

# THE CORPORATION OF THE VILLAGE OF SALMO

## **BY-LAW #649**

### A BY-LAW OF THE CORPORATION OF THE VILLAGE OF SALMO TO PREVENT UNSIGHTLINESS ON REAL PROPERTY.

WHEREAS, pursuant to Sections 8(3)(h) and 64 of the *Community Charter*, Council is empowered to protect and enhance the wellbeing of the community and to prevent unsightliness on real property within the Village of Salmo;

NOW THEREFORE, the Council of the Village of Salmo, in open meeting assembled, hereby ENACTS AS FOLLOWS:

#### **PART 1. Title**

1.1 This Bylaw may be cited for all purposes as “Village of Salmo Unsightly Premises Bylaw”

#### **PART 2. Definitions**

2.1 “Bylaw Enforcement Officer” means the person appointed as such by Council;

“Council” means the Council of the Village of Salmo;

“Village” means the Village of Salmo;

“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;

"Motor home" means a motor vehicle designed or used primarily for accommodation during travel or recreation, but does not include a motor vehicle that has attached to it a structure:

- (a) designed or used primarily for accommodation during travel or recreation, and
- (b) designed or intended to be detachable;

“Noxious weed” means any weed designated by regulation to be a noxious weed pursuant to the British Columbia Weed Control Act;

“Rubbish” includes, but is not limited to, discarded bottles, broken glass, motor vehicle parts and any derelict or partially dismantled motor vehicle;

“Trailer” means a vehicle that is at any time drawn on a highway by a motor vehicle, and includes a semi-trailer as defined in the *Commercial Transport Act*;

“Trees” includes shrubs;

“Unsightly” means physical objects which are detrimental to the physical or mental well-being of persons;

“Vehicle” means a device in, on or by which a person or thing is or may be transported or drawn on a highway, but does not include a device designed to be moved by human power, a device used exclusively on stationary rails or tracks or a motor assisted cycle. A vehicle, as defined in the *Motor Vehicle Act*, shall have the same meaning in this Bylaw, unless otherwise defined in this Bylaw;

### **PART 3. Right of Entry**

- 3.1 A Bylaw Enforcement Officer may enter on a parcel at all reasonable times to ascertain whether this bylaw is being observed, to gather evidence on any violation, or to serve any notice related to any violation of this bylaw.
- 3.2 No person shall obstruct a Bylaw Enforcement Officer from entering a parcel in accordance with Section 5.

### **PART 4. Prohibition**

- 4.1 No person, who is the owner or occupier of real property, shall allow that real property to become or remain unsightly or unsanitary.
- 4.2 In the considered opinion of council or appointed staff: No owner shall cause, allow or permit:
  - 4.2.1 the accumulation of filth, discarded materials, or rubbish of any kind on their premise;
  - 4.2.2 the accumulation of water, broken glass, uncontained compost, or graffiti;
  - 4.2.3 the growth of trees, weeds (noxious or otherwise), grass or other vegetation that is considered unsightly and should be removed, cut down, or trimmed,
  - 4.2.4 the emission of smoke, dust, or fumes that is liable to foul or contaminate the atmosphere;
  - 4.2.5 the storage or accumulation on the parcel of all or part of a vehicle, as defined by the Motor Vehicle Act, that is not:
    - (i) validly registered or licensed in accordance with the Motor Vehicle Act, or
    - (ii) capable of movement under its own power unless it is stored in a closed building or structure such that the vehicle, or any portion of the vehicle, is not visible from

another parcel or a public place, unless the owner of the parcel is a licensed dealer of motor vehicle repairs;

- 4.2.6 construction materials and equipment, not currently being used for the purposes of valid construction, including an accumulation of wood, soils, concrete or materials otherwise used for the use of household construction.

## **PART 5. Notice and Effecting Compliance**

- 5.1 When a complaint is received by staff, or in the opinion of Bylaw Enforcement personnel, a member of staff will inspect the property and take photos, date and sign, and note details of the nuisance. Staff will send or deliver to the Owner, Occupier and Mortgager a letter (in the form prescribed in Schedule A) detailing the condition of the property, along with the violation ticket indicating the penalty for non-compliance.
- 5.2 The letter will direct remediation of the property within 31 days, and the offending party will be given 14 days from the date of issuance to respond in writing. If Council considers that there is a health or safety risk if action is not taken earlier, the 31 day remedial time frame may be shortened by resolution of Council.
- 5.3 If Council receives notification from the offending party within the specified 14 day period, Council will provide the offending party with the opportunity to make representation to Council within the specified time frame. After providing the opportunity to make representation, Council may confirm, amend, or cancel the remedial action requirement. In the event the Owner/Occupier cannot attend this meeting, the Owner/Occupier may appoint a representative; written notice of representation must be provided to the Village of Salmo office in advance of this meeting.
- 5.4 On or after the 32<sup>nd</sup> day, following issuance of the notice per Section 5.2, staff will inspect the subject property again, noting the condition of property and photographing the same. If the property has not been cleaned, staff or a contractor will clean up the property and send an account to the Owner/Occupier. If the account is not paid by December 31<sup>st</sup> of that year, the charges will be added to and form part of the taxes payable as taxes in arrears.
- 5.5 Notwithstanding any action taken under this Bylaw, any and all infractions are still subject to ticketing under the Village's Municipal Ticket Information Bylaw.
- 5.6 The Municipal Ticket, indicating the relevant fine, will be sent with the notification of the offence.

## **PART 6. Offences**

- 6.1 Every person who violates any provision of this Bylaw is guilty of an offence and shall be liable on summary conviction to a fine of not less than two hundred and fifty dollars (\$250.00) and not more than two thousand dollars (\$2,000.00) plus the cost of prosecution for each offence. Should this fine be unpaid, the fees shall be added to taxes in accordance with Section 260 of the Community Charter. This fine shall be in addition to the costs incurred in Section 5.4 of this Bylaw.

6.2 For 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.

6.3 Where the offence is a continuing one, each day the offence continues shall be a separate offence.

**PART 7. Severability**

7.1 If any section, subsection or clause of this Bylaw is held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and shall not affect the validity of the remainder of this Bylaw.

**Part 8. Repeal of Existing Bylaw**

8.1 Village of Salmo Unsightly Premises Bylaw No 484, 2001 is hereby repealed in its entirety and this Bylaw substituted therefore.

Read a first time this 28<sup>th</sup> day of May, 2013.

Read a second time this 12<sup>th</sup> day of November, 2013.

Read a third time this 24<sup>th</sup> day of June, 2014.

Reconsidered and Adopted this 8<sup>th</sup> day of July 2014.

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Mayor

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Corporate Officer

I hereby certify this to be a true copy of the "Village of Salmo Unsightly Premises By-law No.649, 2013".

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Corporate Officer

“Schedule A”

Date:

Owner/Occupier  
Address

Dear Sir/Madam:

**Re:   Lot                   Section:       Plan:**  
      **Folio No.**

As a result of complaints received in this office, our Bylaw Enforcement Officer inspected your property legally described and located at \_\_\_\_\_, Salmo, B.C. and observed\_\_\_\_\_.

Under the provisions of the \_\_\_\_\_of “Village of Salmo Unsightly Premises Bylaw No. 649”, it is an offence for owners or occupiers of real property within the Village of Salmo to permit any accumulation of filth, discarded materials or rubbish of any kind on their premises.

I therefore serve this notice and request that you remove and clear the accumulation of filth, discarded materials and rubbish and, in particular, \_\_\_\_\_ from your property by (date).

I trust that you will cooperate with the Village in this regards and see that this matter is resolved to the satisfaction of all concerned.

Yours truly,

\_\_\_\_\_  
Corporate Officer

“Schedule B”

**IN THE MATTER OF SECTION 8(3)(h) and 64 of the Community Charter**

**S.B.C. 2003 CHAPTER 26**

**AND**

**IN THE MATTER OF THAT PART OF PARCEL  
D.L. \_\_\_\_\_ DISTRICT \_\_\_\_\_, PLAN \_\_\_\_\_**

TO: Name and Address (send copies to mortgagee)  
(Owner/Occupier)

**NOTICE OF HEARING**

**TAKE NOTICE** that the Municipal Council of the Village of Salmo pursuant to Sections 8(3)h and 64 of the Community Charter and the Village of Salmo Unsightly Premises Bylaw No. 649, will at the hour of \_\_\_\_\_ a.m./p.m. on \_\_\_\_\_, the \_\_\_\_ day of 20\_\_, in the Council Chambers at the Village Office at 423 Davies Avenue, Salmo, B.C. hear representations by \_\_\_\_\_ as to whether, with respect to the lands more particularly described above, the owner/occupier shall be required to remove the accumulation thereon of \_\_\_\_\_.

**AND FURTHER TAKE NOTICE** that should Council require the owner/occupier to remove the described accumulation, and the owner/occupier defaults, the Council may direct its employees and others to enter and effect the removal at the expense of the person defaulting. The charges for doing so, if unpaid on December 31<sup>st</sup> in the year in which the Village effects the removal, shall be added to and form part of the taxes payable in respect of the real property in question, as taxes in arrears.

**AND FURTHER TAKE NOTICE** that should you wish to make representation to the Council regarding the lands and premises listed above, you should appear at that time, date, and place to make your presentation to Council.

**THIS NOTICE** is given by the Municipal Council of the Village of Salmo on this \_\_\_\_\_ day of, 20\_\_.

\_\_\_\_\_  
Corporate Officer

“Schedule C”

**BYLAW ENFORCEMENT OFFICER’S REPORT**

Date

**TO:** The Mayor and Council

**FROM:** Bylaw Enforcement Officer

**RE:** Unsightly Premises Bylaw No. 649

This department has received complaints regarding the unsightly appearance of property situated at \_\_\_\_\_, Salmo, B.C. legally described as Lot\_\_\_\_\_, Section\_\_\_\_\_, Plan\_\_\_\_\_, District\_\_\_\_\_, Folio No. \_\_\_\_\_registered in the names of (owner/occupier, address).

A letter was forwarded to the owners of the property on \_\_\_\_\_requesting that the premises be cleaned up. (Add details).

I request therefore that Council proceed with the notice to the owner or occupier giving him or her \_\_\_\_\_ days to effect a clean-up or the work will be done by the Village or by its authorized agents.

Respectfully submitted,

\_\_\_\_\_  
Bylaw Enforcement Officer

Enclosures

“Schedule D”

**RESOLUTION**

**IT IS HEREBY RESOLVED** that the owners and occupiers of the respective premises set forth below be notified to remove the accumulation thereon of the materials specified or take such remedial measures as are specified:

**PROPERTY DESCRIPTION**

Lot \_\_\_\_\_, Section \_\_\_\_\_, Plan \_\_\_\_\_, District \_\_\_\_\_.  
Folio No. \_\_\_\_\_

**LOCATION**

\_\_\_\_\_, Village of Salmo, B.C.

**UNSIGHTLY ACCUMULATION**

(Description): \_\_\_\_\_

**REMEDIAL MEASURES**

(Description): \_\_\_\_\_

**AND BE IT FURTHER RESOLVED** that the Corporate Officer of the Village of Salmo

**BE AND IS HEREBY AUTHORIZED** in default of such removal or remedial measures being undertaken by the owners occupiers, within ( ) \_\_ days of receipt of this notice to do so, to carry out or have such work carried out and the expense charges to the owner or occupier. If unpaid on December 31<sup>st</sup> in the year in which the work is done, the expenses shall be added to and form part of the taxes payable on that real property as taxes in arrears.

MOVED BY COUNCILLOR \_\_\_\_\_

SECONDED BY COUNCILLOR \_\_\_\_\_

Dated at the Village of Salmo, B.C. this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Certified a true copy the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Corporate Officer

“Schedule E”

Date

Owner/Occupier  
Address

Registered

Dear \_\_\_\_\_:

**Re: Village of Salmo Unsightly Premises Bylaw No. 649**

Take notice that the Village of Salmo has passed the Resolution, a copy of which is enclosed with this letter.

Pursuant to the Resolution of Council, we advise that unless you, the owner of Lot \_\_\_\_\_, Section \_\_\_\_\_, District \_\_\_\_\_, Plan \_\_\_\_\_, clean up that property by removing the \_\_\_\_\_ and all other unsightly accumulation of material and debris, and leave the premises clean and tidy, within \_\_\_\_\_ ( \_\_\_\_ ) days of receipt of this letter by you, the Village of Salmo shall, in default of such removal, enter upon the property and effect the removal by its workmen and others, at your expense. Receipt of this letter by you will be assumed to be four (4) days from the date of this letter.

The charges made by the Village of Salmo for the removal, if done by the \_\_\_\_\_ if unpaid by you on the 31<sup>st</sup> day of December in the year in which the Village effects the removal, shall be added to and form part of the taxes payable in respect of the real property in question, as taxes in arrears.

This Notice is given by and on behalf of the Village of Salmo.

\_\_\_\_\_  
Corporate Officer

Enclosures  
pc: (registered mortgagees)

“Schedule F”

Offence	Section	Fine
The accumulation of filth, discarded materials, or rubbish of any kind on their premise.	4.2.1	\$100.00
The accumulation of water, broken glass, uncontained compost, or graffiti.	4.2.2	\$100.00
The growth of trees, weeds (noxious or otherwise), grass or other vegetation that is considered unsightly and should be removed, cut down, or trimmed.	4.2.3	\$100.00
The emission of smoke, dust, or fumes that is liable to foul or contaminate the atmosphere.	4.2.4	\$100.00
The storage or accumulation on the parcel of all or part of a vehicle that is not: (i) validly registered or licensed in accordance with the Motor Vehicle Act, or (ii) capable of movement under its own power unless it is stored in a closed building or structure such that the vehicle, or any portion of the vehicle, is not visible from another parcel or a public place or unless the owner of the parcel is a licensed dealer of motor vehicle repairs.	4.2.5	\$100.00
Construction materials and equipment, not currently being used for the purposes of valid construction, including an accumulation of wood, soils, concrete or materials otherwise used for the use of household construction.	4.2.6	\$100.00