

TOWN OF SIDNEY

BYLAW NO. 2100

A BYLAW TO REGULATE THE MAINTENANCE OF REAL PROPERTY IN THE TOWN OF SIDNEY.

The Council of the Town of Sidney, in open meeting assembled, enacts as follows:

1. DEFINITIONS

1.1 In this Bylaw,

“**Bylaw Enforcement Officer**” means a person appointed by the Council as a Bylaw Enforcement Officer, Building Inspector and Director of Development Services, Engineering, Parks and Works.

“**Building**” means any structure used or intended for supporting or sheltering any use or occupancy.

“**Council**” means the Council of the Town.

“**Graffiti**” means any drawing, printing, picture, writing or mark or combination thereof.

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

“**Owner**” means the registered owner of real property in the Town of Sidney.

“**Removal Order**” means an order issued pursuant to section 5 of this bylaw.

“**Structure**” means a structure of any kind, whether fixed to, supported by or sunk into land, water or a building or other structure, including seawalls, tanks, swimming pools, docks, wharves, canopies, and awnings, but excluding landscaping and paving and retaining structures other than seawalls less than 1.2 metres in height.

“**Unlicensed vehicle**” means a vehicle defined under the Provincial *Motor Vehicle Act* that does not display a current vehicle licence issued under the provisions of the *Insurance (Vehicle) Act* or the licensing regulations of another province or state as it applies to that vehicle.

“**Unightly**” means real property that is not kept to the same standards of the neighbourhood by allowing the accumulation of discarded materials, building materials, unlicensed vehicles, furniture, other than furniture specifically designed for use as outdoor furniture, household appliances including stoves, refrigerators, washers and dryers, sinks, cabinets, household fixtures, long grass, graffiti or posters.

2. PROHIBITIONS

- 2.1 No Owner or occupier of real property shall allow the said real property to become or remain unsightly.
- 2.2 This Bylaw does not apply to unlicensed vehicles completely enclosed within a building and where no more than one unlicensed vehicle is otherwise kept on a property.
- 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.
- 2.4 Notwithstanding Section 2.3 and the Sign Bylaw No. 2058, the Council may, upon application in writing by an Owner, authorize the issuance of a permit to paint a mural on a wall, fence or other place or thing on a parcel of land.
- 2.5 No Owner or occupier of real property shall cause or permit water, rubbish, offensive or unwholesome matter or substances to collect or accumulate around their premise.
- 2.6 No Owner or occupier of real property shall cause, allow or permit the accumulation of household garbage on any parcel except where contained in a covered receptacle;
- 2.7 This Bylaw does not apply to building materials where:
- (i) the Owner is in possession of a valid building permit; or
 - (ii) the building materials are stored in a closed building or structure such that they are not visible from another parcel or a public place.
- 2.8 No Owner or occupier of real property shall cause, allow or permit a building or structure, or part of a building or structure, which is missing all or a portion of its surface, covering or coating materials to be on the parcel unless the owner is in possession of a valid building permit in respect of the building or structure.
- 2.9 No person shall deposit or throw bottles, broken glass or other rubbish in or on any highway or public place or any open place on private property.

3. INSPECTION

- 3.1 To the extent necessary to give effect to this Bylaw, the Bylaw Enforcement Officer and persons acting upon their direction are authorized to enter any property at reasonable times and with reasonable notice.
- 3.2 No person shall obstruct the Bylaw Enforcement Officer or persons acting upon their direction from entering onto any property or carrying out any action under this Bylaw.

4. REQUIREMENTS

- 4.1 Every Owner or occupier of real property shall remove from the property any accumulation of discarded materials and take such measures as are necessary to prevent the property from becoming unsightly.
- 4.2 Every Owner or occupier of real property shall clear the property of untended brush, grass, trees, weeds, and other growths so as to ensure the property does not appear unkept and is maintained to the same standards of the neighbourhood.

- 4.3 Every Owner or occupier of real property 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.

5. REMOVAL ORDER

- 5.1 Where a Bylaw Enforcement Officer observes that a property is unsightly the Bylaw Enforcement Officer may deliver a Removal Order to the Owner:

- (a) requiring the removal within 14 days of any thing, things or class of things, that render the parcel unsightly;
- (b) advising the Owner of the right of reconsideration by Council and the method by which the request for reconsideration can be made; and
- (c) advising the Owner of the consequences of not complying with the Removal Order.

- 5.2 A Removal Order may be served on the Owner by:

- (a) personal delivery to the Owner;
- (b) regular mail to the address of the Owner as shown on the assessment roll for the parcel which is subject to the Removal Order in which case the notice is deemed to have been delivered five days after the notice is mailed; or
- (c) posting the notice in a conspicuous place on a building on the parcel which is subject to the Removal Order in which case the notice is deemed to have been served five days after the Removal Order was posted.

- 5.3 Within 14 days after service of the Removal Order the Owner must:

- (a) comply with the Removal Order; or
- (b) request that Council reconsider the Removal Order.

- 5.4 Where an Owner requests that Council reconsider the Removal Order, Council may, after considering the matter, affirm, vary or revoke the Removal Order.

6. DEFAULT

- 6.1 Upon:

- (a) the expiration of the time set out in section 5.3 of this bylaw; or
- (b) the expiry of the date for compliance set by Council in variation of a Removal Order;

where the Owner has failed to comply with the Removal Order an employee, contractor, or agent of the Town may enter the parcel subject to the Removal Order between the hours of 8:00 a.m. and 8:00 p.m. and remove and dispose of any thing, things or class of things referred to in the Removal Order.

- 6.2 Where action has been taken under Section 6.1 the Town may recover the costs incurred from the Owner of the property subject to the Removal Order as a debt and if such charge remains unpaid on December 31 in any year, the charge shall be added to and form part of the taxes payable on the property as taxes in arrears.

7. OFFENCE AND PENALTY

7.1 Every person who:

- (a) violates this bylaw;
- (b) suffers or permits any act or thing to be done in violation of this bylaw; or
- (c) neglects to do or refrains from doing anything required to be done as set out in this bylaw;

is guilty of an offence against this bylaw and is liable to a fine and penalty of not more than \$10,000.00 and not less than \$100.00 for each offence.

7.2 Each day that a violation continues is a separate offence against this bylaw.

8 SEVERABILITY

8.1 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.

9. CITATION

9.1 This Bylaw may be cited for all purposes as the “**Town of Sidney Unsightly Premises Bylaw No. 2100, 2016**”.

10. REPEAL

10.1 The Town of Sidney Unsightly Premises Bylaw No. 1943, 2008 and amendments thereto are hereby repealed.

Read a first time the 21st day of December, 2015.

Read a second time the 21st day of December, 2015.

Read a third time the 21st day of December, 2015.

Adopted the 11th day of January, 2016.

MAYOR

CORPORATE OFFICER