

# DISTRICT OF SEHELDT

## BYLAW NO. 345, 1998

### A bylaw to establish required standards for the maintenance of real property and to prohibit littering

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**WHEREAS** pursuant to Section 725 of the Municipal Act provides inter alia that Council may enact regulations governing the appearance and maintenance of property;

**AND WHEREAS** Council wishes to prohibit untidy and unsightly premises in Residential and Commercial Areas;

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

1. **TITLE:**

This bylaw may be cited for all purposes as District of Sechelt “Unsightly Premises Bylaw No. 345”, 1998.

2. **DEFINITIONS**

“**Bylaw Enforcement Officer**” means every person employed as a Bylaw Enforcement Officer for the District of Sechelt.

“**District**” means the District of Sechelt.

“**Motor Vehicle Act**” means the Motor Vehicle Act of the Province of British Columbia, R.S.B.C. 1996, Chapter 318 and amendments thereto.

“**Motor Vehicle**” means a motor vehicle as defined by the Motor Vehicle Act.

“**O.C.P.**” means the District of Sechelt Official Community Plan Bylaw No. 290, 1996 and all amendments thereto.

“**Person**” includes the owner, tenant, licensee, or other occupier of real property.

“**Trailer**” means a trailer as defined by the Motor Vehicle Act.

**“Unsightly”** includes but is not limited to:

- a) an outdoor accumulation of building material, boats, marine parts or engines on any property, other than the following:
  - (i) premises identified in a valid business licence for building material sales or storage;
  - (ii) premises where construction is in progress pursuant to a valid Building Permit;
  - (iii) premises identified in a valid business licence where boats, marine parts or engines are part of normal business operations in a Commercial Zone.
- b) An accumulation of motor vehicle parts or all or part of any motor vehicle which is not:
  - (i) registered and licensed in accordance with the Motor Vehicle Act; or
  - (ii) capable of movement under its own power; and
- c) any accumulation of filth, discarded materials or rubbish of any kind, including but not limited to ashes, dead animals, paper, cardboard, tin cans, leaves, wood, bedding, crockery, glass, bags and appliances.

3. **REGULATIONS:**

**Residential and Commercial Areas:**

- (1) No owner or occupier of real property in any Residential designation or in any Commercial designation as defined by the “O.C.P. Bylaw” shall allow that property to become or remain unsightly.
- (2) No person in any Residential designation or in any Commercial designation as defined by the “O.C.P. Bylaw” shall cause or permit rubbish, or noxious, offensive or unwholesome matter to collect or accumulate around their premises.
- (3) Every owner or occupier of real property in any Residential designation or in any Commercial designation as defined by the “O.C.P. Bylaw” shall remove from the property every unsightly accumulation of filth, discarded materials, or rubbish.

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- (4) Every owner or occupier of real property that is developed with a building in any Residential designation or in any Commercial designation as defined by the "O.C.P. Bylaw" shall clear the property of brush, noxious weeds including rampant blackberries, wild grass and other untended growths.
- (5) No owner or occupier in any Residential designation as defined by the "O.C.P. Bylaw" shall store, keep, leave or maintain on any real property, except where screened from view with a fence or hedge, from adjacent streets or property, the following:
  - (i) Any part of any motor vehicle or trailer;
  - (ii) Firewood, unless neatly piled or stacked against a wall or fence;
  - (iii) Lumber, bricks, metal, but not including materials being used for construction purposes on real property pursuant to a valid Building Permit;
  - (iv) Engines or machinery;
  - (v) Discarded materials or rubbish of any kind;
- (6) Where any person fails to comply with Section (3) of this bylaw, the Bylaw Enforcement Officer may give written notice to that person to comply within twenty one (21) days of delivery of the notice, and in the event of failure to comply with the notice the District may by its employees or contractors, at reasonable times and in a reasonable manner, enter the property and effect the removal of the offending materials or growths at the expense of the person who has failed to comply.
- (7) The cost of effecting removal pursuant to Section (4) of this bylaw shall be due and payable by the person in default immediately upon removal, and if such costs remain unpaid on December 31 in the year the removal was done, the costs shall be added to and form part of the taxes payable on the property as taxes in arrears.
- (8) Any Bylaw Enforcement Officer may at all reasonable times enter on property to ascertain whether the regulations and directions of this bylaw are being observed.

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4. **SEVERABILITY:**

Should any section, subsection, clause or paragraph, sentence or word of this bylaw be declared unlawful or invalid by a Court of competent jurisdiction, no other part of this bylaw shall be deemed to be invalid and the balance of the bylaw shall remain in force as a whole where the context so permits, except for the part declared unlawful or invalid.

5. **OFFENCE AND PENALTY:**

Every person who violates a provision of this bylaw or who suffers or permits a contravention of a provision of this bylaw or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, shall be deemed to be guilty of an offence, and upon conviction thereof, shall be liable to a fine not exceeding **TWO HUNDRED DOLLARS** (\$200.00).

6. **REPEAL:**

Unsightly Premises Bylaw No. 2, 1986 is hereby repealed.

READ A FIRST TIME THIS 21st DAY OF OCTOBER, 1998

READ A SECOND TIME THIS 18th DAY OF AUGUST, 1999

READ A THIRD TIME THIS 28th DAY OF AUGUST, 1999

RECONSIDERED AND FINALLY ADOPTED THIS 15<sup>TH</sup> DAY OF SEPTEMBER ,  
1999

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Mayor

\_\_\_\_\_  
Municipal Clerk

**I hereby certify this to be a true and accurate copy of District of Sechelt “Unsightly Premises Bylaw No. 345”, 1998.**

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**Municipal Clerk**