

THE CORPORATION OF THE VILLAGE OF WARFIELD

BYLAW #686

A BYLAW TO CONTROL UNTIDY AND UNSIGHTLY PROPERTIES

WHEREAS Section 8(3)(h) and Section 64 of the Community Charter (SBC Chapter 26) authorizes Council, by bylaw, to regulate, prohibit and impose requirements in relation to nuisances, disturbances and other objectionable situations;

NOW THEREFORE the Council of the Village of Warfield in open meeting assembled ENACTS AS FOLLOWS;

1.0 Bylaw Citation

- 1.1 This Bylaw may be cited as the “Village of Warfield Regulation of Untidy and Unsightly Properties Bylaw No. 686, 2006”

2.0 Severability

- 2.1 If a portion of this bylaw is found invalid by a court, it will be severed and the remainder of the bylaw will remain in effect.

3.0 Interpretation

- 3.1 In this Bylaw:

- a) “Bylaw Enforcement Officer” means a person appointed by Council as a bylaw enforcement officer, building inspector, or a peace officer;
- b) “Council” means the Corporation of the Village of Warfield;
- c) “Discarded Materials” means and includes all derelict, discarded, or unused materials not in use for the construction, maintenance, or as part of the equipment or furnishings of the building situated on the property, including but not limited to paper products, crockery, glass, metal, plastics, plastic containers, wire, ropes, lumber, machinery, tires, inoperable vehicles, vehicle parts, appliances, and any other scrap or salvage.
- d) “Graffiti” means drawing, printing or writing scratched, sprayed, painted or scribbled on a wall, fence, or other surface, but does not include a sign for which a permit has been issued by the Village.
- e) “Motor Vehicle Act” means the *Motor Vehicle Act* of British Columbia and amendments thereto;
- f) “Motor Vehicle” means a motor vehicle as defined by the *Motor Vehicle Act*.
- g) “Notice” means an notice issued pursuant to Section 7.0 of this Bylaw.
- h) “Noxious Weeds” includes weeds designated as such under the Weed Control Regulation pursuant to the *Weed Control Act* (British Columbia).
- i) “Occupier” means a person occupying a property within the Village and includes the registered owner of the property.

- j) “Owner” includes the registered owner of a property and those persons defined as owners in the *Community Charter*.
- k) “Person” means any corporation, partnership or party, and the heirs, executors, administrator, or other legal representatives of such person, to whom the context can apply according to law.
- l) “Property” means a parcel of land in the Village upon which any building or group of buildings is located and includes strata lots and separately occupied or leased premises.
- m) “Solid Waste Container” means a covered metal or plastic container or plastic bag.
- n) “Trailer” means a trailer as defined by the *Motor Vehicle Act*.
- o) “Village” means the Corporation of the Village of Warfield.
- p) “Zoning Bylaw” means the Village of Warfield Zoning Bylaw, and amendments thereto.

4.0 Prohibition

- 4.1 No owner or occupier of property in the Village shall allow such property to become or remain untidy or unsightly, and shall be required to maintain the said property in a neat and tidy condition in keeping with a reasonable standard of maintenance prevailing in the neighbourhood.
- 4.2 No owner or occupier of property in the Village shall cause, suffer, permit or allow such property to become infested with caterpillars or other noxious or destructive insects.
- 4.3 No owner or occupier of property in the Village shall cause, suffer, permit or allow water, rubbish, discarded materials, noxious, offensive or unwholesome matter or substances of any kind to accumulate upon such property.
- 4.4 No owner or occupier of property in the Village shall cause, allow or permit the presence of graffiti on the property or on the surface or a structure on the property.
- 4.5 No owner or occupier of property in the Village shall cause, allow or permit the accumulation on the property of garbage not contained in a solid waste container.
- 4.6 No owner or occupier of property in the Village shall allow the property to become overgrown with any brush, noxious weeds, or grasses in excess of 30 centimetres in height.
- 4.7 No owner or occupier of property in the Village shall allow the storage or accumulation of all or any part of a motor vehicle or trailer, which is not:
 - i) validly registered or licensed in accordance with the *Motor Vehicle Act*; or
 - ii) capable of movement under its own power
 unless it is stored in a lawfully erected building or structure such that the vehicle or trailer, or any portion thereof, is not visible from another property or a highway.

5.0 Enforcement

- 5.1 The Chief Administrative Officer, Public Works Foreman or the Bylaw Enforcement Officer are authorized to enforce the provisions of this Bylaw.

6.0 Inspection

- 6.1 The Chief Administrative Officer, Public Works Foreman or the Bylaw Enforcement Officer may enter, at all reasonable times, upon any property in order to ascertain whether the regulations set out in this Bylaw are being obeyed.
- 6.2 No person shall prevent or obstruct, or attempt to prevent or obstruct, the entry Chief Administrative Officer, Public Works Foreman or the Bylaw Enforcement Officer upon any property as authorized under this bylaw.

7.0 Notice

- 7.1 Where the Chief Administrative Officer, Public Works Foreman or the Bylaw Enforcement Officer observes that a property is or has become untidy or unsightly, the Chief Administrative Officer, Public Works Foreman or the Bylaw Enforcement Officer shall deliver written notice to the owner or occupier of the property requiring:
 - i) the removal of any accumulation of water, rubbish, discarded materials, noxious, offensive or unwholesome matter or substances described in the notice from the property;
 - ii) clear any brush, noxious weeds, or other growth, or to control any noxious or destructive insects described in the notice from the property; or,
 - iii) remove any graffiti from the property;
 - iv) take any other measures described in the notice to remedy unsightliness on the property.
- 7.2 Where the Chief Administrative Officer, Public Works Foreman or the Bylaw Enforcement Officer provides written notice under Section 7, of this Bylaw, the owner or occupier must remove from the property anything that, as stated in the notice, renders the property untidy or unsightly within ten (10) days of delivery of the notice.

8.0 Order to Comply

- 8.1 In the event that an owner or occupier of property on which a violation of this Bylaw exists, should fail to abate that nuisance within the time specified in the notice, the Village by its workmen and others may, within seven (7) days following written notice by registered mail to the owner, enter and effect such abatement at the expense of the person so defaulting; and the charges for so doing, if unpaid on the thirty-first day of December in any year, shall be added to and form part to the taxes payable in respect of that property as taxes in arrears.

9.0 Protection of Bylaws

- 9.1 Nothing in this Bylaw contained shall relieve any person from complying with the provisions (where applicable) of any other Bylaw of the Village.
- 9.2 Provisions of the *Health Act*, where applicable, are hereby incorporated as part of this Bylaw.

10.0 Penalties

- 10.1 Every person, firm or corporation who violates any of the provisions of this Bylaw, or who causes, suffers or permits any act or thing to be done in contravention or in violation of any provisions of this Bylaw, or who neglects or refrains from doing anything required to be done by any of the provisions of this Bylaw, or who carries out or who suffers, causes or permits to be carried out any work in a manner prohibited by or contrary to any of the provisions of this Bylaw or who fails to comply with the order, direction or notice given under this Bylaw shall be guilty of an offence against this Bylaw and shall be liable to the penalties hereby imposed.
- 10.2 Every person, firm or corporation violating any provisions of this Bylaw shall be liable on summary conviction to a fine of not more than Five Hundred (\$500.00) dollars.
- 10.3 A separate offence shall be deemed to be committed on each day during or on which a violation occurs or continues.
- 10.4 The penalties imposed under this section shall be in addition to and not in substitution for any other penalty or remedy imposed by law.

11.0 Effective Date

- 11.1 This Bylaw shall come into full force and effect on the final adoption thereof.

12.0 Repeal

- 12.1 The Village of Warfield Untidy and Unsightly Premises Bylaw No. 466, 1986 and all amendments thereto, are hereby repealed.

READ A FIRST TIME
 READ A SECOND TIME
 READ A THIRD TIME
 RECONSIDERED AND FINALLY ADOPTED

this 13th day of September, 2006
 this 13th day of September, 2006
 this 13th day of September, 2006
 this 27th day of September, 2006

Mayor

Corporate Administrator

*SAMPLE NOTICE***UNTIDY & UNSIGHTLY PREMISES BYLAW NO. 686
NOTICE TO COMPLY**

DATE:	
ATTENTION:	
REGARDING PROPERTY AT:	
LEGAL DESCRIPTION:	
COMPLAINTS HAVE BEEN RECEIVED REGARDING:	
INVESTIGATION DISCLOSES THE FOLLOWING:	
The above constitutes an offence under the <i>UNTIDY & UNSIGHTLY PREMISES Bylaw No. 686</i> Section	
YOU ARE HEREBY ORDERED TO:	
Failure to comply may result in: a) The Municipality proceeding in accordance with the default provisions of Section of the said Bylaw. and/or b) The Municipality proceeding in accordance with Section of the said Bylaw, the offence section.	
Questions regarding this order may be directed to:	
NAME:	PHONE:
ISSUING OFFICER	