

CORPORATION OF THE CITY OF GREENWOOD
PROPERTY MAINTENANCE BYLAW NO. 928, 2018
A Bylaw to Regulate Property Maintenance

The Municipal Council of the Corporation of the City of Greenwood in open meeting enacts as follows:

The purpose of this Bylaw is to regulate, prohibit and impose requirements on property within the City of Greenwood, and all City owned properties in order to promote the maintenance of property, remove fire hazards and safety issues, and eliminate unsightly property and illegal dumping.

TITLE

1. This Bylaw may be cited for all purposes as the “Property Maintenance Bylaw No. 928, 2018”.

INTERPRETATION

2. In this Bylaw:
 - a) **“Accumulation”** means a buildup, growth or collection, either scattered, amassed or piled, existing at the time of inspection.
 - b) **“Boulevard”** means that portion of highway between the curb lines or the lateral boundary lines of a roadway and the adjoining property or between the curbs on median strips or islands, but does not include curbs, sidewalks, or driveways.
 - c) **“Bylaw Enforcement Officer”** means the Chief Administrative Officer or designate, RCMP, or a person designated by Council as a Bylaw Enforcement Officer.
 - d) **“City”** means the Corporation of the City of Greenwood.
 - e) **“Council”** means the Municipal Council of the City.
 - f) **“Derelict Vehicle”** means any motor vehicle, parts, trailer, recreational vehicle that was designed or manufactured to transport persons or property on a public highway, road, or street and is junked, scrapped, dismantled, or disassembled including:
 - (i) is not capable of operating under its own power; or
 - (ii) is not registered or licensed in accordance with the Motor Vehicle Act for a period of 12 months in the current year.

- g) “**Derelict building**” means a falling down, rotted, burnt or partially burnt structure.
- h) “**Feces**” means human or animal body’s solid waste.
- i) “**Filth**” means foul or putrid matter.
- j) “**Grass**” means vegetation growing wild or cultivated on lawns and includes plants.
- k) “**Highway or other public place**” includes every street, road, land, boulevard, sidewalk, lane, bridge, park, building, conveyance, or passageway that the public has, or is permitted to have access.
- l) “**Logs**” means a part of a trunk or large branch of tree to be used as wood fuel.
- m) “**Municipality**” means the area within the municipal boundaries of the City.
- n) “**Notice of Remedial Action Required**” means any notice issued in this Bylaw.
- o) “**Noxious weed**” means any weed designated by regulation to be a noxious weed pursuant to the British Columbia Weed Control Act.
- p) “**Occupier**” means a person or company residing in or using a property as its owner or tenant, or (illegally) as a squatter.
- q) “**Owner**” means the registered owner as the name appears on the records of the Land Title Office.
- r) “**Obstruct**” means prevent clear passage; to cause a blockage in a road or course, to cause a serious delay in action or progress, to impede view, and prevent a clear view of something.
- s) “**Offensive Matter**” means physical objects that are objectionable to the public.
- t) “**Property**” means all real property, including, but not limited to, front yards, side yards, backyards, driveways, walkways and sidewalks and shall include any buildings or structure or fence located on such property.
- u) “**Recreational Vehicle**” means motor vehicles or trailers which include living quarters for designed temporary accommodation.
- v) “**Rubbish**” in addition to its common dictionary meaning, shall include but not limited to:
 - (i) decaying or non-decaying solid and semi-solid wastes;

- (ii) combustible and non-combustible wastes, recyclable materials;
 - (iii) appliances, furniture;
 - (iv) scrap metal;
 - (v) construction and demolition waste;
 - (vi) on-site incinerators;
 - (vii) yard clippings and brush, dry vegetation, weeds, dead trees and branches;
 - (viii) yard and household waste;
 - (viii) bottles, broken glass.
- w) **“Street”** means any highway, roadway, sidewalk, boulevard, proposed street, or place or right of way which the public is ordinarily entitled or may be permitted to use for the passage of vehicles or pedestrians and includes a structure located in any of those areas.
- x) **“Tarp”** means a waterproof cloth or plastic that is used for cover.
- y) **“Unsightly”** in addition to its common dictionary meaning and regardless of the condition of other properties in the neighbourhood, shall include property having any one or more of the following characteristics:
- (i) The storage, location or accumulation visible to a person standing on a highway, other public place or on a nearby property, or in a building or structure situated on a highway or other public place or nearby property, of rubbish, feces, graffiti, or other discarded materials;
 - (ii) The untidy storage, location or placement of building materials on a site where construction is not taking place;
 - (iii) Landscaping or vegetation that is dead or characterized by uncontrolled growth or lack of maintenance, or is damaged;
 - (iv) A lowering of quality of the condition or appearance of a structure or parts, or evidence of physical decay; or
 - (v) Any other similar conditions of disrepair, dilapidation, or deterioration.

PROHIBITIONS

3. No **Property Owner** or **Occupier** of property shall allow that property to become or remain unsightly.
4. A **Property Owner** or **Occupier** shall not:
 - (a) allow water, **filth**, **rubbish** or **noxious** or **offensive matter** to collect or **accumulate** around lands or buildings owned or occupied by them;
 - (b) allow **rubbish** to overflow from or **accumulate** around any container;
 - (c) allow an infestation of the **property** by caterpillars, termites or other destructive insects or rodents to occur or remain on property;
 - (d) allow the **accumulation** of dead landscaping, **noxious weeds**, brush, wild **grass** or other unattended growths to occur or to remain on property;
 - (e) allow **grass** to exceed 6 (six) inches in height on **property** and **boulevards**;
 - (f) allow shrubs, hedges or trees to grow over sidewalks, or be untrimmed;
 - (g) dump **feces** on a **highway** or **other public places**, **boulevards**, **streets** or let **feces accumulate** on **property**;
 - (h) **accumulate derelict vehicles** on a **highway** or **other public places**, **streets**, or **property**;
 - (i) **accumulate derelict recreational vehicles** on a **highway** or **other public places**, **boulevards**, **streets**, or **property**;
 - (j) use a **tarp** for a roof covering on a building for more than 3 (three) weeks;
 - (k) allow discarded materials or **rubbish** of any kind, including, but not limited to paper, cardboard, tin cans, leaves, wood, bedding, crockery, glass, bags, appliances, tires, scrap, salvage and **feces**;
 - (l) dump logging truck loads of **logs**, or **logs** over 2' on **property**, a **highway**, **other public places**, **boulevards** or **streets**;
 - (m) in respect to **property** that a Building Permit has been issued, must not cause or permit demolition waste, construction waste or trade waste to **accumulate** on the **property**;
 - (n) graffiti, whether in the forms of pictures or words, is not permitted on City property or public places, without prior permission of the City;

- (o) discard rubbish on any City **property, a highway, other public places, boulevards or streets;** or
- (p) store vehicles, **recreational vehicles,** trailers or personal property on a **highway, other public places, boulevards or streets.**

5. **A Property Owner shall:**

- (a) remove a derelict building within 6 (six) months of a fire;
- (b) repair or demolish a derelict building within 6 (six) months of a notice.

BOULEVARDS and SIDEWALKS

6. The **Property Owner or Occupier** of the property adjacent to any boulevard must not:

- (a) plant trees, hedges or shrubs within 15 (fifteen) feet of an intersection;
- (b) plant trees, hedges or shrubs within 10 (ten) feet of a utility service;
- (c) construct a fence or wall on a boulevard;
- (d) fill in a drainage ditch or culvert;
- (e) store vehicles, recreational vehicles, trailers or personal property on the boulevard;
- (f) permit tree branches or hedges to overhang sidewalks or fire hydrants; or
- (g) dump filth, rubbish, yard waste, noxious or offensive matter onto or adjacent to a boulevard or sidewalk.

7. The owner or occupier of the property must remove snow and ice from sidewalks adjacent to their property.

INSPECTION

8. A **Bylaw Enforcement Officer** shall have the right to enter the property (excludes entering buildings or structures) of any owner or occupant at reasonable times and in a reasonable manner for the purposes of inspecting the property and declaring whether the property is unsightly or otherwise not in compliance with the provisions of this Bylaw.

9. No person shall obstruct a **Bylaw Enforcement Officer** from entering **property.**

NOTICE OF REMEDIAL ACTION REQUIRED

10. Upon contravention of the Bylaw, a Notice of Remedial Action Required shall be issued in writing to the owners or lessees of the matter or thing, or to the owners or occupiers of the property.
11. The Notice of Remedial Action Required must state:
 - a) the civic address of the subject property;
 - b) the legal description of the subject property;
 - c) the remedial actions required in order to remedy the non-compliance, which may include but are not limited to, any one or more of the following:
 - (i) removing unsightly accumulations of filth, materials or rubbish from the property;
 - (ii) cleaning, stacking or covering any material;
 - (iii) clearing the property of brush, trees, noxious weeds or other growths;
 - (iv) grass cutting or removing weeds present on the property;
 - (v) pruning trees or shrubs;
 - (vi) clearing the property of caterpillars, termites or other noxious or destructive insects or rodents; and
 - (vii) remediating, maintaining, demolishing, or repairing the property to bring it into compliance with this Bylaw.
 - d) that measures or work must be completed within 30 (thirty) days of the date of delivery of the Notice of Remedial Action Required; and
 - e) that a person to whom a Notice of Remedial Action Required is delivered has a right of reconsideration.

RIGHT OF RECONSIDERATION / APPEAL

12. A person to whom a Notice of Remedial Action Required is delivered may request that the Council reconsiders the remedial action requirements by delivering written notice to the Council within 14 (fourteen) days of the date on which the Notice of Remedial Action Required was delivered to the person.

13. If the request for reconsideration complies, with section 12 of this Bylaw, Council must provide the person with an opportunity to make representation to the Council and the Council may then confirm, amend or cancel the Notice of Remedial Action Required.

CONSEQUENCE OF FAILURE TO COMPLY WITH A NOTICE OF REMEDIAL ACTION REQUIRED

14. If an owner or occupant fails to comply with a Notice of Remedial Action Required, the City, by its employees or other persons, may at reasonable times and in a reasonable manner, enter the property and effect such compliance at the expense of the owner or occupant who has failed to comply.
15. If an owner or occupier fails to pay to the City the costs of compliance incurred before December 31st of the year the compliance was effected, the costs will be transferred to the owner's arrears property taxes.
16. If an owner or occupier fails to comply with a Notice of Remedial Action Required, a Bylaw Enforcement Officer shall fine the owner of the property as set out in Schedule A of this Bylaw.
17. If an owner fails to pay the fines as set out in Schedule A of this Bylaw before December 31st of the year the fines were imposed, the fines will be transferred to the owner's arrears property taxes.
18. Vehicles, recreational vehicles, trailers, personal property stored on boulevards, highway other public place or street shall be towed the expense of the owner.

ENFORCEMENT

19. The provisions of this Bylaw may be enforced by any **Bylaw Enforcement Officer**.
20. No person shall obstruct or interfere with a **Bylaw Enforcement Officer** in the exercise of his duties.
21. A **Bylaw Enforcement Officer** shall have the right to enter the property (excludes entering buildings or structures) of any **Property Owner** or **Occupier** located within the City of Greenwood at all reasonable times and in a reasonable manner for the purposes of inspecting property and declaring whether the property is unsightly or otherwise not in compliance with the provision of this Bylaw.
22. A Notice of Remedial Action Required is not required for illegal dumping of **rubbish** or **filth** on City **property**, a **highway**, other **public places**, **boulevards** or **streets**.

OFFENCES AND PENALTIES

23. Every person who violates any provision of this Bylaw, or who permits any act or thing to be done in contravention of this Bylaw, or who fails to do any act or thing required by this Bylaw shall be deemed to have committed an offence against this Bylaw and:

- (a) shall be liable to a fine set in Schedule A of this Bylaw;
- (b) Schedule A of this Bylaw is attached to and forms part of the City of Greenwood Municipal Ticketing Bylaw; and
- (c) shall be liable, upon summary conviction, to the penalties provided under the *Offence Act*.

24. Any penalty imposed pursuant to this Bylaw shall be in addition to and not in substitution for, any other penalty or remedy imposed pursuant to any other applicable statute law or legislation.

REPEAL

25. This Bylaw repeals and replaces Bylaw No. 890, 2015.

Read a first time this	10	day of	May	2018
Read a second time this	10	day of	May	2018
Read a third time this	10	day of	May	2018
FINALLY ADOPTED this	28 th	day of	May	2018



 Mayor



 Corporate Officer

Certified a true copy of Bylaw No. 928, 2018
on the 28th day of May, 2018



 Corporate Officer

CITY OF GREENWOOD

SCHEDULE A

Property Maintenance Bylaw No. 928, 2018 A Bylaw to Regulate Property Maintenance

Schedule “A” Property Maintenance Bylaw No. 928, 2018, is attached and forms part of Property Maintenance Bylaw No. 928, 2018 and forms part of the City of Greenwood, “Municipal Ticketing Bylaw”.

FINES

OFFENSE	FINE
Accumulation of construction waste or trade waste	\$ 350.00
Accumulation of dead landscaping, noxious weeds, brush, wild grass or other unattended growths on property	\$ 200.00
Accumulation of derelict vehicles or derelict recreational vehicles on a highway or other public place, boulevard, street, or property – failure to comply after 1 (one) remedial notice	\$ 350.00
Accumulation of derelict vehicles or derelict recreational vehicles on a highway or other public place, boulevard, street, or property – failure to comply after 2 (two) remedial notices	\$ 500.00
Accumulation of derelict vehicles or derelict recreational vehicles on a highway or other public place, boulevard, street, or property – failure to comply after 3 (three) remedial notices	\$ 1,000.00
Accumulation of derelict vehicles or derelict recreational vehicles on a highway or other public place, boulevard, street, or property – failure to comply after each additional notice (after the 3 rd notice)	\$ 1,000.00
Allow grass to exceed 6 (six) inches in height on property or boulevards	\$ 200.00
Boulevard and Sidewalk offences including drainage ditches, vehicles, recreational vehicles and trailers	\$ 200.00

Discard rubbish or filth in any City property, highway, other public place, boulevard or street	\$ 1,000.00
Filling in a drainage ditch	\$ 1,000.00
Dumping logging truck loads of logs, or logs over 2 (two) feet on property, a highway, other public place, boulevard or street	\$ 1,000.00
Dumping feces on a highway, other public place, boulevard, street, or let feces accumulate on property – failure to comply after 1 (one) remedial notice	\$ 350.00
Dumping feces on a highway, other public place, boulevard, street, or let feces accumulate on property – failure to comply after 2 (two) remedial notices	\$ 500.00
Dumping feces on a highway, other public place, boulevard, street, or let feces accumulate on property – failure to comply after 3 (three) remedial notices	\$ 1,000.00
Dumping feces on a highway, other public place, boulevard, street, or let feces accumulate on property – failure to comply after each additional notice (after the 3 rd notice)	\$ 1,000.00
Failure to remove a derelict building within 6 (six) months of a fire	\$ 1,000.00
Failure to repair or demolish a derelict building within 6 (six) months of a notice	\$ 1,000.00
Graffiti – City property or public place	\$ 1,000.00
Infestation of caterpillars, termites, destructive insects or rodents	\$ 100.00
Obstruct a Bylaw Officer	\$ 500.00
Unightly property, filth, rubbish or offensive matter – failure to comply after 1 (one) remedial notice	\$ 350.00
Unightly property, filth, rubbish or offensive matter – failure to comply after 2 (two) remedial notices	\$ 500.00
Unightly property, filth, rubbish or offensive matter – failure to comply after 3 (three) remedial notices	\$ 1,000.00
Unightly property, filth, rubbish or offensive matter – failure to comply after each additional notice (after the 3 rd notice)	\$ 1,000.00
Use a tarp for roof covering on a building for more than 3 (three) weeks	\$ 350.00