

# REGIONAL DISTRICT OF NORTH OKANAGAN

## BYLAW No. 2046

### A Bylaw to Prohibit Unightly Premises and Visual Nuisances

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**WHEREAS** the Regional District of North Okanagan was granted the authority to exercise the Nuisance and Unightly Premises function in accordance with Section 725(1)(a), (b), (c) and (d) of the Local Government Act (herein after referred to as the Act) by Supplementary Letters Patent issued on the 18th day of June, 1974;

**AND WHEREAS** the Board may by Bylaw under Section 725(1)(b) of the Act, prohibit persons from causing or permitting water, rubbish or noxious, offensive or unwholesome matter to collect or accumulate around their premises, or from depositing or throwing bottles, broken glass or other rubbish in any open place;

**AND WHEREAS** the Board may by Bylaw under Section 725(1)(e) of the Act, prohibit the owners of real property from allowing their property to become or remain unightly;

**AND WHEREAS** the Board may by Bylaw under Section 725(1)(d) of the Act, require the owners or occupiers of real property, ort their agents, to remove from it any accumulations of filth, discarded material or rubbish;

**AND WHEREAS** the Board deems it desirable to establish regulations which may be imposed to require the clean up and restoration of property in the Regional District of North Okanagan Electoral Areas "B", "C", "D", "E" and "F";

**NOW THEREFORE** the Regional Board of the Regional District of North Okanagan in open meeting assembled ENACTS AS FOLLOWS:

#### **CITATION**

1. This Bylaw may be cited as the "Unightly Premises Bylaw No. 2046, 2005"

#### **DEFINITIONS**

2. In this Bylaw,

"Board" means the Board of Directors of the Regional District of North Okanagan.

"Bylaw Enforcement Officer" means a person duly appointed to enforce Bylaws.

"Filth, Discarded Materials or Rubbish" shall have its ordinary meaning and shall include garbage, trash, waste materials, including containers, packages, bottles, cans or parts thereof, or any abandoned or discarded article, product or goods of manufacture and without limiting the generality of the foregoing shall include an automobile and any part thereof, which is in a state of disrepair, wrecked or being dismantled for salvage or which is not licenced for the current year.

"Person" includes a corporation, partnership, or party, and the heirs, executors, administrators, or other legal representatives of a person to whom the context can apply according to law.

"Regional District" means all those portions of the Regional District of North Okanagan within Electoral Areas "B", "C", "D", "E", and "F".

**AUTHORITY TO ENTER UPON PROPERTY**

3. A Bylaw Enforcement Officer is hereby authorized to enter at all reasonable times upon property within the Regional District, for the purpose of ascertaining whether the regulations contained in the Bylaw or directions made pursuant to the Bylaw are being observed.

**RUBBISH AND LITTER CONTROL**

4. No Person shall:
  - (a) cause or permit rubbish or noxious, offensive or unwholesome matter to collect or accumulate around premises owned or occupied by that Person; or
  - (b) deposit or throw bottles, broken glass or other rubbish in any open place.

**UNSIGHTLY AND UNTIDY PREMISES**

5.
  - (a) No owner or occupier of real property shall allow their property to become or remain unsightly by the accumulation of filth, discarded materials or rubbish;
  - (b) Owners or occupiers of real property shall remove from their property unsightly accumulations of filth, discarded materials or rubbish.

**ENFORCEMENT**

6.
  - (a) Where a Bylaw Enforcement Officer observes that real property does not comply with this Bylaw, the Bylaw Enforcement Officer may notify and require the owner or occupier of the real property to comply with the Bylaw within a reasonable time as established by the Unsightly Premises Enforcement Policy.
  - (b) Where a Person fails to comply with a notice under paragraph 6 (a) in relation to a requirement under Section 5 (b), the Regional District may, by its employees or other persons, at reasonable times and in a reasonable manner, enter on property and effect the compliance at the expense of the person who failed to comply.
  - (c) Where the Person at whose expense removal is carried out under paragraph 6 (b) does not pay the costs of the removal on or before December 31<sup>st</sup> in the year that the removal was done, the costs shall be added to and form part of the taxes payable on the property as taxes in arrears.

**PENALTIES**

7. Every person who violates any of the provisions of this Bylaw, or who causes, suffers, or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw or who neglects or refrains from doing anything required to be done by any of the provisions of this Bylaw, or who fails to comply with any order, direction or notice given under this Bylaw in addition to any other penalties provided for in this Bylaw, shall be liable on summary conviction to a fine not exceeding two thousand dollars (\$2,000.00).

8. For the following offences, a ticket may be issued, or an information may be laid, by the Bylaw Enforcement Officer:

Section 4(a) or (b)  
Section 6(b)

Unauthorized Dumping  
Failure to Comply with a Clean Up Notice

**REMAINDER OF BYLAW TO BE MAINTAINED INTACT**

9. If any provision of this Bylaw is held to be invalid by a court of competent jurisdiction, the provision may be severed from the Bylaw and such invalidity shall not effect the validity of the remaining portions of this Bylaw.

**REPEAL**

10. Bylaw No. 213, being the "*Unsightly Premises Bylaw No. 213, 1976*" and all amendments made thereto are hereby repealed.

**Read a FIRST and SECOND TIME**                                  this 7th day of                          June , 2005.

**Read a THIRD TIME**    this 7th day of                          June , 2005.

**Reconsidered and ADOPTED**    this 7th day of                          June , 2005.

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"S. Field"  
Chair

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"B. Reardon"  
Corporate Officer