

DISTRICT OF SALMON ARM

BYLAW NO. 3137

A Bylaw to Promote Property Maintenance and Prevent Unsightly Conditions on  
Real Property

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WHEREAS pursuant to Section 725 of the *Local Government Act*, R.S.B.C. 1996, c 323, Council may, by bylaw, do one or more of the following:

- a) prevent, abate and prohibit nuisances, and provide for the recovery of the cost of abatement of nuisances from the person causing the nuisance or other persons described in the bylaw;
- b) prohibit persons from
  - i) causing or permitting water, rubbish or noxious, offensive or unwholesome matter to collect or accumulate around their premises, or
  - ii) depositing or throwing bottles, broken glass or other rubbish in any open place;
- c) for the purpose of preventing unsightliness on real property,
  - i) prohibit persons from placing graffiti on walls, fences or elsewhere on or adjacent to a public place, and
  - ii) prohibit the owners or occupiers of real property from allowing their property to become or remain unsightly;
- d) for the purpose of remedying unsightliness on real property, require the owners or occupiers of real property, or their agents, to remove from it unsightly accumulations of filth, discarded materials, rubbish or graffiti; and
- e) require the owners or occupiers of real property, or their agents, to clear the property of brush, trees, noxious weeds or other growths.

AND WHEREAS the Council of the District of Salmon Arm ("Council") deems it necessary and desirable to exercise the authority granted by Section 725 of the *Local Government Act* to promote property maintenance and prevent unsightliness on real

property within the District of Salmon Arm (the “District”);

NOW THEREFORE Council of the District of Salmon Arm in open meeting assembled enacts as follows:

1. Purpose of Bylaw

The purpose of this bylaw is to promote property maintenance and to prohibit unsightly conditions on real property within the District.

2. Exemptions

1. This bylaw does not apply to normal farm practices or farm operations in accordance with the *Farm Practices Protection (Right to Farm) Act*.

2. This bylaw does not apply to outside storage on real property that is permitted and appropriately screened in accordance with District of Salmon Arm Zoning Bylaw No. 2303, as amended.

3. Unsightly Real Property

No owner or occupier of real property shall permit that property to become or remain unsightly.

1. Without in any way restricting the generality of the word “unsightly”, any one or more of the following conditions may render real property unsightly within the meaning of this bylaw:

- a) dilapidated, broken or leaning fences;
- b) materials of any sort that are strewn on the real property rather than piled in a neat and appropriate manner;
- c)
  - i) unenclosed storage of three (3) or more motor vehicles on a property greater than 0.4 hectares in area, that are neither capable of normal vehicular operation nor are licensed to operate under the *Motor Vehicle Act*; or
  - ii) unenclosed storage of two (2) or more motor vehicles on a property less than 0.4 hectares in area, that are neither capable of normal vehicular operation nor are

licensed to operate under the *Motor Vehicle Act*;

- d) construction materials where there is no apparent construction occurring on the real property for which the materials are required;
- e) accumulations of rubbish, (“rubbish” includes but is not limited to trash or bags of trash, piles of dirt, concrete, asphalt, mulch, clippings, paper, plastic, scrap wood, scrap metal, broken glass, junk, garbage, tires, vessels, machinery, or other discarded or unwholesome materials);
- f) furniture (other than furniture designed specifically for outdoor use), mattresses, bedding or appliances stored outside the premises or in open carport areas;
- g) exterior finishing of buildings that has become excessively dirty or dilapidated through lack of maintenance;
- h) unused landscaping materials including but not limited to dirt piles, bark mulch or discarded planting pots;
- i) uncontained compost piles;
- j) on a property that is not zoned for agricultural use, a lawn area (“lawn area” does not include pasture, orchards, treed areas, riparian areas, wildlife habitat or ecologically sensitive areas) that is, in any location, in excess of 20.32 centimeters (8 inches) in height;
- k) nuisance weeds or noxious weeds, as the latter are defined and amended from time to time in *the Weed Control Act*;
- l) landscaping that is dead, damaged, excessively overgrown or characterized by a lack of maintenance; or
- m) graffiti on fences, buildings or other structures on real property or on patios, driveways or other finished ground surfaces.

#### 4. Accumulations on Real Property

No owner or occupier of real property shall permit to accumulate on that

property any rubbish, graffiti, or noxious, unsightly or unwholesome matter, or overgrown lawn area, vegetation, shrubs, brush or trees, or matter deemed to be offensive to the community.

5. Right of Entry

Any officer, employee or agent of the District authorized by this or any other bylaw of the District to enforce this bylaw (an "Authorized Person"), may enter at all reasonable times on a property in the District to ascertain whether the requirements of this bylaw are being met or the regulations are being observed.

6. Notice of Non-Compliance

An Authorized Person may, by oral notice given to an occupier of real property or by written notice sent by registered mail to the registered owner of the property, the occupant, or their agent, for the purpose of remedying unsightliness on real property, require the owners or occupiers of real property, or their agent, to:

- a) remove from the real property the unsightly materials; or
- b) clear from the real property of the rubbish, graffiti, or noxious, unsightly or unwholesome matter, or overgrown vegetation, shrubs brush or trees, lawn area, or matter deemed to be offensive to the community;

within the time specified in the notice.

7. District Effects Compliance

- a) If the owners or occupiers of real property, or their agent, fail to comply with a notice given pursuant to section 6 of this bylaw, an Authorized Person or other person(s) performing work on behalf of the District, may enter on the real property and effect the compliance specified in the notice at the expense of the person who failed to comply.
- b) If the person at whose expense the compliance is carried out under section 7.a) does not pay the costs incurred by the District to effect compliance on or before December 31 in the year that the compliance was effected, the costs will be added to and form part of the taxes payable on the real property as taxes in arrears.

8. No Interference

No person shall interfere with:

- a) an Authorized Person in the performance of his or her duties under this bylaw; or
- b) an Authorized Person directed by the District to carry out the terms of any notice pursuant to section 7 of this bylaw.

9. Offences

1. Every person who violates a provision of this bylaw commits an offence and is liable on summary conviction to a penalty provided under the *Offence Act*, and where and when applicable, to the penalties imposed under District of Salmon Arm Ticket Information Utilization Bylaw No. 2760, as amended.
2. For the purposes of determining if a contravention or violation of or failure to perform any provision of this bylaw has occurred, each day of such contravention, violation or failure will be deemed to be a separate offence.

10. General

1. If any portion of this bylaw is held to be invalid by a decision of a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this bylaw.
2. The District, any Authorized Person who inspects any property under this bylaw, or any other person(s) who performs any work on behalf of the District in accordance with this bylaw, is not liable for any damages caused by their actions.

11. Repeal Bylaw

“District of Salmon Arm Property Maintenance Bylaw No. 1903” and all amendments thereto are hereby repealed.

12. Citation

This bylaw may be cited for all purposes as “District of Salmon Arm

Property Maintenance and Unsightly Premises Bylaw No. 3137” .

READ A FIRST TIME THIS            14th    DAY OF            January  
2002

READ A SECOND TIME THIS        14th    DAY OF            January  
2002

READ A THIRD TIME THIS           14th    DAY OF            January  
2002

ADOPTED BY COUNCIL THIS        28th    DAY OF            January  
2002

“C.N. MAYES”

MAYOR

“D.B. LAGORE”

CLERK