

TOWN OF QUALICUM BEACH  
BYLAW NO. 720

A BYLAW TO REGULATE UNSIGHTLY PREMISES  
IN THE TOWN OF QUALICUM BEACH

WHEREAS, pursuant to the *Community Charter*, the Town is authorized to regulate refuse, garbage or other material that is noxious, offensive or unwholesome; graffiti and unsightly conditions on property; the accumulation of water on property; growths that should be removed, cut down or trimmed; unsanitary conditions on property; and

WHEREAS, pursuant to the *Community Charter*, Council is authorized to prohibit persons from doing things on their property; and

WHEREAS, pursuant to the *Community Charter*, Council is authorized to regulate for the protection and enhancement of the wellbeing of its community in relation to matters including nuisances, disturbances and other objectionable situations; and

WHEREAS, pursuant to the *Community Charter*, Council is authorized to delegate its powers, duties and functions established in this enactment to an officer or employee of the municipality and that Council may hear an appeal or reconsider an action, decision or other matter.

1. Title

This Bylaw may be cited as "Town of Qualicum Beach Property Maintenance and Standards Bylaw No. 720, 2018".

2. Definitions

The following words and phrases shall have these designated meanings:

"Appliance" includes but is not limited to any fridge, stove, freezer, washer, dryer, microwave, toaster and any other household appliance generally intended to be used indoors.

"Brush" means any tangled, obstructing, or impeding mass of dense vegetation consisting of plants, shrubs or small trees, including their cut or broken branches.

"Building Materials" includes items typically or actually used in the construction of structures or in landscaping, including but not limited to lumber, windows, doors, fill, and soil.

"Bylaw Enforcement Officer" means a peace officer or person appointed by the Council as a Bylaw Enforcement Officer, Building Inspector, or Director of Planning.

"Council" means the Council of the Town of Qualicum Beach.

"Derelict Vehicle" means any Motor Vehicle which:

- (a) is physically wrecked, disabled, or damaged, such that it is incapable of moving or operating under its own power;

- (b) does not have attached license plates for the current year; or
- (c) has not been licensed pursuant to the regulations of the *Motor Vehicle Act*, RSBC 1996, c. 318 of British Columbia for a minimum of 90 days within the previous 12-month period.

“Discarded Materials” means derelict, discarded, or unused materials, Filth or Rubbish whether or not used for commercial purposes or as part of a trade or calling or for potential future resale, including but not limited to dead animals, paper products, glass, metal, plastics, plastic containers, wire, ropes, machinery, tires, Derelict Vehicles, inoperable vehicles, Vehicle Parts, Appliances, and any other scrap or salvage.

“Filth” means foul or putrid matter.

“Graffiti” means any marks, drawing, printing, or writing scratched, sprayed, painted or scribbled on any sidewalk, Highway, wall, fence, building, or other surface, includes Hate Graffiti, but does not include:

- (a) a sign authorized by applicable Town, Provincial or Federal bylaws or legislation;
- (b) chalk art as long as the art does not include any form of advertising for a specific product, event, or business;
- (c) any letter, symbol, mark, design or drawing, other than Hate Graffiti, which is placed on private property with the authorization of the Owner of the Property on which the letter, symbol, mark, design or drawing appears;
- (d) marks, drawings, printings, or spraying unintentionally or accidentally made.

“Hate Graffiti” means Graffiti that demeans, belittles, exposes to ridicule, affronts the dignity of, or incites hatred against a person or group or class of persons based on race, colour, ancestry, national or ethnic origin, age, religion, physical or mental disability, sex, sexual orientation, gender, or gender identity of such person or group or class of persons;

“Junk” includes old or discarded articles that are considered useless or of little value.

“Motor Vehicle” has the same meaning as in the *Motor Vehicle Act*, RSBC 1996, c. 318.

“Order” means an order issued pursuant to section 11 of this Bylaw.

“Owner” has the same meaning as defined in the *Community Charter*, [SBC 2003], C. 26, and includes any person who is owner under agreement, and also includes any person in actual or apparent possession of real property under a lease, license or other agreement with another owner.

"Property" means any Parcel of land in the Town.

"Parcel" has the same meaning as defined in the *Community Charter*, [SBC 2003], C. 26,

"Rubbish" means Filth, rubbish, Discarded Materials, noxious, offensive, or unwholesome matter, including but not limited to:

- decaying or non-decaying solid and semi-solid wastes, combustible and non-combustible wastes,
- paper, trash, refuse, cardboard, waste material, cans, yard clippings, wood, glass, bedding, mattresses, crates, rags,
- barrels, boxes, lumber not neatly piled, scrap iron, tin and other metal, scrap paving material,
- Derelict Vehicles, Vehicle Parts, derelict machinery or other parts, Appliances, discarded furniture,
- dry vegetation, weeds, dead trees or branches, overgrown vegetation, including any vegetation, weeds and living or dead trees or branches which may harbor insect or rodent infestations or which may become a fire hazard, and includes piles of earth mixed with any other Rubbish.

"Special Garbage Container" means a specially-designed garbage receptacle with equipment, handles or fittings that enables it to be dumped mechanically by a garbage truck.

"Standard Garbage Container" means a metal or plastic container of not more than 100 litres capacity and not more than 23 kilograms gross weight when filled, and having a waterproof cover.

"Town" means the Town of Qualicum Beach.

"Unightly" includes any of the following characteristics:

- (a) an accumulation of Junk, Filth, litter, brush, Discarded Materials, refuse, Rubbish, garbage, Graffiti, Derelict Vehicles, or Vehicle Parts;
- (b) any structure characterized by holes, breaks, rot, crumbling, cracking peeling or rusting;
- (c) landscaping which is predominantly dead, unmaintained, damaged, or which is characterized by uncontrolled growth or lack of maintenance; or
- (d) conditions of serious disrepair or deterioration, including dilapidated or collapsed buildings or other structures

"Vehicle Part" means any item or component for which a primary purpose is to improve, repair, replace, or assist in the operation of a Motor Vehicle or one of its components, but does not include any Vehicle Parts attached or affixed to a Motor Vehicle.

### 3. Prohibitions

- (1) No Owner of Property shall cause, permit or allow the Property to become or remain Unsightly.
- (2) No person shall place Graffiti, or cause Graffiti to be placed, on any wall, fence or other structure or thing in any street or other public place.
- (3) No person shall place Graffiti, or cause or permit Graffiti to be placed, on any sidewalk, highway, wall, fence, building or other structure in any location on or adjacent to a street or other public place.
- (4) No Owner of Property shall cause, permit, place or allow Graffiti on the Property.
- (5) Every Owner of Property must remove, or cause to be removed, any Graffiti from the Property.
- (6) No Person shall store, keep, or permit or allow to be stored or kept on any Property any:
  - (a) Derelict Vehicle or Vehicle Parts,
  - (b) boat, trailer or recreational vehicle in a dismantled condition or state of disrepair, including any condition in which the boat, trailer, or recreational vehicle has mold growth, or has one or more flat tires;except if contained within a fully-enclosed permanent building or structure so that the items inside are not visible from another Property, highway or other public space.
- (7) Except when specified as permitted use in the *Town of Qualicum Beach Land Use and Subdivision Bylaw No. 580, 1999* and any other applicable zoning bylaw, no Person shall cause, allow or permit the accumulation of Building Materials on Property for more than 15 days unless:
  - (a) the Owner is in possession of a valid building permit in respect of the Property; or
  - (b) the Building Materials are contained within a fully-enclosed building or permanent structure such that they are not visible from another property, highway or other public space.
- (8) No Owner of Property shall store, keep, or permit or allow to be stored or kept on any Property, any Rubbish, Junk, Filth, or Discarded Materials, including Appliances, television, stereo equipment, Vehicle Parts, bottles, or cans, except if contained within a Standard Garbage Container or Special Garbage Container, or if kept in a fully-enclosed permanent building or structure so that the items inside are not visible from another Property, highway or other public space.
- (9) Every Owner of Property must remove, or cause to be removed, from the Property any matter which causes the Property to be Unsightly, including any accumulations of Filth,

Rubbish, Discarded Materials, Building Materials, Vehicle Parts, or Derelict Motor Vehicles.

#### 4. Adequate Containers

- (1) Every Owner of Property shall acquire and maintain in good order and repair a sufficient number of Standard Garbage Containers or Special Garbage Containers in which to store all Rubbish generated on the Property.
- (2) No Owner of Property may cause, permit or allow Rubbish to overflow the Standard Garbage Containers or Special Garbage Containers on the Property.
- (3) Every Owner of Property must ensure that all Standard Garbage Containers and Special Garbage Containers are kept lidded or closed when not being emptied or filled, and at all times secured against disturbance by animals.
- (4) If a Special Garbage Container is used, the Owner must ensure that the lid on the Special Garbage Container is locked when not being emptied or filled.
- (5) Every Owner of Property shall keep the area on the Property used for the storage of Standard Garbage Containers and Special Garbage Containers clean, sanitary and free from ponding water and loose Rubbish.

#### 5. Removal Orders

- (1) If an Owner has failed to perform the obligations pursuant to sections 3 and 4 of this Bylaw, the Bylaw Enforcement Officer may serve on such Owner an Order which provides particulars of the contravention to the Owner, requires the owner to remove the contravention:
  - (a) in the case of "Hate Graffiti", within 7 days of the date the Order is served on the Owner; or
  - (b) in all other cases, within 30 days of the date the Order is served on the Owner.
- (2) An Order under this section must be served on the Owner in writing:
  - (a) by registered mail to all registered owners of the Property where the contravention exists; and
  - (b) if the Property where the contravention exists is occupied, posted on the Property.
- (3) Upon any failure by the Owner of Property to comply with an Order under this section, the Town may, by its own forces or those of a contractor, immediately enter on the Property and carry out the work described in the Order at the expense of the Owner and, recover the costs in the same manner and with the same remedies as ordinary taxes on land and improvements under the *Community Charter*.

- (3) Should an Owner of Property wish to contest an Order, that person must within 5 days of the posting or mailing of the Order, inform the Town's Corporate Administrator in writing that he or she wishes to appear before the Council to contest the Order. Upon hearing the Owner, staff and any other affected persons, the Council may affirm, vary or revoke the Order.

6. Offence and Penalty

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 of this Bylaw, or who refrains from doing anything required to be done by any of the provisions of this Bylaw, or who does any act or thing which violates any of the provisions of this Bylaw, may:

- (a) be liable on summary conviction to a penalty not exceeding \$10,000 and not less than \$1,000; and
- (b) be subject to fines contained within the Town of Qualicum beach Municipal Ticket Information Utilization Bylaw.

7. Inspection

The Bylaw Enforcement Officer may, in accordance with section 16 of the *Community Charter*, enter on any Property at any reasonable time to ascertain whether the requirements of this bylaw, or any Order issued pursuant to this bylaw, are being observed.

8. Severability

If any section or phrase of 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.

9. Repeal

"Town of Qualicum Beach Property Maintenance and Weed Control By-law, 1982, No. 379" is hereby repealed. "Town of Qualicum Beach Graffiti Bylaw No. 565, 1996" is hereby repealed.

READ A FIRST TIME the 29<sup>th</sup> day of January, 2018.

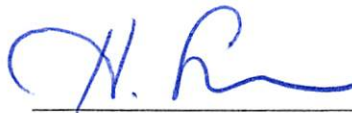
READ A SECOND TIME the 28<sup>th</sup> day of May, 2018.

READ A THIRD TIME the 18<sup>th</sup> day of June, 2018.

ADOPTED the 16<sup>th</sup> day of July, 2018.



Teunis Westbroek, Mayor



Heather Svensen, Corporate Administrator

