

VILLAGE OF GOLD RIVER

Bylaw No. 666, 2008

A Bylaw to regulate unsightly premises
within the Village of Gold River.

WHEREAS Section 64 of the *Community Charter* provides that Council may exercise authority in relation to nuisances, disturbances and other objectionable situations;

NOW THEREFORE the Council of the Village of Gold River, in open meeting assembled, enacts as follows:

1.0 **CITATION**

1.1 This bylaw may be cited as the "Village of Gold River Unsightly Premise Bylaw No. 666, 2008.

2.0 **DEFINITIONS**

2.1 In this bylaw:

"Bylaw Enforcement Officer" means a person appointed by the Council for the purpose of enforcement of this bylaw, and includes the Bylaw Enforcement Officer, the Chief Administrative Officer, Deputy Clerk or a member of the Royal Canadian Mounted Police, (RCMP),

"Council" means the Council of the Village of Gold River,

"Excessive Growth" means brush, grasses, weeds or other growth, which is permitted to grow higher than the growth on surrounding properties,

"Filth, Discarded Materials or Rubbish" means any and all manner of garbage; discarded or unused materials; filth; noxious, offensive or unwholesome matter, unlicensed, unused or stripped automobiles, trucks, trailers, boats, vessels, machinery, mechanical or metal parts; bottles and glass,

"Municipality" means the Village of Gold River,

"Noxious Weeds" means those weeds listed in the regulations to the Weed Control Act of British Columbia,

"Owner" means the registered owner in fee simple of a property and those persons defined as "owner" in the *Community Charter*,

"Person" means any corporation, partnership or party and the personal or other legal representative of a person, to whom the context can apply according to the law and also includes an owner, the agent of an owner, or the occupier of, or the holder of a purchaser's interest in an Agreement for Sale, of any real or personal property within the municipality,

"Real Property" means any parcel of private land within the Village of Gold River,

"Unsightly" means, but is not limited to:

- a) the accumulation of filth, discarded materials or rubbish of any kind, including but not limited to ashes, dead animals, paper, cardboard, tin cans, leaves, wood, bedding, furniture (other than furniture designed specifically for outdoor use), crockery, glass, bags and appliances,
- b) the accumulation of mechanical equipment, including bulldozers, graders, backhoes or other similar heavy construction equipment on any site in the Village where such site is not zoned for such use,
- c) materials of any sort that are strewn about the real property rather than piled in a neat and appropriate manner,
- d) landscaping that is dead, characterized by excessive growth or lack of maintenance , or is damaged,
- e) a lowering in quality of the condition of appearance of a structure or parts thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay or neglect or excessive use or lack of maintenance.

3.0 RUBBISH AND LITTER CONTROL

- 3.1 No person shall cause or permit water, rubbish or noxious, offensive or unwholesome matter to collect or accumulate upon or around real property or from depositing or throwing bottles, broken glass or other rubbish in any open place, Village park or other public property.

4.0 UNSIGHTLY PREMISES

- 4.1 No owner or occupier of real property shall allow his or her property to become or remain unsightly as defined within this Bylaw.
- 4.2 Where an owner or occupier of real property fails to comply with a requirement referred to in subsection 4.1, the municipality by its employees or other persons, at reasonable times and in a reasonable manner, shall enter on the property and effect the removal at the expense of the person who has failed to comply.
- 4.3 Where a person at whose expense removal is carried out under subsection 4.2 does not pay the cost of removal on or before December 31st in the year that the removal was done, the costs shall be added to and form part of the taxes on that real property as taxes in arrears.

5.0 INSPECTION

- 5.1 A Bylaw Enforcement Officer or Peace Officer is hereby authorized to enter, at all reasonable times, on any property to ascertain whether the requirements of this Bylaw are being met or the regulations contained in this Bylaw are being observed, and may take such actions as required under the Procedures as listed in Schedule "A" attached hereto and made part of this Bylaw.

6.0 OFFENCES

- 6.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and shall, upon summary conviction thereof, be liable to a maximum penalty of \$2000.00

6.2 Each day that an offence continues shall constitute a separate offence against this Bylaw.

7.0 ENFORCEMENT

7.1 This Bylaw is designated under the provisions of Section 264 of the *Community Charter* as a Bylaw that may be enforced by means of a ticket in the form prescribed, and in accordance with this Bylaw.

7.2 Bylaw Enforcement Officers and members of the Royal Canadian Mounted Police are designated to enforce this Bylaw pursuant to Section 264 (1) (b) of the *Community Charter*.

7.3 Pursuant to Section 269(1)(c) of the *Community Charter*, authorization is hereby delegated to the Bylaw Enforcement Officer to refer tickets issued with respect to this bylaw to the Provincial Court for a hearing.

8.0 PENALTIES

8.1 Pursuant to Section 264(1)(c) of the *Community Charter*, the words or expressions set forth below in Column 1 designate the offence committed under the Bylaw section numbers appearing in Column 2 opposite the respective words or expressions.

8.2 Pursuant to Section 265(1)(a) of the *Community Charter*, the fine amount set forth below in Column 3 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.

Column 1 Offence	Column 2 Bylaw Section	Column 3 Fine Amount
Accumulation of rubbish or litter	3.1	\$150.00
Unsightly premise (includes accumulation of filth, discarded materials, uncut grass, excessive weeds or other noxious weeds, accumulation of mechanical or heavy construction equipment on a site not zoned for such use)	4.1	\$150.00

9.0 SEVERABILITY

9.1 If any section, subsection, sentence, clause or phrase in this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid portion thereof shall be severed and the decision that is invalid shall not affect the validity of the remaining portions of the Bylaw.

10.0 REPEAL

10.1 The Village of Gold River Untidy and Unsightly Premise Bylaw No. 330, 1986 is hereby repealed.

READ A FIRST AND SECOND TIME THIS 5TH DAY OF MAY 2008.
READ A THIRD TIME THIS 20TH DAY OF MAY 2008.
ADOPTED THIS 2ND DAY OF JUNE 2008.

-----original signed by the Mayor -----

-----original signed by the CA -----

C. Anderson MAYOR

L. Plourde CORPORATE ADMINISTRATOR

Bylaw No. 666, 2008

Schedule "A"

Unsightly Premise Procedures

1. Upon receipt of a complaint (either verbal or written) of if staff considers a premise is unsightly or untidy, the Bylaw Enforcement Officer or alternate authorized person, shall inspect the property.
2. Complaints must be accompanied by a valid phone number and street address of the complainant. Such complaints shall be kept confidential.
3. The Bylaw Enforcement Officer shall respond to complaints from occupiers and/or owners who reside or own property within 300 meters of the alleged violation.
4. Should staff pursue a complaint under the bylaw, the Bylaw Enforcement Officer, or alternate authorized person, shall advise the registered owner and any occupier of the property in writing at least ten days before the Council meeting where the matter of enforcement will be considered by Municipal Council.
5. The notice referred to in Section 4 shall advise that failure to comply with the request to clean up the property will result in the matter being forwarded to Council (specify date, time and location) for deliberation at which time the property owner or authorized designate is requested to attend. The notice shall include a copy of the bylaw.
6. The staff recommendation to Council shall be that the Village undertake cleaning of the property and that the expenses incurred, including a \$500 processing fee, will be applied to the property taxes as of December 31st of the current year.
7. Not more than two days before the Council meeting, the Bylaw Enforcement Officer or alternate authorized person, shall inspect the property and if the property has not been cleaned up, shall advise the Council accordingly. The notice shall contain a detailed inventory of the violations and recommended remediation.
8. At the Council meeting, the owner, occupier or agent shall be given copies of any further material prepared by staff and shall be invited to make a submission to Council.
9. Should Council determine to proceed with direct enforcement it shall be done by way of resolution. The resolution shall state:
 - the owner has ten days to clean up the property;
 - specify the specific clean up requirements;
 - indicate the specific area to be cleaned up;
 - the consequences if the requested work is not completed.
10. The resolution shall be mailed to the owner and occupier, if applicable.

11. The Bylaw Enforcement Officer, or alternate authorized person, shall conduct a site inspection ten days following the notice. If cleanup or the required remediation has not occurred, either Village staff or a private contractor shall undertake the specified clean up. Any expenses incurred, including the \$500.00 processing fee, shall be listed with an invoice and mailed to the registered owner. If such expenses are not paid by the end of the current year, the expenses shall be added to the property taxes pursuant to the *Local Government Act/Community Charter*.