

A Bylaw to regulate maintenance of property within the Village of Harrison Hot Springs

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WHEREAS pursuant to Section 8(3)(h) of the Community Charter, it is deemed necessary to regulate, prohibit and impose requirements to protect and enhance the well-being of properties within the Village of Harrison Hot Springs,

NOW THEREFORE the Council of the Village of Harrison Hot Springs, in open meeting assembled, enacts the following:

**1. CITATION**

This Bylaw may be cited for all purposes as the "Village of Harrison Hot Springs Property Maintenance Bylaw No. 1072, 2015."

**2. DEFINITIONS**

"*Accumulation*" means the buildup, mass, pile, stack, collection, stock, reserve, hoard or store of matter, water or other growths whether covered or uncovered by soil or other materials, or screened or unscreened by vegetation;

"*Bylaw Enforcement Officer*" means a person employed or contracted by the Village to administer and enforce this Bylaw;

"*Council*" means the Council of the Village of Harrison Hot Springs;

"*Dilapidated*" means a state of disrepair or ruin apparently resulting from disuse or neglect;

"*Infestation*" means the state of being invaded or overrun by pests, parasites or other organisms that can be harmful, threatening or obnoxious;

"*Graffiti*" means writings, drawings or images, scribbled, scratched or sprayed illicitly on a wall or other surface in a public place;

"*Invasive plants*" means those species listed with the Invasive Species Council of British Columbia, including, but not limited to *Himalayan Blackberry*;

"*Noxious weeds*" means the plants classified under the *Weed Control Act of BC*;

"*Order*" means a notice delivered by the Bylaw Enforcement Officer for the purpose of directing actions or measures to achieve compliance with this Bylaw;

*“Rubbish”* means any one or more of the following:

- a) Refuse, garbage, debris or waste that is produced or resulting from human activity;
- b) Discarded or unused materials, substances or objects;
- c) Foul or putrid matter or other filth;
- d) Noxious, offensive or unwholesome substances and materials; including those that present a fire hazard, health hazard or environmental pollution;
- e) Damaged or unused wire or vehicle tires or parts;
- f) Rusted, or inoperative appliances, machinery, metal or parts thereof;
- g) Waste from construction or demolition;

*“Unightly”* or *“declared nuisance”* means in relation to real or personal property, includes property that is cluttered, dilapidated, disorganized, unclean or in such a state of apparent neglect or disrepair as to unreasonably cause irritation or inconvenience to residents or business operators in the vicinity or to members of the public;

*“Vacant”* means a building or structure which is without lawful resident or occupant or which is not being put to a lawful commercial, residential, or industrial use for a continuous period of over forty-five days within a consecutive sixty day period or which, may be unoccupied and unsecured; occupied and secured by boarding or other similar means; unoccupied and deemed a nuisance or hazardous building or structure or no longer hold a valid building permit.

*“Village”* means the Village of Harrison Hot Springs

### 3. REGULATIONS

- a) A person must not place graffiti, or cause, suffer or allow graffiti to be placed, or to remain, on any building, wall, fence, sign or other structure or thing on or adjacent to a road, sidewalk, parking lot, or other public place, whether or not the property is privately owned.
- b) A person must not:
  - i. Throw, deposit, leave, or place rubbish in or upon any public space or private property;
  - ii. Allow the accumulation of any noxious weed or invasive plant or any other material in or on any public or private property that could cause infestation;

- iii. Abandon a vehicle, household appliance or furniture, or any parts thereof, in or on any highway, sidewalk, ditch, parking lot, waterway, park or other public place, or in any open place on private property.
- c) An owner or occupant of any land, property or premises:
- i. must not cause, permit suffer or allow the land, property or premises to become or remain unsightly;
  - ii. must not cause or permit, suffer or allow any of the following to accumulate or to remain on or around the land, property or premises;
    - a) rubbish;
    - b) broken or dilapidated furniture or bedding; or appliances and parts thereof;
    - c) vehicle parts or equipment;
    - d) unused wood or wood products, other than seasoned or untreated wood or manufactured products cut in lengths for use in a solid fuel burning appliance;
    - e) construction materials or equipment, where no apparent or actual construction activity for which those items are required has been initiated, is pending or is in progress;
    - f) must not cause, suffer or allow standing water to accumulate or unsanitary conditions to develop or remain.

#### 4. REQUIREMENTS

- a) Every person who owns or occupies real property must:
- i. Ensure that brushing of vegetation and weed or invasive species removal is completed regularly as to alleviate or stop the overgrowth of same.
- b) On being delivered an order, remove or cause to be removed from the property:
- i. Any and all unsightly conditions described in the order; and
  - ii. Any water, noxious weed, invasive species, objects, or conditions listed in paragraph 3(c) identified in the order, within a time period stated in the order, or if no time period is stated, within 30 days following the date of the order was mailed or otherwise delivered.

## 5. ENTRY AND ORDERS

- a) A Bylaw Enforcement Officer, and other municipal officers or employees may, in accordance with section 16 of the *Community Charter*, enter on any property to inspect and determine whether the restrictions and requirements of this Bylaw are being met.
- b) A Bylaw Enforcement Officer may, by written order, identify a condition on real property, premises, a building, structure or personal property that appears to be in violation of this Bylaw, and may direct the owner, occupier or other person having an interest or right in the property to bring the property into compliance. An order under this section may specify steps that must be taken and a time frame, and may address any conditions or circumstances particular to the property and the person to whom the order is directed for the purpose of achieving compliance with this Bylaw.
- c) An order made under this Bylaw is sufficiently delivered when a copy of the order is:
  - i. Mailed to the owner of the property by registered mail;
  - ii. Personally delivered to the owner of the property or to an occupant who appears to be 19 years of age or older;
  - iii. In the case of a corporate owner or occupier, by delivering it personally or by mail to its registered office or business premises, or
  - iv. Posted on the property that is the subject of the order by a Bylaw Enforcement Officer if the owner or occupant cannot be located or appears to refuse delivery.

## 6. REVIEW BY COUNCIL

- a) A person who has been delivered an order under this Bylaw may, by giving notice in writing to the Corporate Officer for the Village, at least five (5) days prior to the time of expiry of the time period set out in the order, seek review by Council at a time to be arranged by the Corporate Officer but in any case, within a time period not exceeding two (2) months from the date the order was delivered.
- b) On reviewing a matter pursuant to subsection 6(a), Council may confirm, modify, add to or rescind an order of the Bylaw Enforcement Officer.

## 7. REMEDICATION AND COST RECOVERY THROUGH FEES

- a) Every person with a right or interest in real or personal property that is the subject of an order by a Bylaw Enforcement Officer or direction of Council must comply fully with that order or direction.
- b) If a person subject to an order or a direction of Council under this Bylaw fails to take any and all required actions within the applicable time period, the Village may, by its own employees, servants or contractors, enter on the property and fulfill the requirements at the expense of the person subject to the order or direction. The Village may recover the costs incurred by it from that person as a debt which shall include all costs relating to the remediation including an administrative charge of \$100.00 for every ten days following the expiration of an Order issued under 6(b) until completion of all remedial works.
- c) If costs incurred by the Village for work done or services provided under this bylaw are not paid in full on or before December 31<sup>st</sup> of the year in which the work was done or services provided, the amount owing may be collected in the same manner as for property taxes.

## 8. ENFORCEMENT, OFFENCE AND PENALTY

- a) This Bylaw may be enforced by a Bylaw Enforcement Officer, who may be assisted by other employees of the Village or a peace officer as considered necessary in the circumstances.
- b) A person must not interfere with, resist or willfully obstruct any person authorized to carry out an inspection or other function or proceeding pursuant to this Bylaw.
- c) A person who
  - i. Contravenes, violates or fails to comply with any provision of this Bylaw;
  - ii. Fails or neglects to do anything required to be done under this Bylaw;  
or
  - iii. Suffers or allows any action or thing to be done in contravention of this bylaw or any order or direction made under this Bylaw commits an offence, and where the offence is a continuing one, each day that the offence is continued constitutes a separate offence and may be liable to pay a penalty under the Bylaw Notice Enforcement Bylaw.

9. SEVERABILITY

If any section, subsection, sentence, clause or phrase in this Bylaw is for any reason held to be invalid by a decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this Bylaw.

10. REPEAL

The "Village of Harrison Hot Springs Regulation of Unsightly Premises Bylaw No. 741, 1999" is hereby repealed.

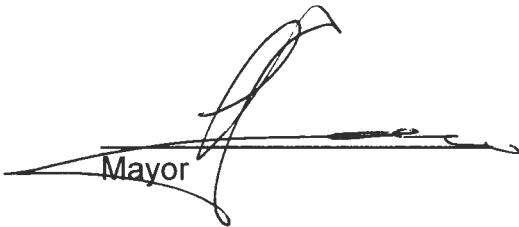
READINGS AND ADOPTION

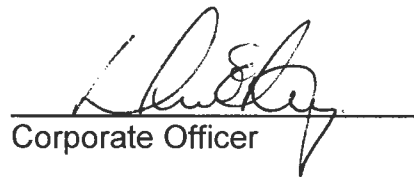
READ A FIRST TIME THIS 1<sup>st</sup> DAY OF JUNE, 2015

READ A SECOND TIME THIS 1<sup>st</sup> DAY OF JUNE, 2015

READ A THIRD TIME THIS 1<sup>st</sup> DAY OF JUNE, 2015

ADOPTED THIS 15<sup>th</sup> DAY OF JUNE, 2015

  
Mayor

  
Corporate Officer