

DISTRICT OF TUMBLER RIDGE

BYLAW NO. 444, 2001

A Bylaw to Prohibit Littering of Public Areas or Damage to Public Property and to Prohibit Unsightly Premises within the District of Tumbler Ridge

WHEREAS Section 725 of the Local Government Act, R.S. Chap. 323, provides that the Council may, by bylaw, do the following:

1.0 Interpretation

1.1 In this bylaw:

“*Bylaw Enforcement Officer*” means a person appointed by the *Council* as a bylaw enforcement officer, building inspector, or a peace officer;

“*developed property*” means a property where a dwelling or other building has been constructed, and excludes parks and properties that have not been built on or developed;

“*District*” means the Corporation of the District of Tumbler Ridge;

“*Council*” means the *Council* of the *District*;

“*owner*” means the registered owner of a parcel of land, and where the parcel is not occupied by the registered owner, includes an occupant of the parcel of land; and

“*Removal Order*” means a letter issued pursuant to s. 4.1 of this bylaw..

2.0 Unsightly Premises

2.1 No *owner* shall cause, allow or permit a parcel to become or to remain unsightly, and, specifically:

(a) No *owner* of a parcel shall cause, allow or permit the accumulation of building material on the parcel unless

(i) the *owner* of the parcel is in possession of a valid building permit; or

(ii) the building materials are stored in a closed building or structure such that they are not visible from another parcel or a *public place*;

(b) No *owner* of a parcel shall cause, allow or permit the storage or accumulation on the parcel of all or part of a vehicle that 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 closed building or structure such that the vehicle, or any portion of the vehicle, is not visible from another parcel or a public place;

(c) No *owner* of a parcel shall cause, allow or permit a building or structure, or part of a building or structure, which is missing all or a portion of its surface, covering, or coating materials to be on the parcel unless the *owner* is in possession of a valid building permit in respect of the building or structure;

(d) No *owner* of a parcel shall cause, allow or permit the accumulation on the parcel of filth, discarded materials, unwholesome matter, or rubbish of any kind, whether or not for commercial purposes or as part of a trade or calling, including but not limited to dead animals, paper products, crockery, glass, metal, plastics, plastic containers, wire, ropes, machinery, tires, appliances, vehicle parts, and any other scrap or salvage;

- (e) No *owner* of a parcel shall allow vegetation on a parcel to become unsightly, including allowing a grass lawn on a *developed property* to grow higher than 15 centimetres;
- (f) No *owner* of a parcel shall cause, allow or permit the presence of graffiti, whether in the form of pictures or words, on the parcel or on the surface of a structure on the parcel; and
- (g) No *owner* of a parcel shall cause, allow or permit the accumulation on the parcel of garbage not contained in a covered receptacle.

2.2 The *owner* of a parcel must remove or cause to be removed from the parcel any accumulations of filth, discarded material, graffiti or rubbish of any kind.

3.0 Inspection

3.1 A *Bylaw Enforcement Officer* may enter on a parcel at all reasonable times to ascertain whether this bylaw is being observed, to gather evidence on any violation, or to serve any notice related to this bylaw.

3.2 No person shall obstruct a *Bylaw Enforcement Officer* from entering a parcel in accordance with section 3.1.

4.0 Removal Order

4.1 Where a *Bylaw Enforcement Officer* observes that a parcel is or has become unsightly under section 2.1(d-g) of this Bylaw, the *Bylaw Enforcement Officer* may deliver a *Removal Order* to the *owner* of the parcel:

- (a) requiring the removal, clearing or remedying of any thing or things listed in subsections 2.1(d-g), including a class of things, that render the parcel unsightly within 30 days;
- (b) stating that, after the expiration of 30 days, the *District* by its officers, employees, contractors, or agents may, at the expense of the *owner*, enter on the parcel and remove, clear or remedy any thing or things that render the parcel unsightly as stated in the *Removal Order* at the *owner's* expense; and
- (c) stating that the *owner* may appear before *Council* to be heard on a specified hearing date, being not less than 5 days or more than 30 days after delivery of the *Removal Order*, to contest the *Removal Order*;

4.2 Where an *owner* receives a *Removal Order* with respect to a parcel, the *owner* of the parcel must remove, clear, or remedy anything that, as stated in the *Removal Order*, renders the parcel unsightly within 30 days of delivery of the *Removal Order*, unless *Council* directs otherwise under section 4.4.

4.3 Should the *owner* wish to contest the *Removal Order*, the *owner* must give 5 days notice to the *District's* Clerk that he or she will appear before *Council* on the specified hearing date in the *Removal Order* to contest the *Removal Order*.

4.4 Upon hearing the *owner*, staff and any other affected persons, *Council* may affirm, vary or revoke the *Removal Order*.

5.0 Default

5.1 On any date that is 30 days after delivery of a *Removal Order*, or after the expiry of a date set by *Council* in a variation of a *Removal Order*, between the hours of 8:00 a.m. and 8:00 p.m., an employee, contractor, or agent of the *District* may enter the parcel subject to the *Removal Order* and remove, or clear any thing or things stated in the

Removal Order, including cutting or mowing any grasses, that render the parcel unsightly.

5.2 The *owner* of a parcel where the *District* has performed work under section 5.1 of this bylaw shall owe to the *District*, as a debt, the cost of performing the work.

5.3 If the debt under section 5.2 remains unpaid on December 31 in the year the work is done, the *District* shall add the cost of the work to the taxes due and owing on the affected parcel.

6.0 Offence & Penalty

6.1 Every person who violates a provision of this bylaw, or who suffers or permits any act or thing to be done in contravention of or in violation of any provision of this bylaw, or who neglects to or refrains from doing anything required to be done by any provision of this bylaw, is guilty of an offence against this bylaw and is liable on summary conviction, to a penalty of not more than \$10,000.00.

6.2 Each day that a violation continues to exist is a separate offence against this bylaw.

7.0 Severability

7.1 If at any time, any provision of this bylaw is declared or held to be illegal, invalid, or *ultra vires*, in whole or in part, then the provision shall not apply and the remainder of this bylaw shall continue in full force and effect and be construed as if it had been enacted without the illegal, invalid, or *ultra vires* provision.

9.0 Title

9.1 This bylaw may be cited for all purposes as the "Unsightly Premises Bylaw 2001, No. 444."

10.0 Repeal

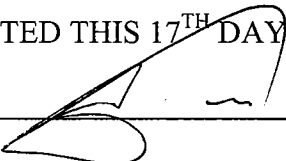
10.1 The *District* of Tumbler Ridge Community Pride Bylaw No. 276, 1992 is hereby repealed.

READ A FIRST TIME THIS 3rd DAY OF DECEMBER, 2001.

READ A SECOND TIME THIS 3rd DAY OF DECEMBER, 2001.

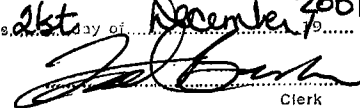
READ A THIRD TIME this 3rd DAY OF DECEMBER, 2001.

ADOPTED THIS 17TH DAY OF DECEMBER, 2001.

Mayor 

Clerk 

**Al Kopeck
Acting Mayor
District of Tumbler Ridge**

I hereby certify that this is a true and correct	
copy of District of Tumbler Ridge	<i>Unsightly</i>
<i>Premises</i>	By-Law No. <i>444</i>
as adopted by the District of Tumbler Ridge Council	
on the <i>17th</i> day of <i>December</i> <i>2001</i>	
Signed this <i>21st</i> day of <i>December</i> <i>2001</i>	
	Clerk