

DISTRICT OF FORT ST. JAMES

UNSIGHTLY PREMISES

BYLAW NO. 995, 2018

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

The Council of the District of Fort St. James enacts as follows:

1. This Bylaw may be cited for all purposes as “Unsightly Premises Bylaw No. 995, 2018.”
2. Fort St. James Unsightly Premises Bylaw No. 757, 2001, as amended, is repealed.
3. This bylaw includes Schedule “A” – Fines.

DEFINITIONS

4. The following words used in this bylaw have the meanings assigned in this section.
 - 4.2 “Derelict Vehicle” means any motor vehicle, trailer, boat, vessel, or part thereof, which:
 - a) is physically wrecked or disabled;
 - b) is not capable of operating under its own power; and
 - c) does not have attached number plates for the current year pursuant to the regulations of the Motor Vehicle Act of British Columbia.
 - 4.3 “Graffiti” means an 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:
 - a) a sign, public notice or traffic control mark authorized by the District of Fort St. James;
 - b) a sign authorized pursuant to any bylaw of the District of Fort St. James;
 - c) a public notice authorized by federal or provincial legislation or District of Fort St. James bylaw.
 - 4.4 “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.
 - 4.5 “Occupier” means a person who:
 - a) is or appears to be over the age of 18; and,
 - b) is in physical possession of land, premises or property, or
 - c) 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.

4.6 "Officer" means a bylaw enforcement officer appointed by the District of Fort St. James, or a peace officer.

4.7 "Person" includes any individual, corporation, partnership or other legal entity and the heirs, executors, administrators, successors and assigns of such.

4.8 "Rubbish" includes but is not limited to any and all manner of garbage, filth, offensive or unwholesome materials, machinery, mechanical or metal parts, bottles, glass, wood or paper unless located upon a parcel of land upon the storage of such materials is permitted under the provisions of the District of Fort St. James Zoning Bylaw as amended.

4.9 "Unsightly" means any of the following conditions on real property:

- a) buildings, structures or fences that are:
 - i) excessively dirty;
 - ii) unfinished or in need of refinishing;
 - iii) dilapidated;
 - iv) broken; or
 - v) leaning;
- b) Graffiti on buildings, structures, fences or finished ground surfaces;
- c) accumulations of Rubbish;
- d) landscaping or construction materials where there is no apparent landscaping or construction work occurring;
- e) furniture (other than furniture designed specifically for outdoor use), bedding or appliances stored outside or in open carport areas;
- f) one or more Derelict Vehicles;
- g) uncontained compost piles;
- h) overgrown vegetation or unmowed grass in excess of 25 centimetres in height; or
- i) Noxious Weeds.

PROHIBITIONS

5. No owner or Occupier of real property shall cause or permit to be caused or do any act that results in the real property becoming or remaining Unsightly.

6. No Person shall interfere with:

- a) an Officer 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 11 of this Bylaw.

INSPECTION AND ENFORCEMENT

7. An Officer is authorized to enter upon any lands in the Municipality at all reasonable times to ascertain whether this bylaw is being observed.

8. An Officer may issue an information by means of a ticket to an owner or Occupier of real property for any offence under this bylaw.
9. An Officer may issue a notice requiring the owner or Occupier of real property, or their agent, to
 - a) remove, repair, clean or refinish dirty, dilapidated, broken or leaning buildings, structures or fences;
 - c) remove or paint over Graffiti on buildings, structures, fences or finished ground surfaces;
 - d) remove or appropriately store
 - i) accumulations of Rubbish;
 - ii) landscaping or construction materials
 - iii) furniture, bedding or appliances;
 - iv) Derelict Vehicles;
 - e) remove or appropriately contain compost piles;
 - f) mow or otherwise remove overgrown vegetation or unmowed grass in excess of 25 centimetres in height; or
 - g) remove Noxious Weedswithin a time specified in the notice.
10. Notice to an owner or Occupier will be by written notice
 - a) hand-delivered to an Occupier of the real property; or,
 - b) sent by registered mail to the owner of the real property or their agent.

DISTRICT EFFECTS COMPLIANCE

11. If the owner or Occupier of real property, or their agent, fails to comply with a notice given pursuant to section 9 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.
12. If the person at whose expense the compliance is carried out under section 11 does not pay the costs incurred by the District of Fort St. James to effect compliance on or before December 31 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.

OFFENCES

13. Every person who violates a provisions of this bylaw commits an offence and is liable,
 - a) 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, to the penalties imposed under District of Fort St. James Ticket Information Bylaw No. 853, 2007, as amended.
14. 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.

READ A FIRST, TIME THE 13 DAY OF JUNE 2018.

READ A SECOND AND THIRD TIME THE 27 DAY OF JUNE 2018.

ADOPTED THE 18 DAY OF July 2018.

[Original Signed]

Rob MacDougall, Mayor

[Original Signed]

Kevin Crook, Chief Administrative Officer

SCHEDULE "A" - FINES

The following fines are applicable where an Officer lays an information by means of a ticket.

Offence	Section	Fine
Cause or permit Unsightly premises	4	\$100
Interfere with an Officer	6	\$200