

CORPORATION OF THE VILLAGE OF BURNS LAKE
BYLAW NO. 791

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 under the terms and conditions identified in Section 725 of the *Local Government Act* to prohibit the owners or occupiers of real property from allowing said property to become untidy or unsightly, and to require the owners or occupiers of real property or their agents to remove therefrom any accumulation of filth, discarded materials, or rubbish of any kind;

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 when so directed by the Municipality, that the Municipality, as represented by its workmen or others, 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 any charges incurred by the Municipality in removing said materials, if unpaid within 30 days of the date of invoice, 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:

1. **DEFINITIONS**

In this bylaw,

"**Council**" means the Council for the Corporation of the Village of Burns Lake.

"**Filth, discarded materials, or rubbish**" includes any and all manner of garbage; discarded or disused materials; lawn debris, including grass and tree clippings; filth; noxious, offensive or unwholesome matters; unused or stripped automobiles, trucks, trailers, boats, vessels, machinery, mechanical or metal parts; appliances or parts thereof; bottles; glass.

"**Bylaw Enforcement Officer**" means a person appointed by Council to administer this bylaw.

"**Occupier**" has the same meaning as in the *Local Government Act*.

"**Owner**" has the same meaning as in the *Local Government Act*.

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

"**Real Property**" means land or improvements so affixed as to make them in fact and law part of it.

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

"**Zoning Bylaw**" means the zoning bylaw currently in effect within the Village of Burns Lake.

"Notice" means any document prepared by a Bylaw Enforcement Officer that identifies, by legal description, a piece of real property deemed to be an untidy or unsightly premise, and clearly describes the actions required to bring said real property into compliance with this bylaw.

"Collector" has the same meaning as in the *Local Government Act*.

It is also understood that for the purposes of this bylaw, in instances where the singular or masculine is used, the plural or feminine also apply, and vice versa.

2. PROHIBITIONS

- (1) No person shall accumulate, or permit or cause to accumulate, filth, discarded materials, or rubbish of any kind on his real property or the real property that he occupies.
- (2) Notwithstanding the foregoing (Section 2.1), in any Residential area as defined by the Zoning Bylaw, the following conditions may constitute untidy and unsightly premises:
 - (a) The untidy accumulation or storage of any building, parts thereof, or building materials -- whether new, used, or second hand -- on any real property where the owner or occupier of said property is not in possession of a valid building permit.
 - (b) The storage or accumulation of any good or merchandise which is offered or is intended to be offered for sale.
 - (c) The storage, collection, or accumulation of any motor vehicle that is not validly registered or licensed in accordance with the *Motor Vehicle Act* and capable of moving under its own power.
 - (d) The use of any property within the above mentioned zoning district for the storage, repair, cleaning, maintenance, collection, or servicing of mechanical equipment such as trucks exceeding one ton load carrying weight bulldozers, graders, backhoes, pay loaders, cranes, similar heavy construction equipment.
- (3) Notwithstanding Section 2 (1), in any Commercial or Industrial area as defined within the Zoning Bylaw, the following conditions may constitute untidy and unsightly premises:
 - (a) The untidy accumulation or storage of any building, parts thereof, or building materials -- whether new, used, or second hand -- on any real property where the owner or occupier of the premises is not in possession of a valid building permit, unless the occupier of the premises is in possession of a valid business licence issued for a building supply or related business.
 - (b) The storage or accumulation of any good or merchandise which is offered or is intended to be offered for sale, unless such items are stored in a neat and orderly manner and in accordance with the Zoning Bylaw.
 - (c) The storage, collection, or accumulation of any motor vehicle that is not validly registered or licensed in accordance with the *Motor Vehicle Act* and capable of moving under its own power, unless:
 - (i) The occupier of the premises is in possession of a valid business licence issued for an automotive-related business; and
 - (ii) Such storage and accumulation of automotive wrecks, parts, etc., is accomplished in a neat and orderly manner and in accordance with the Zoning Bylaw.

3. REQUIREMENTS

Every owner or occupier of real property shall keep it cleared of weeds, brush, trees, and other growths within a reasonable standard of that prevailing in adjacent properties.

4. AUTHORITY TO INSPECT & DUTY TO NOTIFY

- (1) The Council shall appoint, by resolution, such of its officers and employees as it may deem necessary as Bylaw Enforcement Officers to enter upon premises within the Municipality during reasonable hours to inspect said premises and determine whether there is any accumulation of filth, discarded materials, or rubbish on said premises.
- (2) Where the Bylaw Enforcement Officer determines premises within the Municipality to be untidy or unsightly, the Bylaw Enforcement Officer shall provide the owner of said real property or his agents with a Notice of same, and the owner or his agents shall be required to take whatever action the Bylaw Enforcement Officer deems necessary to bring said premises into compliance with this bylaw.
- (3) The Bylaw Enforcement Officer, in a Notice issued pursuant to this section, may require the owner of a real property deemed to be an untidy or unsightly premises to bring said premises into compliance with this bylaw within a period of fourteen (14) days of the date of the Notice, or, if in the opinion of the Bylaw Enforcement Officer, special circumstances exist, on a date that the officer considers reasonable in the circumstances.
- (4) Where the Bylaw Enforcement Officer issues a Notice under this bylaw, he shall forthwith provide the Chief Administrative Officer (CAO) of the Municipality with a copy of the Notice so issued.

5. OPPORTUNITY TO DISPUTE

- (1) The owner or occupier of real property, or his agents, may dispute a Notice from the Bylaw Enforcement Officer by providing the Chief Administrative Officer of the Municipality with a written objection. A written objection of this type must outline the owner's or occupier's reasons for disputing the Notice, and be received by the Chief Administrative Officer at least seventy-two (72) hours prior to the expiry of the time given in the Notice to remedy the deficiency.
- (2) The Chief Administrative Officer of the Municipality shall, upon receipt of the dispute of the Bylaw Enforcement Officer's Notice, instruct the Bylaw Enforcement Officer to re-examine the real property in question and prepare a detailed report for review by the CAO and council.
- (3) Upon receipt of the re-examination report referred to in Section 5.2, the Chief Administrative Officer shall refer same, along with the owner's or occupier's dispute of the Notice, to Council for consideration in a regular meeting.
- (4) After reviewing the report, Council shall take whatever action it deems appropriate, including instructing municipal workmen to enter upon the real property in question and take whatever actions necessary to effect compliance with the Bylaw Enforcement Officer's Notice and this bylaw.

6. ENFORCEMENT

- (1) If the owners or occupiers of real property that is deemed to constitute untidy or unsightly premises under this bylaw fail to comply with a Notice issued by the Bylaw Enforcement Officer under Section 4, and have not disputed said Notice under the terms and conditions outlined in Section 5.1, the Chief Administrative Officer, on behalf of the Municipality, is empowered to order the Municipality's workmen or others so designated to enter upon said premises and take such action as is deemed necessary to effect compliance with the Notice and this bylaw.

- (2) If the Municipality is required, by its workmen or others, to effect compliance with the Notice and this bylaw under the terms outlined above, the Chief Administrative Officer shall thereafter:
 - (a) Issue a demand for payment, by registered mail, to the owner of the real property so affected (or his agent, as the case may be) for any costs or charges incurred by municipality in effecting compliance, including labour and equipment costs; and
 - (b) Advise the owner of said real property, by registered mail, that if the costs or charges incurred by the municipality in said matter are not received within thirty (30) days of the demand for payment being issued, they shall be added to and form part of the taxes in respect of the real property as taxes in arrears.
- (3) If the costs or charges referred to in the aforementioned section remain unpaid after 30 days of the demand for payment being issued, the Chief Administrative Officer shall:
 - (a) Instruct the Collector to add said costs or charges to the taxes payable in the respect of the real property in question as taxes in arrears; and
 - (b) Advise the owner or his agent (as the case may be) by registered mail that the costs or charges so incurred by the municipality in effecting compliance with this bylaw have been added to, and form part of, the taxes in respect of the real property as taxes in arrears.

7. OFFENSE & FINE

- (1) Notwithstanding the right of the Municipality to remove the said accumulation of filth, discarded materials, or rubbish of any kind, or otherwise effect compliance with this bylaw through other means herein identified, any person who contravenes this bylaw by doing an act that it forbids, or by omitting to do an act that it requires be done, commits an offense.
- (2) Any person committing an offense under this bylaw is liable, upon summary conviction, to a fine not exceeding \$100 for each day or part of a day upon which such offense was committed, or, in default of such payment, a period of imprisonment not to exceed thirty (30) days.

8. SEVERABILITY

In the event that a court of competent jurisdiction declares any portion of this bylaw *ultra vires*, such portion shall be deemed to be severed from the bylaw to that extent, and the remainder of the bylaw shall continue in force and effect.

9. CITATION

This bylaw shall be cited for all purposes as *Village of Burns Lake Regulation of Untidy and Unsightly Premises Bylaw #791, 2000*.

10. REPEAL


Bylaw #399, cited as the *Village of Burns Lake Regulation of Untidy and Unsightly Premises By-law, 1978*, and all amending by-laws thereto, are hereby repealed.

READ A FIRST TIME this 28th day of NOVEMBER, 2000.

READ A SECOND TIME this 28th day of NOVEMBER, 2000.

READ A THIRD TIME this 28th day of NOVEMBER, 2000.

RECONSIDERED AND ADOPTED this 12th day of DECEMBER,
2000.


MAYOR


CLERK

Certified to be a true copy of the *Village of Burns Lake Regulation of Untidy and
Unsightly Premises Bylaw #791, 2000.*


CLERK