

BYLAW NO. 757

[CONSOLIDATED WITH AMENDING BYLAW NO. 849, 2007]

A Bylaw to prevent and prohibit untidy and unsightly premises within the District of Fort St. James.

WHEREAS pursuant to Section 725 of the Local Government Act:

1. The Council may, by bylaw, do one or more of the following:
 - (a) prevent, abate and prohibit nuisances, and provide for the recovery of the cost of abatement of nuisances from the person causing the nuisance or other persons described in the bylaw;
 - (b) prohibit persons from
 - (i) causing or permitting water, rubbish or noxious, offensive or unwholesome matter to collect or accumulate around their premises, or
 - (ii) depositing or throwing bottles, broken glass or other rubbish in any open place;
 - (c) for the purposes of preventing unsightliness on real property,
 - (i) prohibit persons from placing graffiti on walls, fences or elsewhere on or adjacent to a public place, and
 - (ii) prohibit the owners or occupiers of real property from allowing their property to become or remain unsightly;
 - (d) for the purposes of remedying unsightliness on real property, require the owners or occupiers of real property, or their agents, to remove from it unsightly accumulations of filth, discarded materials, rubbish or graffiti;
 - (e) require the owners or occupiers of real property, or their agents, to clear the property of brush, trees, noxious weeds or other growths;
 - (f) require the owners or occupiers of real property, or their agents to prevent infestation by caterpillars and other noxious or destructive insects and to clear the property or such insects;
 - (g) prohibit the posting, exhibiting or distributing of placards, play bills, posters, advertising, writings or pictures, or the writing of words, or the making of pictures or drawings that are indecent or may tend to corrupt or demoralize, on walls, fences or elsewhere, on or adjacent to a highway or public place;

AND WHEREAS the Municipal Council has deemed it necessary in the public interest to regulate such matters for the benefit of the citizens of the District of Fort St. James.

NOW THEREFORE, Municipal Council of the District of Fort St. James, in open meeting assembled, enacts as follows:

1. NAME OF BYLAW

This Bylaw may be cited for all purposes as “District of Fort St. James Unsightly Premises Bylaw No. 757, 2001”.

2. DEFINITION

- (a) “Occupier” means a person who:
 - (i) is in physical possession of land, premises or property, or
 - (ii) is responsible for, and has control over, the condition of, the activities conducted on, and the persons allowed to enter or use, land, premises or property.

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- (b) “Person” includes any individual corporation, partnership or other legal entity and the heirs, executors, administrators, successors and assigns of such.
- (c) “Rubbish” includes but is not limited to any and all manner of garbage; discarded or disused materials; filth; noxious, offensive or unwholesome matters; unlicensed, unused or stripped automobiles, trucks, trailers, boats, vessels, machinery, mechanical or metal parts; bottles; glass; brush; and noxious weeds or other weeds of any kind unless located upon a parcel of land upon which is permitted the storage of such materials under the provisions of the zoning bylaw of the District of Fort St. James.”
- (d) “Unsightly” means the accumulation of rubbish and without 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:
 - (i) dilapidated, broken or leaning fences;
 - (ii) materials of any sort that are strewn about the real property rather than piled in a neat and appropriate manner;
 - (iii) one or more motor vehicles stored on the real property that are not capable of normal vehicular operation;
 - (iv) construction materials where there is no apparent or real construction occurring on the real property for which the materials are required;
 - (v) old wood or paper piles;
 - (vi) furniture (other than furniture designed specifically for outdoor use), bedding or appliances stored outside the premises or in open carport areas;
 - (vii) exterior finishing of premises that has become excessively dirty or dilapidated through lack of maintenance;
 - (viii) unused landscaping materials such as dirt piles or discarded planting pots;
 - (ix) uncontained compost piles;
 - (x) unmowed grass in excess of 15 centimetres in height;
 - (xi) overgrown vegetation or noxious weeds, as the latter is defined in the Weed Control Act of British Columbia;
 - (xii) accumulations of rubbish, trash, bottles, broken glass or other discarded or unwholesome materials;
 - (xiii) graffiti on fences, buildings or structures on the real property or on patios, driveways or other finished ground surfaces.
- (e) “Untidy” means disorderly and includes storage or accumulation or rubbish.
- (f) “Graffiti” means as inscription, drawing, writing, pictorial representation, message, slogan, symbol or mark, made on a wall, fence, structure, or other surface by means of paint, chalk, ink or other substance, or by chisel, hammer, stone or other device, but does not include any of the following:
 - (i) a sign, public notice or traffic control mark authorized by the District of Fort St. James;
 - (ii) a signed authorized pursuant to any bylaw of the District of Fort St. James;
 - (iii) a public notice authorized by federal or provincial legislation or District of Fort St. James bylaw.
- (g) “Noxious weeds” means any plant or vegetation as defined in the Weed Control Act of British Columbia or any Noxious Weed Bylaw in force at any time in the District of Fort St. James.
- (h) “Inspector” means a person appointed by the Council to administer this Bylaw, and includes a Peace Officer.
- (i) “Council” means the Council of the District of Fort St. James.

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3. REPEAL OF EXISTING BYLAWS

Fort St. James Unsightly Premises By-law No. 251, 1977 and all amendments thereto are hereby repealed in their entirety and this Bylaw substituted therefore.

4. ACCUMULATIONS ON PREMISES

No person may cause or permit to be caused, water, rubbish or noxious, offensive or unwholesome matter to collect or accumulate around their premises.

5. RUBBISH IN OPEN SPACES

No person may deposit or throw bottles, broken glass or other rubbish in any open place.

6. UNSIGHTLY REAL PROPERTY

No owner or occupier of real property will allow that property to become or remain unsightly within the definitions of "unsightly" given in this bylaw.

7. GRAFFITI

7.1 No owner or occupier of real property will allow graffiti to remain on walls, fences or elsewhere adjacent to any public and/or privately owned or held place within the definition of "graffiti" given in this bylaw.

7.2 No person will do any act that results in graffiti appearing on any public or privately owned place within the definition of "graffiti" given in this bylaw.

8. NOXIOUS WEEDS

Owners or occupiers of real property or their agents will keep their property clear of brush and noxious weeds.

9. INSPECTION

Every Inspector is hereby authorized to enter upon any lands and premises in the Municipality at all reasonable times to ascertain whether this Bylaw is being observed.

10. NOTICE OF NON-COMPLIANCE

An Inspector may by written notice hand-delivered to an occupier of the real property apparently over the age of 16 or by written notice sent by registered mail to the registered owner of the real property, the occupant, or their agent, for the purpose of remedying unsightliness on real property, require the owners or occupiers of the real property, or their agent to:

- (a) remove from the real property the unsightly materials;
- (b) clear the real property of brush, trees, noxious weeds or overgrown grass; or
- (c) remove the graffiti;

within the time specified in the notice.

11. DISTRICT EFFECTS COMPLIANCE

11.1 If the owners of real property, or their agent, fails to comply with a notice given pursuant to section 10 of this Bylaw, the District of Fort St. James, by its employees or other person, at reasonable times, may enter on the real property and effect the compliance specified in the notice at the expense of the person who failed to comply.

11.2 If the person at whose expense the compliance is carried out under section 11.1 does not pay

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the costs incurred by the District of Fort St. James to effect compliance on or before December 31st in the year that the compliance was effected, the costs will be added to and form part of the taxes payable on the real property as taxes in arrears.

[BYLAW NO. 849, 2007]

12. NO INTERFERENCE

No person shall interfere with:

- (a) an Inspector in the performance of his or her duties under this Bylaw; or
- (b) any employee or other person directed by the District of Fort St. James to carry out the terms of any notice pursuant to section 15 of this Bylaw.

13. OFFENCES

13.1 Every person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done or omitted to be done in contravention of this Bylaw will be:

- (a) liable on summary conviction to a penalty not exceeding the maximum penalty specified by the Offence Act of British Columbia; or
- (b) if an information is laid by means of a ticket, be liable to pay a fine as set out in Schedule "A".

13.2 For purposes of determining if a contravention or violation of or failure to perform any provision of this Bylaw has occurred, each day of such contravention, violation or failure will be deemed to be a separate offence.

14. SEVERABILITY

If any part of this Bylaw is found to be illegal or otherwise invalid by a Court of competent jurisdiction that part shall be severed from this Bylaw. Such severance will not affect the validity of the remainder of the Bylaw.

READ A FIRST, SECOND, AND THIRD TIME THIS 14th DAY OF November, 2001.

ADOPTED THIS 28th DAY OF November, 2001.

Jim Togyi, Mayor

Dan Zabinsky, Administrator

Certified to be a true copy of Bylaw No. 757, "District of Fort St. James Unsightly Premises Bylaw No. 757, 2001".

Dan Zabinsky, Administrator

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SCHEDULE "A" - FINES

District of Fort St. James Unsightly Premises Bylaw No. 757, 2001

Column 1 OFFENCE	Column 2 SECTION	Column 3 FINE
Water, rubbish or noxious, offensive or unwholesome matter to collect or accumulate around premises	4	\$200.00
Deposit or throw rubbish in any open place.	5	\$100.00
Allow graffiti to remain	7.1	\$100.00
Create graffiti	7.2	\$500.00
Fail to keep property clear of noxious weeds	8	\$100.00
Fail to comply with notice	10	\$500.00