

THE CORPORATION OF THE DISTRICT OF CENTRAL SAANICH

BYLAW NO. 1845

A Bylaw to Regulate Unsightly Premises and Noxious Weeds

Whereas paragraph 8(1)(h) and section 64 of the *Community Charter*, SBC 2003, c. 26 authorizes the District to adopt bylaws to regulate, prohibit and impose requirements in relation to the protection and enhancement of the well-being of its community in relation to nuisances, disturbances and other objectionable situations;

And Whereas paragraph 8 (8) (c) of the *Community Charter* provides authority to the District require persons to do things with their property at their expense;

And Whereas section 17 of the *Community Charter* authorizes the District to take action at a defaulter's expense and to recover the costs as real property taxes where the costs are incurred for work done or services provided in relation to land or improvements;

And Whereas Council has adopted Land Use Bylaw No. 1309, which contains provisions related to unsightly premises, and Council deems it appropriate to amend the Land Use Bylaw to remove those provisions and adopt a separate bylaw;

And Whereas subsection 16 of the *Community Charter* authorizes officers or employees of the municipality or other persons authorized by Council to enter private property for the purposes of enforcing its bylaws:

The municipal Council of the District of Central Saanich, in open meeting assembled, enacts as follows:

1. In this Bylaw, unless the context otherwise requires:

“Bylaw Enforcement Officer” means the person appointed from time to time by Council for the purpose of enforcing the bylaws of the District of Central Saanich.

“Council” means the elected council of the District of Central Saanich.

“Discarded Materials” means substances of little or no apparent economic value, including but not limited to, deteriorated lumber, old newspapers, furniture, other than furniture specifically designed for use as outdoor furniture, automobile parts including tire and batteries, scrap metal, household appliances including stoves, refrigerators, washer and dryer, sinks, cabinets, household fixtures, car parts, abandoned, broken or neglected equipment, or the scattered remains of items.

“Graffiti” means initials, slogans, designs, symbols, marks or drawings, written, spray-painted, etched or otherwise made on a sidewalk, wall, building, fence, sign, or any other structure or surface but does not include:

- (a) a sign authorized pursuant to Part 8 of Land Use Bylaw No. 1309;
- (b) a sign or traffic-control mark authorized by the Director of Engineering; or
- (c) a public notice authorized by a District bylaw, Provincial or Federal Legislation, or is otherwise permitted by law.

“Noxious weed” means the plants set out in Schedule “A” to this bylaw.

“Unsightly”, in addition to its common dictionary meaning and regardless of the condition of other properties in the neighbourhood, means property having any one or more of the following characteristics:

- (a) the storage, location or accumulation of filth, rubbish, debris or any other discarded materials;
- (b) landscaping and vegetation that is dead, characterized by uncontrolled growth or lack of maintenance, or is damaged;

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- (c) an area of grass or similar ground cover that extends more than 30cm above the ground and is unkempt or unmaintained;
 - (d) fencing characterized by graffiti, holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay or neglect or excessive use or lack of maintenance;
 - (e) a lowering in quality of the condition or appearance of a structure or property or parts thereof characterized by graffiti, holes, breaks, rot, crumbling, cracking, peeling, rusting, the untidy storage, placement or location of building materials or any other evidence of physical decay or neglect or excessive use or lack of maintenance;
 - (f) the accumulation of noxious, offensive or unwholesome matter; or
 - (g) any other similar conditions of disrepair, dilapidation, or deterioration regardless of the condition of other properties in the neighbourhood.
- 2. The bylaw enforcement officer is specifically appointed for the purpose of enforcing this Bylaw.
 - 3. No owner or occupier of real property shall allow that property to become or remain untidy or unsightly.
 - 4. Every owner and occupier of real property shall keep the property clear of noxious weeds.
 - 5. No person shall:
 - (a) deposit or throw bottles, broken glass or other rubbish in any open place, or
 - (b) place graffiti, or cause graffiti to be placed, on walls, fences, structure, buildings or elsewhere on or adjacent to a public place or street.
 - 6. No owner or occupier of real property shall permit the infestation of that property by caterpillars or other noxious or destructive insects and, if such infestation occurs, shall take reasonable measures to terminate the infestation.
 - 7. Where any owner or occupier of real property fails to comply with any of the provisions of this Bylaw, the bylaw enforcement officer may give written notice to that person to comply within 14 days of the delivery of the notice.
 - 8. Delivery of the notice may be effected by:
 - (a) Hand delivery to the owner or occupier of the property;
 - (b) Regular mail to the last known address of the owner or occupier of the property, in which case the notice is deemed to have been delivered five days after the notice is mailed; or
 - (c) Posting the notice in a conspicuous place on a building on the property which is subject to the notice.
 - 9. The notice shall:
 - (a) set out, in general terms, what the owner or occupier is required to do to comply with this bylaw; and,
 - (b) advise the owner or occupier that they have the right to reconsideration before council in accordance with sections 10 through 12 of this bylaw.
 - 10. Any person receiving a notice pursuant to sections 7 through 9 of this bylaw may, within five days of receiving such notice, apply in writing to have the notice reconsidered by Council.

11. Upon receipt of a request for reconsideration by either the owner or the occupier of the property, Council will hear the reconsideration in open meeting of council at a date to be scheduled by the Chief Administrative Officer.
12. Upon reconsideration of the notice, Council may:
 - (a) Confirm the notice and, if necessary, set a new date for compliance;
 - (b) Rescind the notice; or
 - (c) Amend the general description of the work required to be done by the owner or occupier of the property.
13. In the event of failure to comply with the notice, whether upon the expiry of the time period set out in section 7 of this bylaw or after reconsideration by Council after the time period set by Council, the District may, by its employees or contractors, enter and carry out the actions required by the notice at the expense of the person defaulting.
14. Where the person subject to the notice was the owner of the property, or where the person subject to the notice was the occupier of the property but notice was provided to the owner in accordance with sections 7 through 9 of this bylaw, the cost of carrying out the actions required by the notice shall be due and payable by the person in default immediately upon removal, and if such charge remains unpaid on December 31 in any year, the charge shall be added to form part of the taxes payable on the property as taxes in arrears.
15. The bylaw enforcement officer may, in enforcing the requirements of section 13, retain the services of a contractor who may enter the property which is subject to the notice to carry out the actions required by the notice.
16. No person shall obstruct the bylaw enforcement officer, employees or officers of the District or a contractor of the District from entering onto any land authorized by this bylaw or carrying out of any action under this bylaw.
17. Any person who contravenes any of the provisions of this bylaw or who neglects or refrains from doing anything required to be done by this commits an offence punishable upon summary conviction and is liable to a fine of not more than \$10,000 or to imprisonment for not more than six months or to both. Each day that an offence continues shall constitute a separate offence.
18. If any portion of this Bylaw has held to be invalid by a decision of a court of competent jurisdiction, the invalid portion shall be severed, and the severance shall not affect the validity of the remaining portions of this Bylaw.
19. This Bylaw may be cited for all purposes as the **“Central Saanich Unsightly Premises and Noxious Weeds Bylaw No. 1845”**.
20. “Noxious Weeds Bylaw No 763, 1984” and Section 15 of “Land Use Bylaw No. 1309, 1999” are hereby repealed.

READ A FIRST TIME on this	7 th	day of	July,	2014.
READ A SECOND TIME on this	7 th	day of	July,	2014.
READ A THIRD TIME on this	7 th	day of	July,	2014.
ADOPTED this	28 th	day of	July,	2014.

Alastair Bryson
Mayor

Liz Cornwell
Corporate Officer

SCHEDULE “A”

- CANADA THISTLE (CIRSIIUM ARVENSE (L.) Scop.)
- DODDER (CUSCUTA spp.)
- KNAPWEED spp.-
 - DIFFUSE (CENTAUREA DIFFUSA LAM.)
 - SPOTTED (CENTAUREA MACULOSA L.)
 - RUSSIAN (CENTAUREA REPENS L.)
- SOW THISTLE, ANNUAL AND PERENNIAL (SONCHUS spp.)
- LEAFY SPURGE (EUPHORBIA ESULA L.)
- TOADFLAX spp.-
 - COMMON (LINARIA VULGARIS HILL)
 - DALMATION (LINARIA DALMATICA L.)
- WILD OATS (AVENA FATUA L.)