

CORPORATION OF THE VILLAGE OF BURNS LAKE
BYLAW NO. 988

Being a bylaw to regulate untidy and unsightly
premises within the limits of the Corporation
of the Village of Burns Lake.

WHEREAS it is deemed necessary and expedient to exercise the Municipality's powers under Sections 8 and 64 of the *Community Charter* to prohibit the owners or occupiers of real property from allowing their properties to become untidy or unsightly, and to prohibit the accumulation of waste, garbage, refuse, and other noxious or unwholesome matters on their properties, and to prohibit unsanitary conditions on their properties;

AND WHEREAS it is deemed necessary and expedient to exercise the Municipality's powers under Sections 8 of the *Community Charter* to require the owners or occupiers of real property or their agents to remove from the property any accumulation of filth, discarded materials, or rubbish of any kind, or to remedy unsanitary or unsightly conditions on a property;

AND WHEREAS it is deemed necessary and expedient to provide, in the event the owner or occupier of real property fails to remove filth, discarded materials, or rubbish or to remedy unsightly or unsanitary conditions on a property when so directed by the Municipality, that the Municipality or its agents be authorized to enter and effect such removal at the expense of the owner or occupier of real property so defaulting;

AND WHEREAS it is deemed necessary and expedient to provide that the Municipality recover expenses incurred in removing the said materials, or in otherwise remedying the unsightly or unsanitary conditions, and that such expenses be added to and form part of the taxes payable in respect of that real property as taxes in arrears.

NOW THEREFORE the Council of the Village of Burns Lake, in open meeting assembled, enacts as follows:

I. **DEFINITIONS**

1. **DEFINITIONS**

In this bylaw,

"Accessory Building" means a building, the use or intended use of which is ancillary to that of the principal building situated on the same lot.

“Alien Invasive Species” has the same meaning as in *Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation* B.C. Reg. 144/2004.

“Building” means any structure or portion of a structure, including foundations and supporting structures for machinery, structures, or other objects, used or intended for use for supporting or sheltering any use, occupancy, persons, animals, or personal property.

“Bylaw Enforcement Officer” means a person appointed by Council to administer this bylaw.

“Collector” has the same meaning as in the *Community Charter*.

“Council” means the Council for the Corporation of the Village of Burns Lake.

“Community Charter” means the *Community Charter*, SBC 2003, c. 26.

“Dangerous Wildlife” has the same meaning as under the *Wildlife Act*, R.S.B.C. 1996, c.488.

“Derelict Vehicle” means a Vehicle which is any one or more of the following:

- (a) physically wrecked, disabled, or damaged;
- (b) incapable of moving or operating under its own power;
- (c) does not have attached license plates for the current year;
- (d) has not been insured as required under the *Motor Vehicle Act* for a minimum of 90 days within the previous 12-month period; or
- (e) has not been licensed pursuant to the regulations of the *Motor Vehicle Act*, RSBC 1996, c. 318 for a minimum of 90 days within the previous 12-month period.

“Filth, Discarded Materials, or Rubbish” includes any and all manner of rubbish, garbage, filth, noxious, offensive or unwholesome matters, wastes, or discarded or disused materials, whether or not used for commercial purposes or for potential future resale, and includes lawn debris, grass and tree clippings; Derelict Vehicles; unused or stripped automobiles, trucks, trailers, boats, vessels, machinery, mechanical or metal parts, or parts thereof; appliances or parts thereof; bottles or glass; metal, plastics and plastic containers; wires and ropes.

“Graffiti” means one or more letters, initials, symbols, marks, slogans, designs or drawings howsoever made, on any sidewalk, wall, building, fence, sign or other structure or surface, but does not include marks made accidentally, or any of the following:

- (a) a sign, public notice or traffic control mark authorized by the head of the Operations Department;
- (b) a sign authorized pursuant to the Municipality's applicable bylaw provisions regulating signs;
- (c) a public notice authorized by a Municipality's bylaw or by provincial or federal legislation; and
- (d) in the case of private Property, a letter, symbol or mark authorized by the Owner or Occupant of the Property on which the letter, symbol or mark appears.

"Land" means any lot, block, parcel, or other area in which land is held or into which it is subdivided, and includes any improvement on a parcel but excludes streets, lanes, and parks and open spaces owned by the Municipality.

"Motor Vehicle Act" means the *Motor Vehicle Act*, RSBC, 1996, c.318.

"Municipality" means the Corporation of the Village of Burns Lake.

"Notice" means a Notice or Order referred to in sections 16 or 23 of this Bylaw, and includes any Notice or Order following the format under the example listed as Schedule "A" to this Bylaw, and further includes any document prepared by a Bylaw Enforcement Officer that reasonably identifies Property deemed to be an untidy or unsightly premise, and describes the actions required to bring the property into compliance with this Bylaw.

"Noxious Weed" means the plants designated as weeds in the *Weed Control Act*, R.S.B.C. 1996, c. 487.

"Occupier" has the same meaning as in the *Community Charter*.

"Order" has the same meaning as Notice.

"Owner" has the same meaning as in the *Community Charter*.

"Premises" means lot, block, or other area in which land is held or into which it is subdivided.

"Property" means Land or Real Property.

"Real Property" has the same meaning as in the *Community Charter*.

"Refuse" means all manner of rubbish or garbage, discarded or disused items, including:

- (a) wastes, including food wastes, market wastes, and animal and human wastes;
- (b) combustibles such as paper, cardboard, yard waste, plastics, and leather;
- (c) non-combustibles such as junk, electronic devices, machinery, old, discarded or unused mechanical or metal parts, glass or plastic bottles or objects, tin cans or other metal containers, paper, glass, pipes, unused wood or wood products excluding seasoned untreated wood or manufactured products cut in lengths for use as fuel in solid fuel burning appliances;
- (d) bulky wastes such as dilapidated furniture, inoperative appliances and other similar things,
- (e) unused, unlicensed, stripped, or dismantled aircraft, trailers, boats, vessels, motor vehicles, and other transportation equipment, or their parts.

“Unsanitary Condition” includes any condition which may increase the transmission or generation of disease or injury, including the accumulation of faeces, garbage, or sewage; insect or rodent infestations; and extreme uncleanliness.

“Unsightly Property” includes any Property that displays any of the following characteristics:

- (a) the accumulation of Filth, Discarded Materials, or Rubbish, Refuse, Graffiti, or Derelict Vehicles, or building or construction materials;
- (b) fencing materials that are broken, rotting, rusted, covered with peeling paint, or which contain holes or cracks;
- (c) landscaping, plants, bushes, or trees that are dead, decaying, rotting, or are demonstrating uncontrolled growth;
- (d) Buildings or structures or parts thereof that are dilapidated, deteriorating, incomplete, or derelict;
- (e) Buildings or structures or parts thereof that are crumbling, cracking, deteriorating, incomplete, or which contain holes, breaks, or rot, or that are covered with rust or peeling paint, or any other indicia of physical decay, neglect, excessive use, lack of maintenance; or
- (f) any other similar conditions, including disrepair and deterioration, or an untidy condition or appearance, regardless of the condition of other Properties in the neighbourhood.

“Vacant” in relation to a Building means a Building that is not lawfully occupied for more than six months in a calendar year.

“Vehicle” means any vehicle as defined in the *Motor Vehicle Act*, RSBC 1996, c.

318 and includes snowmobiles, dirt bikes and all-terrain vehicles.

“**Wildlife**” has the same meaning as in the *Wildlife Act*, [RSBC 1996] c. 488.

“**Zoning Bylaw**” means any zoning bylaw in effect within the Village of Burns Lake.

II. GENERAL PROVISIONS

2. **CONSTRUCTION**

Where the singular or masculine is used in this Bylaw, the plural or feminine also apply, and vice-versa.

3. **SEVERABILITY**

In the event that any portion of this bylaw is unenforceable, invalid, or *ultra vires*, such portion shall be deemed to be severed from this bylaw to the extent of the unenforceable, invalid, or *ultra vires* portion, and the remainder of this bylaw shall continue in force and effect.

4. **CITATION**

This bylaw shall be cited for all purposes as *Village of Burns Lake Regulation of Untidy and Unsightly Premises Bylaw #988, 2018*.

5. **REPEAL**

Bylaw #791, cited as the *Village of Burns Lake Regulation of Untidy and Unsightly Premises By-law, 2000*, and all amending by-laws thereto, are hereby repealed.

6. **APPLICATION**

The provisions of this Bylaw apply to all Land and Real Property in the boundaries of the Village of Burns Lake, and every Owner or Occupier of Property shall be responsible for carrying out or causing to be carried out the work required under this Bylaw in accordance with the provisions of this Bylaw.

III. **UNSIGHTLINESS**

7. **GENERAL PROHIBITIONS**

- (1) No person shall cause, permit, or allow, any Property to become or remain an Unsightly Property.
- (2) No person shall accumulate, or permit or cause to accumulate, Filth, Discarded Materials, or Rubbish, or Refuse, or Graffiti, of any kind on any

Property, including on or around Property of which that person is the Owner or Occupier.

- (3) No person shall cause, permit, or allow an Unsanitary Condition to exist or remain on any Property of which that person is the Owner or Occupier.

8. UNSIGHTLY CONDITIONS IN SPECIFIC ZONES

- (1) On any Property zoned as Residential under the Zoning Bylaw, no person shall cause, allow, or permit:
 - (a) the untidy accumulation or storage of any building materials, except in a fully-enclosed Building, or where the Owner or Occupier of the Property holds a valid and subsisting building permit from the Municipality,;
 - (b) the keeping, storage, collection, or accumulation of any goods or merchandise offered or intended to be offered for sale;
 - (c) the keeping, storage, collection, or accumulation of more than one Derelict Vehicle not contained in a fully-enclosed Building;
 - (d) the keeping, storage, collection, accumulation, maintenance, or servicing of mechanical and heavy construction equipment such as trucks exceeding one ton, bulldozers, graders, backhoes, pay loaders, and cranes.
- (2) On any Property zoned as Commercial or Industrial under the Zoning Bylaw, no person shall cause, allow, or permit:
 - (a) the keeping, storage, collection, or accumulation of building materials, except:
 - (i) in a fully-enclosed Building;
 - (ii) where the Owner or Occupier of the Property holds a valid and subsisting building permit from the Municipality; or
 - (iii) the Property is used for a building supply or related business operating pursuant to a valid and subsisting business license for that use, and the building materials are stored in a neat and tidy manner.

- (b) the keeping, storage, collection, or accumulation of goods or merchandise offered or intended to be offered for sale, except:
 - (i) in a fully-enclosed Building; or
 - (ii) the Property is used for a business related to the sale or leasing of those goods and that business is operating pursuant to a valid and subsisting business license for that use, and the goods or merchandise are stored in a neat and tidy manner
- (c) the keeping, storage, collection, or accumulation of Vehicle parts, or more than one Derelict Vehicle, except if:
 - (i) the Property is used for a business related to the wrecking, storage, sale, or repair of Vehicles, or a related business, and that business operates pursuant to a valid and subsisting business licence, and the Derelict Vehicles or parts are stored in a neat and tidy manner; or
 - (ii) the Derelict Vehicles or parts are contained in a fully-enclosed Building.

9. GRAFFITI

- (1) No person shall place Graffiti, or cause Graffiti to be placed, on any wall, fence, structure, or other thing on or in any highway or public place, or on any Property not owned by the person placing the Graffiti.
- (2) No person shall place Graffiti, or cause Graffiti to be placed, in such a manner as to be visible from a highway, public place or other Property.
- (3) Every Owner of Property must remove, or cause to be removed, any Graffiti from the Property that person owns or occupies.

V. PROPERTY MAINTENANCE

10. LITTERING

- (1) No person shall deposit, throw, or store Refuse or Filth, Discarded Materials, or Rubbish on any highway, public place, or Property, except:
 - (a) if the Refuse or Filth, Discarded Materials, or Rubbish is contained in a closed garbage container or similar waste receptacle; or

- (b) if the Refuse or Filth, Discarded Materials, or Rubbish is kept in a fully enclosed permanent building or structure so that the items inside are not visible from any adjacent Property, highway, or public space.

11. DERELICT VEHICLES AND PARTS

(1) Except as otherwise permitted by this Bylaw, no person shall keep, store, collect, or accumulate, Vehicle parts, mechanical equipment, boats, trailers, or more than one Derelict Vehicle, unless contained in a fully-enclosed Building.,

12. WEEDS, VEGETATION, AND OVERGROWTH

(1) Every Owner or Occupier of Property shall keep the Property reasonably cleared of weeds, brush, scrub, and similar growths, to the standard prevailing in adjacent properties.

(2) No Owner or Occupier shall cause, permit, or allow Noxious Weeds to grow or accumulate on any Property owned or occupied by that Owner or Occupier, and every Owner or Occupier of Property shall keep his or her Property clear of Noxious Weeds.

(3) No Owner or Occupier shall cause, permit, or allow the lawn or grass on that person's Property to grow higher than 24 centimetres in height.

(4) No Owner or Occupier shall cause, permit, or allow to remain on that person's Property any trees, hedges, bushes, shrubs, or other vegetative growths which actually, or are likely to, create a hazard, damage public property or private property not belonging to the Owner or Occupier, obstruct a highway, or seriously inconvenience the public.

13. DRIVEWAYS, SIDEWALKS AND BOULEVARDS

(1) Every Owner or Occupier of Property shall maintain all driveways, walkways, steps, and parking spaces on the Property in a clean, fit and safe condition, free from the accumulation of Refuse, Filth, Discarded Materials, or Rubbish, and other obstructions so as to ensure safe passage under normal use and weather conditions.

(2) Every Owner or Occupier of Property shall remove all accumulations of snow and ice from all footpaths and sidewalks on that Property.

(3) Every Owner or Occupier of Property shall remove all accumulations of snow, ice, and other rubbish on the roof or other parts of structures on Property if that accumulation reasonably creates a hazard to the use of any adjacent highway, sidewalk, or walkway.

(4) No person shall place any snow, ice, Refuse, Filth, Discarded Materials, or Rubbish, or other obstruction on a highway.

(5) Every Owner or Occupier of Property shall maintain and keep in good working condition outdoor lighting equipment which reasonably illuminates all driveways, walkways, steps, and parking spaces on that Property.

(6) Every Owner or Occupier of Property shall maintain in good condition and repair any fence on that Property which abuts a highway.

14. PEST INFESTATIONS

Every Owner or Occupier of Property must prevent or cause to be prevented the infestation of the Property by Alien Invasive Species, rodents, vermin, and other noxious or destructive insects or animals.

15. WATER PONDING

(1) No Owner or Occupier of Property shall cause or permit water to accumulate or pond on that Property, unless the accumulation or ponding is:

- (a) in a rain barrel, drainage system, or water retention receptacle;
- (b) a natural pond or the result of a natural topographical feature; or
- (c) approved by the Municipality, province, or other authority having jurisdiction, and the water is being retained in accordance with that approval.

(2) No Owner or Occupier shall cause or permit any excavation on that person's Property, including a basement and any excavation associated with construction or demolition, to become or remain filled with water.

16. DEMOLITION / CONSTRUCTION SITES

In the case of a demolition or construction of any structure on Property, every Owner or Occupier of that Property shall remove or cause to be removed from the Property all debris, building materials, and other material associated with the demolition or construction, no less than two weeks after the completion of the demolition or construction.

16. VACANT/UNSECURED BUILDINGS

(1) Every Owner of a Building which becomes a Vacant Building must within 30 days of the Building becoming a Vacant Building, secure that Vacant Building from unauthorized entry by animals or an unauthorized person, in accordance with subsection (2) of this section, and subject to subsection (3) of this section.

(2) For the purposes of this section, “secure” means:

- (a) posting “No Trespassing” signs on each side of the building except the roof;
- (b) securing all doors, windows, and other openings:
 - (i) by lock; or,
 - (ii) if impracticable to secure by lock, by covering the door, window, or other opening with sheathing-grade plywood painted a neutral colour or the same colour as the Building; or
 - (iii) if impracticable to secure by lock or plywood, by posting a licensed security guard until the Building is otherwise secured, demolished, or ceases to be a Vacant Building.
- (c) any other measure reasonably directed by the Municipality.

(3) An Owner of a Vacant Building is not required to comply with section 16(2)(a) of this Bylaw if the Vacant Building is zoned for any “residential” use under the Zoning Bylaw, and is:

- (a) actively listed for rent or sale by the Owner or a person licensed to provide real estate services; or
- (b) under repair, renovation, or demolition pursuant to a valid and subsisting permit for that purpose.

(4) Without limiting other requirements under this Bylaw, if a Vacant Building is not secured in accordance with this Bylaw, a Bylaw Enforcement Officer may, by written order in the form prescribed as Schedule “A” to this Bylaw, order the Owner of the Vacant building to secure the building, and if ordered to do so, the Owner of the Vacant Building must secure the Vacant Building to the satisfaction of and as ordered by a Bylaw Enforcement Officer:

- (a) within 45 days of the Order being delivered, if the Order is provided to the Owner in person, to the Owner’s address as indicated in the Municipality’s property tax records, the address of the Owner as listed on title to the Property, or in accordance with section 9 of the *Business Corporations Act* if the Owner is a corporation; or
- (b) if the Order is posted on or near the front entrance to the Vacant Building subject to the notice, within 60 days of the Order being posted.

(5) If the Owner of a Vacant Building fails to comply with an Order issued under paragraph 16 (2) of this Bylaw, or when the Municipality reasonably determines the Vacant Building constitutes a hazard, or where the Owner cannot be reasonably served as set out in section 16(4) of this Bylaw, the Municipality, by its employees, contractors and agents, may without further notice to the Owner:

- (a) take action in accordance with section 17 of the *Community Charter*, to fulfill the requirements of the order, including by engaging agents to secure or provide security services for the Vacant Building; and
- (b) bill or invoice the Owner of the Vacant Building for the costs associated with those services, and recover those costs from the Owner either as debt, or in the same manner as unpaid property taxes on the Property against which the action was taken.

(6) Every Owner issued an order under section 16(4) of this Bylaw, or a bill or invoice under section 16(5) (b) of this Bylaw, may appeal that order or the amount of the bill or invoice in the manner provided in section 23 of this Bylaw.

18. GENERAL MAINTENANCE OF PROPERTY

(1) Except as specifically prohibited by this Bylaw, nothing in this Bylaw prohibits prevent the lawful storage or keeping of material in or on any Property not zoned for residential use pursuant to the Zoning Bylaw, provided the material is stored or kept for a lawful use requiring that material, that lawful use is conducted on the Property, and the materials are stored or kept in a neat and orderly fashion.

(2) Nothing in this Bylaw prevents the lawful storage of construction materials and equipment on Property, provided the Property is the subject of a valid and subsisting building permit if one is required, and the construction materials and equipment are stored in a tidy manner.

19. ACCESSORY BUILDINGS

Every Accessory Building shall be constructed and maintained with suitable and uniform materials, kept in good repair, free from hazards, and protected by paint, preservatives or other weather-resistant material.

20. RETAINING WALLS

All retaining walls on Property shall be structurally sound, shall be plumb unless specifically designed to be other than vertical, and shall be maintained in good repair and free from hazard.

21. EXTERIOR WALLS, COLUMNS AND BEAMS

- (1) On all Property:
 - (a) exterior columns, walls and their components must be maintained in good repair, weather-tight and free from loose or unsecure objects and materials;
 - (b) the protective or decorative finishes of all exterior surfaces shall be maintained in good repair so as to prevent deterioration that affects the appearance of the Building or structure;
 - (c) markings, stains, Graffiti, painted slogans, smoke damage or other

markings or defacement appearing on any exterior surface shall be removed, and, if necessary to maintain the exterior surface, the surface of these areas shall be restored, resurfaced and coordinated to the exterior finish of the Building or structure; and

- (d) all canopies, marquees, signs, awnings, screens, grilles, stairways, pipes, ducts, standpipes, air conditioners and all similar equipment, attachments and their supporting members shall be maintained in good repair, properly anchored and protected from the elements, so as to prevent decay and rust, by paint or other protective coating.

VI. ENFORCEMENT, VIOLATIONS, AND PENALTIES

22. ENTRY ON PROPERTY

(1) Council designates and authorizes the RCMP to enter on and into Property to enforce this bylaw pursuant to the powers contained in section 16 of the *Community Charter*.

(2) For the purposes of carrying out an action referred to in section 16 of this Bylaw, Council delegates to the Director, Protective Services, the power to authorize a person, as the City's Contractor, to enter on property in accordance with Section 16 of the *Community Charter*.

23. ACTION AT DEFAULTER'S EXPENSE

(1) If a Bylaw Enforcement Officer determines that a regulation, prohibition, or requirement of this Bylaw is not being met with respect to Property, the Bylaw Enforcement Officer may, by Order in the form set out as Schedule "A" of this Bylaw, notify the Owner or Occupier of the specific matter not being met, the steps to remedy the condition, and specify the time in which the Owner or Occupier of the Property must satisfy those requirements.

(2) An Order under this section may be delivered to the Owner or Occupier of property:

- a. to the Owner or Occupier person;
- b. to the Owner or Occupier's address as indicated in the Municipality's property tax records;
- c. the address of the Owner as listed on title to the Property; or
- d. if the Owner or Occupier is a corporation, in accordance with section 9 of the *Business Corporations Act*; or
- e. by posting the Order on or near the front entrance of the Property, and on the front of any principal structure on the Property.

(3) An Order under this section must give the Owner or Occupier at least 45 days to comply from the date the Order is delivered or, if the Order is delivered in accordance with section 23(2)(e) of this Bylaw, at least 60 days.

(4) An Order under this section must notify the Owner or Occupier that the Owner or Occupier may appeal in writing to Council concerning the Order or any requirement imposed by the Order, and that any such appeal must be delivered to the Municipality at least 72 hours prior to the expiry of the time to comply specified by the Order.

(5) If a person fails to comply with the Order to the satisfaction of and as ordered by a Bylaw Enforcement Officer, the Chief Administrative Officer, on behalf of the Municipality, is empowered to order the Municipality's workmen or others so designated and contracted by the Municipality, to without further notice to the Owner:

- (a) take action in accordance with section 17 of the *Community Charter*, to fulfill the requirements of the Order, including by engaging agents to undertake the work necessary to bring the Property into compliance with this Bylaw; and
- (b) bill or invoice the person who failed to comply for all costs associated with that work, including labour and equipment costs, and recover those costs from that person as debt, or in the same manner as unpaid property taxes on the Property against which the action was taken.

(5) If the Municipality undertakes work at the expense of the defaulting party, the Chief Administrative Officer may thereafter:

- (a) deliver a demand for payment to the defaulting party for all expenses incurred by Municipality in effecting compliance, which demand may be served in the same manner as an Order under section 23(2) of this Bylaw; and
- (b) if the defaulting party is the Owner of the Property, notify the Owner that if the costs or charges are not paid to the Municipality within 30 days of the demand for payment being delivered to the defaulting party, that those charges will be added to and form part of the taxes in respect of the Property as taxes in arrears; and
- (c) if those costs or charges remain unpaid after 30 days of the demand being delivered to the defaulting party, the Chief Administrative Officer shall:
 - (i) If the defaulting party is the Owner, instruct the Collector to add those costs or charges to the taxes payable in the respect of the Property in question as taxes in arrears; and
 - (ii) notify the defaulting party in the same manner as delivering

- an Order under section 23(2) of this Bylaw that the costs and charges are a debt owing to the Municipality, and if the defaulting party is an Owner, notify the Owner that the costs or charges have been added to, and form part of, the taxes in respect of the real property as taxes in arrears; and
- (iii) notify the defaulting party of his or her right to appeal the amount sought.

24. OPPORTUNITY TO APPEAL

- (1) Any person who receives an Order or demand for payment under section 23 of this Bylaw may appeal:
 - (a) the requirements or terms of the Order, if the person receives an Order; or
 - (b) the amount sought, if the person receives a demand for payment;
- (2) An appeal under this section must:
 - (a) be made in writing;
 - (b) specify the grounds on which the appeal or objection is based; and
 - (c) delivered to the office of the Chief Administrative Officer at least 72 hours prior to the expiry of time given in the Order to satisfy the requirements of the Order or deadline for payment, as the case may be.
- (3) If a person files an appeal under this section, the time for that person to comply stops from the date the appeal is delivered, and resumes on the date Council varies or dismisses the appeal.
- (4) The Chief Administrative Officer of the Municipality shall, upon receipt of the appeal, instruct the Bylaw Enforcement Officer to re-examine the Property or expenses in question, and to prepare a report for review by the Chief Administrative Officer and Council.
- (5) Upon receipt of the re-examination report, the report and the appeal shall be referred to Council for consideration in a regular meeting, and the person appealing must be given notice of the Council meeting and an opportunity to make representations to Council.
- (6) After reviewing the report and receiving representations from the person appealing, Council may confirm, amend, or cancel all or any part of the

Notice or expenses claimed.

23. ENFORCEMENT AND PENALTIES

- (1) A person who contravenes or fails to comply with any provision of this Bylaw, including by doing an act that forbidden by this Bylaw, or by omitting to do an act required by this Bylaw, commits an offense.
- (2) Each day that a contravention of a provision of this Bylaw occurs or continues shall constitute a separate offence.
- (3) Without limiting any other remedies available to the Municipality under the *Community Charter*, *Local Government Act*, or otherwise, this Bylaw may be enforced:
 - (a) by an Information laid in accordance with the *Offence Act*; or
 - (b) by means of a ticket under the *Community Charter*; or
 - (c) if the *Local Government Bylaw Notice Enforcement Act*, SBC 2003, c. 60 applies, by Bylaw Notice in accordance with that Act.
- (4) A person convicted of an offense under this Bylaw shall be liable, upon conviction, to:
 - (a) in the case of an Information laid in accordance with the *Offence Act*, a fine of not more than \$10,000 and not less than the fine amounts in Schedule "B" to this Bylaw, a period of imprisonment of not more than 30 days, plus the costs of prosecution and any other penalty or order imposed pursuant to the *Community Charter* or *Offence Act*.
 - (b) in the case of a ticket under the *Community Charter*, in accordance with the fine amounts in Schedule "B" to this Bylaw; and
 - (c) if the *Local Government Bylaw Notice Enforcement Act* applies, in accordance with that Act.

24. SCHEDULES


Schedule "A" and "B" as attached form part of this Bylaw.

READ A FIRST TIME this 11th day of December, 2018 .


READ A SECOND TIME this 11th day of December, 2018 .

READ A THIRD TIME this 11th day of December, 2018 .

RECONSIDERED AND ADOPTED this 8th day of January, 2019.



MAYOR



CLERK

Certified to be a true copy of the *Village of Burns Lake Regulation of Untidy and Unsightly Premises Bylaw #988, 2018*.



CLERK

SCHEDULE "A"



[Publish Date]

[Name of Owner/Occupier]

Address Line 1

Address Line 2

Address Line 3

Dear [NAME]:

RE: Untidy and Unsightly Premises Bylaw Notice
[Civic Property Address], legally described as [Legal Address]
(the "Property")_

Our records indicate you are the [Owner/Occupier] of the above Property.

The Property has failed to comply with the following requirements of the *Village of Burns Lake Regulation of Untidy and Unsightly Premises Bylaw #988, 2018*.

In particular, [specify condition in issue]. This contravenes [specify section] of the Unsightly Premises Bylaw.

Pursuant to the attached Order, you are hereby ordered to remedy this condition by [specify requirement].

As set out in the attached Order, if you do not remedy this condition by [date], the Village of Burns Lake will engage a contractor to perform these steps, and all charges

and associated costs will be treated as a debt owed by you, and may be treated as unpaid property taxes.

You have the right to appeal this Order to Council. If you wish to do so, you must deliver your appeal in writing to the Village of Burns Lake municipal hall by no later than 30 days from the date this notice was delivered to you. Council may cancel, affirm, or vary the Order.

Sincerely,

Author

SCHEDULE "B"



ORDER TO COMPLY

Date	
To	
Complaint Lot	
Civic Address of Property	
Legal Description of Property	
Complaint Details	
Investigation Discloses:	
Bylaw and Section Contravened	
YOU ARE HEREBY ORDERED TO	
COMPLIANCE DATE:	
IF YOU FAIL TO COMPLY BY THE COMPLIANCE DATE, THIS MAY RESULT IN THE FOLLOWING CONSEQUENCES:	<p>THE VILLAGE OF BURNS LAKE MAY ISSUE A FINE AS A BYLAW OFFENCE NOTICE OR MUNICIPAL TICKET INFORMATION</p> <p>THE VILLAGE OF BURNS LAKE MAY PROCEED IN ACCORDANCE WITH THE DEFAULT PROVISIONS OF THE <i>VILLAGE OF BURNS LAKE REGULATION OF UNTIDY AND UNSIGHTLY PREMISES BYLAW #988, 2018</i>, INCLUDING</p>

	BURNS LAKE UNDERTAKING THE REQUIRED WORK AT YOUR EXPENSE AND COLLECTING THE COSTS OF DOING SO FROM YOU AS UNPAID DEBT OR UNPAID TAXES.

Should you have any questions regarding this Order, you can contact me at *[number]*, or by e-mail at *[e-mail address]*