

THE CORPORATION OF THE VILLAGE OF POUCE COUPE
PROPERTY MAINTENANCE STANDARDS BYLAW NO. 1008, 2018

A bylaw to regulate nuisances and unsightly premises within the Village.

WHEREAS pursuant to Section 64 of the *Community Charter*, Council may, by bylaw, impose regulations in regards to nuisances, unsightly property, and noxious substances.

AND WHEREAS the Council of the Village of Pouce Coupe wishes to regulate the maintenance of property within the Village of Pouce Coupe.

NOW THEREFORE, the Council of the Village of Pouce Coupe, in open meeting assembled, enacts as follows:

Title

1. This Bylaw may be cited as Village of Pouce Coupe Property Maintenance Standards Bylaw No. 1008, 2018.

Definitions

2. In this Bylaw:

Accessory Building means a detached building, out-building or structure, the use of which is incidental to the primary use of the property;

Adequate means equal or amounting to what is sufficient, fitting, suitable, equal to what is required;

Administration means staff members of the Village of Pouce Coupe;

Basement means that space of a building that is partly below grade, which has half or more of its height, measured from floor to ceiling, above the average finished grade;

Bathroom means a room containing a bathtub or shower with or without a water closet and wash basin;

Boulevard means the area from the edge of the pavement or curb of a highway, or where there is no pavement or curb, the traveled portion of the highway, to the property line and includes lanes and ditches;

Bylaw Enforcement Officer means every person designated by Council as a bylaw enforcement officer for the Village, and every peace officer;

Cellar means that space of a building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling, below the average finished grade;

Council means the Council of the Village of Pouce Coupe;

Crawl Space means an enclosed space between the underside of a floor assembly and the ground cover directly below, with a clearance less than 1800mm in height;

Derelict vehicle means a motor vehicle or recreational vehicle that is wrecked, disabled or dismantled so it cannot be operated by its own mode of power or is not registered and licensed in accordance with the current Motor Vehicle Act;

Dwelling means a building or structure or part of a building or structure occupied or capable of being occupied in whole or in part or intended to be used for the purposes of human habitation;

Dwelling Unit means one room or two or more rooms connected together as a separate unit in the structure and constituting an independent unit for residential occupancy by humans for living and sleeping purposes;

Habitable Room means any room in a dwelling unit used or intended to be used for living, sleeping, cooking or eating purposes;

Highway includes all the means of the word as specified in the definition in the *Community Charter*, and includes an street, road, lane, bridge, sidewalk, pavement, curbing, or gutter in the Village;

Maintenance means the act of keeping up, preserving or conserving or paying to keep up, preserve or conserve property;

Non-Habitable Room means any room in a dwelling or dwelling unit other than a Habitable Room and includes bathroom, boiler room, laundry, pantry, lobby, communication corridor, stairway, closet, basement, boiler room or other space for service and maintenance of the dwelling for public use, and for access to and vertical travel between storeys;

Non-Residential Property means a building or structure or part of a building or structure not occupied or capable of being in whole or in part for the purposes of human habitation and includes the land and premises appurtenant thereto and all out-buildings, fences or erections thereon or therein;

Occupant means any person or persons over the age of 18 years who appears to be in possession of the property;

Owner means any person having control over any portion of the building or Property and includes:

- (a) The person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person's own account or as agent or trustee of any other person or who would receive the rent if such land and premises were let; and
- (b) A lessee or Occupant of the Property who, under the terms of a lease, is required to repair and maintain the property in accordance with the Standards for the Maintenance and Occupancy of the Property;

Person means an individual, firm, corporation, association or partnership;

Property means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, out-buildings, fences and erections thereon whether heretofore or hereafter erected and includes Vacant Property, Listed Property and Designated Heritage Property;

Reasonable means of such an amount, size and or number as is judged to be appropriate or suitable to circumstances or purpose; fit and appropriate to end in view;

Repair includes the provision of such facilities or taking of any action as may be required so that the Property shall conform to the Standards established in this Bylaw, including but not limited to restoring, renovating and mending as a result of decay, dilapidation, or partial destruction (as from fire);

Residential Property means any Property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals, and includes any land or buildings that are appurtenant to such establishment and all steps, walks, driveways, parking spaces and fences associated with the Property or its Yard;

Sewage System means the sanitary sewerage system under the control of the Corporation or of a private sewage disposal system company;

Sign means any surface upon which there is printed, projected or attached, any announcement, declaration or insignia used for direction, information, identification, advertisement, business promotion or promotion of products, activity or services, and includes a structure, whether in a fixed location or designed to be portable or capable of being relocated, or part thereof specifically designed for the foregoing uses, including but not limited to flags, banners, advertising devices, blimps, balloons and models;

Standards means the standards of physical condition and of occupancy prescribed by the Bylaw;

Toilet Room means a room containing a water closet;

Yard means the land, other than publicly owned land, around or appurtenant to the whole or any part of a Residential or Non- Residential Property and used or intended to be used or capable of being used in connection with the Property and includes a Vacant Lot;

Village means the Corporation of the Village of Pouce Coupe.

3. **APPLICABILITY**

- 3.1 This Bylaw shall apply to all Property within the limits of the Village
- 3.2 Notwithstanding Section 3.1, the following Properties are exempt from the requirements of this bylaw:
 - 3.2.1 Property owned by the Village and;
 - 3.2.2 Farm Buildings and lands which are being used for agricultural and farm purposes and are located within agricultural zone.

4. **ADMINISTRATION**

- 4.1 The Building Department, Bylaw Officer or the Chief Administrative Officer are responsible for the administration and enforcement of this bylaw.
- 4.2 The imperial measurements contained in this bylaw are given for reference only.

5. **GENERAL STANDARDS FOR ALL PROPERTIES**

- 5.1 General Standards set out in Section 5, the following regulations, shall apply to all Property within limits of the Village.
- 5.2 All work, repairs and maintenance of property shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship and shall conform to all other bylaws of the Village, codes and statutes as applicable.

Accessory Buildings, Fences and Retaining Walls

- 5.3 Fences, gates, barriers and retaining walls shall be kept in good repair. Fences cannot be leaning more than 45 degrees or falling over. Fences may not be propped up. Wooden fences must be painted or stained and must be free from rot.
- 5.4 Where fences or retaining walls have been painted or otherwise treated, they shall be maintained so as to be free of peeling paint or other coatings.
- 5.5 Accessory Buildings shall be kept in good repair. Accessory buildings shall be finished in a way that matches existing buildings or compliments them.

- 5.6 Exteriors of Accessory Buildings shall be weather resistant. Where Accessory Buildings have been painted or otherwise treated, they shall be maintained so as to be free of peeling paint or other coatings.

Appliances

- 5.7 All appliances, equipment, accessories and installations provided by the owner shall be installed and maintained in good repair and working order and used for their intended purposes.
- 5.8 All appliances whether they are in working order or are a derelict appliance cannot be stored outside.

Doors and Windows

- 5.9 All residential dwellings shall be fitted with doors or windows or other suitable means to prevent entrance of wind or rain into the building.
- 5.10 Windows, exterior doors and basement or cellar hatchways shall be maintained in good repair.
- 5.11 Rotted or damaged doors, door frames, window frames, sashes and casings, weather-stripping, broken glass and defective door and window hardware shall be repaired and/or replaced, and maintained and protected from the elements and against decay and rust by application of a weather coating material such as paint or other protective materials.

Electrical Service

- 5.12 Garages, sheds or out buildings are not to be powered by extension cords on a permanent basis.
- 5.13 The electrical wiring, fixtures, switches and receptacles located or used in a building shall be installed and maintained in good working order.
- 5.14 Winter extension cords that are plugged into a vehicle are exempt.

Exterior Walls

- 5.15 Exterior walls of buildings and their components including soffit and fascia shall be maintained so as to prevent their deterioration due to weather, insects, and vegetative covering, and shall be so maintained by painting, restoring, or repairing the walls, coping or flashing and by waterproofing of joints.
- 5.16 Where walls have been painted or otherwise treated, they shall be maintained so as to be free of peeling paint or other coatings.
- 5.17 Exterior walls must have suitable siding, not unsuitable construction materials.

Foundations

- 5.18 Foundation walls of a building shall be maintained so as to prevent the entrance of insects, rodents, moisture and roots. Maintenance includes shoring of walls, installing sub-soil drains and the footings, grouting masonry cracks, parging, damp proofing and waterproofing walls and joints and using suitable means of maintenance.

Graffiti

- 5.19 Written slogans and graffiti on the exterior of any building, wall, fence or structure shall be prohibited, including painted or chalked titles or messages.
- 5.20 Every owner or occupier of property within the Village shall ensure that graffiti placed on their property is removed, painted over, or otherwise blocked from public view.

Guardrails

- 5.21 A guard shall be installed and maintained in good repair on the open side of any stairwell or ramp containing more than three (3) risers including the landing or a height of more than 600 mm (2 feet) between the adjacent levels. A handrail shall be installed and maintained in good repair on all stairs where there are more than 3 risers or a drop of more than 600 mm (2') from the thread.
- 5.22 Guardrails, balustrades and handrails shall be constructed and maintained rigid in nature.

Landscaping

- 5.23 Where landscaping , parking areas, walkways, steps, hedges, trees, fences, curbs or similar changes to a property have been required by the Village as a condition of development or redevelopment, such works shall be undertaken and maintained so as to ensure continuous compliance with the Village requirements.

Lighting

- 5.24 Lighting shall not be positioned so as to cause any impairment of the use or enjoyment of neighboring properties or vehicles traveling on roadways.

Parking Areas, Walks, Driveways

- 5.25 All areas used for vehicular traffic and parking shall be covered with asphalt, concrete, crushed stone, paving stones arranged in an open pattern or gravel surfacing and shall be free from dirt or other litter and kept in good repair. *Front lawn areas are not suitable areas for parking vehicles.* Six months insurance is required on them.
- 5.26 Entrances and means of access, excluding driveways and designated parking spaces, shall be kept clear of automobiles, trailers, motorcycles and bicycles and unsafe accumulations of ice and snow.
- 5.27 Walls, windows and doors separating parking garages from adjoining buildings and mechanical equipment provided to exhaust fumes shall be maintained so as to prevent the accumulation of toxic fumes and the migration of toxic into a building.
- 5.28 Steps, walks, driveways, parking spaces and similar areas shall be maintained and adequately lighted so as to afford safe passage under normal use and weather conditions.
- 5.29 Suitable hard surfaced walks shall be available leading from the main entrance of each dwelling to the street or driveway.

Pest Prevention

- 5.30 Buildings shall be kept free of rodents, vermin and insects at all times.
- 5.31 Basement or cellar windows used or required for ventilation and any pother opening in a basement or cellar, including a floor drain, that might permit the entry of rodents, insects

and vermin, shall be screened with durable material that will effectively exclude rodents, insects and vermin.

Roofs

- 5.32 The roof of every building shall be structurally sound, weatherproof and free of loose or unsecured objects and materials and excessive accumulations of ice and snow.
- 5.33 Where eaves troughs, roof gutters and/or down pipes are provided they shall be kept in good repair, including being watertight, protected by paint or other preservative and securely fastened to the building.

Stairs, Porches, Decks and Balconies

- 5.34 Inside and outside stairs, porches, decks, balconies and landings shall be maintained so as to be free of holes, cracks and other defect.
- 5.35 Existing stairs, treads or risers that show excessive wear or are broken, warped or loose and supporting structure members that are rotted or deteriorated shall be replaced.
- 5.36 All stairs, treads and risers and supporting structures shall be protected from the elements by paint or other suitable preservative.

Structural Soundness

- 5.37 Every part of a building or structure shall be maintained in a structurally sound condition so as to be capable of sustaining its own weight and any additional load which it may be subjected through normal use.
- 5.38 Walls, roofs, chimneys and other exterior parts of the building shall be free from loose or improperly secured objects or material.
- 5.39 Improperly secured objects and materials shall be either removed, repaired or replaced.
- 5.40 Materials which have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

Recreational Vehicles

- 5.41 No one shall occupy/live in a recreational vehicle, for more than 30 days at a time that is parked on any property within the Village boundaries;
- 5.42 No rental of recreational vehicles is permitted on any property with in the Village boundaries;
- 5.43 There is no renting of space for the storage or occupancy of recreational vehicles within the Village boundaries.

Property, Lands, Yards and Buildings

- 5.44 Property, lands, yards and buildings whether vacant or not shall be kept clear and free from:
 - 1. Rubbish and debris;
 - 2. Unsightly weeds and heavy undergrowth;
 - 3. Grass longer than 20 cm (8 inches), brush and undergrowth by cutting regularly and removing the cuttings from the lands, This does not apply to agricultural properties;

4. Lawns, hedges and bushes from becoming overgrown and unsightly by keeping trimmed;
5. Dead, or damaged trees and branches thereof by removal;
6. Erosion of the soil by covering the ground and a suitably maintained covering includes but is not limited to grass, gravel, asphalt, ground cover (ivy, periwinkle), cultivated flowers or plants;
7. Deep ruts and holes;
8. Wrecked, discarded, dismantled, or in-operative recreation equipment or their parts and tires;
9. Objects or conditions that may create health, fire or accident hazards; and
10. Vehicles, trailers, boats, barges, or mechanical equipment which are not within a building and which are wrecked, unlicensed, not validated, discarded, dismantled or in an in operative condition including their assorted parts and tires;
11. Dog feces or other animal feces;
12. Any furniture that is manufactured for interior use shall not be placed outside of a dwelling.
13. Furniture outside of a dwelling that becomes dilapidated shall be disposed of;
14. Unused renovation or construction materials such as: lumber, plywood, shingles, steel, tin, concrete, sinks, toilets, bath tubs and any other materials used for these purposes;
15. Appliances including refrigerators, stoves and freezers shall not be left in yards, interior stairwells. Or hallways and shall not be used as places of storage;
16. If a building is vacant, all water and electrical power shall be turned off other than that required for security and maintenance of the property. It is the sole responsibility of the owner to notify the Village and/or the related utility companied in writing;
17. The owner of a vacant property shall maintain the property in accordance with this bylaw or demolish such buildings and the site be left is a graded and level condition;
18. All yards and compounds and lands shall be maintained in a condition compatible to its intended use;
19. Sea can storage containers must be sided, painted or finished the same as the other out buildings. They must also be kept in the back yard.

- 5.45 House/Building numbering is mandatory;
- houses and businesses must display the civic address and it must be visible from the road. This is so emergency vehicles can identify the property.

Yards, Industrial and Commercial

- 5.46 The warehousing of any stored material or operating equipment or the storage of garbage in receptacles in the yards or compounds shall be neat and orderly so as not to create a fire or accident hazard or any unsightly condition and shall provide clean and easy access for emergency vehicles.
- 5.47 Where conditions are such that a neat and orderly fashion is achieved but is still offensive to view, the offensive area shall be properly enclosed on all sides by solid wall or a board or metal fence 1.8 metres (6 feet).

Residential Standards:

- 6.1 In addition to all General Standards as set out in Part 5 of this bylaw, the following regulations shall apply to all residential properties.

Compost Heaps

- 6.2 The occupant of a residential property may provide for a compost heap or bin in accordance with the health regulations, provided that the compost pile is no larger than one square metre (10sq. ft.) and 1.8 metres (6 ft.) in height and is enclosed on all sides by concrete block, or lumber, or in a metal frame building with a concrete floor, or in a commercial plastic enclosed container designed for composting.

- 6.3 Compost heaps or bins shall not be placed in the front yard or exterior side yards.
- 6.4 Compost heaps or bins shall be constructed to prevent the entry of rodents or other animals, be provided with a tight fitting cover which shall be kept closed at all times except when material is being placed therein, and maintained in a clean and sanitary condition.

Disconnected Utilities

- 6.5 No owner of residential buildings or any person/persons acting on behalf of such owner shall disconnect or cause to be disconnected any service or utility supplying heat, electricity, gas, refrigeration or water to a dwelling unit occupied by a tenant or lessee, except for such reasonable period of time as may be necessary for the purpose of repairing, replacing or otherwise altering said service or utility.

Doors, Windows and Skylights

- 6.6 Windows, skylights, doors and basement or cellar hatchways shall be maintained in good repair, weather tight and reasonably draft-free. Maintenance includes painting, replacing damaged doors, door frames and their components, window frames, sashed and casing, replacing non-serviceable hardware, weather- stripping and re-glazing.
- 6.7 In a dwelling unit all windows and skylights intended to be opened and all doors shall have hardware so as to be capable of being locked or otherwise secured from inside the dwelling unit without the use of keys or tools.
- 6.8 Where storm windows and doors are installed in a dwelling that shall be maintained in good repair.
- 6.9 All shutters on windows shall be maintained in good repair, including painting, replacing or other suitable means to prevent deterioration due to weather and insects.
- 6.10 All windows and skylights intended to be opened shall be readily operable under normally applied pressure without jamming or binding so as to perform their intended function.
- 6.11 All windows and skylights in a dwelling unit that are capable of being opened shall be fitted and equipped with screens that are maintained in good repair and free from defects and missing components.
- 6.12 At least one entrance door in every dwelling unit shall have hardware so as to be capable of being locked from both inside and outside the dwelling unit.
- 6.13 Solid core, hollow metal or insulated steel doors shall be installed and maintained for the entrances of dwelling units.

General Cleanliness

- 7.1 Every occupant of a residential property shall maintain the property or part thereof and the land which they occupy or control, in a clean, sanitary and safe condition and shall dispose of garbage and debris on a regular basis in accordance with municipal bylaws.
- 7.2 Accumulations or storage of garbage, refuse, appliances or furniture in a means of egress shall not be permitted.
- 7.3 No person shall deposit or throw garbage, bottles, broken glass, garden or vegetation waste or other refuse on a highway or public place within the Village.

- 7.4 Every owner or occupier of property in the Village shall clean up refuse that has been strewn by animals or wind when placed for garbage collection by no later than 7:00 pm on the day the incident occurred.

Occupancy Standards

- 8.1 The number of occupants residing on a permanent basis in an individual dwelling shall not exceed the maximum occupant load as prescribed by the building code of B.C.
- 8.2 Each bedroom should have 2 means of exit, with one being a door.

Property Damage

- 9.1 No person shall in any way damage, deface, or disfigure any public building, wall, fence, hedge, railing, sign, monument, statue, post, pole, wire, planter, or any other public property within the Village.

Sidewalk Maintenance

- 10.1 Every owner or occupier of property within the Village must keep any sidewalk adjoining the property clear of any debris, ashes, mud, dirt, snow, ice, slush, refuse or any other objects that would reasonably pose a hazard to anyone using the sidewalk. During removal, due and proper care must be taken for the safety of persons passing.
- 10.2 Every owner or occupier of property within the Village must remove all accumulations of snow and ice from all sidewalks and footpaths, on and adjoining the property, by no later than 7:00 pm on the day on which the snow began to fall and on each subsequent day on which the snow continues to fall unless the snow and ice creates a hazardous condition in which case it must be removed immediately.
- 10.3 Whenever snow or ice accumulation on a roof, eave or awning of a building may create a hazardous condition on a highway, the owner or occupier of the property on which the building is located must immediately remove the accumulation of snow and ice. During removal, due and proper care must be taken for the safety of persons passing.
- 10.4 All snow or ice moved from private sidewalks, footpaths or driveways shall be placed on the property of the owner or occupier. Snow and ice must not be placed in ditches, block culverts, or in any way obstruct drainage. Any materials which must be removed from private property shall be placed in an area approved by the Village Administration.

Entry onto Property

- 11.1 The Bylaw Enforcement Officer is authorized to enter on any property in relation to this Bylaw in accordance with section 16 of the *Community Charter*.

Enforcement

- 12.1 Where the Bylaw Enforcement Officer determines that an owner or occupier of land in the Village has failed to comply with this Bylaw, the Bylaw Enforcement Officer may, by written notice, require the owner or occupier of the land to comply with this Bylaw within the time period stated in the notice.
- 12.2 If an owner or occupier fails to comply with the notice given under the previous section, the Bylaw Enforcement Officer may issue a ticket pursuant to Section 264 of the *Community Charter* or issue an Order. The Order shall:
- (a) describe the property by municipal address, location or legal description;
 - (b) give reasonable particulars of the repairs, demolition, clearing or other actions required to be made; and
 - (c) state the time that the repairs, demolition, clearing or other actions must be complete giving not less than seven (7) days' notification for compliance, except in case of emergency or hazard, to be determined in the reasonable opinion of the Bylaw Enforcement Officer.
- 12.3 If the owner or occupier fails to comply with an Order issued under this Part, the Village, by its employees, contractors and agents, may take action in accordance with section 17 of the *Community Charter* to fulfill the requirements of the order and to recover the costs, including the administrative costs incurred in carrying out the Order, from the owner or occupier of the land which is subject to the order.

Offences and Penalties

- 13.1 Any person who contravenes this Bylaw is liable upon summary conviction to a fine not exceeding \$10,000.00 and not below \$100.00. Every day that an infraction of this Bylaw continues shall constitute a separate offence.
- 13.2 This Bylaw is designated pursuant to s. 264(1) (a) of the *Community Charter, S.B.C. 2003, c. 26* as a bylaw enforceable by means of a ticket in the form prescribed in the *Community Charter Bylaw Enforcement Ticket Regulation, B.C. Reg. 425/2003*. Bylaw Enforcement Officers and Peace Officers are designated to enforce this Bylaw pursuant to Section 264 (1) (b) of the *Community Charter*.
- 13.3 Pursuant to Section 264 (1) (c) of the *Community Charter*, the words or expressions set forth below in Column 2 of Schedule A of this Bylaw designate the offence committed under the Bylaw section numbers appearing in Column 1 opposite the respective words or expressions.
- 13.4 Pursuant to Section 265 1 (a) of the *Community Charter*, the fine amount set forth in Column 3 of Schedule A of this Bylaw is the fine amount that corresponds to the section number and words or expressions set out in Columns 1 and 2 opposite the fine amount.

Severability

- 14.1 If any portion of this Bylaw is held to be invalid by a Court of competent jurisdiction, such invalidity shall not affect the remaining portions of the Bylaw.

Headings

- 15.1 Section or subsection headings are inserted in this Bylaw for ease of reference and are not to be used in interpreting this Bylaw.

Schedules

- 16.1 The following schedules form part of this Bylaw:

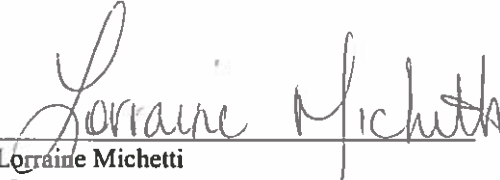
Schedule "A" – Municipal Ticketing Information Designation

READ A FIRST TIME this 5th day of September, 2018.

READ A SECOND TIME this 5th day of September, 2018.

READ A THIRD TIME this 5th day of September, 2018.

RECONSIDERED AND FINALLY ADOPTED this 19th day of September, 2018.


Lorraine Michetti
Mayor


Sandy Stokes
Corporate Officer

*Certified a true copy of the
"Property Maintenance Standards Bylaw No.1008, 2018"
At Adoption*


Sandy Stokes
Corporate Officer

Schedule A
Municipal Ticketing Information Designations

Section	Offence	Fine
5	General Standards offences(<i>includes subsections 5.1-5.39</i>)	\$100.00
5	Recreation Vehicles (<i>includes subsections 5.41-5.43</i>)	\$100.00
5	Property, Lands, Yards and Buildings (<i>includes subsection 5.44, 1-19</i>)	\$100.00
5	House numbering (<i>5.45</i>)	\$100.00
5	Vandalism by graffiti (<i>includes subsections 5.18-5.19</i>)	\$100.00 + cost to remove
5	Failure to remove graffiti	\$100.00
6	Compost heaps (<i>includes subsections 6.2-6.4</i>)	\$100.00
6	Disconnected Utilities (<i>6.5</i>)	\$100.00
6	Doors, Windows and Skylights (<i>includes subsections 6.6-6.13</i>)	\$100.00
7	General Cleanliness (<i>includes subsections 7.1-7.4</i>)	\$100.00
8	Occupancy Standards (<i>includes subsections 8.1-8.2</i>)	\$100.00
9	Property Damage (<i>9.1</i>)	\$100.00 Plus cost to repair
10	Failure to maintain sidewalks (<i>includes subsections 10.1-10.4</i>)	\$100.00