

VILLAGE OF SAYWARD

PROPERTY MAINTENANCE BYLAW No. 384, 2010

A BYLAW TO REGULATE UNTIDY AND UNSIGHTLY PREMISES WITHIN THE VILLAGE OF SAYWARD

WHEREAS the Council has the authority to regulate and control pollution, nuisances, pests, noxious weeds, unsightly premises, unwholesome or noxious materials, and odors and impose requirements in relation to bylaw enforcement and related matters;

NOW THEREFORE the Council of the Village of Sayward (the “Village”) in open meeting assembled ENACTS as follows:

CITATION

1. This Bylaw may be cited as “**Village of Sayward Property Maintenance Bylaw No. 384, 2010**”.

INTERPRETATION

2. Definitions

In this Bylaw:

“**Bylaw Enforcement Officer**” means the Chief Administrative Officer or any person appointed by the Village as the bylaw enforcement officer for the purpose of enforcement of municipal bylaws or for the purposes of carrying out the responsibilities of the Bylaw Enforcement Officer under this Bylaw or a member of the Royal Canadian Mounted Police;

“**Graffiti**” means an inscription, drawing, writing, pictorial representation, message, slogan, symbol or mark made by means of paint, chalk, ink, or other substance, or by chisel, hammer, stone or other device;

“**Notice**” means a notice issued pursuant to section 4.5 of this Bylaw;

“**Rubbish**” means any discarded materials, substances and objects; and

“**Unsightly**” means, but is not limited to:

- a) An outdoor accumulation of building or construction material on any property other than premises identified in a business license issued by the Village for building material sales or storage or premises where construction is in progress pursuant to a valid building permit issued by the Village;
- b) An accumulation of motorized vessels, vehicles or trailer parts or all or part of any motor vehicle which is not registered and licensed in accordance with the British Columbia *Motor Vehicle Act*, or capable of movement under its own power, including any dismantled, wrecked, or non-operational vehicle for more than one month in any 12 month period or any vehicle which is not licensed for a period of

one year which is not covered with a fitted vehicle cover or housed in a garage or carport;

- c) Any accumulation of water, filth, discarded materials, rubbish or noxious, offensive or unwholesome matter of any kind, including but not limited to ashes, dead animals, paper, tires, plastic, cardboard, metals, leaves, wood, dilapidated, broken or leaning fences, crockery, and glass;
- d) Materials of any sort that are strewn about the real property rather than piled in a neat and appropriate manner;
- e) Placards, bills, signboards, posters, notices or advertisements in any public place, or viewable from a public place, unless expressly permitted by the Village;
- f) Furniture (other than furniture designed specifically for outdoor use), bedding or appliances stored outside the premises or in open carport areas;
- g) Exterior finishing of premises that has become excessively dirty or dilapidated through lack of maintenance;
- h) Unused landscaping materials such as dirt piles or discarded planting pots;
- i) Uncontained compost piles;
- j) Graffiti on any real property, wall, fence or other surface; and
- k) Uncontrolled growth of vegetation, brush or grass in excess of 30 centimetres in height.

MAINTENANCE OF PROPERTY

3. General Provisions

- a) No owner or occupier of real property shall allow his premises to become or remain unsightly and shall not cause or permit water, filth, rubbish, discarded materials or noxious, offensive, or unwholesome matter to collect or accumulate around his premises.
- b) Every owner or occupier of real property must clear, or cause to be cleared, from the property any infestations by caterpillars and other noxious or destructive insects.
- c) Every owner and occupier of real property will immediately remove from that property any unsightly accumulation of rubbish, bottles, glass, grass or vegetation clippings, or animal droppings.
- d) Every owner and occupier of real property will immediately remove graffiti from any wall, fence, structure or elsewhere on that property that is adjacent to, or viewable from, a public place.
- e) Every owner and occupier of real property will prohibit their property from becoming unsightly by graffiti.
- f) Every person shall not foul, obstruct or impede, or permit the fouling, obstructing or impeding of the flow of any waterway or culvert within the municipality.

- g) Every owner and occupier of real property shall not foul or contaminate the atmosphere by burning household garbage.
- h) Owners of real property shall maintain the aesthetic quality of the premises and not permit it to become unsightly.
- i) Every owner or occupier of real property shall not deposit or permit to be deposited rubbish or anything that is unsightly, as defined in this Bylaw, onto adjoining property, including sidewalks, public places, or private property.
- j) Every owner or occupier of real property shall not deposit or sweep ashes, mud, dirt, or refuse from the property, onto any sidewalk or public place adjoining the property.
- k) Every owner and occupier of real property shall eliminate or reduce the emission of dust from that property into the atmosphere such that no airborne dust travels beyond any boundary of the property. Without limiting the generality of this section, during excavation or construction on the property, every owner and occupier of that property shall control dust by the application of water or other dust control method.
- l) Except by permit, owners and occupiers of real property must not place snow removed from private property on public streets or boulevards so that it impedes access by pedestrians or vehicles or the Village's crews from clearing the streets. This includes pushing snow from private driveways or parking lots onto the street or across the street, placing snow on boulevards at intersections, over sewer or storm manhole covers, water main valves or fire hydrants.

NOTICE TO COMPLY

4. Notice to Comply

4.1 Where an owner or occupier, or their agent, fails to comply with any of the provisions of Part 2 General Provisions, a Bylaw Enforcement Officer may, in accordance with section 3.5, serve written Notice to that person to comply with the provisions of this Bylaw.

4.2 The owner or occupier must:

- a) comply with the requirements of the Notice within 14 days of the date of the Notice;
or
- b) within 7 days of the date of the Notice, contact the Bylaw Enforcement Officer and develop a plan to achieve compliance with this Bylaw within 14 days of the date of the Notice, or such longer period as the Bylaw Enforcement Officer, acting reasonably, may allow.

4.3 If the owner or occupier does not comply with the requirements under section 3.2, or the requirements of a plan for compliance under section 3.2(b), if any, the Village may by its employees or contractors, at reasonable times and in a reasonable manner, enter the property and remedy the offending conditions at the expense of the person who has failed to comply.

4.4 All reasonable expenses incurred by the Village under section 3.3 are payable by the property owner and, if unpaid on or before December 31st in the year in which the

charges are incurred, will form part of the taxes payable on such property as taxes in arrears.

4.5 Where Notice is required to be given pursuant to this bylaw, such Notice may be given by personal service or by registered mail. Such Notice will be sufficiently delivered:

- a) on the owner of the property, if delivered by:
 - i. personal service; or
 - ii. registered mail with acknowledgement of receipt, to the address of the owner shown on the last real property assessment rolls;
- b) on the occupier of the property, if delivered by:
 - i. personal service; or
 - ii. registered mail with acknowledgement of receipt, to the property address; or
 - iii. affixed to the property in a prominent place.

4.6 When Notice is not personally served, the Notice is deemed to have been served on the third day after mailing in accordance with clause 3.5(a)(ii) or 3.5(b)(ii) or upon affixing the Notice to the property in accordance with clause 3.5(b)(iii).

OFFENCE AND PENALTIES

- 5. a) Any person who violates or who causes to be violated any of the provisions of this Bylaw, shall be guilty of an offence against the Bylaw, and each day that such violation is caused or allowed to continue shall constitute a separate offence.
- b) Any person who contravenes any of the provisions of this Bylaw shall be liable on conviction to a fine of not more than Two Thousand (\$2,000) Dollars.
- c) Nothing in this part interferes with the right of the Village to commence proceedings and charge by way of the procedures as set out in the *Offence Act*.

SEVERABILITY

- 6. a) If any division, section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the bylaw.
- b) Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful permit, order or license.

REPEAL

7. Bylaw No. 33, 1971 being a Bylaw to Regulate Untidy and Unsightly Premises is hereby repealed.

READ A FIRST TIME this 18th day of August, 2010.

READ A SECOND TIME this 18th day of August, 2010.

READ A THIRD TIME this 18th day of August, 2010.

FINALLY ADOPTED, this 1st day of September, 2010.

Certified a true copy of Bylaw No. 384 this
__1st__ day of __September__,
2010.

Chief Administrative Officer
Village of Sayward

Mayor

Chief Administrative Officer