



UNSIGHTLY PREMISES REGULATION

BYLAW NO. 7162

EFFECTIVE DATE – JULY 23, 2001

CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of the bylaws below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws on this subject.

<u>AMENDMENT BYLAW</u>	<u>DATE OF ADOPTION</u>	<u>EFFECTIVE DATE</u> (If different from Date of Adoption)
Bylaw No. 9718	October 23, 2017	
Bylaw No. 9766	October 23, 2017	
Bylaw No. 9819	May 27, 2019	

CITY OF RICHMOND

UNSIGHTLY PREMISES REGULATION

BYLAW NO. 7162

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CITY OF RICHMOND
UNSIGHTLY PREMISES REGULATION
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PART ONE: GENERAL PROVISIONS

1.1 Property Owner or Occupier Prohibitions

1.1.1 An owner or occupier of real property must not:

- (a) allow such property to become or remain **unsightly**; or,
- (b) cause or permit **rubbish**, filth, **discarded materials**, or noxious, offensive or unwholesome matter or substances to collect or to accumulate on or around such property.

1.2 Property Owner or Occupier Obligations

1.2.1 The owner or occupier of real property, or their agents, must:

- (a) remove or cause to be removed from the real property, any **rubbish**, or noxious, offensive or unwholesome matter or substance, or any **unsightly** accumulation of **rubbish**, filth, **discarded materials**, or **graffiti**;
- (b) clear or cause such property to be cleared of **unsightly** brush, trees, weeds, or other growth;
- (c) clear or cause such property to be cleared of **noxious weeds**; and
- (d) keep grass trimmed to a height of not more than 20 centimetres.

1.3 Graffiti Prohibition

1.3.1 A person must not place **graffiti** on walls, fences, or elsewhere on or adjacent to a public place.

1.4 Public Property Prohibition

1.4.1 A person must not cause or permit **rubbish**, filth, **discarded materials**, or noxious, offensive or unwholesome matter or substance to collect or to accumulate on or around **public property**.

PART TWO: ORDER TO COMPLY

2.1 Serving of an Order to Comply

2.1.1 Where an owner or occupier, or their agents fail to comply with any of the provisions of section 1.1 or 1.2, a **Bylaw Enforcement Officer** may, in accordance with subsection 2.1.3, serve an **Order to Comply** on such person, which requires the person to remove or clear the **offending material** from the real property within 10 days of service of such **Order to Comply**.

2.1.2 Where an **Order to Comply** has been served in accordance with subsection 2.1.1 and the **Bylaw Enforcement Officer** is satisfied that special circumstances exist, the **Bylaw Enforcement Officer** may set a time to comply, other than 10 days, that is reasonable in the circumstances.

2.1.3 The **Bylaw Enforcement Officer** must serve the **Order to Comply**:

(a) on the owner of the real property on which the **offending material** is located, by either:

- (i) personal service, or
- (ii) registered mail with acknowledgement of receipt, to the address of the owner shown on the last real property assessment rolls;

provided that where the owner is a registered company, service may be accomplished according to the provisions of the *Company Act*; and

(b) on the occupier of the real property on which the **offending material** is located, by either:

- (i) personal service,
- (ii) delivery to a mail box or other receptacle for messages, if any, on the real property, or
- (iii) posting on the real property; and

(c) on any agent of the owner or occupier of the real property on which the **offending material** is located, by either:

- (i) personal service, or
- (ii) registered mail with acknowledgement of receipt.

2.1.4 When an **Order to Comply** is not personally served in accordance with clause (a)(i), (b)(i), or (c)(i) of subsection 2.1.3, whichever is applicable, such order is deemed to have been served:

- (a) on the third day after mailing in accordance with clause (a)(ii) or (c)(ii), whichever is applicable;
- (b) upon delivery in accordance with clause (b)(ii); or
- (c) upon posting in accordance with clause (b)(iii).

2.2 Authority to Enter Property in connection with an Order to Comply

- 2.2.1 A **Bylaw Enforcement Officer** may enter, at all reasonable times, upon any real property to determine whether the provisions of this bylaw or the directions of an **Order to Comply** are being complied with.
- 2.2.2 If the owner or the occupier of such property, or their agents fail to remove or clear the **offending material** from the real property as directed in an **Order to Comply**, **City** staff, or a contractor engaged by the **City**, may enter on the real property, at reasonable times and in a reasonable manner, to remove or clear the **offending material** at the expense of the defaulting owner or occupier of the real property, or their agents.
- 2.2.3 Where **offending material** has been removed or cleared in accordance with subsection 2.2.2, the charges for such removal or clearance, if unpaid on or before December 31st in the year in which the charges are incurred, form part of the taxes payable on such property, as taxes in arrears.

2.3 Appeal Against an Order to Comply

- 2.3.1 A person upon whom an **Order to Comply** has been served may, by giving notice in writing to the **City Clerk** at least 72 hours prior to the expiration of the time given in the **Order to Comply** to remove or clear the **offending material**, appeal to **Council**, who must hear and determine the appeal by confirming, amending or rescinding the **Order to Comply**.

PART THREE: INTERPRETATION

- 3.1 In this bylaw, unless the context otherwise requires:

ABANDONED CONSTRUCTION MATERIALS	means an accumulation of construction materials, including but not limited to lumber, siding, insulation, windows, doors, and piping, where there is no apparent or actual construction activity occurring on or in the real property.
BYLAW ENFORCEMENT OFFICER	means an employee of the City , appointed to the job position or title of bylaw enforcement officer or licence inspector, or acting in another capacity, on behalf of the City for the purpose of the enforcement of one or more of the City bylaws.
CITY	means the City of Richmond.
CITY CLERK	means the Municipal Officer appointed by Council and

assigned responsibility for corporate administration for the **City** under Section 198 of the *Local Government Act*.

COUNCIL

means the Council of the **City**.

DERELICT FENCE

means any fence characterized by significant holes, breaks, rot, crumbling, crackling or peeling finish, or rust or any other condition indicating physical decay, neglect, or lack of reasonable maintenance.

DERELICT VEHICLE

means any **vehicle** which:

- (a) is not validly insured and/or licenced, if such **vehicle** would be required to be insured, and/or licenced with current validation, to be operated on public roads and/or waterways; or
- (b) is not capable of being moved by its own motive power or is missing parts, including, but not limited to engines, doors, hood, trunk, tires, lights, or windows,

but excludes one such **vehicle** on a piece of real property, which **vehicle** may only be parked or stored on hard surfacing on such property

For the purposes of this definition, a **vehicle** that is not validly insured and/or licensed, as described above, shall be deemed to be not capable of operating under its own motive power unless the owner or occupier of the real property on which it is located is able to demonstrate to the **Manager of Community Bylaws** or a **Bylaw Enforcement Officer** that the **vehicle** is capable of operating under its own motive power.

DISCARDED MATERIALS

means discarded materials and substances, including but not limited to **abandoned construction materials**, deteriorated lumber, furniture (not specifically designed for outdoor use), furniture parts, bedding, mattresses, sinks, cabinets, household fixtures, small or large appliances (including but not limited to stoves, refrigerators, and freezers), old newspapers, discarded bottles, **vehicle** parts, tires, wire, rope, abandoned, broken or neglected equipment, and the scattered remains of any such items.

GRAFFITI

means an inscription, drawing, writing, pictorial representation, message or slogan, made on a wall, fence or other surface by means of paint, chalk, ink or other substance, or by chisel, hammer, stone or other device, excluding signs permitted pursuant to the current Sign Regulation Bylaw.

MANAGER OF COMMUNITY BYLAWS	means the Manager of Community Bylaws in the Community Safety Division of the City .
NOXIOUS WEED	means a weed designated to be a noxious weed under the <i>Weed Control Regulation</i> BC. Reg. 66/85, as may be amended or replaced from time to time, and includes the seeds of the noxious weed .
OFFENDING MATERIAL	means any material or substance, including graffiti , which this bylaw requires owners, occupiers or their agents to remove or clear from their real properties.
ORDER TO COMPLY	means an order, which is substantially in the form of Schedule A attached to and forming a part of this bylaw.
PUBLIC PROPERTY	means any real property owned or lease by the City and ordinarily accessible to the public, including but not limited to parks, roads, boulevards, sidewalks, and dikes.
RUBBISH	includes, but is not limited to, waste , any derelict fence , and any derelict vehicle .
UNSIGHTLY	means, in addition to its common dictionary meaning and regardless of the condition of other properties in the neighbourhood, real property having any one or more of the following characteristics: <ul style="list-style-type: none"> (a) the accumulation of junk, filth, litter, brush, discarded materials, refuse, rubbish, garbage, graffiti, and/or derelict vehicles; (b) derelict fence(s); (c) landscaping that is dead, characterized by uncontrolled growth or significant lack of maintenance, or is significantly damaged; (d) uncontrolled growth of noxious weeds; (e) the condition or appearance of a structure, building, or of real property, or parts thereof, that is characterized by graffiti, holes, breaks, rot, crumbling, cracking, peeling, rusting, or any other evidence of physical decay or neglect or excessive use, or excessive lack of maintenance; or (f) any other similar conditions of disrepair, dilapidation, and deterioration.

VEHICLE

means any vehicle propelled otherwise than by muscle power and includes an automobile, truck or other motor vehicle, including a farm implement or equipment, motor home, motorized construction equipment, motorcycle, snowmobile, boat, recreational vehicle, aeroplane, trailer, and any other device which is capable of being driven or drawn.

WASTE

means decaying or non-decaying solid and semi-solid wastes, including but not limited to both combustible and non-combustible wastes, such as paper, trash, refuse, cardboard, waste material, cans, wood, glass, broken glass, crates, rags, barrels, boxes, plastic containers, scrap wire, scrap iron, tin and other metal, scrap paving material, discarded appliances, dead animals, yard clippings, dry vegetation, weeds, dead trees, accumulated branches, overgrown vegetation and trees which may harbor insect or rodent infestations or may become a fire hazard, and piles of earth mixed with any of the above.

PART FOUR: OFFENCES AND PENALTIES

[4.1]¹ Any person who:

- (a) violates or contravenes any provision of this bylaw, or who causes or allows any provision of this bylaw to be violated or contravened; or
- (b) fails to comply with any of the provisions of this bylaw, any other **City** bylaw, or any applicable statute; or
- (c) neglects or refrains from doing anything required under the provisions of this bylaw; or
- (d) obstructs, or seeks or attempts to prevent or obstruct a person who is involved in the execution of duties under this bylaw,

commits an offence and upon conviction shall be liable to a fine of not less than one thousand dollars (\$1,000.00) and not more than Ten Thousand Dollars (\$10,000.00), in addition to the costs of the prosecution, and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.

- 4.2 (a) A violation of any of the provisions identified in this bylaw shall result in liability for penalties and late payment amounts established in Schedule A of the *Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122*, as amended and replaced from time to time; and

¹ **Consolidation Note:** The amending bylaw, Housekeeping (Amendments) Bylaw No. 9718, included an error in the section numbering. During consolidation, the section number under Part Four was corrected to read "4.1" instead of "8.1". This typographical error can be addressed and updated as part of a future amendment.

- (b) A violation of any of the provisions identified in this bylaw shall be subject to the procedures, restrictions, limits, obligations and rights established in the *Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122*, as amended and replaced from time to time, in accordance with the *Local Government Bylaw Notice Enforcement Act*, SBC 2003, c. 60, as amended and replaced from time to time.

PART FIVE: PREVIOUS BYLAW REPEAL

- 5.1 Unsightly Premises Bylaw No. 6349 (adopted October 11, 1994) is repealed.
- 5.2 Noxious Weed and Weed Seed Control Bylaw No. 2218 (adopted March 21, 1966) is repealed.

PART SIX: SEVERABILITY AND CITATION

- 6.1 If any part, section, sub-section, clause, or sub-clause of this bylaw is, for any reason, held to be invalid by the decision of a Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.
- 6.2 This bylaw is cited as “**Unsightly Premises Regulation Bylaw No. 7162**”.

SCHEDULE A to BYLAW NO. 7162

Date:

ORDER TO COMPLY

Pursuant to the Unsightly Premises Regulation Bylaw
and the *Local Government Act*

Civic Address ✪ <civic>, Richmond, BC

Legal Description Lot ✪ Block ✪ Section ✪ Block ✪ North Range ✪ West
New Westminster District Plan ✪

You are hereby ordered to bring the condition of this property into conformity with Unsightly Premises Bylaw No. 7162 and the *Local Government Act* by ✪ <date>, by doing the following:

- (a) ✪ <(action words) details>;
- (b) ✪ <(action words first)>;
- (c) ✪; and
- (d) ✪.

Details on the Order to Comply process, including appeals, are detailed in the attached letter.