



# UNSIGHTLY PREMISES BYLAW

## SCHEDULE "M" to consolidation Bylaw 663, 2012

**WHEREAS** Section 725 of the Local Government Act provides that Council may prevent, abate and prohibit nuisances, regulate and prohibit certain activities and disturbances and require owners and occupiers to do certain things; and

**WHEREAS** Section 725 of the Local Government Act provides for the removal of trees and shrubs dangerous to public safety; and

**WHEREAS** Section 725.1 of the Local Government Act provides that Council may prohibit a person from polluting, constructing, or impeding the flow of a stream, creek, waterway, watercourse, waterworks, ditch, drain or sewer, whether or not it is situate on private property; and

**WHEREAS** Section 727 of the Local Government Act provides for removal of erections and things dangerous to public safety or health;

**NOW THEREFORE** the Council of The Corporation of the Village of Lytton in open meeting assembled, **ENACTS AS FOLLOWS:**

### **1.0     DEFINITIONS**

*"Bylaw Enforcement Officer"* means a person appointed by the *Council* as a bylaw enforcement officer, or a peace officer;

*"Council"* means the *Council* of The Corporation of the Village of Lytton;

*"Highway"* includes a street road, lane, bridge, viaduct, and any other way open to public use, but does not include private right-of way on private property;

*"Noxious Weed"* means any plant which is described in Schedule B to this Bylaw, and includes seeds of the noxious weed;

*"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;

*"Property"* means a property where a dwelling or other building has been constructed, and includes properties that have not been built on or developed and properties outside the designated area outlined in Schedule C;

*"Removal Order"* means a letter issued pursuant to s. 6.1 of this bylaw;

*"Village"* means The Corporation of the Village of Lytton.

### **2.0     UNSIGHTLY PREMISES**

No *owner* shall cause, allow or permit a *property* to become or to remain unsightly, and, specifically:

- 2.1 No owner of a property shall cause, allow or permit the accumulation of building material on the *property* unless
  - a) The *owner* of the *property* is in possession of a valid building permit; or
  - b) The building materials are stored in a closed building or structure such that they are not visible from another parcel or a *public place*;
- 2.2 No owner of a property shall cause, allow or permit the storage or accumulation on the *property* of all or part of a vehicle that is not:
  - a) 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 the vehicle, is not visible from another property or a public place;
- 2.3 No *owner* of a *property* 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 *property* unless the *owner* is in possession of a valid building permit in respect of the building or structure;
- 2.4 No *owner* of a *property* 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, vehicle parts, and any other scrap or salvage;
- 2.5 No *owner* of a *property* shall allow any grasses, noxious weeds or other weeds growing thereon to be in excess of 20.32 cm (8 in.) in height. The grasses, noxious weeds or all other weeds shall be cut and removed from the *property*, or cause to be cut down in such a manner as to prevent blowing;
- 2.6 No *owner* of a *property* shall cause, allow or permit the presence of *graffiti*, on the *property* or on the surface of a structure on the *property*;
- 2.7 No *owner* of a *property* shall cause, allow or permit the accumulation on the *property* of garbage not contained in a covered receptacle;
- 2.8 No person shall permit or cause water, rubbish, or noxious, offensive, or unwholesome matter to accumulate around their premises, or deposit or throw bottles, broken glass, or other rubbish in any open place.

### **3.0 REMOVAL OF TREES AND SHRUBS DANGEROUS TO PUBLIC SAFETY**

- 3.1 The Village of Lytton may effect the removal, cutting down, or trimming of any trees, shrubs, hedges, or bushes growing or standing on land adjacent to a highway which the Council believes are dangerous, or where the Council believes the safety or convenience of the public so requires, or where trees, shrubs, hedges, or bushes become injurious to the road bed or sidewalks, at the expense of the owners or occupiers of land.
- 3.2 Before exercising the powers conferred by 3.1, the Council shall give 5 days notice to the owner occupier of the land notice requiring him to remove, cut down, or trim the trees, shrubs, hedges, or bushes designed in the notice.
- 3.3 If the owner or occupier defaults or does not make application as per section 6.3 of this bylaw, the Village of Lytton employees and others, may enter and effect the removal, cutting down or trimming at the expense of the person defaulting.

- 3.4 The Expenses incurred by the Village of Lytton in this section shall, if unpaid on December 31, in any year, be added to and form part of the taxes payable on land designated in the notice.

#### **4.0 REMOVAL OF ERECTIONS AND/OR THINGS DANGEROUS TO PUBLIC SAFETY OR HEALTH**

- 4.1 This section applies to any building, structure, or erection of any kind which the Council believes is dilapidated or unclean to be offensive to the community.
- 4.2 The Council may declare any building, structure, or erection of any kind or a drain, ditch, watercourse, pond, surface water, or other matter or thing, in or on private land or a highway, or in or about a building, or structure, a nuisance, and may direct and order that it be removed, pulled down, filled up, or otherwise dealt with by its owner, agent, lessee, or occupier, as the Council may determine and within the time after service of the order that may be named in it.
- 4.3 Service of the order made under Section 4.1 shall be effected by sending a copy of the order by return registered mail to the owner of the land upon which the nuisance exists, and to all other persons whose names appear on the records of the Land Title Office as having an interest in the land, and to the agent, if known, of the registered owner, and to the lessee and occupier of the land, the notice to be sent to the last known address of each interested person referred to in Section 4.1.
- 4.4 The Council may further order that, in case of default by the owner, agent, lessee, or occupier to comply with the order with the period named in it, the Village of Lytton by its employees and others, may enter and effect the removal, pulling down, filling up, or other dealing at the expense of the person defaulting, and may further order that the changes for so doing, including all incidental expenses, if unpaid on December 31, in any year, shall be added to and form part of the taxes payable on that land or real property as taxes in arrears.
- 4.5 Where the nuisance so declared is a building, structure, or erection, the Council may, after expiration of 60 days from the date of the mailing of the notice to the owner under Section 4.2 and after the expiration of the period named in the order, sell by auction or by public or private tender, or otherwise dispose of the building, structure, or erection so ordered to be dealt with, or any part or material in it. From the proceeds of the sale or disposal, there shall be deducted for the use of the Village of Lytton the actual costs, including incidental expenses, incurred by the Village of Lytton in carrying out the order, and the remainder of the proceeds shall be paid by the Village of Lytton to the owner or other person lawfully entitled.

#### **5.0 INSPECTION**

- 5.1 A *Bylaw Enforcement Officer* may enter a *property*, at all reasonable times and in a reasonable manner, to ascertain whether this bylaw is being observed, to gather evidence on any violation, or to serve any notice related to this bylaw.
- 5.2 No person shall obstruct a *Bylaw Enforcement Officer* from entering a *property* in accordance with section 5.1.

## **6.0 REMOVAL ORDER**

- 6.1 Where a *Bylaw Enforcement Officer* observes that a *property* is or has become unsightly under section 2.0 of this Bylaw, the *Bylaw Enforcement Officer* may deliver a *Removal Order* to the *owner* of the *property*:
- (a) requiring the removal, clearing or remedying within 30 days of any thing or things listed in subsections 2.1-2.8, including a class of things, that render the parcel unsightly;
  - (b) stating that, after the expiration of 30 days, the *Village* by its officers, employees, contractors, or agents may, at the expense of the *owner*, enter on the *property* and remove, clear or remedy any thing or things that render the *property* unsightly as stated in the *Removal Order* at the *owner's* expense; and
  - (c) stating that the *owner* may appear before *Council* to be heard on a specified hearing date, being not less than 5 days or more than 30 days after delivery of the *Removal Order*, to contest the *Removal Order*;
- 6.2 Where an *owner* receives a *Removal Order* with respect to a *property*, the *owner* of the parcel must remove, clear, or remedy anything that, as stated in the *Removal Order*, renders the parcel unsightly within 30 days of delivery of the *Removal Order*, unless *Council* directs otherwise under section 6.4.
- 6.3 Should the *owner* wish to contest the *Removal Order*, the *owner* must give 5 days notice to the *Village's* Clerk that he or she will appear before *Council* on the specified hearing date in the *Removal Order* to contest the *Removal Order*.
- 6.4 Upon hearing the *owner*, staff and any other affected persons, *Council* may affirm, vary or revoke the *Removal Order*.

## **7.0 DEFAULT**

- 7.1 On any date that is 30 days after delivery of a *Removal Order*, or after the expiry of a date set by *Council* in a variation of a *Removal Order*, between the hours of 8:00 a.m. and 8:00 p.m., an employee, contractor, or agent of the *Village* may enter the parcel subject to the *Removal Order* and remove, or clear any thing or things stated in the *Removal Order*, including cutting or mowing any grasses, that render the parcel unsightly.
- 7.2 The *owner* of a parcel where the *Village* has performed work under section 7.1 of this bylaw shall owe to the *Village*, as a debt, the cost of performing the work.
- 7.3 If the debt under section 7.2 remains unpaid on December 31 in the year the work is done, the *Village* shall add the cost of the work to the taxes due and owing on the affected parcel.

## **8.0 OFFENCE & PENALTY**

- 8.1 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 of summary conviction, to a penalty as outlined in Schedule A attached hereto and forms a part of this bylaw.
- 8.2 Each day that a violation continues to exist is a separate offence against this bylaw.

## **9.0     EXCEPTIONS**

- 9.1           Schedule ‘C’ being a map to identify said lands described is hereto attached and forms part of this Bylaw.
- 9.2           Based on a complaint from the public as per Section 6, Removal Order, Council will determine if the incident or location should be added to the exception list, Schedule D, which will be reviewed on an annual basis.

## **10.0    SEVERABILITY**

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.

## **11.0    TITLE**

This bylaw may be cited for all purposes as the “Unsightly Premises Bylaw No. 554, 2002.”

## **12.0    REPEAL**

The Corporation of the Village of Lytton Bylaw No. 87, 1959 is hereby repealed.

READ A FIRST TIME this	15 <sup>th</sup> day of October, 2002.
READ A SECOND TIME this	15 <sup>th</sup> day of October, 2002
READ A THIRD TIME this	15 <sup>th</sup> day of October, 2002.
RECONSIDERED AND ADOPTED this	25 <sup>th</sup> day of November, 2002.

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Mayor

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Clerk

## **SCHEDULE A**

### **Offences & Penalties**

<u>Offence</u>	<u>Section</u>	<u>Fine</u>
Building Materials on Property	2.1(a)	\$100.00
Vehicle on Property	2.1(b)	\$100.00
Dilapidated Building	2.1(c)	\$100.00
Rubbish on Property	2.1(d)	\$100.00
Graffiti on Property	2.1(e)	\$100.00
Garbage not in Receptacle	2.1(f)	\$100.00
Obstruction of Officer	3.2	\$100.00

## **SCHEDULE B**

Burdock	( <i>Arctium minus</i> Hill)
Canada Thistle	( <i>Cirsium Arvense</i> [L.] Scop)
Cleavers	( <i>Galium Aparine</i> L)
Crupina	( <i>Vulgaris</i> )
Dodder	( <i>Cuscuta</i> spp.)
Giant Burdock	( <i>Arctium</i> spp.)
Gorse	( <i>Ulex Europaeus</i> )
Hoary Cress	( <i>Cardaria</i> spp)
Hound's Tongue	( <i>Cynoglossum Officinal</i> )
Jointed Goat Grass	( <i>Aegilops Cylindrical</i> )
Knapweed	
Diffuse	( <i>Centaurea Diffusa</i> Lam)
Spotted	( <i>Centaurea Maculosa</i> L.)
Russian	( <i>Centaurea Repens</i> L.)
Leafy Spurge	( <i>Euphorbia Esula</i> L)
Morning-glory (Field Bindweed)	( <i>Conbolbulus Arvenis</i> L)
Night Flowing Catchfly	( <i>Silene Noctiflora</i> )
Nodding Thistle	( <i>Carduus Nutans</i> L.)
Orange Hawkweed	( <i>Hieracium Aurantiacum</i> )
Oxeye Daisy	( <i>Chrysanthemum Leucanthemum</i> )
Perennial Pepperwood	( <i>Lepidium Latifolium</i> )
Poison Hemlock	( <i>Conium Maculatum</i> L)
Puncturevine	( <i>Tribulus Terrestris</i> )
Purple Nutsedge	( <i>Cyperus Rotundus</i> )
Quackgrass	( <i>Agropyron Repens</i> )
Rush Skeletonweed	( <i>Chondrilla Juncea</i> )
Scentless Chamomile	( <i>Matricaria Maritime</i> Var. <i>Agrestis</i> (Knaf) (Wilmot)
Scotch Thistle	( <i>Onopordum Acanthium</i> )
Sow Thistle Annual Perennial	( <i>Sonchus</i> spp)
Tansy	( <i>Tanacetum Vulagare</i> L)
Tansy Ragwort	( <i>Senecio Jacobaea</i> L)
Tanary Buckwheat	( <i>Fagopyrum Tataricum</i> L)
Toadflax spp.	
Common	( <i>Linaria Vulgaris</i> Hill)
Dalmation	( <i>Linaria Dalmatica</i> L)
Velvetleaf	( <i>Abutilon Theophrasti</i> )
Water Hemlock	( <i>Cicuta Maculate</i> L)
White Cocle	( <i>Lychnis Alba</i> )
Wild Mustard	( <i>Brassica Kaber</i> )
Wild Oats	( <i>Avena Fatua</i> L)
Yellow Mustard	( <i>Cyperus Esculentus</i> )
Yellow Starthistle	( <i>Centaurea Solstitialis</i> )

And any other weed identified under the B.C. Weed Control Act as a Noxious Weed.