of real property is required to remove snow or ice from the roof or other part of any structure on the property, where the location of that structure is such that it is reasonable to expect that the snow or ice on it may fall onto any sidewalk or highway, within 12 hours of the cessation of any snowfall or storm event that cause the accumulation.

- c. An owner or occupier of land shall maintain a sidewalk and boulevard adjacent to their property and in particular shall:
 - i. remove accumulations of filth, leaves, rubbish, discarded materials, hazardous objects and materials which obstruct a drainage facility;
 - ii. in keeping with the reasonable standard of maintenance in the area keep grassed areas trimmed and free of all weeds;
 - iii. keep in good repair and up to City standards all driveway crossings;
 - iv. trim and maintain all plantings;
 - v. remove all filth, leaves, rubbish, discarded materials, hazardous objects and materials from all boulevards and sidewalks.
- d. No person shall deposit the snow, ice or other material removed from sidewalks, boulevards or private property under this section onto City property or highways.

Bylaw No. 1383.3 adopted July 21, 2025, added the following as Section 5 and renumbered the following sections accordingly:

5. VACANT/ABANDONED BUILDINGS

- a. An owner of any vacant/abandoned building must ensure the premises are always made and kept secure against unauthorized entry or occupation.
- b. Within 24 hours of written notice from the Authorized Person delivered to the Owner's address as indicated in the City's property tax records or within 72 hours of the notice being posted on or near the front entrance to the vacant building subject to the notice or within 30 days of a building becoming vacant or abandoned, the Owner of a vacant/abandoned building must submit a written proposal to the Authorized Person which includes a detailed description of all steps that will be taken to secure the premises; 24-hour contact information in the event of a unauthorized entry or occupation; and a proposed timeline for either rehabilitation or demolition of the building.
- c. Every Owner of a vacant/abandoned building that is open and unsecure shall secure the building to the satisfaction of the Authorized Person or Bylaw Compliance Officer within 24 hours of written notice from the Authorized Person delivered to the Owner's address as indicated in the City's property tax records or within 72 hours of the notice being posted on or near the front entrance to the vacant building subject to the notice.
- d. If the Owner or Occupier fails to comply with an order of the Authorized Person issued under Section 5(c), the City, by its employees, contractors and agents may take action in accordance with section 17 of the *Community Charter*, S.B.C., 2003, c.26 to fulfill the requirements of the order of the Authorized Person and to recover the costs, the Owner or Occupier of the Land which is subject to the order without further notification to the Owner or Occupier.

- e. Every Owner or Occupier of a vacant/abandoned building secured against unauthorized entry by the City shall be issued an invoice for the costs incurred by the City to secure the building within a reasonable time period after the work was completed and given an opportunity to appeal to Council regarding the amount of the invoice, provided the Owner or Occupier of the Land submits a written appeal to the Authorized Person with 14 days of the date of the invoice.
- f. Any building found kept in such a condition, or found to be situated in such a location, for a period up to 24 months in duration, so as the safety of the general public is compromised or may become compromised, Council may order the building demolished, foundation removed and property graded so as to remove the hazard. All costs associated with action taken are the sole responsibility of the Owner.

6. AUTHORIZATION TO ENTER

Bylaw 1383.2 adopted April 18, 2016, replaced Section 4 with the following:

The Bylaw Compliance Officer is hereby authorized to enter at all reasonable times upon any property within the City for the purpose of ascertaining whether the regulations under this bylaw are being observed or whether a requirement of the City of Parksville is being met.

7. ENFORCEMENT

Bylaw No. 1383.2 adopted April 18, 2016, replaced Section 5 a. with the following:

- a. An owner of real property or his or her designate shall remove from the parcel any unsightly accumulations of refuse, noxious weeds or unsightly growth;
- b. Where an owner of real property fails to comply with a requirement under 5.a., the City of Parksville may, by its employees or other persons, at reasonable time and in a reasonable manner, enter on the property and effect the removal at the expense of the person who failed to comply;
- c. Where the person at whose expense removal is carried out under 5.b. does not pay the costs of removal on or before December 31 in the year that the removal was done, the costs shall be added to and form part of the taxes payable on the property as taxes in arrears.

8. PENALTY

- a. Any person found guilty of a contravention of this Bylaw shall be liable upon summary conviction to a penalty not exceeding \$2,000.00 for each offence;

Bylaw No. 1383.2 adopted April 18, 2016, deleted Section 6.b. in its entirety:

b. ~~Or a ticket, as set out in City of Parksville Municipal Ticketing Bylaw.~~

Bylaw No. 1383.2 adopted April 18, 2016, renamed Section 7 to Severability:

9. SEVERABILITY

If any portion of this bylaw is held to be invalid by a decision of a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this bylaw.

10. REPEAL

"Property Maintenance Bylaw, 1990, No. 1043" is hereby repealed.

11. CITATION

This bylaw may be cited for all purposes as "Property Maintenance Bylaw, 2003, No. 1383."

READ A FIRST TIME this 6th day of October, 2003

READ A SECOND TIME this 6th day of October, 2003

READ A THIRD TIME this 6th day of October, 2003

ADOPTED this 20th day of October, 2003

Original signed by Mayor

Mayor

Original Signed by City Clerk

Clerk

Consolidated under the provisions of the *Community Charter* to include Bylaw 1383.1 and 1383.2 and 1383.3. Printed under the authority of the Corporate Officer of the City of Parksville this 22nd day of July, 2025.

Original signed by S. E. Ross

Deputy Corporate Officer