

PEACE RIVER REGIONAL DISTRICT
By-law No. 1892, 2010

A by-law to control Unsightly Premises

WHEREAS the Regional Board of the Peace River Regional District has adopted "Peace River Regional District Untidy and Unsightly Premises Regulatory Control Service Establishment By-law No. 1891, 2010" to establish a service for the regulation and control of untidy and unsightly premises;

WHEREAS it is deemed necessary and expedient to regulate untidy and unsightly premises and to require the owners or occupiers of real property to remove any accumulation of filth, derelict vehicles or machinery, discarded materials, scrap, trash, and debris or rubbish of any kind;

AND WHEREAS the Regional Board of the Peace River Regional District may as part of a regulatory service, prevent and prohibit unsightly premises and the accumulation of noxious matter;

NOW THEREFORE the Board of the Peace River Regional District, in open meeting assembled hereby enacts as follows:

PART 1	DEFINITIONS
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1.1 Definitions

In this by-law,

"accumulation"

means a collection, either scattered, amassed or piled;

"derelict vehicle"

means:

- (a) a motor vehicle as defined by the Motor Vehicle Act, that is not licensed, is wrecked, or is incapable of motion under its own power; or
- (b) part of a motor vehicle;

"inspector"

means the Chief Administrative Officer, Deputy Chief Administrative Officer, General Manager of Development Services, Building Inspector, By-law Enforcement Officer, or other personnel as designated by the *Regional Board*;

"notice to comply"

means that form attached as Schedule 'A' to this by-law;

1.1 Definitions (continued)

"noxious premises"

includes any property on which:

- (i) hydrocarbon fluid pools or is otherwise not stored in sealed containers; or
 - (ii) open water is stagnant or polluted such that the stagnation or pollution can be smelled by a person standing on an adjacent highway or property;
- but does not include a sewage treatment facility;

"Regional Board"

means the Regional Board of the Peace River Regional District;

"Regional District"

means the Peace River Regional District;

"rubbish"

includes:

- (i) garbage, scrap, trash, debris, waste materials, and all discarded, dilapidated, broken or unused items or materials;
- (ii) bottles, broken glass, crockery plastic, old paper and wood products; and
- (iii) household appliances, furniture designed to be used indoors, tires and disused mechanical or metal parts;

"unsightly premises"

includes a noxious premises and any property containing:

- (i) rubbish;
 - (ii) an accumulation of building materials unassociated with construction taking place on the property; or
 - (iii) a derelict vehicle;
- that is visible by a person standing on a public highway or neighbouring property.

PART 2

SCOPE

2.1 Application

This by-law applies within the boundaries of the service area of the Regional District service for the regulation and control of untidy and unsightly premises.

PART 3

REGULATION AND ENFORCEMENT

3.1 Prohibition

No owner or occupier of a property shall allow that property to become or remain an unsightly premises.

3.2 Exemption

Section 3.1 of this by-law does not apply to property classified as "farm" under the Assessment Act.

3.3 Right of Entry for Inspection

An inspector may enter upon any land subject to this by-law at any time reasonable time in order to ascertain whether the requirements of this by-law are being met.

3.4 Notice to Comply

3.4.1 The inspector may deliver a notice to comply and a copy this by-law to the owner or occupier of property that has allowed that property to become or remain an unsightly premises.

3.4.2 A notice to comply is delivered to a person pursuant to section 3.4.1 if the notice to comply is:

3.4.2.1 served personally; or

3.4.2.2 sent by registered mail to the person's address as it appears upon the last revised assessment roll.

3.4.3 A person who receives a notice to comply and a copy of this bylaw must cause the property identified in the notice to comply to cease to be an unsightly premises within 30 days of delivery of the notice to comply.

3.4.4 A person who receives a notice to comply may make representations in person, or through an agent, to the Regional Board, if that person submits a written request to appear before the Regional Board to the Corporate Officer within 15 days of delivery of the notice to comply.

3.4.5 After hearing representations pursuant to section 3.4.4 the Regional Board may:

3.4.5.1 cancel the notice to comply; or

3.4.5.2 allow specific items or conditions on the identified property to remain as is; and, or alternatively;

3.4.5.3 extend the date under section 3.4.3 by which the property identified in the notice to comply must cease to be an unsightly premises.

3.5 Regional District Action in Default and Cost Recovery

- 3.5.1 If a person fails to comply with a requirement under section 3.4.3 in the time required, the Regional District, by its employees, agents and contractors, may enter onto the property identified in the Notice to Comply at any time and fulfill that requirement on the person's behalf and, without limiting the Regional District's authority under this section, may do so by removing and disposing of rubbish, hydrocarbon fluid, and construction materials.
- 3.5.2 The Regional District may not exercise its authority under section 3.5.1 if a person has submitted a written request to make representations before the Regional Board in accordance with section 3.4.4 and has not received an opportunity to make representations to the Regional Board.
- 3.5.3 The reasonable costs incurred by the Regional District in any exercise of its powers under section 3.5.1 may be billed to a person who fails to comply with a requirement under section 3.4.3 and if not paid by the 31st day of December in the year in which they are incurred, may be added to and form part of the taxes payable as taxes in arrears in respect of the property on which the Regional District fulfilled the requirement under section 3.4.3.

PART 4

VIOLATIONS

4.1 Offences

- 4.1.1 Every person who violates any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who refuses, omits or neglects to fulfill, observe, carry out or perform a duty or obligation imposed by this By-law is guilty of an offence and shall be liable on summary conviction to a penalty of not less than \$500.00 and not more than up to \$10,000.00 together with such other penalties that may be imposed by the court, including payment of the costs of prosecution and compensation for loss or damage suffered by the Regional District.
- 4.1.2 Where an offence under this By-law is a continuing offence, each day the offence continues constitutes a separate offence.

PART 5

GENERAL PROVISIONS

5.1 Severability

If a section, subsection, paragraph or phrase of this by-law is for any reason declared invalid by a Court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this by-law.

5.2 Citation

This by-law may be cited for all purposes as the "Unsightly Premises By-law No. 1892, 2010."

READ A FIRST TIME this 22nd day of April, 2010.

READ A SECOND TIME this 22nd day of April, 2010.

READ A THIRD TIME this 22nd day of April, 2010.

ADOPTED this 27th day of May, 2010.

CERTIFIED a true and correct copy of
"Unsightly Premises By-law No. 1892,
2010."


Fred Banham,
Chief Administrative Officer

THE CORPORATE SEAL of the Peace
River Regional District was hereto affixed
in the presence of:


Karen Goodings, Chair


Fred Banham,
Chief Administrative Officer