



## **REGIONAL DISTRICT OF CENTRAL KOOTENAY**

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# REGIONAL DISTRICT OF CENTRAL KOOTENAY

## BYLAW NO. 1687

### **A Bylaw For the Purpose of Preventing Unsightliness on Real Property Within Electoral Areas B, F, G, I, J**

WHEREAS Bylaw No. 766 establishes "Control of Unsightly Premises" as an extended service with Electoral Areas B, F, G, I, J included as participants to the service;

AND WHEREAS Directors representing Electoral Areas B, F, G, I, J have submitted written consent to establish Electoral Areas B, F, G, I, J as control of unsightly premises program units and to regulate for unsightly premises;

NOW THEREFORE, the Board of the Regional District of Central Kootenay, in open meeting assembled, enacts as follows:

#### **1. Interpretation**

In this bylaw, without limiting the generality of it, the word "unsightly" includes:

- (a) the outside storage or accumulation on real property of any building material, whether new or used, where there is no apparent or real construction occurring on the real property for which the materials are required;
- (b) the outside storage or accumulation on real property of any goods or merchandise which is offered or intended to be offered for sale, unless that real property is used solely for the wholesale or retail sale of those goods or merchandise;
- (c) the storage, collection or accumulation on real property, not within a building, of all or any part of an automobile wreck or all or any part of a motor vehicle that:
  - i is physically wrecked or disabled so it cannot be operated by its own mode of power; or
  - ii appears to be physically wrecked, although it could be operated by its own mode of power, but is not displaying thereon a lawful current licence for its operation on the highway;
- (d) the storage, collection or accumulation on real property, not within a building, of all or part of a tractor, backhoe or similar construction equipment which is not capable of operation by its own mode of power;

- (e) the storage, collection or accumulation on real property, not within a building, of all or part of any machinery or equipment which is not capable of performing the task it was originally intended to perform;
- (f) the storage on real property, not within a building, of solid fuels, including coke or coal, but excluding wood;
- (g) the collection or accumulation of rubbish, garbage, bottles, broken glass or other discarded materials or unwholesome materials or ashes on real property, except where the owner of the real property holds a valid permit respecting those items under the *Waste Management Act*;
- (h) the placing, by way of chalk, crayon, paint brush, spray can or other substance of graffiti, which includes writing or a pictorial representation on walls, fences or elsewhere on or adjacent to a public place;
- (i) materials of any sort that are strewn about real property rather than stored or piled in a neat and organized manner;

but does not include any of the foregoing where:

- (j) the outside accumulation is screened from view from passing traffic and neighbouring properties; or
- (k) permitted under a Regional District of Central Kootenay zoning bylaw or a rural land use bylaw applicable to a “control of unsightly premises program units” established by this bylaw; or
- (l) the storage, collection or accumulation of motor vehicles, or parts of motor vehicles, as described in section (c) (i) and (ii), is in connection with a commercial use of land for auto wrecking, auto repair or sale of used automobiles, motor vehicles or motor vehicle parts and in such case the Regional District of Central Kootenay reserves the right to request the owner or occupier of real property to provide adequate documentation to prove that a subject property is a viable commercial enterprise and meets any regulation in an applicable zoning bylaw or a rural land use bylaw.

## 2. **Application**

This bylaw applies to Electoral Areas B, F, G, I, J of the Regional District of Central Kootenay, which are hereby established as “control of unsightly premises program units”.

## 3. **Prohibition**

- (a) No person, who is the owner or occupier of real property, shall allow that real property to become or remain unsightly.

- (b) No person shall cause or permit water, rubbish or noxious, offensive or unwholesome matter to collect or accumulate around their premises.
- (c) No person shall deposit or throw bottles, broken glass or rubbish in any open place.
- (d) No owner or occupier of real property will place or allow graffiti to remain on walls, fences, or elsewhere on or adjacent to a public place or privately owned or held place.

**4. Requirement**

The Board of the Regional District of Central Kootenay may require an owner or occupier of real property, or the owner's agent, to remove from the real property unsightly accumulations of filth, discarded materials, rubbish or graffiti, including anything included within the definition of "unsightly" in section 1 of this Bylaw.

**5. Remedial**

If a person subject to the requirements of section 4 fails to take the required action directed by the Board under that section, the Regional District of Central Kootenay, by its employees or others may fulfill the requirement at the expense of the person who failed to comply. If the costs of the Regional District of Central Kootenay of fulfilling the requirement are not paid, they may be recovered from the person who failed to comply as a debt, or, if the costs for doing so remain unpaid in December 31 in any year, the costs may be added to and form part of the taxes payable on that real property and in that event will be deemed to be taxes in arrears.

**6. Administration**

The Bylaw Enforcement Officer and such other persons appointed by the Board of the Regional District of Central Kootenay is hereby authorized to administer and enforce this Bylaw and to enter, at all reasonable times, on any property to inspect and determine whether all regulations, prohibitions and requirements of this Bylaw are being met.

**7. Offence and Fine**

- (a) Every person who violates any provision of this bylaw commits an offence and is liable upon conviction to a penalty of not more than the maximum penalty prescribed by the *Offence Act* or the *Local Government Act*, which ever is greater, and not less than One Hundred Dollars (\$100) for each offence.
- (b) Each day that a violation continues shall constitute a separate offence.

**8. Repeal**

Electoral Areas I & J Unsightly Property Bylaw No. 802, 1990, Electoral Area G Unsightly Property Bylaw No. 861, 1991, Electoral Area F Unsightly Property Bylaw No. 831, 1990 are hereby repealed.

**9. Severability**

If any portion of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, that portion may be severed from the bylaw and such decision shall not affect the validity of the remaining portions of the bylaw.

**10. Citation**

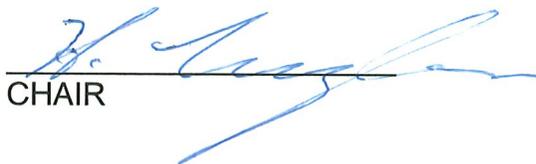
This bylaw may be cited for all purposes as “Electoral Areas B, F, G, I, J Unsightly Property Bylaw No. 1687, 2004”.

READ A FIRST TIME this 24<sup>th</sup> day of July,2004

READ A SECOND TIME this 24<sup>th</sup> day of July,2004

READ A THIRD TIME this 24<sup>th</sup> day of July,2004

RECONSIDERED AND ADOPTED this 24<sup>th</sup> day of July,2004

  
\_\_\_\_\_  
CHAIR

  
Deputy \_\_\_\_\_  
SECRETARY

REGIONAL DISTRICT OF CENTRAL KOOTENAY  
BYLAW No. 2063

A Bylaw to amend Electoral Areas B, F, G, I, J  
Unightly Property Bylaw No. 1687, 2004

WHEREAS it is deemed expedient to amend the Electoral Areas B, F, G, I, J Unightly Property Bylaw No. 1687, 2004.

NOW THEREFORE the Board of the Regional District of Central Kootenay in open meeting assembled enacts as follows:

1. That Electoral Areas B, F, G, I, J Unightly Property Bylaw No. 1687, 2004 be amended to include Electoral Areas 'C' and 'K' to provide for participants to the service being Electoral Areas B, C, F, G, I, J, K.

2. Section 2 **Application** be amended to read as follows:

This bylaw applies to Electoral Areas B, C, F, G, I, J, K of the Regional District of Central Kootenay, which are hereby established as "control of unightly premises program units".

3. This Bylaw shall come into force and effect upon its adoption.

4. This Bylaw may be cited as **Electoral Areas Unightly Property Amendment Bylaw No. 2063, 2009.**

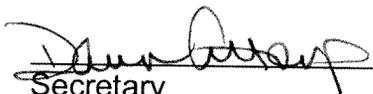
READ A FIRST TIME this 25<sup>th</sup> day of June, 2009.

READ A SECOND TIME this 25<sup>th</sup> day of June, 2009.

READ A THIRD TIME this 25<sup>th</sup> day of June, 2009.

ADOPTED this 25<sup>th</sup> day of June, 2009.

  
Chair

  
Secretary

I hereby certify that this is a true and correct copy of **Electoral Areas Unightly Property Amendment Bylaw No. 2063, 2009** as read a third time by the Regional District of Central Kootenay Board, on the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

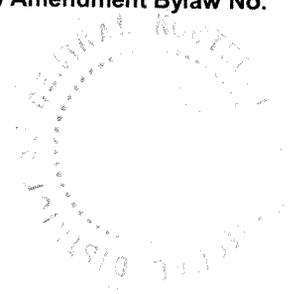
DATED at Nelson, B.C. this \_\_\_\_\_ day of \_\_\_\_\_, 200 .

\_\_\_\_\_  
Secretary

I hereby certify that this is a true and correct copy of the **Electoral Areas Unightly Property Amendment Bylaw No. 2063, 2009.**

DATED at Nelson, B.C. this \_\_\_\_\_ day of \_\_\_\_\_, 200 .

\_\_\_\_\_  
Secretary



## REGIONAL DISTRICT OF CENTRAL KOOTENAY

### BYLAW NO. 2298

A bylaw to amend Electoral Areas B, F, G, I, J Unsightly Property Bylaw No. 1687, 2004.

WHEREAS it is deemed expedient to amend the Electoral Areas B, F, G, I, J Unsightly Property Bylaw No. 1687, 2004 to include a defined portion of Electoral Area 'E'.

NOW THEREFORE the Board of the Regional District of Central Kootenay in open meeting assembled enacts as follows:

1. That Electoral Areas B, F, G, I, J Unsightly Property Bylaw No. 1687, 2004 be amended to include a defined portion of Electoral Area 'E', as indicated on Schedule 'A' attached, to provide for participants to the service being Electoral Areas B, C, F, G, I, J, K and defined portion of Electoral Area E.

2. Section 2 Application be amended to read as follows:

This bylaw applies to Electoral Areas B, C, F, G, I, J, K and a defined portion of Electoral Area E of the Regional District of Central Kootenay, which are hereby established as "control of unsightly premises program units."

3. Section (a) of 1. **Interpretation** be deleted in its entirety and replaced with the following:

- (a) The untidy storage of building or construction materials where there is no apparent or real construction occurring on the real property, except where such materials cannot be seen from a highway or an adjacent parcel of land.

4. This Bylaw shall come into force and effect upon its adoption.
5. This Bylaw may be cited as "**Electoral Areas Unsightly Property Amendment Bylaw No. 2298, 2013.**"

READ A FIRST TIME this 18<sup>th</sup> day of July, 2013.

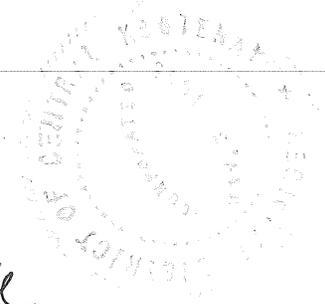
READ A SECOND TIME this 18<sup>th</sup> day of July, 2013.

READ A THIRD TIME this 18<sup>th</sup> day of July, 2013.

ADOPTED this 18<sup>th</sup> day of July, 2013.

  
Chair

  
Secretary



## REGIONAL DISTRICT OF CENTRAL KOOTENAY

# Bylaw No. 2778

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A Bylaw to amend Electoral Areas B, F, G, I, J Unsightly Bylaw No. 1687, 2004

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WHEREAS a service has been established by the Regional District of Central Kootenay by Bylaw No. 766, 1989 being "Control of Unsightly Premises Bylaw No. 766, 1990".

AND WHEREAS the Board of the Regional District of Central Kootenay has enacted Bylaw No. 1687, 2004, being the "Electoral Areas B, F, G, I, J Unsightly Bylaw No. 1687, 2004" to control the unsightly premises program and to regulate unsightly premises within defined areas of the Regional District.

AND WHEREAS a request has been received to amend the boundaries of the Unsightly property Bylaw Service Area to include the entirety of Electoral Area E within the boundaries of the service area;

AND WHEREAS the Board of the Regional District of Central Kootenay deems it expedient to amend Bylaw No. 1687 and all amendments thereto to extend the service area boundaries as requested;

AND WHEREAS pursuant to the *Local Government Act*, consent on behalf of the electoral area electors has been received.

NOW THEREFORE the Board of the Regional District of Central Kootenay, in open meeting assembled, HEREBY ENACTS as follows:

### APPLICATION

- 1 Section 2 is hereby deleted in its entirety and replaced with the following:

This bylaw is applicable to and applies to Electoral Areas B, C, E, F, G, I, J and K of the Regional District of Central Kootenay.

- 2 Section 10 is hereby deleted in its entirety and replaced with the following:

This bylaw may be cited for all purposes as "**Regional District of Central Kootenay Unsightly Property Bylaw No. 1687, 2004**".

### CITATION

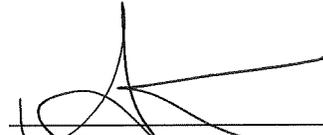
- 3 This Bylaw may be cited as "**Regional District of Central Kootenay Unsightly Property Amendment Bylaw No. 2778, 2021**".

Read a first time this 23<sup>rd</sup> day of September, 2021.

Read a second time this 23<sup>rd</sup> day of September, 2021.

Read a third time this 23<sup>rd</sup> day of September, 2021.

ADOPTED this 23<sup>rd</sup> day of September, 2021.



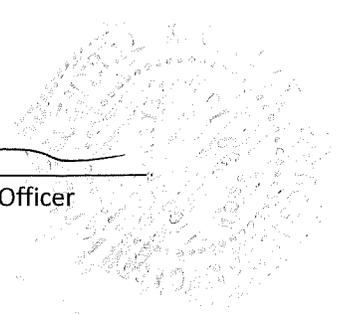
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Almee Watson, Board Chair



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Mike Morrison, Corporate Officer



REGIONAL DISTRICT OF CENTRAL KOOTENAY

**Bylaw No. 2903**

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A Bylaw to amend Regional District of Central Kootenay Unsightly Property Bylaw No. 1687, 2004.

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WHEREAS a service has been established by the Regional District of Central Kootenay by bylaw, being Control of Unsightly Property Bylaw No. 766, 1989, as amended;

AND WHEREAS the Board of the Regional District of Central Kootenay has enacted the Regional District of Central Kootenay Unsightly Premises Bylaw No. 1687, 2004 to control the unsightly premises program and to regulate for unsightly premises within defined areas of the Regional District;

AND WHEREAS a request has been received to amend the boundaries of the Unsightly Property Bylaw Service Area to include Electoral Areas A and D within the boundaries;

AND WHEREAS the Board of the Regional District of Central Kootenay deems it expedient to amend Bylaw No. 1687 and all amendments thereto to extend the service area boundaries as requested;

NOW THEREFORE the Board of the Regional District of Central Kootenay, in open meeting assembled, HEREBY ENACTS as follows:

**APPLICATION**

- 1 Section 2 is hereby deleted in its entirety and replaced with the following:
- 2 This bylaw is applicable to and applies to Electoral Areas A, B, C, D, E, F, G, I, J and K of the Regional District of Central Kootenay.

**CITATION**

- 2 This Bylaw may be cited as "**Regional District of Central Kootenay Unsightly Property Amendment Bylaw No. 2903, 2023**".

Read a first time this 20<sup>th</sup> day of July, 2023.

Read a second time this 20<sup>th</sup> day of July, 2023.

Read a third time this 20<sup>th</sup> day of July, 2023.

ADOPTED this 20<sup>th</sup> day of July, 2023.



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Aimee Watson, Board Chair



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Mike Morrison, Corporate Officer

