

# CORPORATION OF THE CITY OF GREENWOOD

## UNSIGHTLY PREMISES BYLAW NO. 890, 2015

### A Bylaw to Control Unsightly Premises

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**WHEREAS** the *Local Government Act* allows Council, by bylaw, to prohibit persons from causing or permitting unsightliness on real property;

**THEREFORE** the Municipal Council of the Corporation of the City of Greenwood in open meeting ENACTS as follows:

1. **Title**

1.1 This Bylaw may be cited for all purposes as the “Unsightly Premises Bylaw No. 890, 2015”.

2. **Interpretation**

2.1 In this bylaw:

- a) **“Bylaw Enforcement Officer”** means the Chief Administrative Officer and that person’s deputy or any other person designated by Council as a Bylaw Enforcement Officer for the City, and every Peace Officer;
- b) **“City”** means the Corporation of the City of Greenwood;
- c) **“Council”** means the Municipal Council of the City;
- d) **“Municipality”** means the area within the municipal boundaries of the City.
- e) **“Owner”** means an owner or occupier of a parcel of land, or both.

3. **Unsightly Premises**

3.1 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 or occupier of the parcel is in possession of a valid building permit in respect of the accumulation; or

- ii. The accumulation is stored in a closed building or structure such that the accumulation is not visible from another parcel or highway.
- 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, as defined in the Motor Vehicle Act, which is not:
  - i. Validly registered or licensed in accordance with the Motor Vehicle Act for a period of 12 months and which is not housed in a garage or carport 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 a vehicle, is not visible from another parcel or a highway;

- c) 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, and any other scrap or salvage;
- d) 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;
- e) No owner of a parcel shall cause, allow or permit the presence of graffiti, whether in the forms of pictures or words, on the parcel or on the surface of a structure on the parcel;
- f) No owner of a parcel shall cause, allow or permit the accumulation on the parcel of garbage not contained in a covered receptacle.

3.2 Owners of a parcel shall remove or cause to be removed from the parcel any accumulations of filth, discarded material, or rubbish of any kind.

#### 4. **Inspection**

4.1 A Bylaw Enforcement Officer may enter on 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 any violation of this bylaw.

4.2 No person shall obstruct a Bylaw Enforcement Officer from entering a parcel in accordance with Section 3.1.

5. **Notice**

- 5.1 Where a Bylaw Enforcement Officer observes that a parcel is or has become unsightly, the Bylaw Enforcement Officer may deliver written notice to the owner requiring the removal of any thing or things, including a class of things that render the parcel unsightly.
- 5.2 Where a Bylaw Enforcement Officer provides written notice under Section 4.1, of this bylaw, the owner must remove from the parcel anything that, as stated in the notice, renders the parcel unsightly within 10 days of delivery of the notice.

5.0 **Default**

- 5.1 In the event the owner fails within 10 days of delivery of a written notice under Section 4.1 to comply with the notice, the City may deliver a second notice to the owner stating that:
- a) The owner is in default of this bylaw;
  - b) The owner may appear before Council to be heard on a date specified in the second notice, being not less than 10 days after delivery of the second notice; and
  - c) After the date specified in the second notice the City, by its officers, employees, contractors, or agents may, at the expense of the owner, enter on the parcel and remove any thing or things that render the parcel unsightly.
- 5.2 Unless Council directs otherwise, after the date specified in the second notice under Section 5.1(b) , the City may deliver to the owner a third notice stating that the City will enter the affected parcel and remove any thing or things that render the parcel unsightly on a specified date between the hours of 8:00 a.m. and 8:00 p.m.
- 5.3 Where a third notice is delivered to the owner under Section 5.2 on the date specified in the third notice, the City, by its officers, employees, contractors, or agents may enter on the parcel and remove anything or things specified in the first notice that render the parcel unsightly.
- 5.4 The owner shall owe to the City, as a debt, the cost of remove any thing or things from the affected parcel under Section 5.3.
- 5.5 If the cost under Section 5.4 remains unpaid on December 31 in the year of the removal, the cost will be added to and form part of the taxes on the parcel affected as taxes in arrears.

6.0 **Offence**

- 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 to the penalties imposed under this bylaw.

6.2 Each day that a violation continues to exist after the second notice is considered a separate offence against this bylaw as per the Municipal Ticketing Information bylaw.

6.3 If at any time, an offence against this bylaw occurs, it may be at the discretion of the Bylaw Enforcement Officer and/or Acting Official, to determine, if an extension is required.

**7.0 Penalty**

7.1 Every person who commits an offence against this bylaw is liable on summary conviction, to a penalty of not more than \$10,000.

**8.0 Severability**

8.1 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. (*Ultra vires- Beyond one's legal power or authority.*)

8.2 Every person or persons, who violates or breaches or who causes or allows to be violated or breached any of the provisions of this bylaw shall be guilty of an offence against this bylaw and each day that such violation is caused or allowed to continue shall constitute a separate offence.

**9. Repeal**

9.1 Bylaw No. 782, 2005, cited as "A Bylaw to Prohibit Unsightly Property within the limits of City of Greenwood.

Read a first time this 24 day of Aug 2015

Read a second time this 24 day of Aug 2015

Read a third time this 24 day of Aug 2015

FINALLY ADOPTED this 14 day of Sept 2015

  
Mayor

  
Acting CAO

Certified a true copy of Bylaw No. 890, 2015

As adopted by Resolution No. 206-15

On the 14<sup>th</sup> day of September, 2015.