

DISTRICT OF HUDSON'S HOPE

BYLAW NO. 791

A bylaw to prevent unsightliness and promote the maintenance of real property in the District of Hudson's Hope

WHEREAS pursuant to the *Community Charter*, Council may regulate, prohibit and impose requirements in relation to nuisances, disturbances and other objectionable situations;

NOW THEREFORE the Council of the District of Hudson's Hope, in open meeting assembled, enacts as follows:

TITLE

1. This Bylaw may be cited as "Property Maintenance Bylaw No. 791, 2010".

DEFINITIONS

2. In this Bylaw:

- (a) "Bylaw Enforcement Officer" means a person appointed by Council as an Officer, a Bylaw Enforcement Officer or a Building Inspector, or a member of the Royal Canadian Mounted Police;
- (b) "Council" means the duly elected Council of the District;
- (c) "Derelict Vehicle" means:
 - (i) a motor vehicle as defined by the *Motor Vehicle Act*, that is not licensed and is wrecked or incapable of motion under its own power; or
 - (ii) part of a motor vehicle;
- (d) "District" means the District of Hudson's Hope;
- (e) "Offending Material" means any material or substance that this Bylaw requires owners and occupiers to remove or clear from their real property, and includes graffiti and unsightly conditions;
- (f) "Removal Order" means an order, substantially in the form attached to this Bylaw as Schedule "A", signed by a Bylaw Enforcement Officer;

- (g) “Rubbish” includes:
- (i) garbage, scrap, trash, debris, waste materials, and discarded, dilapidated or broken items or materials;
 - (ii) bottles, broken glass, crockery, plastic, old paper, cardboard, wire ropes and wood products;
 - (iii) household appliances, furniture designed to be used indoors, tires and disused mechanical or metal parts;

GENERAL PROHIBITIONS – PUBLIC PROPERTY

3. No person shall deposit or throw any Rubbish on any highway or public place in the District.
4. No person shall place graffiti on a building or structure or elsewhere on, or adjacent to, any highway or public place in the District.

GENERAL PROHIBITIONS – PRIVATE PROPERTY

5. No owner or occupier of real property shall cause or permit:
 - (a) any Rubbish or other noxious, offensive, or unwholesome material, including hydrocarbon fluid, to accumulate outside a building on such real property;
 - (b) any Rubbish or other noxious, offensive, or unwholesome material to accumulate inside a building or structure located on such real property such that it creates a health or safety hazard;
 - (c) unsanitary conditions to exist on such real property or in any buildings or structures located on such real property;
 - (d) any trees or other growths that create a safety hazard to remain on such real property;
 - (e) noxious weeds designated under the Weed Control Regulation of the *Weed Control Act*, as amended from time to time, to grow or accumulate on such real property;
 - (f) more than one Derelict Vehicle to remain outside a building on any parcel under 1 hectare in size, unless that parcel is zoned to allow for automotive wrecking;
 - (g) more than four Derelict Vehicles to remain outside a building on any parcel between 1 hectare and 10 hectares in size, unless that parcel is zoned to allow for automotive wrecking;

- (h) more than six Derelict Vehicles to remain outside a building on any parcel over 10 hectares in size, unless that parcel is zoned to allow for automotive wrecking;
- (i) graffiti to be placed or remain on any buildings or structures located on such real property; and
- (j) unsightly conditions to exist on such real property or in any buildings or structures located on such real property.

REMOVAL OBLIGATIONS

- 6. Every owner and occupier of real property shall remove, or cause to be removed, from such real property and from any buildings or structures located on such real property, all:
 - (a) accumulations of Rubbish or other noxious, offensive, or unwholesome material;
 - (b) unsanitary conditions;
 - (c) trees and other growths that create a safety hazard;
 - (d) Derelict Vehicles, except where permitted;
 - (e) graffiti; and
 - (f) unsightly conditions.

REMOVAL ORDERS

- 7. Where an owner or occupier fails to comply with section 6 of this Bylaw, a Bylaw Enforcement Officer may deliver a Removal Order to the owner or occupier of the real property, in accordance with section 8 of this Bylaw, which Removal Order shall:
 - (a) require the owner or occupier to remove or clear the Offending Material from the real property within 30 days of service of such Removal Order;
 - (b) notify the owner or occupier that, after the expiration of 30 days, the District may, by its officers, employees, contractors and agents, enter on the real property and remove or clear the Offending Material, at the owner or occupier's expense; and
 - (c) notify the owner or occupier that they may appear before Council on a specified hearing date, which date shall be no less than 5 days and no more than 30 days after delivery of the Removal Order.

8. The Bylaw Enforcement Officer must serve the Removal Order on the owner or occupier of the real property on which the Offending Material is located by either:
 - (a) personal service; or
 - (b) registered mail with acknowledgement of receipt, to the address of the owner shown on the last real property assessment roll.
9. A person who receives a Removal Order must remove or clear the Offending Material from the real property within 30 days of service of the Removal Order.
10. Upon giving the District Clerk at least 5 days notice of his or her intention to appear, a person who receives a Removal Order may make representations in person, or through an agent, to Council on the hearing date specified in the Removal Order.
11. After hearing representations made pursuant to section 10, Council may:
 - (a) affirm the Removal Order;
 - (b) vary the Removal Order; or
 - (c) rescind the Removal Order.

DISTRICT ACTION UPON FAILURE TO COMPLY WITH ORDER

12. If a person who receives a Removal Order fails to remove or clear the Offending Material from the real property as directed in the Removal Order, the District may, by its officers, employees, contractors and agents, enter on the real property identified in the Removal Order between the hours of 8:00 a.m. and 8:00 p.m., and remove or clear the Offending Material.
13. Where Offending Material has been removed or cleared by the District in accordance with section 12, the costs for such removal or clearance shall be paid by the owner of the real property identified in the Removal Order, which costs shall be calculated in accordance with the rates set out in Schedule "B".
14. If the costs owing to the District under section 13 remain unpaid on December 31 of the year in which the costs were incurred, the District may add those costs to the taxes payable on such real property, as taxes in arrears.

RIGHT OF ENTRY FOR INSPECTION

15. 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 a Removal Order are being complied with.

NO INTERFERENCE

- 16. No person shall obstruct or interfere with:
 - (a) a Bylaw Enforcement Officer in the performance of his or her duties under this Bylaw; or
 - (b) any person directed by the District to carry out the work under section 12 of this Bylaw.

OFFENCES AND PENALTIES

- 17. Every person who violates a provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of this Bylaw, or who neglects to do or refrains from doing anything required under the provisions of this Bylaw, is guilty of an offence and shall be liable on summary conviction to a penalty of not more than \$10,000, together with such other penalties that may be imposed by the Court, including payment of the costs of prosecution and compensation for loss or damage suffered by the District.
- 18. Where an offence under this Bylaw is a continuing offence, each day the offence continues constitutes a separate offence.

SEVERABILITY

- 19. If any provision of this Bylaw is for any reason declared invalid by a Court of competent jurisdiction, the decision shall not affect the validity of the remaining provisions of this Bylaw.

READ A FIRST TIME this 12th day of October, 2010.

READ A SECOND TIME this 28th day of February, 2011.

READ A THIRD TIME this 28th day of February, 2011.

ADOPTED this 14th day of March, 2011.

Karen Anderson
 Mayor

Mick Cat
 Clerk

Certified a true copy of Bylaw No.

This ___ day of _____, 20__.

 Clerk

SCHEDULE "A"

REMOVAL ORDER

Property Owner	
Physical Address	Hudson's Hope, BC
Mailing Address	

The above-listed property has been deemed to be in contravention of Property Maintenance Bylaw No. 791, 2010.

You are required to remove:

all Rubbish or other noxious, offensive, or unwholesome material, including hydrocarbon fluid, that has accumulated on the above-listed property

all Rubbish or other noxious, offensive, or unwholesome material that has accumulated in any buildings or structures located on the above-listed property that creates a health or safety hazard

all unsanitary conditions existing on the above-listed property or in any buildings or structures located on the above-listed property

all trees and other growths creating a safety hazard on the above-listed property

all noxious weeds designated under the Weed Control Regulation of the *Weed Control Act*, as amended from time to time, growing or accumulating on the above-listed property

all but one Derelict Vehicles located outside a building on the above-listed property that is under 1 hectare in size

all but four Derelict Vehicles located outside a building on the above-listed property that is between 1 and 10 hectares in size

all but six Derelict Vehicles located outside a building on the above-listed property that is over 10 hectare in size

all graffiti placed or remaining on any buildings or structures located on the above-listed property

all unsightly conditions existing on the above-listed property or in any buildings or structures located on the above-listed property

Bylaw Enforcement Officer

Date (yyyy-mm-dd)

(back of removal order)

From Property Maintenance Bylaw No. 791, 2010:

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SCHEDULE "B"

REMOVAL AND CLEARANCE COSTS

Contractor Costs: **Actual costs**

District Employee and Equipment Costs:

<u>Equipment (without operator)</u>	<u>Cost</u>
Grader	\$ 115.00/hr
Loader	\$ 90.00/hr
Backhoe	\$ 50.00/hr
Trackless	\$ 50.00/hr
Lawn Tractor	\$ 40.00/hr
Gravel Truck	\$ 45.00/hr
Pickup Truck	\$ 25.00/hr
<u>Personnel</u>	
Lead Hand	\$ 40.00/hr
General Trades	\$ 35.00/hr
Bylaw Officer	\$ 35.00/hr
Manager of Protective & Inspection Services or Director of Public Works	\$ 50.00/hr