

**DISTRICT OF UCLUELET**

**Bylaw No. 969, 2004**

A Bylaw to Regulate the Maintenance of Real Property  
and Related Matters

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**WHEREAS** the *Community Charter* authorizes the Municipal Council to prohibit the owners or occupiers of real property from allowing the property to become or to remain untidy or unsightly;

**AND WHEREAS** Council may enact a variety of regulations governing the appearance and maintenance of real property;

**AND WHEREAS** Council may regulate the maintenance of boulevards by, or on behalf of, the owners of land fronting on them;

**NOW THEREFORE** the Council of the District of Ucluelet, in open meeting assembled, enacts as follows:

**1. DEFINITIONS**

**"Boulevard"** means the area of a highway between the edge of pavement, sidewalk and/or curb of the roadway and the adjacent property line, and the shoulder of a roadway and the adjacent property line;

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

**"Discarded Materials"** means and includes all material not in use for the construction, maintenance, or as part of the equipment or furnishings of the building situated on the premises, and includes apparatuses, motor vehicles, or other chattels in a dismantled or partial dismantled state not in use for the purpose for which they were constructed or intended, and occupying a place open to public view.

**"District"** means the District of Ucluelet.

**"Bylaw Enforcement Officer"** means the person appointed by Council to enforce the regulations of this bylaw.

**"Graffiti"** means drawing, printing or writing scratched, sprayed, painted or scribbled on a wall, fence, or other surface, but does not include a sign for which a permit has been issued by the District.

**"Occupier"** has the same meaning as defined in the *"Community Charter"*.

**"Owner"** has the same meaning as defined in the *"Community Charter"*.

**"Noxious Weed"** means any weed designated by the weed control regulation to be a noxious weed pursuant to the Weed Control Act.

**"Person"** means any corporation, partnership or party, and the heirs, executors, administrator, or other legal representatives of such person, to whom the context can apply according to law.

**"Plantings"** means any tree, shrub, bush or hedge installed as a natural or improved landscape treatment;

**"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.

**"Rubbish"** includes any and all manner of garbage; discarded or disused material; filth, noxious, offensive or unwholesome matter, dirt, gravel, bark mulch or refuse and all discarded, broken or useless items.

**"Sidewalk"** means a structure for pedestrian use including a walkway, footpath, sidewalk, stairs, ramp and curb letdowns and or the area between the curb lines or lateral lines of a roadway and the adjacent property lines improved for use of pedestrians.

**"Traffic Control Device"** means a sign, line, meter, marking space, barrier, or device; painted, placed or erected to guide, regulate, warn direct, restrict, control or prohibit traffic.

**"Unightly"** includes but is not limited to:

- i) an accumulation of building material on any property other than premises included in a business licence for building material sales or storage, unless the owner or occupier of the property is in possession of a valid building permit or unless the accumulation is stored in a covered building;
- ii) an accumulation of discarded materials or rubbish of any kind including, but not limited to, vehicle bodies and parts, ashes, dead animals, paper, cardboard, tin cans, leaves, wood, bedding, crockery, glass, bags, and appliances.

## **2. PROHIBITIONS**

1. No person, being the occupier or owner of real property, shall allow, cause or permit that property to become or remain unsightly, cause or permit rubbish, noxious, offensive or unwholesome matter or substances, filth or discarded materials to collect or to accumulate on or around such property.
2. No person shall deposit or throw bottles, broken glass or other rubbish in any open place in the District of Ucluelet.
3. No person, being the owner or occupier of a parcel of land, shall write, draw, print, mark, place, suffer or maintain graffiti on a wall, fence or other place or thing in or upon a parcel of land so that the graffiti is visible from a highway, park or other public place.

4. No owner or occupier of real property shall cause, suffer, permit or allow such real property to become overgrown with brush, noxious weeds, or other growth, or to become infested with caterpillars or other noxious or destructive insects.
5. No owner or occupier of real property having a fence adjacent to a road, street or highway, shall allow that fence to fall into disrepair.
6. It shall be unlawful for any person in any residential zone as defined by the District of Ucluelet Zoning Bylaw to store, keep, leave or maintain on any real property, except in a building or structure lawfully erected or used as an enclosure, the following:
  - a) a motor vehicle or trailer which is unlicensed for the current year under the Motor Vehicle Act, unless a permit has been issued in the form prescribed in "Schedule A" attached hereto;
  - b) any part of the motor vehicle or trailer;
  - c) firewood, unless neatly piled or stacked against a wall or fence;
  - d) lumber, bricks or metal, with the exception of building materials being used for construction purposes upon real property pursuant to a current building permit, or except as may be permitted under provisions contained in the District of Ucluelet Zoning Bylaw.
7. No owner or occupier of real property shall wilfully damage any boulevard, trees, shrubs, plants, bushes or hedges adjacent to any road, street or highway.
8. No owner or occupier of real property shall place, permit to be placed or grow any tree, shrub, plant, place a fence, or other structure adjacent to an intersection, road, street, highway that may be a hazard to the safety of any person, likely to damage public property, or seriously inconvenience the public.
9. No owner or occupier of real property shall place any landscape ties, rails, asphalt, bricks, concrete structure or figurines on any boulevard immediately fronting such person's property.

### **3. OBLIGATIONS**

1. Every owner or occupier of real property shall:
  - a) remove or cause to be removed from the real property any rubbish, or noxious, offensive or unwholesome matter or substance, or any unsightly accumulation of rubbish, filth, discarded materials, or graffiti;
  - b) clear or cause to be cleared on any real property all brush, noxious weeds or other vegetation which, because of their condition, are likely to spread to or become a nuisance to other real property in the vicinity or which are so unkempt as to be unsightly to nearby residents;
  - c) prevent infestation of caterpillars and other noxious or destructive insects and shall clear the property of such caterpillars and insects;

- d) keep boulevards free of noxious weeds, accumulation of filth, leaves, rubbish , discarded materials, hazardous objects and materials which obstruct a drainage facility;
  - e) prune and trim hedges, trees and shrubs in the boulevard, except for those planted by the District, so there is no encroachment of overhanging growth so as not to interfere with pedestrian and vehicular traffic.
  - f) Ensure that sight lines to intersections, driveways, sidewalk, walkways, travel lanes, and visibility to all traffic control devices is not restricted by modifications to the boulevard which the property owner may undertake
2. If, in the opinion of Council, any trees, hedges, bushes or shrubs growing or standing on any real property are a hazard to the safety of persons or likely to damage public property, or seriously inconvenience the public, Council may order such trees, hedges, bushes or shrubs to be trimmed, removed or cut down at the expense of the owners or occupiers of real property on which they row or stand, if the owner or occupier does not take the required action within the time period referred to in the given Notice.

#### **4. ENFORCEMENT**

1. A Bylaw Enforcement Officer may enter, at all reasonable times, upon any real property to determine whether the provisions of this bylaw or the directions of a notice are being complied with.
2. Where the owner or occupier or their agents fail to comply with any provision of this bylaw, the Bylaw Enforcement Officer shall serve Notice to the owner or occupier of the lands or premises on which the violation exists, requiring removal of the offending material from the real property or boulevard within 14 days of service of such notice.

The Bylaw Enforcement Officer must serve the Notice on the owner, or occupier of the real property on which the offending material is located by:

- a) personal service;
- b) registered mail with acknowledgement of receipt, to the address of the owner shown on the last real property assessment rolls;
- c) delivering to a mail box or receptacle for messages on the real property; or,
- d) posting on the real property;

provided that where the owner is a registered company, service may be accomplished according to the provisions of the Company Act.

3. A person upon whom a Notice has been served may, by giving notice in writing to the Municipal Clerk at least 72 hours prior to the expiration of the time given in the Notice to remove or clear the offending material, appeal to Council, who must hear and determine the appeal by confirming, amending or rescinding the Notice order.

4. If the owner or the occupier of such property or their agents, fail to remove or clear the offending material from the real property or boulevard within the time specified as directed in the Notice, the District, by its workmen or a contractor engaged by the District, may enter on the real property at reasonable times and in a reasonable manner, to remove or clear the offending material at the expense of the defaulting owner or occupier of the real property.
5. The District of Ucluelet Finance Department shall keep an accurate account of the charges incurred and, when the clearing is completed, shall mail a statement of such charges to the owner of real property upon whom the Notice was served, with a demand for payment of same.
6. In the event of the charges not being paid by the thirty-first day of December in any year, the charges shall be added to and form part of the taxes payable in respect of that real property as taxes in arrears.
7. Where the Bylaw Enforcement Officer has confirmed that a violation of this Bylaw is of a continuing nature, he shall immediately proceed with legal action without notice.

#### **5. BYLAW ENFORCEMENT OFFICER**

1. For the purposes of this bylaw, the designated Bylaw Enforcement Officer means any of the following;
  - a) Bylaw Enforcement Officer for the District of Ucluelet
  - b) Chief Administrative Officer for the District of Ucluelet
  - c) Superintendent of Public Works for the District of Ucluelet
2. The Bylaw Enforcement Officer is authorized and empowered to inspect, compel, and require that all the regulations and provisions prescribed in this bylaw are carried out.

#### **6. VIOLATION/PENALTIES**

1. No person shall prevent or obstruct, or attempt to prevent or obstruct, the entry onto any property of a Bylaw Enforcement Officer, or any other employee of the Municipality authorized by this bylaw to enter onto property.
2. No person shall do any act or suffer or permit any act or thing to be done in contravention of this bylaw.
3. Every person who violates any of the provisions of his bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw is liable on summary conviction to a fine of not more than two thousand dollars (\$2,000.00) and costs (including the costs of the committal and conveyance to the place of imprisonment) for each offense, and in default of payment therefore, to imprisonment of a term not exceeding six months in jail. Each day that such violation is permitted to continue shall be a separate offence.

**7. TICKETING**

Tickets issued for offences against this bylaw shall be in accordance with Schedule "A", attached hereto and forming part of this Bylaw.

**8. SEVERABILITY**

If any provision of this Bylaw is determined by a court of competent jurisdiction to be unlawful or unenforceable, that provision shall be severed from this Bylaw and shall not affect the validity of any remaining provision of this Bylaw.

**9. ADMINISTRATIVE PROVISIONS**

1. Maintenance of Real Property and Related Matters Bylaw No. 707, 1996 and amendments thereto, are hereby repealed.
2. This bylaw may be cited as "Unsightly Premises Bylaw No. 969, 2004".

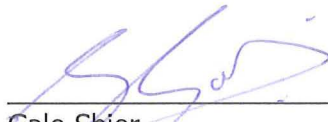
**READ A FIRST TIME** this 12<sup>th</sup> day of **October, 2004**

**READ A SECOND TIME** this 12<sup>th</sup> day of **October, 2004**

**READ A THIRD TIME** this 12<sup>th</sup> day of **October, 2004**


**ADOPTED** on this 26<sup>th</sup> day of **October, 2004**

**A CERTIFIED TRUE AND CORRECT COPY** of the "Unsightly Premises Bylaw No. 969, 2004.

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 \_\_\_\_\_  
 Gale Shier  
 Municipal Clerk

**THE CORPORATE SEAL** of the Village of Ucluelet was hereto affixed in the presence of:

  
 \_\_\_\_\_  
 Dianne St. Jacques  
 Mayor

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 \_\_\_\_\_  
 Gale Shier  
 Municipal Clerk

**BYLAW NO. 969**

**SCHEDULE "A"**

**Fines & Penalties**

<b>Offense</b>	<b>Section</b>	<b>1<sup>st</sup> Offense</b>	<b>2<sup>nd</sup> &amp; Subsequent Offenses</b>
Accumulation of rubbish, discarded and unsightly materials	2.1	\$150.00	\$300.00
Throw or deposit rubbish or other materials within the District	2.2	\$150.00	\$300.00
Create, permit or maintain visible graffiti	2.3	\$150.00	\$300.00
Accumulation of noxious weeds	2.4	\$100.00	\$200.00
Decrepit fence	2.5	\$100.00	\$200.00
Store, keep, or maintain materials, apparatus, vehicles outside of legal structure	2.6	\$150.00	\$300.00
Damage boulevard shrub, tree, plants, bush	2.7	\$150.00	\$300.00
Place or plant matter in hazardous manner	2.8	\$100.00	\$200.00
Illegal placement of figurines, bricks, concrete, landscape ties	2.9	\$100.00	\$200.00
Prevent, obstruct entry on to property	6.1	\$250.00	\$500.00