

WHEREAS Part 3, Division 10, Section 64 of the *Community Charter* authorizes a local government to regulate, prohibit and impose requirements in relation to nuisances, disturbances and other objectionable situations;

AND WHEREAS the Council of the Corporation of the City of White Rock deems it expedient to provide for regulations and prohibitions regarding such matters as: unsanitary conditions on a property, the accumulation of water, refuse, garbage or other material that is noxious, offensive or unwholesome; the accumulation of weeds or other growths that Council considers should be removed; and, graffiti and unsightly conditions on a property;

AND WHEREAS Council may by bylaw regulate, prohibit and impose requirements in relation to the protection and enhancement of the well-being of its community in relation to nuisances, disturbances and other objectionable situations.

NOW, THEREFORE, the Council of the Corporation of the City of White Rock in open meeting assembled hereby enacts as follows:

1. This Bylaw may be cited as “White Rock Unsightly Premises and Graffiti Abatement Bylaw, 2013, No. 2019.”

2. “City of White Rock Unsightly Premises and Graffiti Control Bylaw, 2003, No. 1698” and any amendments thereto are hereby repealed.

3. **DEFINITIONS:**

In this Bylaw:

“**Bylaw Enforcement Officer**” means a person employed by or under contract to the City to administer and regulate City bylaws.

“**City**” means the Corporation of the City of White Rock.

“**Compliance notice**” means a notice issued under section 7.2 of this bylaw which states *(updated by Bylaw No. 2116)*

- a) The civic address of the subject property;
- b) The particulars of the contravention of this bylaw
- c) The date by which the contravention must be remedied
- d) Notifies the owner or occupier that should they fail to comply with the Compliance Notice or remedy the non-compliance within the specified time allowed, the City may;
 - i. Issue fines in accordance with the “Ticketing for Bylaw Offenses Bylaw, 2011, No. 1929,” and any amendments thereto;
 - ii. Deem the property a Nuisance Property;
 - iii. By its own officers, employees or other persons, remedy the non-compliance at the expense of the owner or occupier and recover the costs of such work either as a debt against the owner or occupier in default or in the same manner and with the same remedies as property taxes; or
 - iv. Take all actions described above; and

- v. The owner or occupier or both may be subjected to prosecution for an offence under this Bylaw.

“Container” means a dumpster, garbage or refuse bin, or other receptacle designed or intended to be used to hold rubbish, discarded materials, detritus or debris.

“Discarded Materials” means items of little or no apparent economic value, including but not limited to, deteriorated lumber, old newspapers, furniture parts, stoves, sinks, cabinets, household fixtures, refrigerators, vehicle parts, abandoned, broken or neglected equipment, or the scattered remains of such items;

“Graffiti” includes one or more letters, symbols, marks or drawings made on a wall, sidewalk, fence, sign, or other object, building, or structure, but specifically excludes the content of a lawfully authorized sign or traffic control device;

“Nuisance” means a property in a state of repeated unsightliness that may be offensive to a reasonable person passing by, or to any reasonable person in the neighbourhood, or to the community.

“Nuisance Animal” shall include, but not be limited to, rats, mice, raccoons, skunks.

“Nuisance Property” means a property where Bylaw Enforcement Officers have attended to complaints for bylaw violations and issued Compliance Notices for the abatement of unsightly conditions or other bylaw violations on three (3) or more occasions in any twelve (12) month period or where an owner or occupier that has been issued a Compliance Notice has failed to comply with such notice in the specified time allowed.” *(updated by Bylaw No. 2116)*

“Rubbish” means decaying or non -decaying solid and semi-solid wastes, including, but not limited to, combustible and non-combustible wastes, paper, trash, refuse, cardboard, waste material, cans, glass, bedding, mattresses, crates, rags, barrels, boxes, lumber not neatly and safely stacked or piled, scrap iron, tin, and other metal, scrap paving material, construction and demolition waste, unlicensed or uninsured, dilapidated, partially dismantled or stripped automobiles or parts thereof, tires, machinery, mechanical or metal parts, discarded or dilapidated appliances, discarded or dilapidated furniture, ashes from fireplaces and on-site incinerators, yard clippings and brush, wood, dry vegetation, dirt, weeds, dead trees, or piles of earth mixed with any of the above.

“Sidewalk” means the area between the curb edge or line defining the edge of the driving surface of a roadway, and the adjacent real property lines improved for the use of pedestrians.

“Unsightly” means, in addition to its common dictionary meaning and regardless of the condition of other properties in the neighbourhood, real property having any one or more of the following characteristics:

- i) the storage, location or accumulation visible to a person standing on a public highway or on nearby property, of filth, rubbish, debris or any other discarded materials;
- ii) landscaping and vegetation that is characterized as having uncontrolled growth or lack of maintenance, or which is damaged;

- iii) an area of grass or similar ground cover that is unkempt or which is not maintained below 30cm in height;
- iv) fencing that contains graffiti, holes, breaks, rot, crumbling, cracking, peeling, rusting or any other condition indicating physical decay, neglect, or lack of maintenance;
- v) the condition or appearance of a structure, building, or of real property, or parts thereof, that is characterized by graffiti, holes, breaks, rot, crumbling, cracking, peeling, rusting, the untidy storage, placement or location of building materials or any other evidence of physical decay or neglect or excessive use or lack of maintenance;
- vi) any other indication of disrepair, dilapidation, or deterioration, that may be offensive to the community.

“Vacant property” means any real property, including a bare lot, construction site, building, structure, or other improvement, that has remained unoccupied by its owner or occupant for a continuous period of more than 30 days or, as a result of a fire or other act of God, has been unoccupied for any length of time. *(added by Bylaw No. 2116)*

4.0 PURPOSE:

The purpose of this Bylaw is:

- (a) to protect the community from unsightly, hazardous and blighted conditions that contribute to the deterioration of the quality of life for neighbouring residents;
- (b) to provide for the abatement of such conditions; and
- (c) to prevent repeated unsightly conditions within the City.

5.0 GENERAL:

- 5.1 No owner or occupier shall cause or permit a nuisance to occur in or on real property owned or occupied by that owner or occupier.
- 5.2 No owner or occupier shall cause or permit unsightly conditions on real property owned or occupied by that owner or occupier.
- 5.3 An owner or occupier of real property must not allow such property to become a *nuisance property* as defined in this bylaw. *(added by Bylaw No. 2116)*
- 5.4 An owner or occupier of real property deemed to be a *nuisance property* must not allow for unsightly conditions to be present or remain on the property. *(added by Bylaw No. 2116)*

6.0 PROHIBITIONS:

- 6.1 No person shall place, or cause to be placed, graffiti on any sidewalk, wall, building, fence, sign or other structure on real property or any place to which the public has access.
- 6.2 An owner or occupier of property upon which graffiti has been placed shall completely remove, or otherwise cover the graffiti so that it is not visible or unsightly, within 48 hours of receipt of a notice from the City to do so.

6.3 No owner or occupier shall cause or permit

- (a) water, refuse, rubbish, discarded materials, garbage, or other material that is noxious, offensive or unwholesome to collect or accumulate;
- (b) unsanitary conditions;
- (c) trees, weeds or other growths that Council considers should be removed, cut down or trimmed;
- (d) graffiti and unsightly conditions;
- (e) an infestation of destructive insects or rodents;
- (f) conditions which may provide food, protection, or harbourage for rodents or other nuisance animals;
- (g) with respect to real property to which a building permit has been issued by the City, demolition waste, construction waste, or trade waste to accumulate unless contained within a container
- (h) the outside storage of household items, building materials, tools or other items of value. *(added by Bylaw No. 2116)*
- (i) the storage of a vehicle, boat or recreation vehicle on any landscaped portion. *(added by Bylaw No. 2116)*

on real property owned or occupied by that owner or occupier.

6.4 No owner or occupier of real property shall place any sweepings, ashes, refuse, rubbish or other discarded materials onto a public space.

6.5 An owner of real property that is *vacant property* must ensure that the property is fully secure from unauthorized access, occupation, use, vandalism or other unlawful activity or fire hazard. *(added by Bylaw No. 2116)*

7.0 INSPECTION, NOTICE AND ENFORCEMENT:

7.1 Pursuant to section 16 of the *Community Charter*, a Bylaw Enforcement Officer may

- (a) after taking reasonable steps to advise the owner or occupier, at all reasonable times and in a reasonable manner, enter upon or into real property;
- (b) with the approval of the owner or occupier, or with the provision of the requisite notice or warrant, enter into a private dwelling at a reasonable time and in a reasonable manner

to confirm compliance with this Bylaw.

7.2 Upon determining that real property is not in compliance with the provisions of this Bylaw, a Bylaw Enforcement Officer may issue a Compliance Notice to one or more owner(s) or occupier(s) of the real property, or both, or an agent of either or both. Service of a Compliance Notice may be made personally, by facsimile, by electronic mail, or by regular or registered mail.

7.3 An owner or occupier of real property who is issued a Compliance Notice may apply to the Corporate Officer for a chance to be heard in respect of the matter.

- 7.4 In the event that an owner or occupier of real property fails to comply with a Compliance Notice issued under section 7.2 of this Bylaw, the City may, by its own officers, employees or other persons, remedy the non-compliance at the expense of the owner or occupier, and the City may recover the costs of such work either as a debt against the owner or occupier in default or in the same manner and with the same remedies as property taxes.
- 7.5 No person shall interfere with any Bylaw Enforcement Officer in the performance of his duties under this Bylaw or with any officer or employee of the City or other person authorized by the City to carry out the work required by any Compliance Notice issued pursuant to this Bylaw.

Section 7.6 deleted by Bylaw 2116.

8.0 PENALTIES:

- 8.1 Every person who violates any provision of this Bylaw, allows or permits any act or thing to be done in violation of any provision of this Bylaw, or 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 shall be liable upon summary conviction to a fine of not less than one thousand dollars (\$1,000.00) and not more than ten thousand dollars (\$10,000.00).
- 8.2 Each day a violation, contravention, or breach of this Bylaw continues shall constitute a separate and distinct offence.
- 8.3 Notwithstanding anything in this Bylaw, every person who violates any provision of this Bylaw may be served with a violation notice and, if after the time prescribed on the violation notice and it has not been disputed, shall be deemed to be guilty of the offence and shall pay, to the City, the amount of the fine in full in accordance with the “Ticketing For Bylaw Offences Bylaw, 2011, No. 1929”, and any amendments thereto.

9.0 SEVERABILITY:

- 9.1 If any portion of this Bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed portion.

RECEIVED FIRST READING on the 7th day of October, 2013

RECEIVED SECOND READING on the 7th day of October, 2013

RECEIVED THIRD READING on the 7th day of October, 2013

RECONSIDERED AND FINALLY ADOPTED on the 21st day of October, 2013

MAYOR

CITY CLERK