

455

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BY-LAW NO. 132

---

Being a by-law to prohibit Untidy and Unsightly premises.

---

WHEREAS the Letters Patent of the Regional District of Central Okanagan, dated the 21st day of May, 1971, authorize the Regional Board of the said Regional District to exercise the powers set out in Clauses (g) and (h) of Section 870 of the Municipal Act R.S.B.C. 1960, and

WHEREAS Clause (g) of Section 870 of the said Act states that the Regional Board may, by by-law, prohibit persons from causing or permitting water, rubbish, noxious, offensive, or unwholesome matter or substance to collect or accumulate around their premises or from depositing or throwing bottles, broken glass or other rubbish in any open place, and

WHEREAS Clause (h) of Section 870 of the said Act states that the Regional Board may, by by-law, prohibit the owners or occupiers of real property from allowing property to become untidy or unsightly, and require the owners or occupiers of real property, or their agents, to remove therefrom any accumulation of discarded materials, or rubbish of any kind; and providing that in default of such removal, the Regional Board, by its workmen and others, may enter and effect such removal, at the expense of the person so defaulting and providing that the charges for so doing, if unpaid on the 31st day of December in any year, shall be added to and form part of the taxes payable in respect of that real property, as "taxes in arrears" and

WHEREAS the Regional Board does not wish to interfere with traditional farming operations and

WHEREAS it is deemed advisable and expedient that, for the protection of property owners generally in the Regional District of Central Okanagan as hereinafter described, such powers be exercised and necessary and sufficient regulatory measures be enacted.

NOW/

~~NOW THEREFORE THE REGIONAL BOARD, OF THE REGIONAL DISTRICT OF~~  
Central Okanagan, in open meeting assembled, enacts as follows:

1. This by-law shall apply for all purposes to that tract of land known and described as the Regional District of Central Okanagan in the Letters Patent or in Supplementary Letters Patent Incorporating the Regional District, excluding thereout the Municipality of the City of Kelowna and the Corporation of the District of Peachland.

I. INTERPRETATION

2. In this by-law, unless the context otherwise requires:

"INSPECTOR" shall mean the Litter Inspector or his assistants appointed from time to time by the Regional District of Central Okanagan.

"OCCUPIER" shall have the meaning given to it by Section 2 of the Municipal Act.

"OWNER" shall have the meaning given to it by Section 2 of the Municipal Act.

"REGIONAL DISTRICT" shall mean and be the Regional District of Central Okanagan as described in the Letters Patent or subsequent amendments incorporating the said Regional District, excluding thereout the Municipality of the City of Kelowna and the Corporation of the District Municipality of Peachland.

"REGIONAL BOARD" shall mean the Regional Board of the Regional District of Central Okanagan holding office for the time being.

"REAL PROPERTY" shall have the meaning given to it by Section 2 of the Municipal Act.

"PERSON" shall mean and includes any corporation, partnership or party and the heirs, executors, administrators or other legal representatives of such person to whom the context can apply according to law.

"RUBBISH" shall mean all discarded and broken items, and without restricting the generality of the foregoing, shall include paper and wood products no longer in use, and all automobiles and trucks that are no longer road worthy and parts thereof.

"UNSIGHTLY AND UNTIDY" shall have its common dictionary meaning, but without restricting the generality of the same, shall include; the storage or accumulation of rubbish as defined.

II. REGULATION

3. Unsightly and Untidy Premises:

- (a) No person, being an owner or occupier of real property within the Regional District, shall allow such property to become untidy or unsightly.

- (b) All owners and occupiers of real property within the Regional District are hereby required, when such real property is in an unsightly or untidy condition, to remove therefrom all rubbish.

III/

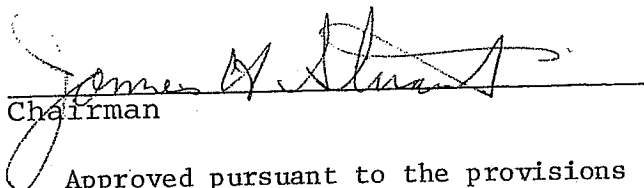
III ENFORCEMENT

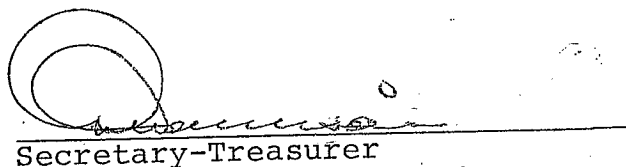
4. The inspector is hereby authorized to enter, at all reasonable times, upon any real property within the Regional District for the purpose of inspecting the said property, in order to ascertain whether or not the said property is in an unsightly or untidy condition.
5. Complaints regarding real property in an untidy or unsightly condition shall be made in writing to the Inspector who shall without undue delay inspect the real property, the subject of the complaint.
6. Should the owner or occupier of real property fail to remove from their real property all rubbish of any kind after being given thirty (30) days notice to remove the same, the Regional District by its workmen and others may enter upon such real property and affect removal of such rubbish at the expense of the owner or occupier so defaulting and the charges for so doing, if unpaid on the 31st day of December in the year in which the rubbish is removed, shall be added to and form part of the taxes payable in respect of that real property as taxes in arrear. Any notice required to be given under this section shall be validly given if delivered personally to such owner or occupier or mailed by prepaid, registered mail and addressed to such owner or occupier in care of the ordinary postal address for such real property or to the address for such owner or occupier as set out in the last revised assessment roll.

IV EXEMPTION OF FARM OPERATIONS

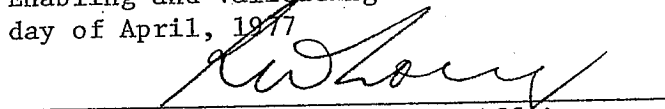
7. Notwithstanding the other provisions of this By-law, all discharges of plant and animal waste emanating from traditional farming operations which are managed and applied in a reasonable manner as organic fertilizers to promote crop production and the accumulation of materials and equipment required for traditional farming operations are exempt from the provisions of this By-law.
8. This by-law may be cited for all purposes as "The Regional District of Central Okanagan Prohibition of Untidy and Unsightly Premises By-law No. 132, 1977".

READ A FIRST TIME THIS 7th DAY OF February, 1977  
READ A SECOND TIME THIS 7th DAY OF February, 1977  
READ A THIRD TIME THIS 7th DAY OF February, 1977  
RECONSIDERED AND ADOPTED THIS 2nd DAY OF May, 1977

  
Chairman

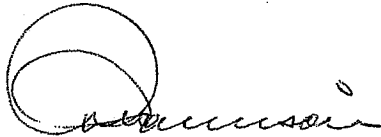
  
Secretary-Treasurer

Approved pursuant to the provisions  
of section 203 of the Municipalities  
Enabling and Validating Act this 13th  
day of April, 1977

  
Deputy Minister of Municipal Affairs

I hereby certify the foregoing to be a true and correct copy of the by-law No. 132, cited as "The Regional District of Central Okanagan Prohibition of Untidy and Unsightly Premises By-law No. 132, 1977, as read a third time by the Board on the 7th day of February 1977.

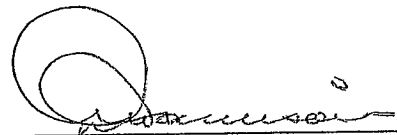
Dated at Kelowna, B.C. this 14th day of February, 1977.



Secretary-Treasurer

I hereby certify the foregoing to be a true and correct copy of By-law No. 132 cited as "The Regional District of Central Okanagan Prohibition of Untidy and Unsightly Premises By-law No. 132, 1977" as adopted by the Regional Board on the 2nd day of May, 1977.

Dated at Kelowna, B.C. this 5th day of May, 1977.



Secretary-Treasurer