



# DISTRICT OF NORTH SAANICH

## BYLAW NO. 1400

### A BYLAW TO CONTROL UNSIGHTLY PREMISES

THE COUNCIL OF THE DISTRICT OF NORTH SAANICH, in open meeting assembled, enacts as follows:

#### DEFINITIONS

1. In this bylaw:

*"Bylaw Enforcement Officer"* means a person appointed by the Council as a Bylaw Enforcement Officer, Building Inspector, Director of Services or a Peace Officer.

*"Council"* means the Council of the District".

*"Discarded Materials"* means substances of little or no apparent economic value, including but not limited to, deteriorated lumber, old newspapers, furniture (other than furniture specifically designed for use as outdoor furniture), automobile parts including tires and batteries, scrap metal, household appliances including stoves, refrigerators, washer and dryer, sinks, cabinets, household fixtures, car parts, abandoned, broken or neglected equipment, or the scattered remains of items.

*"District"* means the District of North Saanich.

*"Filth"* includes any and all manner of garbage; discarded or disused materials, rubbish, ashes, noxious, or offensive matters.

*"Graffiti"* means one or more letters, initials, symbols, marks, slogans, designs or drawings however made, on any sidewalk, fence, sign, wall, building or any 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 by the Director of Infrastructure Services or his or her designate,
- (b) a sign authorized pursuant to the District's applicable bylaw provisions regulating signs;
- (c) a public notice authorized by a District bylaw or by provincial or federal legislation or regulation;
- (d) in the case of private property, a letter, symbol or mark authorized by the Owner or Occupier of the property on which the letter, symbol or mark appears.

*"Owner"* means the registered owner of a parcel of land, and where the parcel is not occupied by the registered owner, includes an occupant of the parcel of land.

*"Removal Order"* means an order issued pursuant to section 7 of this bylaw.

“Rubbish” means useless waste.

## UNSIGHTLY PREMISES

2. No *Owner* shall cause, allow or permit a parcel to become or to remain unsightly, and specifically:
  - (a) No *Owner* shall cause, allow or permit the parking or storage for a total of 72 or more consecutive hours of:
    - (i) an unlicensed vehicle unless that vehicle is parked behind the front setback line;
    - (ii) more than one unlicensed vehicle unless the excess vehicles are parked or stored in a closed building or structure such that the vehicles, or any portion of the vehicles, are not visible from another parcel or a public place;
  - (b) No *Owner* shall cause, allow or permit the accumulation on a parcel of filth, discarded materials 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, vehicle parts, and any other scrap or salvage;
  - (c) No *Owner* shall cause, allow or permit the use of a parcel for the unenclosed storage of furniture (other than furniture specifically designed for use as outdoor furniture) appliances and other household, commercial or industrial items;
  - (d) No *Owner* shall cause, allow or permit the presence of graffiti on a parcel;
  - (e) No *Owner* shall cause, allow or permit the accumulation of household garbage on any parcel except where contained in a covered receptacle;
  - (f) No *Owner* shall cause, allow or permit the accumulation of building materials on the parcel unless:
    - (i) the *Owner* is in possession of a valid building permit; or
    - (ii) the building materials are stored in a closed building or structure such that they are not visible from another parcel or a public place; and
  - (g) No *Owner* 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.
3. The *Owner* shall remove or cause to be removed from the parcel:
  - (a) any accumulations of filth, discarded materials, graffiti or rubbish of any kind; and
  - (b) untended brush, grass, trees, noxious weeds, and other growths so as to ensure the property does not appear unkept and is maintained to the same standards of the neighbourhood.

## INSPECTION

4. A *Bylaw Enforcement Officer* may enter on a 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 this bylaw.
5. A *Bylaw Enforcement Officer* shall carry proper credentials confirming his or her status as a *Bylaw Enforcement Officer*.
6. No person shall obstruct a *Bylaw Enforcement Officer* from entering a parcel in accordance with section 4.

## REMOVAL ORDER

7. Where a *Bylaw Enforcement Officer* observes that a parcel is unsightly the *Bylaw Enforcement Officer* may deliver a *Removal Order* to the *Owner*:
  - (a) requiring the removal within 14 days of any thing, things or class of things, that render the parcel unsightly;
  - (b) advising the *Owner* of the right of reconsideration by *Council* and the method by which the request for reconsideration can be made; and
  - (c) advising the *Owner* of the consequences of not complying with the *Removal Order*.
8. A *Removal Order* may be served on the *Owner* by:
  - (a) personal delivery to the *Owner*;
  - (b) regular mail to the address of the *Owner* as shown on the assessment roll for the parcel which is subject to the *Removal Order* in which case the notice is deemed to have been delivered five days after the notice is mailed; or
  - (c) posting the notice in a conspicuous place on a building on the parcel which is subject to the *Removal Order* in which case the notice is deemed to have been served five days after the *Removal Order* was posted.
9. Within 14 days after service of the *Removal Order* the *Owner* must:
  - (a) comply with the *Removal Order*; or
  - (b) request that *Council* reconsider the *Removal Order*.
10. Where an *Owner* requests that *Council* reconsider the *Removal Order*, *Council* may, after considering the matter, affirm, vary or revoke the *Removal Order*.

## DEFAULT

11. Upon:
  - (a) the expiration of the time set out in section 9 of this bylaw; or

- (b) the expiry of the date for compliance set by *Council* in variation of a *Removal Order*; and

where the Owner has failed to comply with the *Removal Order* an employee, contractor, or agent of the *District* may enter the parcel subject to the *Removal Order* between the hours of 8:00 a.m. and 8:00 p.m. and remove and dispose of any thing, things or class of things referred to in the *Removal Order*.

- 12. Where action has been taken under Section 11 the *District* may recover the costs incurred from the *Owner* of the parcel subject to the *Removal Order* as a debt and may recover those costs as Special Fees pursuant to Division 14 of Part 7 of the *Community Charter*.

### OFFENCE AND PENALTY

- 13. Every person who:
  - (a) violates this bylaw;
  - (b) suffers or permits any act or thing to be done in violation of this bylaw; or
  - (c) neglects to do or refrains from doing anything required to be done as set out in this bylaw;is guilty of an offence against this bylaw and liable to the penalties hereby imposed.
- 14. Each day that a violation continues is a separate offence against this bylaw.
- 15. Every person who commits an offence against this bylaw is liable to a fine and penalty of not more than \$10,000.00 and not less than \$100.00 for each offence, and in default of payment thereof, forthwith or within such time as the presiding Provincial Court Judge of the Peace shall direct the fine imposed shall be recoverable under the provisions of the *Offence Act* R.S.B.C. 1996, Chapter 338 and all amendments.

### SEVERABILITY

- 16. 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.

### CITATION

- 17. This bylaw may be cited for all purposes as the “North Saanich Unsightly Premises Bylaw No. 1400 (2015)”.

### REPEAL

- 18. Bylaw No. 1001 and all amendments are hereby repealed.

READ A FIRST TIME the 5<sup>th</sup> day of October, 2015.

READ A SECOND TIME the 5<sup>th</sup> day of October, 2015.

READ A THIRD TIME the 5<sup>th</sup> day of October, 2015.

FINALLY ADOPTED the 21<sup>st</sup> day of October, 2015.

  
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MAYOR

  
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CORPORATE OFFICER

