

**DISTRICT OF CHETWYND
BYLAW NO. 912, 2009**

**A bylaw to regulate property maintenance and
prevent unsightly premises**

WHEREAS pursuant to the *Community Charter* Council may regulate, prohibit, and impose requirements in relation to nuisances, disturbances, and other objectionable situations.

NOW THEREFORE the Council of the District of Chetwynd in open meeting assembled enacts as follows:

1. CITATION

This Bylaw may be cited as the “District of Chetwynd Property Maintenance and Unsightly Premises Bylaw No. 912, 2009”.

2. DEFINITIONS

“**Authorized Person**” means the person appointed by the Council for the purposes of administering and enforcing this Bylaw, and includes a member of the Royal Canadian Mounted Police, a Bylaw Enforcement Officer, and a Building Inspector of the Municipality;

“**Boulevard**” means the area between the curb lines or the shoulder of a roadway and the adjacent property line;

“**Bylaw Enforcement Officer**” means the person appointed by the Council to enforce this Bylaw;

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

“**Graffiti**” means drawing, printing or writing scratched, sprayed, painted or scribbled on a wall or other surface, but does not include a sign for which a permit has been issued by the Municipality;

“**Highway**” means a highway as defined in the *Community Charter*;

“**Municipality**” means the District of Chetwynd;

“**Noxious Weeds**” means weeds designated as noxious pursuant to the *Weed Control Act*;

“**Public Place**” means an area or any lands under the care, management and jurisdiction of the District of Chetwynd, including highways;

“**Real Property**” means land, with or without improvements so affixed to the land as to make them in fact and law a part of it;

“**Rubbish**” means all discarded, broken or useless items and without restricting the generality of the foregoing, shall include trash or bags of trash, concrete, asphalt, clippings, plastic, scrap metal, broken glass, junk, garbage, tires, vessels, machinery, old paper or wood products no longer in use or motor vehicles that are no longer roadworthy or parts thereof, and the storage, cleaning, repairing or servicing of trucks, hauling or construction equipment, except where the same is carried out entirely within a building; and

“**Sidewalk**” means that portion of a highway improved for pedestrian traffic.

3. APPLICATION

This bylaw applies to all real property within the District of Chetwynd.

4. REGULATIONS

4.1 General

4.1.1 No owner or occupier of real property shall accumulate or permit to accumulate on any real property any:

- (a) rubbish, garbage or other material that is noxious, offensive or unwholesome;
- (b) stagnant water;
- (c) matter or thing that creates unsightly conditions referred to in section 4.2.1 of this Bylaw; or
- (d) overgrown lawn area, vegetation, shrubs, brush or trees.

4.1.2 No person shall deposit or throw bottles, broken glass, paper, cardboard, empty cartons, or other rubbish, trash or garbage in any open place within the Municipality;

4.1.3 No person shall place graffiti on walls, fences or elsewhere on a public place or on private property so as to be visible to persons using a public place in the Municipality.

4.1.4 No person shall permit the following conditions to develop on property of which he or she is the owner or occupier:

- (a) an overgrown lawn, or
- (b) vegetation or shrubs overgrown, or
- (c) trees left unpruned as to cause a hazard to buildings, utility wires on the convenient or safe use of sidewalks, or
- (d) an infestation of weeds.

4.1.5 Section 4.1.4(d) of this Bylaw does not apply to the moderate presence of weeds ordinarily incidental to a property owned by a reasonably prudent owner.

4.1.6 No person shall cause or permit a noxious weed to be grown on the property of which he or she is the owner or occupier.

4.2 Unsightly Premises

4.2.1 Without in any way restricting the generality of the word “unsightly”, any one or more of the following conditions may render real property unsightly within the meaning of this Bylaw:

- (a) dilapidated, broken or leaning fences;
- (b) materials of any sort that are strewn on the real property rather than piled in a neat manner;
- (c) unenclosed storage on property of motor vehicle parts or of motor vehicles that are neither capable of normal vehicular operation nor are licensed to operate under the *Motor Vehicle Act*;
- (d) construction materials where there is no apparent construction occurring on the real property for which the materials are required;
- (e) furniture (other than furniture in reasonable condition designed specifically for outdoor use), mattresses, bedding or appliances stored or placed outside the premises or in open carport areas;
- (f) exterior finishing of buildings that has become excessively dirty, worn, chipped, cracked or dilapidated through lack of maintenance;
- (g) unused landscaping materials including but not limited to dirt piles, bark mulch or discarded planting pots;
- (h) uncontained compost piles;
- (i) on a property that is not zoned for agricultural use, a lawn area (“lawn area” does not include pasture, orchards, treed areas, riparian areas, wildlife habitat or ecologically sensitive areas) that is, in any location, in excess of 20.32 centimetres (8 inches) in height;
- (j) noxious weeds pursuant to the *Weed Control Act*;
- (k) landscaping that is dead, severely diseased, damaged, excessively overgrown or characterized by a lack of maintenance;
- (l) graffiti to which section 4.1.3 of this Bylaw applies; or
- (m) dilapidated buildings, including accessory buildings and structures that may cause safety, health or fire hazards.

4.2.2 No owner or occupier of real property shall cause or permit:

- (a) unsanitary conditions to continue on the real property or in any buildings or structures located on such real property;

- (b) any trees or other growths that create a safety hazard, including, but not limited, to trees and other growths that have become dried out or inhabited by vermin to which section 4.4.1 of this Bylaw, to remain on such real property.

4.3 Removal Required

Every owner or occupier of real property must remove, or cause to be removed, from such real property and from any buildings or structures located on such real property all:

- (a) accumulations of refuse, garbage, or other noxious, offensive, or unwholesome material;
- (b) accumulation of stagnant water;
- (c) unsanitary conditions;
- (d) noxious weeds;
- (e) weeds other than noxious weeds that contravene section 4.1.4 of this Bylaw;
- (f) trees and other growths that create a safety hazard;
- (g) graffiti; and
- (h) unsightly conditions.

4.4 Insect and Pest Prevention

4.4.1 Every owner or occupier of real property must prevent, or cause to be prevented, the infestation of the property by rodents, vermin, caterpillars or other noxious or destructive insects or animals.

4.4.2 Where a property is or becomes infested by vermin, caterpillars, or other noxious or destructive insects or animals the owner or occupier shall cause the removal of the infestation within seventy-two (72) hours of notice from the Municipality.

4.4.3 Where despite the best efforts of the property owner or occupier an infestation referred to under section 4.4.2 of this Bylaw cannot be removed because of the nature or scope of the infestation, the owner or occupier shall act diligently to remove the infestation as quickly as possible.

4.5 Accumulations of Snow and Ice

4.5.1 Every owner or occupier of real property shall remove all accumulations of snow and ice from all footpaths and sidewalks on and adjoining the real property by no later than 12:00 o'clock noon on every day.

4.5.2 Where the accumulation of snow and ice on a foot path, sidewalk, or roof creates a hazardous condition, the owner or occupier of the real property on which the foot path, sidewalk or roof is located, or which adjoins the land on which the foot path or sidewalk is located, shall immediately remove the accumulation of snow and ice.

4.6 Sidewalks/Boulevards

4.6.1 Every owner or occupier of real property shall keep any sidewalk adjoining the property clear of any unsightly matter listed in section 4.2.1 of this Bylaw.

4.6.2 Every owner or occupier of real property shall be responsible for and maintain any boulevard adjoining the property in a safe and tidy condition including, without limitation, by mowing any grass, and trimming any trees or shrubs located on the boulevard as would a prudent owner of such trees or shrubs.

4.6.3 No person shall wilfully damage:

- (a) any boulevard, trees, shrubs, lawn, plants, bushes or hedge located in a public place;
- (b) anything erected or maintained adjacent to a highway for the purpose of lighting the highway;
- (c) any fence erected or maintained adjacent to any highway.

4.7 Fences

4.7.1 An owner of a fence shall paint or stain and maintain the fence in good condition and repair.

4.7.2 No person shall allow a fence located on property of which he/she is the owner or occupier, to fall into a state of disrepair.

4.7.3 Where any fence has fallen into a state of disrepair, the owner or occupier of property upon which said fence is located, shall immediately repair the fence or cause the fence to be repaired or removed.

4.8 Vision Clearance

Buildings, landscaping or structures at intersections must be in accordance with 'Visions Clearance at Intersections' established in the District of Chetwynd Zoning Bylaw.

4.9 Hazardous Trees and Shrubs

- 4.9.1** Where any trees, hedges, bushes or shrubs growing or standing on any real property are a hazard to the safety of persons, likely to damage public property or seriously inconvenience the public, the Bylaw Enforcement Officer may order such trees, hedges, bushes or shrubs to be trimmed, removed or cut down at the expense of the owners or occupiers of real property on which they grow or stand.
- 4.9.2** Before proceeding to exercise the powers conferred by section 4.9.1 of this Bylaw, the Bylaw Enforcement Officer shall give notice in writing, by registered mail to the most recent address shown on the current assessment roll requiring the owner or occupier of the lands to remove, cut down, or trim the trees, shrubs, hedges or bushes designated in the notice within seven (7) days from date thereof and by leaving a copy of the notice at the real property with a person apparently the age of sixteen (16) years or older.
- 4.9.3** If the person given notice does not take the required action within the time period referred to in section 4.9.2 of this Bylaw, the Municipality by its employees or others, may enter the real property and effect that action at the expense of the person given notice.

4.10 Demolition Sites

On any property where the demolition of any building or structure has taken place:

- (a) the owner must completely remove all debris and material whether to be discarded or retained within two (2) weeks of the completion of the demolition; and
- (b) any basement or other excavation shall be filled in or covered over to lot grade level forthwith.

5. EXEMPTIONS FROM REGULATIONS

This bylaw does not apply to outside storage on real property that is permitted and appropriately screened in accordance with District of Chetwynd Zoning Bylaw.

6. ENFORCEMENT

6.1 Right of Entry

A Bylaw Enforcement Officer may enter upon or into any property in the Municipality in accordance with section 16 of the *Community Charter* for one or more of the purposes described in section 16(6)(a) or (b).

6.2 Other Powers Not Affected

The power of entry under section 6.1 does not affect or impair any other right of entry, inspection, seizure or remedial action granted to the Municipality or to a Bylaw Enforcement Officer or any other officer or employee of the Municipality under the *Community Charter* or other enactment.

6.3 Notices

A Bylaw Enforcement Officer may give written notice to the registered owner, occupant or agent of real property, for the purpose of remedying the unsightliness on the real property and require the owners, occupiers or their agent to remove or remedy the unsightly condition within the time specified in the notice.

6.4 Failure to Comply

6.4.1 If after seven (7) days following delivery of a notice under section 6.2, excluding notification with regard to snow and ice, the work required to be performed by such notice remains either wholly or partially incomplete, the Municipality may, by its employees or agent, enter upon the real property affected by such notice and perform or complete such work at the expense of the owner of such property. The cost incurred by the Municipality in any exercise of its powers hereunder, shall, if not paid by the 31st day of December in the year in which the expenses were incurred to perform the work, be considered as money owing to the Municipality and the Municipality may recover the costs incurred from that person as a debt.

6.4.2 The Municipality, a Bylaw Enforcement Officer or other authorized person who inspects any property under this bylaw, or any other person(s) who performs any work on behalf of the Municipality in accordance with this bylaw, is not liable for any damages caused by their actions.

6.5 No Interference

No person shall obstruct or interfere with:

- (a) an authorized person of the Municipality in the performance of his or her duties under this bylaw; or
- (b) any person directed by the Municipality to carry out the work under the provisions of this Bylaw.

7. OFFENCES AND PENALTIES

7.1 A person who violates any provision of this Bylaw, or who allows, causes or permits any act or thing to be done in violation of any provision of this Bylaw, commits an offence and shall be liable upon conviction to a maximum fine of ten thousand (\$10,000) dollars.

7.2 Each day that a violation of any provision of this Bylaw continues to exist is a separate offence against this bylaw.

8. SEVERABILITY

If any portion of this Bylaw is held to be invalid by a court of competent jurisdiction, the invalid section may be severed and the invalidity shall not affect the remaining portions of this Bylaw.

9. REPEAL

The District of Chetwynd “Residential Maintenance and Occupancy Standards By-law No. 165, 1976” is hereby repealed.

Read a first time this	6 th	day of October, 2009
Read a second time this	6 th	day of October, 2009
Read a third time this	6 th	day of October, 2009
Adopted by Council this	20 th	day of October, 2009

Mayor

Director of Corporate Administration