

TOWN OF SIDNEY

BYLAW NO. 1943

A BYLAW TO REGULATE THE MAINTENANCE OF REAL PROPERTY AND TO PROHIBIT UNSIGHTLY PROPERTY WITHIN THE LIMITS OF THE TOWN OF SIDNEY.

WHEREAS THE COUNCIL of the Town of Sidney deems it necessary to prohibit unsightly property;

NOW THEREFORE the Council of the Town of Sidney in open meeting assembled enacts as follows;

1. DEFINITIONS

1.1 In this Bylaw,

“**Graffiti**” means any drawing, printing, picture, writing or mark or combination thereof but does not include anything pursuant to the “Sign Bylaw” for which a permit has been issued by the Town of Sidney;

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

“**noxious weeds**” means any weed and the seed thereof to the extent the weed is designated by the regulations under the *Weed Control Act*, R.S.B.C., 1979, c. 432 and amendments thereto, and includes, but is not limited to:

Canada Thistle	-	(Cirsium arvense (L.) Scop.)
Dodder - (Cuscuta spp.)	-	(Halogeton - Glomeratus)
Russian Knapweed	-	(Centaurea repens L.)
Diffuse Knapweed	-	(Centaurea diffusa Lam.)
Poison Ivy	-	(Rhus toxicodendron L.)
Sow, Thistle, annual and perennial	-	(Sonchus spp.)
Spurge	-	(Euphorbia spp.)
Toadflax	-	(Linaria vulgaris Hill)
Wild Oats	-	(Avena fatua L.)
Poison Oak	-	(Rhus diversiloba)
Stinging Nettle	-	(Urtica dioica)

“**unlicensed vehicle**” means a vehicle defined under the Provincial *Motor Vehicle Act* that does not display a current motor vehicle licence issued under the provisions of the *Insurance (Vehicle) Act* or the motor vehicle licensing provision of another province or state.

“**unsightly**” means real property that is not kept to the same standards of the neighbourhood by allowing the accumulation of filth, discarded materials, rubbish, noxious weeds or graffiti.

2. PROHIBITIONS

- 2.1 No owner or occupier of real property shall allow the said real property to become or remain unsightly.
- 2.2 Not more than one (1) unlicensed vehicle may be kept on any property unless completely enclosed within a building.
- 2.3 No person shall write, draw, print, mark or place graffiti on a wall, fence or other place or thing in or upon a highway, park or other public place, unless authorized by a permit issued by Council.

* Notwithstanding anything contained in this bylaw or the "Sign Bylaw No. 995", the Council may, upon application in writing of an owner of land, authorize the issuance of a permit to paint a mural on a wall, fence or other place or thing on a parcel of land.

- 2.4 No person shall cause or permit water, rubbish or noxious weeds, offensive or unwholesome matter or substances to collect or accumulate around their premise.
- 2.5 No person shall deposit or throw bottles, broken glass or other rubbish in any open place in or on any highway or public place or any open place on private property in the Town of Sidney.

3. REQUIREMENTS

- 3.1 Every owner or occupier of real property or their agents shall remove from the said real property an accumulation of filth, discarded materials or rubbish, or graffiti, as defined in this Bylaw, that are placed in contravention of this Bylaw.
- 3.2 Every owner or occupier of real property or their agents, shall clear the property of untended brush, grass, trees, noxious weeds, and other growths so as to ensure the property does not appear unkept and is maintained to the same standards of the neighbourhood.
- 3.3 Every owner or occupier of real property or their agents, shall prevent the infestation of the property by caterpillars and other noxious or destructive insects and shall clear the property of caterpillars and other noxious or destructive insects.

4. REMEDIAL

- 4.1 The Chief Administrative Officer or designate may direct a notice in writing to be sent to such owner or occupier or the agent of such owner or occupier notifying the said owner, occupier or agent that in default of such removal within a time specified in the said notice, the Town by its workmen or other persons may, at reasonable times and in a reasonable manner, enter upon the said real property and effect such removal at the expense of the person so defaulting and the charge for so doing, if unpaid on the 31st day of December in any year, shall be added to and form part of the taxes payable in respect of that real property as taxes in arrears.

5. INSPECTION AND WEED CONTROL

- 5.1 To the extent necessary to give effect to this Bylaw, the Bylaw Enforcement Officer, and all other appointed Officers and Building Inspectors of the Town and persons acting upon their direction are authorized to enter, at all reasonable times, upon any property subject to the regulations of the Council, in order to ascertain whether such regulations or directions are being obeyed.
- 5.2 Pursuant to the *Weed Control Act*, the Bylaw Enforcement Officer, and all other appointed Officers and Building Inspectors of the Town and persons acting upon their direction shall be authorized to enforce the provisions of the *Weed Control Act* on behalf of the Town of Sidney.
- 5.3 No person shall prevent or obstruct, or attempt to prevent or obstruct, the entry of the Bylaw Enforcement Officer, other appointed Officers and Building Inspectors of the Town, and persons acting upon their direction, upon any property as authorized under this Bylaw.

6. OFFENCE AND FINE

- 6.1 Every person who without lawful excuse, contravenes this Bylaw willfully doing any act which it forbids, or omitting to do any act which it requires to be done, is guilty of an offence and is liable, on summary conviction, to a fine of not less than \$100.00 and for each subsequent offence to a fine of not less than \$200.00 and not more than \$2,000.00. A separate offence shall be deemed to be committed upon each date during and in which the contravention occurs or continues.

7. CITATION

- 7.1 This Bylaw may be cited for all purposes as the "Town of Sidney Unsightly Premises Bylaw No. 1943, 2008".

8. REPEAL

- 8.1 The "Town of Sidney Unsightly Premises Bylaw No. 1481, 1998 is hereby rescinded".

Read a first time this 8th day of September, 2008.

Read a second time this 8th day of September, 2008.

Read a third time this 8th day of September, 2008.

Reconsidered, finally passed and adopted this 29th day of September, 2008.

MAYOR

CORPORATE ADMINISTRATOR