

District of Chilliwack

Bylaw No. 2122

A bylaw to control unsightly premises

The Council of the District of Chilliwack in open meeting assembled enacts as follows:

1. This bylaw may be cited as "**Unsightly Premises Bylaw 1994, No. 2122**".
2. "Unsightly Premises Control Bylaw 1990, No. 1434" and amendments thereto are hereby repealed.

3.0 Interpretation

- 3.1 In this bylaw, "unsightly" includes but is not limited to
 - (a) the accumulation of building material on a parcel of real property unless
 - (i) the owner or occupier of the parcel is in possession of a valid building permit in respect of the accumulation; or
 - (ii) the accumulation is stored in a closed building or structure such that the accumulation is not visible from another parcel or highway;
 - (b) the storage or accumulation on a parcel of real property of all or part of a vehicle, as defined in the *Motor Vehicle Act* which is not:
 - (i) validly registered and licensed in accordance with the *Motor Vehicle Act*; or
 - (ii) capable of movement under its own powerunless stored in a closed building or structure such that the vehicle, or any portion of a vehicle, is not visible from another parcel or a highway;
 - (c) the accumulation on a parcel of real property of filth, discarded materials or rubbish of any kind, whether or not for commercial purposes or as part of a trade or calling, including but not limited to dead animals, paper products, crockery, glass, metal, plastics, plastic containers, wire, ropes, machinery, tires, appliances, and any other scrap or salvage;
 - (d) the accumulation or deposit on a parcel of real property of discarded or fallen building materials, including the surface, covering, or coating of a building or structure, or the building or structure itself or part of it which is missing all or a portion of its surface, covering, or coating materials;

"Unsightly Premises Bylaw 1994, No. 2122

Page 2

- 3.1 (e) the use of any parcel of real property used for residential premises, other than a parcel zoned for industrial uses under the applicable Zoning Bylaw of the District, for the storage, repair, cleaning, maintenance, collection, or servicing of mechanical equipment including bulldozers, graders, backhoes, or other similar heavy construction equipment;
- (f) the presence of graffiti, whether in the form of pictures or words, on real property or on the surface of premises located on real property;
- (g) the accumulation on a parcel of real property of garbage not contained in a covered receptacle.

4.0 Unsightly Premises

- 4.1 No owner or occupier of a parcel of real property shall cause or allow or permit the parcel to become or to remain unsightly.
- 4.2 No owner or occupier of a parcel of real property shall cause or permit rubbish or noxious or unwholesome matter to collect or accumulate on the parcel.
- 4.3 Owners and occupiers of a parcel of real property shall remove or cause to be removed from the parcel any accumulation of filth, discarded material, or rubbish of any kind.

5.0 Default:

- 5.1 In the event the owner or occupier of unsightly premises on a parcel of real property fails within ten days of a notice to comply with the notice to remove or clear from the parcel anything that, as stated in the notice, renders the parcel unsightly, the District may give a second notice to the owner and occupier that:
- (a) the owner, occupier, or both are in default under this bylaw;
- (b) the owner and occupier may appear before Council to be heard on a date specified in the second notice, being not less than ten days after the date of the second notice; and
- (c) the Council may, after hearing the owner, occupier, or both, pass a resolution to direct the District not to effect the removal or clearance under section 5.2.
- 5.2 Where the Council does not at the meeting referred to in the further notice under section 5.1 pass a resolution under section 5.2 to direct the District not to effect the removal or clearance, the District by its officers, employees, contractors, or agents may between the hours of 8:00 a.m. and 8:00 p.m. on days when the District's offices are open to the public enter on the parcel and effect the removal or clearance at the expense of the owner or occupier defaulting.

"Unightly Premises Bylaw 1994, No. 2122

Page 3

5.3 The cost of effecting any removal pursuant to Section 5.2 of this bylaw shall be payable by the person in default and due immediately on removal, and if the cost remains unpaid on December 31 in the year of the removal, the cost will be added to and form part of the taxes on the parcel of real property as taxes in arrears.

6.0 Inspection:

6.1 An officer of the District or other person authorized by Council may enter on a parcel of real property at all reasonable times to ascertain whether this bylaw is being observed, to gather evidence on any violation, or to serve any notice related to any violation of this bylaw.

7.0 Notice:

7.1 Where any notice is given pursuant to the bylaw, the notice may be given in writing.

7.2 Written notice shall be deemed sufficiently delivered if:

- (a) personally served on a person apparently aged 18 years or more and apparently occupying the parcel of real property affected by the notice;
- (b) by double registered or certified mail to the address of the parcel of real property, or the last known address of the owner or occupier;
- (c) deposited in a place normally used for the reception of mail for the affected parcel of real property; or
- (d) affixed to the parcel of real property in a prominent place.

8.0 Offence

8.1 Every person who violates a provision of this bylaw, or who suffers or permits any act or thing to be done in contravention of or in violation of any provision of this bylaw, or who neglects to or refrains from doing anything required to be done by any provision of this bylaw, is guilty of an offence against this bylaw and is liable to the penalties imposed under this bylaw.

8.2 Each day that a violation continues to exist may be deemed to be a separate offence against this bylaw.

9.0 Penalty

9.1 Every person who commits an offence against this bylaw is liable, on summary conviction, to a penalty of not more than \$10,000.00.

"Unsightly Premises Bylaw 1994, No. 2122

Page 4

10.0 Severability

10.1 If at any time, any provision of this bylaw is declared or held to be illegal, invalid, or ultra vires, in whole or in part, then the provision shall not apply and the remainder of this bylaw shall continue in full force and effect and be construed as if it had been enacted without the illegal, invalid, or ultra vires provision.

Received first reading on the 18th day of July, 1994.

Received second reading on the 18th day of July, 1994.

Received third reading on the 18th day of July, 1994.

Reconsidered, finally passed and adopted on the 22nd day of July, 1994.

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"John Les"

Mayor

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"D.W. Hampson"

Clerk