

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1073

A BYLAW TO REGULATE UNSIGHTLY PREMISES IN ELECTORAL AREAS A, B, C, D, E, G & H

WHEREAS the Regional District of Nanaimo was granted the authority to exercise the Nuisance and Unsightly Premises function in accordance with Sections 932(b) (g) (h) (h.1) and (k) of the Municipal Act (hereinafter referred to as the Act) by Supplementary Letters Patent dated December 16, 1971 and has, by Unsightly Premises Extended Service Establishment Bylaw No. 1072, 1996, converted the function to an extended service;

AND WHEREAS the Board may by bylaw under Section 931(g) 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 space;

AND WHEREAS the Board may by bylaw under Section 932(h) of the Act, prohibit persons from placing graffiti on walls, fences or elsewhere on or adjacent to a public place and prohibit the owners or occupiers of real property or their agents from allowing their property to become or remain unsightly and require the owners or occupiers of real property or their agents to remove from it any accumulation of filth, discarded material, rubbish, or graffiti;

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 Nanaimo Electoral Areas A, B, C, D, E, G and H;

AND WHEREAS the consent of the Directors for Electoral Areas A, B, C, D, E, G and H, has been obtained;

AND WHEREAS the advertising provisions under Section 817.1 of the Act have been met;

AND WHEREAS the requirements of Section 203 of the Municipalities Enabling & Validating Act, RSBC 1960, c. 261 have been met;

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

Title.

1. This bylaw may be known and cited for all purposes as “Unsightly Premises Regulatory Bylaw No. 1073, 1996”.

Interpretation.

2. In this bylaw unless the context otherwise requires:

“**Board**” means the Board of Directors of the Regional District of Nanaimo.

“Bylaw Enforcement Officer” means a person appointed as a bylaw enforcement officer by the Board

“District” means all those portions of the Regional District of Nanaimo contained within Electoral Areas A, B, C, D, E, G and H.

“Filtch, Discarded materials or rubbish” includes any and all manner of garbage; discarded or disused materials; filth; noxious, offensive or unwholesome matters; unlicensed, unused or stripped automobiles; trucks, trailers, boats, vessels, machinery, mechanical or metal parts; bottles and glass.

“Graffiti” means writing, printing or pictorial representation scratched, scribbled, painted or otherwise applied to walls, roofs, fences, windows or some other surface, but not including signs permitted in the applicable bylaws of the Regional District of Nanaimo.

Authority to Enter Upon Property.

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

Rubbish and Litter Control.

4. No person shall:
 - (1) cause or permit water, rubbish, or noxious, offensive or unwholesome matter to collect or accumulate around lands or buildings owned or occupied by that person;
 - (2) deposit or throw bottles, broken glass or other rubbish in any open place.

Unightly Property.

5.
 - (1) No person shall place graffiti on walls, fences or elsewhere on or adjacent to a public place.
 - (2) 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.
 - (3) Owners or occupiers of real property shall remove from the property unsightly accumulations of filth, discarded materials, rubbish or graffiti.

Enforcement.

6.
 - (1) 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 stated time period.

- (2) Where a person fails to comply with a requirement under Section 5(3) or Section 6(1), the District may by its employees or other persons, at reasonable times and in a reasonable manner, enter on the property and effect the removal at the expense of the person who failed to comply.
- (3) Where the person at whose expense removal is carried out under Section 6(2) does not pay the costs of the removal on or before December 31st 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 arrear.

Penalty.

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 carries out or who suffers, causes or permits to be carried out any development in a manner prohibited by or contrary to 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).

Remainder of Bylaw to be Maintained Intact.

8. If any portion of this bylaw is held to be invalid by a decision of a Court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this bylaw.

Repeal.

9. “Regional District of Nanaimo Property Maintenance Bylaw No. 856, 1992” is hereby repealed.

Introduced and read three times this 12th day of November, 1996.

Advertised in accordance with Section 817.1 of the Municipal Act this 25th day of February, 1997.

Adopted this 11th day of March, 1997.

CHAIRPERSON

SECRETARY