

DISTRICT OF FORT ST. JAMES
POLICY AND PROCEDURE MANUAL

POLICY GROUP:	Bylaw Enforcement
POLICY NO.:	8.4
SUBJECT:	Unsightly Premises
ADOPTED:	May 9, 2012
REVISED:	
ADMINISTERED BY:	Bylaw Enforcement Officer/Administration

Objective: To provide for the consistent application, administration and enforcement of the District of Fort St. James Unsightly Premises Bylaw.

Procedures:

Following a complaint or report of unsightly premises:

1. Bylaw Enforcement Officer inspects property. Take photos, date and sign, note details of unsightly conditions as defined in the bylaw.

Option 1 – Seek voluntary compliance

2. Speak with the owner or occupier and ask them to meet the bylaw standards within a reasonable time (7days).
3. On (or soon after) time limit, inspect again. Note condition of property. Take photos if any change. – Move to Option 2.
4. If not possible to speak with the owner/occupier, send letter to them detailing condition of property, cite bylaw, statutory authority provisions and penalty provisions and direct cleanup within 14 days (see Form 1)

Option 2 – Issue a ticket

5. If compliance not met by time limit, or if it is a repeat offender, issue a ticket to the owner / occupier.

Option 3 -

6. Prepare report to Council and resolution. (See Form 3 and Form 4.) Have photos ready.
1. Date of meeting – Corporate Officer should announce the item then Bylaw Enforcement Officer makes report. Mayor should ask if anyone wishes to make

response to give name, address and interest in the property and come forward. Council should listen fairly and then make decision. If order to issue, Council should pass resolution (See Form 4).

2. Resolution and letter sent by registered mail to owner/occupier/agent with a copy to the mortgagee, giving 30 days to remove accumulation as per resolution. (See Form 5 for letter accompanying resolution.)
3. On (or soon after) 31st day inspect again, note condition of property and photograph the same. If not cleaned, have staff or contractor clean up and send account to owner/occupier. If not paid by December 31st of that year, add as tax arrears.

See Also: Bylaw 757, Unsightly Premises Bylaw No. 757, 2001 (as amended)
Community Charter sections 72-80

[Date]

[Owner/Occupier]
[Address]

Dear Sir:

RE: [Legal Description]

As a result of complaints received in this office, our [Bylaw Enforcement Officer] inspected your property, legally described above and located at [Street Address], Fort St. James, B.C. and observed that [describe nuisance, e.g. “the building, damaged by fire, poses a danger to passing pedestrians and others”].

Under Part 3, Division 12 of the *Community Charter*, Council has the authority to impose remedial action requirements for declared nuisances. A copy of the relevant sections is enclosed.

I therefore serve this notice and request that you [describe required remedy, e.g., “remove the loose masonry and lumber from the front walls and board up the entrances”] by midnight on [date].

In the event that you fail to comply with this notice by midnight on [date], I must forthwith file a report with the Council for their attention and further action.

I trust that you will cooperate with the Municipality in this regard and see that this matter is resolved to the satisfaction of all concerned.

Yours truly,

Chief Administrative Officer

cc: Registered Mortgagees

[Legal Description]

TO: [Name and Address]
(owner/occupier)

(send copies to mortgagees)

NOTICE OF HEARING

TAKE NOTICE that the Municipal Council of the District of Fort St. James, pursuant to Part 3, Division 12 of the *Community Charter*, will at the hour of 7:00 in the p.m. on [date: _____, the _____ day of _____, A.D. 20__] in the Council Chambers at the Municipal Hall in Fort St. James, British Columbia hear representations by [*specify staff positions*] as to whether, with respect to the lands more particularly described above, the owner/occupier shall be required to [*described work*] to remedy its unsightly condition and for the protection of the public.

AND FURTHER TAKE NOTICE that should Council require the owner/occupier to take remedial action, and the owner/occupier defaults, the Council may direct its employees and others to enter and effect the removal at the expense of the person defaulting. The charges for so doing, if unpaid on December 31st, shall form part of the taxes payable in respect of the real property in question, as taxes in arrears.

AND FURTHER TAKE NOTICE that should you wish to make representations to Council regarding the lands and premises listed above, you should appear at that time, date and place to make your representations to Council.

THIS NOTICE is given by the Municipal Council of the District of Fort St. James this [date: _____ day of _____, 20__].

Chief Administrative Officer

cc. Registered Mortgagees

DISTRICT OF FORT ST. JAMES

MEMO

Date: []

To: Mayor and Council

From: Bylaw Enforcement Officer [or other staff person]

Re: **Nuisance Premises**

This department has received complaints regarding the dangerous condition of property situated at [Street address], Fort St. James, B.C. legally described as [Legal description]; Folio No. [] registered in the names of [owner/occupier, address]. [specify what conditions make the building, structure or thing a nuisance]

A letter, copy enclosed, was forwarded to the owners of the property on [date] requesting that the situation be remedied. A further inspection was made on [date], and nothing has been done.

I request therefore that Council proceed to declare the [specify what is to be declared a nuisance, i.e., building addition, carport, shed, pond, etc.] to be a nuisance, with notice to the owner or occupier giving him or her 30 days to remedy the situation or the work will be done by the Municipality or by its authorized agents.

Respectfully submitted,

Bylaw Enforcement Officer

Encl.

District of Fort St. James

Order Under Section 77 of the Community Charter

The Council of The District of Fort St. James, pursuant to Section 77 of the *Community Charter*, hereby resolves that:

1. the [building, garage, shed, or whatever] located at [street address], Fort St. James, British Columbia, legally described as [legal description], Folio No. [] is hereby declared a nuisance; and
2. the owner, agent, lessee and occupier of the building is hereby ordered to take the following remedial action within 30 days of the receipt of notice of this order:

[specify action to be taken]

AND BE IT FURTHER RESOLVED that the [specify official] of the District of Fort St. James BE AND IS HEREBY AUTHORIZED in default of such removal or remedial measures being undertaken by the owners or occupiers to carry out or have such work carried out and the expense charged to the owner or occupier. If unpaid on December 31st in the year in which the work is done, the expense shall be added to and from part of the taxes paid on the real property as taxes in arrear.

MOVED BY COUNCILLOR _____

SECONDED BY COUNCILLOR _____

DATED at the District of Fort St. James, B.C. this day of , 20____.

Certified a true copy this day of , 20____ .

Administrator

[Date]

[Owner/Occupier]

[Address]

REGISTERED MAIL

Dear []:

RE: NUISANCE DECLARATION [Address]

Take notice that the Council of the District of Fort St. James has passed the Resolution, a copy of which is enclosed with this letter.

Pursuant to the Resolution of Council, we advise that unless you, the owner of [legal description], take the remedial action ordered by the resolution within 30 days of receipt of this letter by you, the Municipality shall, in default of such removal, enter upon the property and effect the removal by its workmen and others, at your expense. Receipt of this letter by you will be assumed to be four (4) days from the date of this letter.

If the Municipality does the work, the expense will be charged to you. If you do not pay the expense by December 31st of the year in which the work is done, it shall be added to and form part of the taxes payable in respect of the real property in question, as taxes in arrear.

This Notice is given by and on behalf of the District of Fort St. James.

Yours truly,

Chief Administrative Officer

encl.

c.c. [registered mortgagees]