



**REGIONAL DISTRICT
of Fraser-Fort George**

BYLAW NO. 3194

A BYLAW TO REGULATE UNSIGHTLY PREMISES, THE DEPOSIT AND ACCUMULATION OF RUBBISH, THE APPLICATION AND REMOVAL OF GRAFFITI AND OTHER RELATED SUBJECTS WITHIN THE BOUNDARIES OF THE REGIONAL DISTRICT OF FRASER-FORT GEORGE IN ACCORDANCE WITH THE PROVISIONS OF THE *LOCAL GOVERNMENT ACT*.

WHEREAS the Regional District of Fraser-Fort George has adopted Unsightly Premises Regulatory Service Conversion Bylaw No. 3186, 2020;

AND WHEREAS Regional District of Fraser-Fort George has authority under Section 325 of the *Local Government Act* to regulate unsightly premises, the deposit and accumulation of rubbish, the application and removal of graffiti and other related subjects;

AND WHEREAS the Regional District of Fraser-Fort George has authority under Section 418 of the *Local Government Act* to direct that, if a person subject to a requirement fails to take the required action, the Regional District of Fraser-Fort George may fulfill the requirement at that person's expense and recover the costs incurred as a debt, or in accordance with Section 399 of the *Local Government Act*;

AND WHEREAS the Regional District of Fraser-Fort George has authority under Section 413 of the *Local Government Act* to enforce bylaws by imposing fines, penalties and costs;

NOW THEREFORE the Board of Directors of the Regional District of Fraser-Fort George, in open meeting assembled, enacts as follows:

1. This Bylaw applies to all land within the boundaries of Electoral Areas A, C, D, E, F, G and H of the Regional District of Fraser-Fort George.
2. The regulations contained in Schedule 'A' are attached to and form part of this Bylaw and are enforceable in the same manner as this Bylaw.
3. Regional District of Fraser-Fort George Unsightly Premises Bylaw No. 1247, 1991 and all amendments are hereby repealed.
4. This bylaw may be cited for all purposes as "Unsightly Premises Regulation Bylaw No. 3194, 2020".

READ A FIRST TIME ON THE 17TH DAY OF SEPTEMBER, 2020

READ A SECOND TIME ON THE 17TH DAY OF SEPTEMBER, 2020

READ A THIRD TIME ON THE 17TH DAY OF SEPTEMBER, 2020

ADOPTED THIS 17TH DAY OF SEPTEMBER, 2020

"A. Kaehn"

Chair

"K. Jensen"

General Manager of Legislative
and Corporate Services

Schedule 'A'



Certified as Schedule "A" to Bylaw No.
3194, 2020

"K. Jensen"

GM of Legislative and Corporate Services

1.0 DEFINITIONS

In this Bylaw, unless the context otherwise requires:

- (1) **"Appropriate Rubbish Receptacle or Facility"** means a receptacle or facility that
 - (a) is designed and intended to receive rubbish of the kind in question; and
 - (b) complies with all applicable land use regulation bylaws and land use permits.
- (2) **"Appropriate Vehicle Related Business"** means a business that
 - (a) buys, sells, stores, repairs or salvages vehicles; and
 - (b) complies with all applicable land use regulation bylaws and land use permits.
- (3) **"Board"** means the Board of Directors of the Regional District of Fraser-Fort George.
- (4) **"Bylaw Enforcement Officer"** has the same meaning as in the *Officer Position Establishment Bylaw No. 3073, 2018*, as amended or replaced.
- (5) **"Compliance Order"** means a compliance order issued by a bylaw enforcement officer under this bylaw.
- (6) **"Default"** means for the owner or occupier of real property who has been issued a compliance order to fail to do anything specified in the order within thirty days of the date of issue and the word "defaulter" has a corresponding meaning.
- (7) **"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; or
 - c) does not have number plates attached.
- (8) **"Fully-Enclosed Building"** means a lawfully constructed building that is enclosed so that its interior is not visible to persons who are outside the building.
- (9) **"Fully-Enclosed Compound"** means a place enclosed by a lawfully constructed fence, wall or other similar barrier so that its interior is not visible to persons who are outside the place.
- (10) **"Number Plate"** has the same meaning as in the *Motor Vehicle Act*, RSBC 1996, c. 318 as amended or replaced, that has a current validation decal attached to it.
- (11) **"Open Space"** means anywhere, whether public or private, other than inside a fully enclosed building.
- (12) **"Public Place"** includes any place typically open or accessible to public, or to which members of the public are entitled or permitted to have access without payment, and includes without limitation any highway, park or campground, civic buildings, areas around civic buildings, and any lands or property owned by the Regional District, the Province of British Columbia, or the Government of Canada, and any improvement on those lands.
- (13) **"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.

- (14) “**Regional District**” means the Regional District of Fraser-Fort George.
- (15) “**Rubbish**” includes, but is not limited to,
- a) anything that is discarded or disused;
 - b) anything that is completely or substantially destroyed, damaged or dismantled;
 - c) filth; or
 - d) noxious, offensive or unwholesome matter.
- (16) “**Unsightly**” in addition to its common dictionary meaning, without limiting the generality of the term, and regardless of the condition of other properties in the neighbourhood, includes real property visible to a person standing in a public place or on any other real property having any one or more of the following characteristics:
- a) the presence of more than two derelict vehicles, unless on real property which is permitted to have an appropriate vehicle related business or contained in a fully enclosed-building or fully enclosed compound;
 - b) the presence of graffiti;
 - c) the storage or accumulation of rubbish on any real property which is not contained in an appropriate rubbish receptacle or facility;
 - d) buildings or structures that are collapsed or in a state of significant disrepair; or
 - e) any other similar conditions of disrepair, dilapidation, or deterioration.

2.0 INTERPRETATION

Definitions from Other Enactments

- (1) If a word or phrase is defined in the *Interpretation Act*, *Community Charter*, *Local Government Act* or *Motor Vehicle Act*, as amended or replaced, then the word or phrase shall have the same meaning in this bylaw unless otherwise expressly declared.

Headings

- (2) The headings in this bylaw are included for convenience only and are not to be construed as defining, or in any way limiting, the scope or intent of the provisions of this bylaw.

Severability

- (3) If any portion of this bylaw is held to be invalid by a court of competent jurisdiction then the portion shall be severed, and the severance shall not affect the validity of the remainder of this bylaw.

3.0 PROHIBITIONS

Unsightly Premises

- (1) No owner or occupier of real property shall allow or permit the real property to become or remain unsightly.

Depositing Rubbish

- (2) No person shall deposit or throw rubbish in any open space other than in an appropriate rubbish receptacle or facility.

Permitting Rubbish

- (3) No owner or occupier of real property shall allow or permit rubbish to collect or accumulate in any open space on the real property, other than in an appropriate rubbish receptacle or facility.

Placing Graffiti

- (4) No person shall place graffiti on any wall, fence, building, structure or other thing on the real property if the graffiti is visible to a person standing in a public place or on any other real property.

Permitting Graffiti

- (5) No owner or occupier of real property shall permit graffiti to be placed or to remain on any wall fence, building, structure or other thing on the real property if the graffiti is visible to a person standing in a public place or on any other real property.

4.0 COMPLIANCE ORDERS**Issuance of Compliance Orders**

- (1) If an owner or occupier of real property has failed to comply with this Bylaw, a Bylaw Enforcement Officer may issue that person a Compliance Order notifying and requiring that person, or their agents, remove unsightly accumulations of filth, discarded materials, rubbish, or graffiti within a specified period of time.
- (2) A compliance order issued to an owner or occupier of real property shall be in writing and shall include the following:
- (a) the name of the person or persons who are subject to the compliance order;
 - (b) a description of the real property upon which the unsightly accumulations exist;
 - (c) a direction to remove unsightly accumulations of filth, discarded materials, rubbish, or graffiti from the real property;
 - (d) the date by which they must remove the unsightly accumulations; and
 - i. a warning that failure to do so may result in employees or contractors of the Regional District entering onto the real property and conducting the work at their expense, and that the costs of this work, if unpaid by December 31 in the calendar year in which they are due and payable, the Regional District may recover the costs: as a debt; or
 - ii. by adding the costs to the taxes payable on the real property as taxes in arrears.
- (3) A compliance order shall be served on the owner or occupier against whom it is issued, and on any owner of the real property not named in the compliance order, which service must be effected:
- (a) personally; or
 - (b) in the case of an occupier, by being posted on the front door or other prominent place on the real property, or mailed by regular mail to the real property regardless of whether that mail is accepted by the recipient; or
 - (c) in the case of an owner, by regular mail sent to the address of the owner of the property as shown on the last revised property tax assessment roll, or if there is no such address, to the address listed on the title to the real property, regardless of whether or not the regular mail is accepted by the recipient.

- (4) Service of a compliance order under subsection (4) is deemed to be issued the earlier of the date:
- (a) personal service is effected;
 - (b) the notice is posted on the real property; or
 - (c) seven calendar days following the compliance order being sent by regular mail to the real property.

Enforcement of Compliance Orders

- (5) If a person fails to take action required under section 4(1) of this Bylaw, then:
- (a) employees or agents of the Regional District may, at any reasonable time, enter the real property and remove and dispose of the unsightly accumulations at that person's expense; and
 - (b) the person shall be liable to pay the costs incurred under subsection (a) in accordance with Table A of this bylaw.
- (6) If a person fails to pay the costs specified in section 4(5) by December 31st in the calendar year in which they are due and payable, the Regional District may recover the costs:
- (a) as a debt; or
 - (b) by adding the costs to the taxes payable on the real property as taxes in arrears.

5.0 ENFORCEMENT

Offence and Penalties

- (1) Every person commits an offence against this bylaw who:
- (a) does anything this bylaw prohibits;
 - (b) fails to do anything this bylaw requires to be done; or
 - (c) suffers or permits another person to do, or fail to do, a thing as referred to in (a) or (b).
- (2) Every person who commits an offence against this bylaw is liable on summary conviction to a fine of not more than two thousand dollars (\$2,000) and not less than one thousand dollars (\$1,000).
- (3) If an offence against this bylaw is of a continuing nature then each day it continues shall constitute a separate offence.

Removal of Rubbish and Graffiti from Regional District Property

- (4) If any rubbish is unlawfully deposited, or any graffiti is unlawfully placed, on or in any property the Regional District owns, occupies, or is responsible to maintain then:
- (a) employees or agents of the Regional District may immediately remove and dispose of the rubbish or graffiti; and
 - (b) the person who deposited the rubbish, or placed the graffiti, shall be liable to pay the costs and fees specified in Table A to the Regional District.
- (5) The Regional District may recover costs and fees incurred under subsection (4) as a debt.

Authority to Inspect Property

- (6) A bylaw enforcement officer has authority to enter any real property to inspect for compliance with this bylaw if the entry is performed at a reasonable time.

Obstruction

- (7) No person shall obstruct, hinder or impede a Bylaw Enforcement Officer acting in the performance of the bylaw enforcement officer’s powers, functions or duties under this bylaw.

6.0 COSTS

- (1) Costs to be charged to owners or occupiers of real property for any actions taken by the Regional District to fulfill requirements under a compliance order are as indicated in Table A.

Table A

Description of Costs	Amount
Administration Costs	Equal to 15% of the total of all costs incurred.
Disposal Costs – Rubbish or Removed Items	Disposal in a Regional District Facility – As per fees specified in the <i>Municipal Solid Waste Tipping Fee and Site Regulation Bylaw No. 3166, 2020</i> , as amended or replaced Disposal Elsewhere – As incurred
Equipment and Supplies Costs	Use of Vehicles Owned or Leased by Regional District or Employees – As per mileage rates specified in <i>Regional District Policy A-3 (Travel Expenses for Directors and Staff)</i> , as amended or replaced Other Equipment or Supplies – As incurred
Labour Costs	Labour by Regional District Employees – As per the employee’s hourly wage or salary specified in any applicable contract or collective agreement, including overtime and benefits (Minimum charge of 1 hour per employee) Labour by Non-Employees – As incurred
Other Costs	As incurred