



REGIONAL DISTRICT OF CENTRAL KOOTENAY

Unightly Property Bylaw No. 1687, 2004

CONSOLIDATED FOR CONVENIENCE ONLY

This Bylaw has no legal sanction

Bylaw No.	Amendments
Bylaw No. 2063	Amendments to: -Section 2
Bylaw No. 2298	Amendments to: -Section 1 (a)
Bylaw No. 2778	Amendments to: -Section 2 -Section 10
Bylaw No. 2903	Amendments to: -Section 2

**REGIONAL DISTRICT OF CENTRAL KOOTENAY
BYLAW NO. 1687**

**A Bylaw For the Purpose of Preventing Unsightliness on Real Property
Within Electoral Areas A, B, C, D, E, F, G, I, J, and K**

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

AND WHEREAS Directors representing Electoral Areas A, B, C, D, E, F, G, I, J, and K have submitted written consent to establish Electoral Areas A, B, C, D, E, F, G, I, J, and K 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 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;
- (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 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.

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 "Regional District of Central Kootenay Unsightly Property Bylaw No. 1687, 2004".

READ A FIRST TIME this 24th day of July,2004

READ A SECOND TIME this 24th day of July,2004

READ A THIRD TIME this 24th day of July,2004

RECONSIDERED AND ADOPTED this 24th day of July,2004

"Hans Cunningham"

Chair

"Carol McGowan"

Secretary