

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BYLAW NO. 770

---

A bylaw to prohibit unsightly premises and visual nuisances.

---

WHEREAS the Regional District of Central Okanagan has established an extended service to regulate nuisances and unsightly premises;

AND WHEREAS the Regional District wishes to revise the bylaw which regulates nuisances and unsightly premises;

NOW THEREFORE the Regional District of Central Okanagan in open meeting assembled enacts as follows

1. INTERPRETATION:

1.1 In this bylaw:

***Bylaw Enforcement Officer*** means the Director of Inspection Services, the *Bylaw Enforcement Officer* and any other Bylaw Enforcement Officers as appointed by the *Region*.

***Derelict Motor Vehicle*** means an inoperative motor vehicle which is not currently licensed and is stored outdoors.

***Discarded Material*** means all manner of garbage, junk, unused or dismantled trailers, boats vessels, machinery, mechanical or metal parts, bottles, glass, brush piles, pipes, unused wood or wood products, dilapidated furniture, inoperative appliances, *derelict motor vehicles* and other such similar things.

***Filth*** means foul or putrid matter.

***Junk*** means old metal, glass, paper wood or other material which may be usable again in some fashion.

***Nuisance*** means any act or omission which obstructs or causes inconvenience or damage to a segment of the public in the exercise of rights common to all members of the public.

***Offensive matter*** means physical objects which are objectionable to the public.

***Rubbish*** means useless waste.

***Unsightly*** means offensive to the sight.

***Unwholesome matter*** means physical objects which are detrimental to the physical or mental well being of persons.

***Waste*** means refuse from places of human habitation.

2. REGULATIONS:

Except as provided for in section 4.1 and 4.2 of this bylaw:

- 2.1 No owner or occupier of real property shall cause or permit stagnant water, *rubbish* or noxious, *offensive* or *unwholesome* matter to collect or accumulate on their premises.
- 2.2 No person shall deposit or throw bottles, broken glass or other *rubbish* in any open place.
- 2.3 No owner or occupier of real property shall cause or permit a visual *nuisance* on their premises.
- 2.4 No person shall place graffiti on walls, fences or elsewhere on or adjacent to a public place.
- 2.5 No owner or occupier of real property shall allow their property to become or remain unsightly by accumulation of *filth, discarded materials, rubbish* or graffiti.
- 2.6 No person shall obstruct or interfere with the Bylaw Enforcement Officer in the exercise of his duties.

3. ENFORCEMENT:

- 3.1 Upon receipt of a complaint regarding violation of the regulations contained in this bylaw, the *Bylaw Enforcement Officer* is authorized to investigate the complaint and administer the requirements of the bylaw.
- 3.2 The *Bylaw enforcement Officer* is authorized, at all reasonable times, to enter on any property for any purpose pursuant to this bylaw.
- 3.3 Where the *Bylaw Enforcement Officer* has received a complaint that real property is *unsightly* and the subsequent investigation verifies the complaint, the *Bylaw Enforcement Officer* may issue an order to the owner or occupier requiring that the *unsightly* condition be remedied by removal from the property of *unsightly* accumulations of *filth, discarded materials, rubbish* or graffiti.

- 3.4 Where, after the expiry of 15 days from delivery of an order given pursuant to Section 3.3 of this bylaw, the *unsightly* condition which gave rise to the order has not been remedied, the *region*, by its employees or other persons, at reasonable times and in a reasonable manner, may enter on the property and effect compliance with the order at the expense of the person who has failed to comply.
- 3.5 If the person at whose expense the compliance is carried out under Section 3.4 does not pay the cost on or before December 31 in the year that the compliance was effected, the costs are to be added to and form part of the taxes payable on the property as taxes in arrears.
- 3.6 Where the *Bylaw Enforcement Officer* has received a complaint that real property is a visual *nuisance* and a subsequent investigation verifies the complaint, the *Bylaw Enforcement Officer* may issue an order to the person causing the *nuisance* requiring that the visual *nuisance* be abated.
- 3.7 Where, after the expiry of 15 days from the delivery of an order given pursuant to Section 3.6 of this bylaw, the visual *nuisance* which gave rise to the order has not been abated, the *region*, by its employees or other persons, at reasonable times and in a reasonable manner, may enter on the property and abate the visual *nuisance* at the expense of the person who has failed to abate the visual *nuisance*.
- 3.8 If the person at whose expense abatement of a visual *nuisance* is carried out under Section 3.7 does not pay the costs on or before December 31 in the year that the abatement of the *nuisance* was effected, the costs are to be added to and form part of the taxes payable on the property as taxes in arrears.
- 3.9 Where, in order to have an *unsightly* condition remedied or a visual *nuisance* abated, the *region* incurs legal costs, such costs shall be considered to be costs related to the remedy or abatement and may be collected in accordance with the provisions of this bylaw.
4. EXEMPTIONS:
  - 4.1 This bylaw does not apply to normal farm practise on farm operations in accordance with the Farm Practises Protection Act.
  - 4.2 This bylaw does not apply to the permitted outdoor storage of goods and chattels on properties located in Commercial or Industrial Zones described in the zoning bylaw.
5. REPEAL:
  - 5.1 Bylaw No. 433 cited as "the Regional District of Central Okanagan Prohibition of Unsightly Premises Bylaw No. 433 , 1990" is hereby repealed.

6. CITATION:

6.1 This bylaw may be cited as "the Regional District of Central Okanagan Unsightly Premises and Visual Nuisance Bylaw No. 770, 1998".

7. PENALTY:

7.1 Any person who breaches any provision of this bylaw commits an offence and is liable, upon prosecution, to the penalties provided under the Offence Act or where applicable, to the penalties imposed under the Municipal Ticket Information Bylaw.

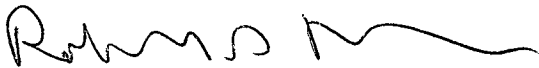
READ A FIRST TIME THIS 6th DAY OF April, 1998.

READ A SECOND TIME THIS 6th DAY OF April, 1998.

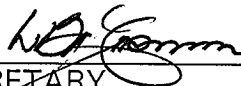
READ A THIRD TIME THIS 8th DAY OF June, 1998.

ADVERTISED PURSUANT TO SECTION 839 OF THE MUNICIPAL ACT THIS 11th DAY OF April, 1998.

RECONSIDERED, FINALLY PASSED AND ADOPTED THIS 8th DAY OF June, 1998.



CHAIRPERSON



SECRETARY

I hereby certify the foregoing to be a true and correct copy of Regional District of Central Okanagan Unsightly Premises and Visual Nuisance Bylaw No. 770, 1998, as read a third time by the Regional Board on the 8th day of June, 1998.

Dated at Kelowna, B.C. this 11th day of June, 1998.



Secretary

I hereby certify the foregoing to be a true and correct copy of Regional District of Central Okanagan Unsightly Premises and Visual Nuisance Bylaw No. 770, 1998, as adopted by the Regional Board on the 8th day of June, 1998.

Dated at Kelowna, B.C. this 11th day of June, 1998.



Secretary