

TOWN OF LADYSMITH

PROPERTY MAINTENANCE BYLAW NO. 1970

A Bylaw to establish required standards for the maintenance of Real Property within the Town.

WHEREAS pursuant to section 8(h) of the *Community Charter*, the Council of the Town of Ladysmith may, by bylaw, 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 as defined in section 64 of the *Community Charter*.

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1.0 DEFINITIONS

1.1 In this Bylaw:

- (a) "**Graffiti**" means drawing, painting, etching, printing, writing or other graphic representation that:
- i. is scribbled, scratched, sprayed, painted, or similarly placed directly on a supporting surface; and
 - ii. if it is on private property that is not located on public real property, has been placed without the consent of the Owner of that private property,

and excludes:

- i. a sign for which permits have been issued under the *Sign and Canopy Bylaw 1995, No. 1176*, as amended or replaced from time to time; and
 - ii. a Mural for a purpose other than commercial advertising;
- (b) "**Mural**" means a painting:
- i. that is applied directly to the wall of a building or other structure with the consent of the Owner of that building or structure; and
 - ii. that does not include any text or logo other than the name of the artist;
- (c) "**Occupier**" means any person who occupies Real Property, or who is qualified to maintain an action for trespass in respect of the Real Property, or who is in possession of the Real Property under a lease, licence, agreement for sale or other agreement with the Owner of the Real Property;
- (d) "**Owner**" means any person in relation to the Real Property who is the registered Owner of an estate in fee simple, the tenant for life under a registered life estate, or the registered holder of the last registered agreement for sale.;
- (e) "**Real Property**" means any parcel of private land within the Town of Ladysmith;
- (f) "**Refuse**" includes, but is not limited to:
- i. food wastes;
 - ii. market wastes;
 - iii. combustibles like paper, cardboard, yard trimmings, leaves and brush, plastics, and leather;
 - iv. non-combustibles such as metal, cans, glass, dirt, ashes, and street sweepings;

- v. bulky wastes such as furniture, appliances, tires, stumps, recycling, and construction waste;
 - vi. unlicensed, unused, or stripped automobiles, trucks, trailers, boats, vessels, machinery, mechanical parts, and metal parts; and
- (g) "Unsightly" means an untidy or otherwise non-aesthetic accumulation of filth, discarded materials, junk, or Refuse on any Real Property, and includes Graffiti.

2.0 GRAFFITI PROHIBITED

- 2.1 A person must not place Graffiti on a wall, fence, or elsewhere on or adjacent to a public place.

3.0 REFUSE – UNSIGHTLY PROPERTY PROHIBITED

- 3.1 A person must not do any of the following activities:
- (a) cause or permit water, or Refuse, garbage or other material that is noxious, offensive or unwholesome to collect or accumulate on Real Property;
 - (b) deposit or throw bottles, broken glass, or other Refuse in any open place; or
 - (c) allow Real Property, of which that person is the Owner or Occupier, to become or remain Unsightly.

4.0 WEEDS PROHIBITED

- 4.1 The Owner or Occupier of Real Property must not allow to be present on that property weeds or other growths that:
- (a) because of their condition, are likely to spread or become a nuisance to other Real Property in the vicinity; or
 - (b) are so unkempt as to be Unsightly to nearby residents.

5.0 REMOVAL OF GRAFFITI, REFUSE, WEEDS, UNLICENSED VEHICLES

- 5.1 Every Occupier of Real Property, or its Owner if there is no Occupier, must remove from that property:
- (a) Graffiti;
 - (b) Refuse and other material described in section 3.1; and
 - (c) Weeds and other growths described in section 4.1.

6.0 INSPECTION TO DETERMINE WHETHER BYLAW IS BEING FOLLOWED

- 6.1 RCMP and Bylaw Officers at all reasonable times may enter on Real Property to determine whether a requirement set out in sections 3.1, 4.1, and 5.1(a), (b) and (c) is being observed.
- 6.2 A Bylaw Officer at all reasonable times may enter on Real Property to determine whether a requirement set out in sections 4.1 and 5.1(c) is being observed.

7.0 TOWN'S ACTION AT DEFAULTER'S EXPENSE

- 7.1 If an Owner or Occupier fails to take an action required under section 5.1, Council may issue a written order directing that the Owner or Occupier take that action, provided that, prior to Council making an order the Owner or Occupier has been provided an opportunity to be heard by Council in respect of the matter.
- 7.2 If an Owner or Occupier subject to an order under section 7.1 fails to comply with the order within 14 days after being served with the order, RCMP and Bylaw Officers or the Town's contractors, with respect to a matter under section 5.1(a) or (b) and Bylaw Officers

or the Town's contractors with respect to a matter under section 5.1(c), on behalf of the Town and at a defaulting person's expense, at reasonable times and in a reasonable manner, may enter on the Real Property owned or occupied by that person and take the action required by the order.

- 7.3 If the Town takes action under section 7.2 and the costs of the action are not paid on or before December 31 in the year in which they are incurred,
 - (a) they may be recoverable from the person as a debt, or
 - (b) they may be collected in the same manner and with the same remedies as ordinary taxes on the Real Property on which the action was taken.

7.4 For the purposes of section 7.3(b), the costs are considered to be taxes in arrears.

8.0 OFFENCES AND PENALTIES

8.1 A person who contravenes, violates or fails to comply with any provision of this Bylaw or who suffers or permits any act or thing to be done in contravention or violation of this Bylaw, or who fails to do anything required by this Bylaw, commits an offence and shall be liable upon conviction to a fine of not more than \$10,000.00 (TEN THOUSAND DOLLARS) and not less than \$200 (TWO HUNDRED DOLLARS), the cost of prosecution and any other penalty or order imposed pursuant to the *Community Charter*, S.B.C. 2003, c. 26 or the *Offence Act*, R.S.B.C. 1996, c.338.

8.2 Section 8.1 shall not prevent the Town or an authorized person on behalf of the Town issuing and enforcing a ticket under the "*Ladysmith Ticket Information Utilization Bylaw 2002, No 1457*".

8.3 Each day that a contravention of a provision of this Bylaw occurs or continues shall constitute a separate offence.

9.0 SEVERABILITY

9.1 If any part of this Bylaw is for any reason held invalid by any court of competent jurisdiction, the invalid portion shall be severed and the severance shall not affect the validity of the remainder.

10.0 REPEAL

10.1 *Ladysmith Property Maintenance Bylaw 2015 No. 1894* is hereby repealed.

11.0 CITATION

11.1 This Bylaw may be cited as the "*Ladysmith Property Maintenance Bylaw 2018, No. 1970*."

READ A FIRST TIME on the 20th day of August, 2018

READ A SECOND TIME on the 20th day of August, 2018

READ A THIRD TIME on the 20th day of August, 2018

ADOPTED on the 4th day of September, 2018

[Redacted Signature]

Mayor (A. Stone)

[Redacted Signature]

Corporate Officer (J. Winter)

