# **DISTRICT OF MACKENZIE**

## **BYLAW NO. 1394**

A bylaw to prohibit unsightly premises within the District of Mackenzie.

**WHEREAS** the Council for the District of Mackenzie desires to protect the quality of life for its citizens, and endeavors to promote civic responsibility, and further, strives to encourage good relationships between neighbors, Council deems it appropriate to require an owner of property to maintain and present a tidy and inviting community;

**AND WHEREAS** the *Community Charter*, SBC 2003, c. 26 authorizes officers, employees and agents of the District of Mackenzie to enter at all reasonable times on any property to ascertain compliance with the District of Mackenzie's bylaws;

**NOW THEREFORE** the Council of the District of Mackenzie in open meeting assembled hereby enacts as follows:

# **1.** INTERPRETATION:

- 1.1 This Bylaw may be cited as "Unsightly Properties Bylaw No. 1394"
- 1.2 Words or phrases defined in the British Columbia *Community Charter* or any successor legislation, shall have the same meaning when used in this Bylaw unless otherwise defined in this Bylaw.
- 1.3 In this Bylaw, unless the context otherwise requires, the singular shall include the plural and the masculine includes the feminine gender.
- 1.4 The headings contained in this Bylaw are for convenience only and are not to be construed as defining, or in any way limiting, the scope or the intent of the provisions of this Bylaw.

# 2. SEVERABILITY:

2.1 If any part of this Bylaw is for any reason held invalid by any court of competent jurisdiction, the invalid portion shall be severed and the severance shall not affect the validity of the remainder.

#### 3. GENERAL REGULATIONS:

- 3.1 No person shall obstruct or interfere with a Bylaw Enforcement Officer in the exercise of their duties.
- 3.2 A Bylaw Enforcement Officer is hereby authorized to enter, at all reasonable times in a reasonable manner, on any property subject to the regulations of this Bylaw, to ascertain whether the regulations or directions contained herein are being observed.

# 4. ADMINISTRATION:

- 4.1 The Manager is hereby appointed to administer and carry out the provisions of this Bylaw.
- 4.2 In this Bylaw, words defining responsibilities and authority shall be construed to be an internal administrative direction and not as creating a duty.

# 5. **DEFINITIONS:**

In this Bylaw:

**"BOULEVARD"** means that portion of highway between the curb lines or the lateral boundary lines of a road way and the adjoining property or between the curbs on median strips or islands, but does not include curbs, sidewalks, ditches or driveways.

**"BUILDING MATERIALS"** means material or debris which may result from construction, renovation, or demolition of any building or other structure and includes but is not limited to wood, gypsum board, roofing, vinyl siding, metal, packing material, containers of building materials, gravel, concrete, asphalt, and any earth, rocks and vegetation displaced during such construction, renovation or demolition of any building or other structure.

**"BYLAW ENFORCEMENT OFFICER"** means the persons duly appointed by Council as such, and shall include any Peace Officer.

**"COMPOSTING"** means the managed practice of recycling organic material, including food and yard waste, through biological degradation in a container or pile, to create a usable soil conditioner.

**"CONTAINER"** includes a dumpster, garbage can, garbage bin or other receptacle designed, intended, or used to hold rubbish, discarded materials and debris.

"COUNCIL" means the Council of the District of Mackenzie.

"DERELICT STRUCTURE" means any structure or combination of materials assembled at a fixed location to give support or shelter, including a building, framework, retaining wall, tent, reviewing stand, platform, bin, fence, sign, flagpole, or mast for radio antenna, which is run down, unused, decaying, dismantled, dilapidated, inoperable, unusable, in poor condition, or neglected.

**"DERELICT VEHICLE"** means any vehicle as defined in the *Motor Vehicle Act*, RSBC 1996, c. 318, or part thereof, which:

- a. is physically wrecked, disabled, or damaged;
- b. is not capable of operating under its own power;
- c. does not have attached license plates for the current year; or
- d. has not been insured or licensed as required under the *Motor Vehicle Act*, RSBC 1996, c. 318 for a minimum of 90 days within the previous 12-month period.

"DISCARDED MATERIALS" includes any accumulation of wood, appliances, furniture, mattresses, motor vehicle parts or tires, construction materials, toys, recreational or sporting equipment, carpeting or any other materials or equipment whereby its placement upon the real property is not consistent with its intended normal use or due to its condition and/or state of disrepair is not usable for its normal intended use or whether or not the materials are used for or intended to be used for commercial purposes or resale.

**"DISTRICT"** means the District of Mackenzie, or the area within its municipal boundaries as the context may require.

**"DISTRICT RIGHT OF WAY"** means a utility right of way that is a registered easement on private land that allows the District and various utility companies the right to access the utilities or services that are commonly buried within the right of way. **"FIREWOOD"** includes pieces of logs, split logs, tree limbs or branches, pruning's, lumber, scrap wood, manufactured logs or any other wood based materials which are "Permitted Wood Burning Appliance Fuels", intended to be used for burning in a solid fuel burning appliance, fireplace or firepit.

"GRAFFITI" means one more letters, initials, symbols, marks, slogans, designs or drawings however made, on any sidewalk, wall, building, fence, sign or other structure or surface, but does not include marks made accidentally, or any of the following:

- (a) a sign, public notice or traffic control mark authorized or provided by the District;
- (b) a sign, public notice, or similar marking authorized pursuant to the District's applicable bylaw provisions regulating signs;
- (c) a public notice authorized by a Municipality's bylaw or by provincial or federal legislation;
- (d) in the case of private Property, a letter, symbol or mark authorized by the Owner or Occupant of the Property on which the letter, symbol or mark appears.

**"HIGHWAY or OTHER PUBLIC PLACE**" includes every highway, street, road, land, boulevard, sidewalk, lane, bridge, viaduct and any other way open to public use and any park, building, conveyance, private place or passageway to which the public has, or is permitted to have access or is invited.

**"MANAGER**" means each of the Director of Operations, Public Works General Manager, Public Works Superintendent, and includes their designates.

"NOXIOUS WEED" has the same meaning as in the Weed Control Act, RSBC 1996, c. 487.

"OCCUPANT" includes:

- a. A person residing on or in the property;
- b. The person entitled to the possession of property if there is no person residing on or in the property; and
- c. A leaseholder, and shall include the agent of any such person.

"OFFENSIVE OR UNWHOLESOME MATTER" means physical objects which are objectionable to the public.

"ORDER" means an order in section 6.8.2 of this Bylaw.

"**OWNER**" means the Person(s) or organization listed as the title holder on a property's legal certificate of title.

"PEACE OFFICER" includes a Bylaw Enforcement Officer.

"**PEST**" means an injurious, noxious or troublesome living organism, such as any mouse, rat, bed bug, flea, wasp, hornet or cockroach, but does not include any domesticated rat or mouse or a virus, bacteria, fungus or internal parasite that exists on or in humans or animals.

**"PUBLIC PLACE"** means any property, whether publicly or privately owned, to which members of the public have access as of right, or by express or implied invitation, whether on payment of any fee or not.

"**REAL PROPERTY**" has the same meaning as in the *Community Charter*, SBC 2003, C. 26, and includes, as the context requires, individual premises located on the real property.

**"RECREATIONAL VEHICLE**" means a vehicle capable of being licensed under the Motor Vehicle Act, which is designed for the temporary accommodation of people, and includes but is not limited to motor homes, camper vans, tent and camper trailers, fifth wheels and other motor vehicles converted or adapted for temporary human accommodation, dirt bikes, 3-wheeled and 4-wheeled ATV's, snowmobiles, and Argo's.

"**RECREATIONAL EQUIPMENT**" means equipment designed for the temporary transportation of people, and includes but is not limited to go carts, paddle boats, canoes, skiff's, personal watercraft, other self-propelled equipment and the like.

"RUBBISH" in addition to its common dictionary meaning, shall include decaying or nondecaying solid and semi-solid wastes, including, but not limited to, both combustible and non-combustible wastes, such as paper, trash, refuse, cardboard, waste material, cans, glass, bedding, mattresses, crates, rags, tarps, barrels, boxes, lumber not neatly piled, scrap iron, tin and other metal, scrap paving material, construction and demolition waste, derelict vehicles and other vessels, tires, machinery, mechanical or metal parts, discarded or dilapidated appliances, discarded or dilapidated objects, furniture, ashes from fireplaces and on-site incinerators, yard clippings and brush, wood, dry vegetation, dirt, weeds, dead trees and branches, stumps, and piles of earth mixed with any of the above.

"**STREET**" means any highway, roadway, sidewalk, boulevard, place or right of way which the public is ordinarily entitled or may be permitted to use for the passage of vehicles or pedestrians and includes a structure located in any of those areas.

"TRAFFIC CONTROL DEVICE" has the same meaning as defined in the *Motor Vehicle Act*, RSBC 1996, c. 318.

**"UNSIGHTLY"** includes any condition such as deposits of Rubbish, litter, garbage, weeds, or lack of general maintenance to a structure or Real Property, whether or not the condition impacts the values of adjacent Real Properties; and

a. in respect Real Property, includes Real Property which shows signs of serious disregard for general maintenance and upkeep, relative to adjacent Real Properties and their land uses, and the uses that could reasonably be undertaken on Real Property in the neighborhood.

# 6. **PROPERTY MAINTENANCE:**

6.1 Without limiting the liability of any other person under this Bylaw, every Owner of Real Property is liable for any contravention of this Bylaw which arises on that Owner's Real Property.

# 6.2.1 Regulations

- a. **Rubbish, Garbage and Discarded Material**: No person shall cause, suffer, or permit the accumulation of Rubbish, garbage, or Discarded Material on any Real Property, and every Owner or Occupier shall remove any accumulation of Rubbish, garbage, or Discarded Material from his or her Real Property.
- b. Accumulation of Offensive or Unwholesome Matter: No person shall cause, suffer, or permit Offensive or Unwholesome Matter upon Real Property in plain sight and shall remove the same therefrom.

c. **Accumulation of Water:** No person shall cause, suffer, or permit water to collect or accumulate or otherwise hold water upon a Real Property that has become stagnant.

#### d. Maintenance of Grass and Vegetation:

- (i) No person shall cause, suffer, permit or allow grass or weeds on the premises to become unsightly or allow grass or weeds to exceed fifteen (15) cm in length.
- (ii) No person shall cause, suffer, or permit the accumulation of dead landscaping, vegetation, noxious weeds or other growths to occur or to remain on the Real Property.
- (iii) No person shall cause, suffer, or permit any vegetation to:
  - (a) Interfere or obstruct any work done by the District or utility;
  - (b) Obstruct any highway or sidewalk;
  - (c) Impair the visibility at any intersection adjacent to the premises.
- e. **Accumulation of Firewood:** Unless otherwise regulated, no person shall cause, suffer, permit the accumulation of firewood upon Real Property, unless stored in open stacked rows.
- f. Accumulation of Motor Vehicle Parts, Derelict Vehicles, or Other Mechanical Parts: No person shall cause, suffer, or permit the accumulation of motor vehicle parts, Derelict Vehicles, or other mechanical parts upon Real Property and shall remove the same, except where the storage of recreational vehicles and equipment are a permitted use pursuant to the District of Mackenzie Zoning Bylaw.
- g. **Accumulation of Recreational Vehicles or Recreational Equipment:** No person shall cause, suffer, or permit the accumulation of Recreational Vehicles or Equipment upon Real Property except where the storage of recreational vehicles and equipment are a permitted use pursuant to the District of Mackenzie Zoning Bylaw.
- h. **District Infrastructure:** No person shall cause, suffer, or permit trees or bushes or their root systems located on their property to become injurious to or interfere with District roadways, sidewalks, electrical utilities or other utilities or works and shall remove the offending trees and or bushes or the offending portions of trees and or bushes therefrom.
- Graffiti: No person shall place or cause or permit Graffiti to be placed on any building, structure, wall, fence, or any other surface that is visible from a Public Place. If any Graffiti is placed on Real Property in a manner which is visible from a Public Place, the Owner or Occupier of that Real Property shall within 72 hours remove or cause the removal of the Graffiti.
- j. **Accumulation of Building Materials:** No person shall cause, suffer, or permit the accumulation of building materials upon Real Property and shall remove the same there from except those building materials that are permitted upon Real Property where the owner is in possession of a valid and existing building permit issued by the District or, if no building permit is required, if the Real Property on which those Building Materials are placed is in the process of construction .

# 6.3 Compost Sites

- 6.3.1 No owner or occupier of premises shall place or allow to be placed cat feces, dog feces, animal parts or meat on a composting pile or in a composting container on the premises.
- 6.3.2 No owner or occupier of premises shall allow a composting pile, which is not fully enclosed in a container, on the premises, within three (3) meters of an adjacent dwelling house, measured from the nearest part of the composting pile to the nearest part of the adjacent dwelling house.
- 6.3.3 Every owner or occupier who allows a composting container or composting pile to remain on premises must ensure that it is maintained in such a manner that is does not become a nuisance by creating offensive odors or attracting pests.

## 6.4 Nuisance Escaping Property

- 6.4.1 Water, Eaves Troughs and Downspouts
  - (i) No owner or occupier of premises shall allow a flow of water from a hose or similar device on the premises to be directed towards adjacent premises if it is likely that the water from the hose or similar device will enter the adjacent premises.
  - (ii) An owner of the premises shall direct any rainwater downspout or eavestrough on premises towards the front or rear of the premises or a side yard which does not abut another premise unless it is pre-existing, otherwise authorized or would be considered unreasonable or impractical to change.
  - (iii) No owner or occupier of premises shall allow a flow of water from a hose or similar device, rain, downspout or eaves trough to be directed over a public sidewalk so as to be a hazard to any person.

#### 6.4.2 Dust and Airborne Matter

(i) No person shall engage in any activity that is likely to allow dust or other airborne matter that may disturb any other person to escape the premises without taking reasonable precautions to ensure that the dust or other airborne matter does not escape the premises.

#### 6.4.3 Outdoor Lighting

- (i) No owner or occupier of premises shall allow an outdoor light to point or shine directly into the living or sleeping areas of an adjacent dwelling house.
- No owner or occupier of premises shall allow an outdoor light to shine in a manner in which it will interfere with the effectiveness of a traffic control device, operation of a motor vehicle, or the proper use of a sidewalk or highway.
- (iii) An outdoor light shall not constitute a violation of Section 6.4.3 (i) if the owner or occupier of the premises shields the light from pointing or shining directly at the living or sleeping areas of the adjacent dwelling house.
- (iv) Where an outdoor light is permitted or required pursuant to the Building Bylaw, a development permit or a similar approval, the Building Bylaw, a development permit or a similar approval shall take precedence over this Bylaw, and the light shall not constitute a violation of Section 6.4.3/ (i).

- 6.4.4 Flyers and Debris
  - An owner or occupier of any premises shall ensure that articles such as papers, flyers and similar loose debris are collected and contained so that they do not escape onto adjacent or other neighboring properties.
  - (ii) An owner or occupier of premises is responsible for papers and flyers on their premises regardless of whether or not any owner or occupier solicited those materials for delivery.
  - (iii) No person responsible for the operation of a business or non-profit organization engaged in the distribution of flyers shall allow the deposit of their flyers on premises where signs or notices have been posted and are clearly visible at the entrance to a dwelling unit, indicating that such material is not wanted.

# 6.5 Pests

- 6.5.1 Every owner or occupier of premises unless authorized by the District shall not allow the formation, by pests, of any hives, nests, or colonies on said premises.
- 6.5.2 Every owner or occupier of premises shall remove and destroy immediately any hives, nests, or colonies upon discovery of the same.

## 6.6 Derelict Structures

6.6.1 No person shall allow a structure, located on Real Property of which he is the owner or occupier, to become a Derelict Structure.

# 6.7 District Right of Way

- 6.7.1 An owner or occupier that has:
  - (i) curb and gutter, or
  - (ii) curb and gutter and sidewalk, or
  - (iii) curb and sidewalk,

installed and completed, shall be responsible for the installation and maintenance of landscaping on that part of the District Right of Way between the owner's lot line and the curb.

#### 6.8 Service of an Order

- 6.8.1 If Real Property or the Owner or Occupier of Real Property, or other responsible person, fails to comply with a provision of this Bylaw, as reasonably determined by the District, a Manager, or a Peace Officer, the District, Manager, or Peace Officer may issue a written Order to each Owner, occupier, and other responsible person requiring that they remedy the issue which fails to comply with this Bylaw.
- 6.8.2 An Order under this section must:
  - a) be in writing;
  - b) identify the known Owners, Occupiers, or other responsible person, of the subject Real Property;
  - c) identify the civic address or location of the subject Real Property;
  - d) identify the legal description of the subject Real Property;

- e) provide reasonable particulars of the specific provisions or standards of this Bylaw which have been contravened, and of the steps or other actions required to remedy the contravention;
- f) provide a reasonable time in which the contravention must be remedied, which time must be calculated from the date the Order is served on each Owner, Occupier, and responsible person;
- g) state that if the contravention is not remedied within the time specified, the District may without further notice fulfill that requirement at the expense of each person in default, and recover the costs incurred in doing so from each person in default, including as unpaid property taxes or as unpaid debt;
- h) be served on the persons set out in section 6.8.3;
- i) be served in the manner set out in section 6.8.4 and 6.8.5.
- 6.8.3 An Order under this section must be served on every Owner and Occupant of the Real Property, which is the subject of the Order, and every responsible person.
- 6.8.4 Unless an Owner or Owner's agent accepts service in another manner, an Order under this section must be served on the Owner by leaving a copy of the Order at the Real Property which is the subject of the Order, and any one of the following methods:
  - (i) personal service;
  - (ii) registered mail to the Owner's address as listed on the title of the Real Property or the address of the Owner on the current year's property assessment roll;
  - (iii) by physical delivery to the Owner's address as listed on the title of the Real Property or the address of the Owner on the current year's property assessment roll.
- 6.8.5 Unless the Occupant or responsible person or their agent accepts service in another manner, an Order under this section must be served on an Occupant and responsible person by leaving a copy of the Order at the Real Property which is the subject of the Order or mailing a copy to that address, and in the case of a responsible person, also by mailing or personally serving the Order to the responsible person's last known address.
- 6.8.6 If a person fails to comply with the Order issued by the District within the time specified by that Order:
  - a. the District, by its workers or designate, may without further notice enter the Real Property and effect whatever work the District reasonably determines is necessary and appropriate to fulfill the requirements of the Order; and
  - b. the person who fails to comply will be liable to the District for the District's actually-incurred expenses in consequence of the work carried out to bring the Real Property into compliance with the Order, which costs may include all costs and expenses incurred by the District to achieve compliance with this Bylaw including, without limitation, administrative costs, costs to attend property by District employees or its contractors and the costs of removal, clean up and disposal.
- 6.8.7 The District may at any time prepare a statement of account for the District's actuallyincurred expenses in consequence of the work carried out on the Real Property to give effect to an Order under section 6.8 of this Bylaw, and may provide that statement of account to any person who failed to comply with the Order in the same manner as serving an Order.
- 6.8.8 Any person who fails to comply with an Order as described in section 6.8.6 of this bylaw and who is served with a statement of account under section 6.8.7 of this bylaw must pay the District entire amount owing against the statement of account within 30 days of being served the statement of account and, if that person fails to do so, the District

may, in addition to any other remedy, recover any unpaid amount owing against that statement of account by:

- (a) directing that the amount outstanding be added to the tax roll of the subject Real Property as a charge imposed in respect of work or service provided to the Real Property of the Owner, and be collected in the same manner as property taxes; and
- (b) treating the unpaid amount as a debt due to the District from the person who failed to pay.
- 6.8.9 This section is in addition to, and does not abridge, any other remedy or enforcement power available to the District.

# 7. ENFORCEMENT AND PENALTY

## 7.1 Enforcement

7.1.1 Any person designated as a Bylaw Enforcement Officer pursuant to the District of Mackenzie Bylaw Enforcement Bylaw, or any person named as the Enforcement Officer pursuant to the District of Mackenzie's Ticket Information Bylaw, is hereby authorized and empowered to enforce the provisions of this Bylaw by Bylaw Notice if the *Local Government Bylaw Notice Enforcement Act* SBC 2003, c. 60 applies, or by Municipal Ticket Information, or as otherwise provided by this Bylaw.

## 7.2 Penalty

- 7.2.1 Every person who contravenes or violates any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, is guilty of an offence and is subject to the following enforcement provisions:
  - (i) to a fine not exceeding \$10,000; or
  - (ii) to a fine as imposed by means of a Municipal Ticket Information under the *Community Charter*, or to a fine as imposed by means of a Bylaw Notice if the *Local Government Bylaw Notice Enforcement Act* applies.
- 7.2.2 Where the offence is a continuing one, each day the offence continues shall be a separate offence.

# 7.3 Vicarious Liability

- 7.3.1 When a contravention of this Bylaw has been committed by:
  - an employee of a corporation while acting in the capacity of an employee of or on behalf of that corporation, that corporation shall be deemed to have committed the contravention committed by the employee;
  - (ii) an Occupier of Real Property, the Owner of the property shall be deemed to have committed the contravention of this Bylaw;
  - (iii) a motor vehicle or trailer, whether or not it is registered, the registered owner of that motor vehicle or trailer shall be deemed to have committed a contravention of this Bylaw.

#### 8. ADOPTION

- 8.1 That this Bylaw shall come into force and take effect upon the date of final adoption by the Council of the District of Mackenzie.
- 8.2 Bylaw No. 714, cited as "District of Mackenzie Unsightly Premises Bylaw No. 714, 1990" and amendments thereto as it applies to the District of Mackenzie, is hereby repealed.

READ a first time this	13 <sup>th</sup>	day of	August	, 2018.
READ a second time this	13 <sup>th</sup>	day of	August	, 2018.
READ a third time this	13 <sup>th</sup>	day of	August	, 2018.
ADOPTED this	27 <sup>th</sup>	day of	August	, 2018.

I hereby certify the foregoing to be a true and correct copy of District of Mackenzie Bylaw No. 1394 cited as "Unsightly Properties Bylaw No. 1394, 2018".

Mávor

Corporate Officer

Corporate Officer

# **DISTRICT OF MACKENZIE**

#### <u>Bylaw No. 1410</u>

# A Bylaw to Amend Unsightly Properties Bylaw No. 1394, 2018

**WHEREAS** the District of Mackenzie deems it prudent and desirable to amend its Unsightly Properties Bylaw;

**NOW THEREFORE BE IT RESOLVED** that the Council of the District of Mackenzie in open meeting assembled **HEREBY ENACTS** as follows:

1. That Bylaw No. 1394 cited as "Unsightly Properties Bylaw No. 1394, 2018" is hereby amended as follows:

## A. By revising the following definition inf section 5:

**"RECREATIONAL VEHICLE"** means a vehicle capable of being licensed under the Motor Vehicle Act, which is designed for the temporary accommodation of people and Recreational Equipment, and includes but is not limited to motor homes, camper vans, tent and camper trailers, fifth wheels and other motor vehicles converted or adapted for temporary human accommodation, dirt bikes, 3-wheeled and 4-wheeled ATV's, snowmobiles, Argo's, utility trailers, and cargo trailers.

### **B.** By rewording section 6.2.1(f) to the following:

# Accumulation of Motor Vehicle Parts, Derelict Vehicles, Unlicensed Vehicles, or Other Mechanical Parts:

No person shall cause, suffer, or permit the accumulation of motor vehicle parts, Derelict Vehicles, unlicensed vehicles, or other mechanical parts upon Real Property and shall remove the same, except where the storage of Motor Vehicle Parts, Derelict Vehicles, unlicensed vehicles, or Other Mechanical Parts are a permitted use pursuant to the District of Mackenzie Zoning Bylaw.

# C. By rewording section 6.2.1(g) to the following:

No person shall cause, suffer, or permit the accumulation of Recreational Vehicles, Recreational Equipment or Licensed Vehicles upon Real Property except where the storage of Recreational Vehicles, Recreational Equipment, and Licensed Vehicles are a permitted use pursuant to the District of Mackenzie Zoning Bylaw.

2. This bylaw may be cited for all purposes as "Unsightly Properties Amendment Bylaw No. 1410, 2019"

READ a first time this	8 <sup>th</sup>	day of	April	, 2019.
READ a second time this	8 <sup>th</sup>	day of	April	, 2019.
READ a third time this	8 <sup>th</sup>	day of	April	, 2019.
ADOPTED this	23 <sup>rd</sup>	day of	April	, 2019.

I hereby certify the foregoing to be a true and correct copy of District of Mackenzie Bylaw No. 1410 cited as "Unsightly Properties Amendment Bylaw No. 1410, 2019".

or or whe Smith Mayor

Corporate Officer

Corporate Officer