



# BYLAW

## Property Maintenance Bylaw

### No. 522, 2012

**Consolidated for convenience only June 2019**

This Consolidation includes the following Bylaw Amendments:

522-1, 2016

This version of this bylaw is a consolidation of amendments to the original bylaw as of the date specified. This consolidation is done for the convenience of users and accurately reflects the status of this bylaw as of the specified date but must not be construed as the original bylaw and is not admissible in Court unless specifically certified by the Corporate Officer for the District of Sechelt. Persons interested in the definitive wording of this bylaw and its amendments should view the original bylaws at the District of Sechelt.

DISTRICT OF SEHELDT

BYLAW No. 522, 2012

A bylaw to regulate maintenance of property in the District of Sechelt

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**WHEREAS** Section 8 (3) (h) of the *Community Charter*, SBC 2003, c. 26, provides that Council may enact a bylaw to regulate or prohibit in relations to, among others, the protection and enhancement of the well-being of its community in relation to, among others, nuisances, disturbances and other objectionable situations;

**AND WHEREAS** Section 8 (b) of the *Community Charter* provides that Council may enact a bylaw prohibiting persons from doing things with their property and (c) provides that Council may enact a bylaw to require persons to do things with their property, and to do things at their expense;

**AND WHEREAS** Section 64 of the *Community Charter* provides that the authority of Council under Section 8 (3) (h) may be exercised in relation to (b) nuisances, (c) the emission of smoke, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia that is liable to foul or contaminate the atmosphere, (d) refuse, garbage or other material that is noxious, offensive or unwholesome and (j) the carrying on of a noxious or offensive business activity;

**AND WHEREAS** Council wishes to regulate the protection and enhancement of the well-being of its community in relation to, among others, nuisances, disturbances and other objectionable situations in the District of Sechelt;

**NOW THEREFORE** the Council of the District of Sechelt in open meeting assembled enacts as follows:

**1. Citation**

This bylaw may be cited as District of Sechelt Property Maintenance Bylaw No. 522, 2012.

**2. Prohibitions**

No owner or occupier of real property shall cause or permit:

- (a) refuse, garbage, or other noxious, offensive, or unwholesome material to accumulate on such real property or in any buildings or structures located on such real property;
- (b) water to accumulate on such real property or in any buildings or structures located on such real property;
- (c) unsanitary conditions to exist on such real property or in any buildings or structures located on such real property;
- (d) noxious weeds designated under the Weed Control Regulation of the Weed Control Act, as amended from time to time, to grow or accumulate on such real property;

- (e) any trees or other growths that create a safety hazard to remain on such real property;
- (f) graffiti to be placed or remain on any buildings or structures located on such real property;
- (g) unsightly conditions to exist on such real property or in any buildings or structures located on such real property;
- (h) health, fire or safety hazards to exist with respect to stairs, steps, verandahs, balustrades, handrails, walks, driveways, parking spaces, buildings, structures or fences; and
- (i) nuisance odour.

### **3. Removal Required**

Every owner and occupier of real property shall remove, or cause to be removed, from such real property and from any buildings or structures located on such real property all:

- (a) accumulations of refuse, garbage, or other noxious, offensive, or unwholesome material;
- (b) accumulations of water;
- (c) unsanitary conditions;
- (d) noxious weeds designated under the Weed Control Regulation of the Weed Control Act, as amended from time to time;
- (e) trees and other growths that create a safety hazard;
- (f) graffiti;
- (g) unsightly conditions; and
- (h) nuisance odour sources: an odour in the air that is obnoxious, offensive, or interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the sense and causes inconvenience or annoyance to a person with a normal sense of smell, except odours related to permitted combustion such as, but not limited to, wood stoves, vehicle emissions.

### **4. Non-compliance**

In the event the owner or occupier of real property fails to comply with section 3 of this bylaw, and the owner or occupier of such real property has been given an opportunity to appear before Council to be heard in respect of such failure, the District of Sechelt may, by its own officers and employees or other persons, carry out the work necessary to comply with section 3 of this bylaw at the expense of the owner or occupier, and the District of Sechelt may recover the costs of undertaking such work either as a debt against the person in default or in the same manner and with the same remedies as property taxes.

### **5. Rubbish on Public or Private Property**

No person shall deposit or throw bottles, broken glass, or other rubbish on any private property in the District of Sechelt.

**6. Graffiti on Public or Private Property**

No person shall place graffiti on a building or structure, or elsewhere, on any private property in the District of Sechelt.

**7. Right of Entry**

Any officer or employee of the District of Sechelt may enter at all reasonable times on any real property or in any buildings or structures located on such real property to ascertain whether the regulations and requirements of this bylaw are being observed.

**8. No Interference**

No person shall obstruct or interfere with:

- (a) any officer or employee of the District of Sechelt in the performance of his or her duties under this bylaw; or
- (b) any person directed by the District of Sechelt to carry out the work under section 4 of this bylaw.

**9. Enforcement and Penalty**

- (a) Except where the penalty is otherwise provided for in the *Community Charter*, every person who offends against any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention or violation of the provisions of this bylaw, or neglects to do or refrains from doing anything required to be done by this bylaw, shall be deemed to have committed an offence under this bylaw and shall be liable, to fines specified under the Bylaw Notice Enforcement Implementation Bylaw No. 515, 2012.
- (b) Each day that a violation is permitted to exist constitutes a separate offence.

**10. Severability**

If any portion of this bylaw is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this bylaw.

**11. Repeal**

The Unsightly Premises Bylaw No. 345, 1998 and the Minimum Maintenance Standards Bylaw No. 85, 1989 are hereby repealed.

READ A FIRST TIME THIS                    21<sup>st</sup>      DAY OF      November, 2012

READ A SECOND TIME THIS                21<sup>st</sup>      DAY OF      November, 2012

READ A THIRD TIME THIS                21<sup>st</sup>      DAY OF      November, 2012

ADOPTED THIS                                5<sup>th</sup>      DAY OF      December, 2012

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Mayor

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Interim Corporate Officer