

THE CORPORATION OF THE CITY OF WHITE ROCK

BYLAW NO. 1698

A bylaw providing for:

The community improvement
and remediation of unsightly property
within the City of White Rock; and
the control of graffiti

WHEREAS the property values and the general welfare of the community are founded, in part, upon the appearance and maintenance of property in the City; and

WHEREAS unsightly conditions have been found to exist from place to place throughout the City; and

WHEREAS the existence of such conditions is detrimental to the welfare of the residents of the City and contributes substantially and increasingly to the deterioration of neighbourhoods; and

WHEREAS the abatement of such conditions will improve the general welfare and image of the City.

NOW THEREFORE:

The Council of the City of White Rock, in open meeting assembled, enacts as follows:

The purpose of this Bylaw is to:

1. (a) protect the community from unsightly, hazardous and blighting conditions that contribute to the deterioration of neighbourhoods;
- (b) to provide for the abatement of such conditions; and
- (c) to prevent public nuisance.
2. No person, corporation or other body shall cause any nuisance within the City, and no owner or occupant of property within the City shall cause, suffer or permit any nuisance in, about or upon the property.

DEFINITIONS

3. In this Bylaw, unless the context otherwise requires:
 - (a) “Accumulation” means a collection, either scattered, amassed or piled, existing at the time of inspection;
 - (b) “City” means the City of White Rock;

- (c) “Container” includes a dumpster, garbage can, garbage bin or other receptacle designed, intended or used to hold rubbish, discarded materials and debris;
- (d) “Discarded Materials” means substances of little or no apparent economic value, including but not limited to deteriorated lumber, old newspapers, furniture parts, stoves, sinks, cabinets, household fixtures, refrigerators, car parts, abandoned, broken or neglected equipment, or the scattered remains of items;
- (e) “Graffiti” includes one or more letters, symbols, marks or drawings made on a structure, wall, building, sidewalk, fence, sign or other object but specifically excludes the content of an authorized sign or traffic device or, on private property, one or more items specifically authorized by the owner of the property;
- (f) “Inspector” means the Director, Permits & Licences and any other person who is authorized by the City Council to enter and inspect property in accordance with this Bylaw;
- (g) “Occupant” includes, but is not limited to:
 - (i) any person residing on or in the property;
 - (ii) the person entitled to the possession of property if there is no person residing on or in the property; or
 - (iii) any leaseholders;

and shall include the agents of any such person;
- (h) “Owner” means one or more persons who has any right, title, estate or interest in property, other than that of an occupant, and shall include the agents of any such persons;
- (i) “Person” includes natural persons of either sex, associations, corporations, political bodies, partnerships, whether acting by themselves or by a servant, agent or employee, and the heirs, executors, administrators, successors and assigns or other legal representative of such persons;
- (j) “Property” means all privately -owned real property, including, but not limited to, front yards, side yards, backyards, driveways, walkways and sidewalks and shall include any structure or fence located on such real property but excludes property owned or occupied by the City or any other public authority;
- (k) “Rubbish” 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, glass, bedding, mattresses, crates, rags, barrels, boxes, lumber not neatly piled, scrap iron, tin and other metal, scrap paving material, construction and demolition waste; unlicensed, dilapidated, unused or stripped automobiles, tires, machinery, mechanical or

metal parts, discarded or dilapidated appliances, discarded or dilapidated furniture, ashes from fireplaces and on-site incinerators, yard clippings and brush, wood, dry vegetation, dirt, weeds, dead trees, rodent infestations and piles of earth mixed with any of the above;

- (l) "Sidewalk" means the area between the curb -lines or lateral lines of a roadway and the adjacent property-lines improved for use of pedestrians;
- (m) "Unsightly", in addition to its common dictionary meaning and regardless of the condition of other properties in the neighbourhood, describes property having any one or more of the following characteristics:
 - (i) the storage, location or accumulation visible to a person standing on a public highway or on nearby property, of filth, rubbish, debris or any other discarded materials;
 - (ii) landscaping and vegetation that is dead, characterized by uncontrolled growth or lack of maintenance, or is damaged;
 - (iii) an area of grass or similar ground cover that extends more than 30cm above the ground and is unkempt or unmaintained;
 - (iv) fencing characterized by graffiti, holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay or neglect or excessive use or lack of maintenance;
 - (v) a lowering in quality of the condition or appearance of a structure or property or parts thereof characterized by graffiti, holes, breaks, rot, crumbling, cracking, peeling, rusting, the untidy storage, placement or location of building materials or any other evidence of physical decay or neglect or excessive use or lack of maintenance; or
 - (vi) any other similar conditions of disrepair, dilapidation, or deterioration regardless of the condition of other properties in the neighbourhood.

PROHIBITIONS

- 4. (a) No person shall place, or cause to be placed, graffiti on any sidewalk, wall, building, fence, sign or other structure that is on or adjacent to a public place.
- (b) An owner of private property upon which graffiti has been unlawfully placed must remove or otherwise cover the graffiti so as to cause it not to be unsightly within 48 hours of receiving a Notice from the City to do so. No owner or occupant of property within the City of White Rock shall permit or allow the property to become or remain unsightly.

5. No person shall:
 - (a) cause or permit water, rubbish, or noxious, offensive or unwholesome matter to collect or accumulate in, on or around lands or buildings owned or occupied by them
 - (b) cause or permit rubbish to overflow from or accumulate around any container situate on any property owned or occupied by them; or
 - (c) without limiting the generality of the foregoing, no person shall, in respect to property to which a Building Permit has been issued by the City, cause or permit demolition waste, construction waste or trade waste to accumulate on the property.
6. No owner or occupant of property within the City shall permit or allow an infestation of the property by destructive insects or rodents to occur or to remain.
7. No owner or occupant of property shall permit or allow the accumulation of dead landscaping to occur or to remain on the property. Nor shall he place the sweepings, ashes, or refuse from the property on a public place.

INSPECTION AND NOTICE

8. An Inspector shall have the right to enter upon the property of any owner or occupant at reasonable times and in a reasonable manner for the purposes of inspecting the property and declaring whether the property is unsightly or otherwise not in compliance with the provisions of this Bylaw.
9. Upon declaring property to be unsightly or otherwise not in compliance with the provisions of this Bylaw, an Inspector may issue a Notice to one or more owner(s) or occupant(s) of the property or both or an agent of either. Service of the notice may be made personally, by facsimile, or by registered mail.
10. A Notice issued under Section 9 herein must state:
 - (a) the civic address of the subject property;
 - (b) the particulars of the unsightly nature of the property or the non-compliance to be remedied;
 - (c) that the unsightly nature of the property or the non-compliance must be remedied by the date specified on the notice; and
 - (d) that if the owner or occupant fails to comply with the Notice the City will proceed to carry out the work required, and the cost of such work will be added to the taxes of the property, and the owner or occupant or both may be subjected to prosecution for an offence under this Bylaw.

11. In determining the time period for compliance to be set out in the Notice referred to in Section 9 herein, the Inspector shall take into account the condition of the property and the estimated time necessary to comply with the notice.
12. A Notice issued under Section 9 herein may give specific instructions to remedy the unsightly nature of the property or the non-compliance with this Bylaw including, but not limited to, any one or more of the following instructions:
 - (a) remove unsightly accumulations of filth, discarded materials, rubbish or debris from the property;
 - (b) clean, stack or cover any material;
 - (c) clear the property of dead landscaping;
 - (d) cut grass or weeds present on the property;
 - (e) prune vegetation including trees or shrubs;
 - (f) clear the property of destructive insects or rodents; and
 - (g) otherwise remediate, maintain or repair the property so as to bring it into compliance with this Bylaw.

NON-COMPLIANCE

13. If an owner or occupant fails to comply with a Notice issued under Section 9 herein, the City, by its employees or other persons, at reasonable times and in a reasonable manner, may enter the property and effect such compliance at the expense of the owner or occupant who has failed to comply.
14. In the event that the person who has failed to comply with a Notice issued under Section 9 herein fails to pay the costs of compliance before the 31st day of December in the year that the compliance was effected, the costs shall be added to and form part of the taxes payable on the property as taxes in arrears.

NO INTERFERENCE

15. No person shall interfere with any Inspector in the performance of his or her duties under this Bylaw or with any employee of the City of White Rock or other person authorized by the City to carry out the work required by any notice pursuant to this Bylaw.

OFFENCES AND PENALTIES

16. Every person who violates any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention or violation of, or neglects to do or refrains from doing anything required to be done pursuant to any provision of this Bylaw or any Notice issued pursuant hereto, shall be deemed to have committed an offence against this

Bylaw and shall be liable, upon summary conviction to a fine not less than the sum of \$100.00 and not exceeding the sum of \$2,000.00 and in default of payment thereof, forthwith or within such a time as the presiding Provincial Court Judge or Justice of the Peace shall direct, the fine imposed shall be recoverable under the provisions of the *Offence Act*.

- 17. Each day a violation, contravention or breach of this Bylaw continues shall constitute a separate and distinct offence.
- 18. Notwithstanding anything in this Bylaw, every person who violates any of the provisions of this Bylaw may be served with a Violation Notice and shall be permitted to pay a fee in the amount of \$100.00.
- 19. Prosecution of a person pursuant to Section 17 of this Bylaw does not exempt the person from the remediation provisions of Sections 10 through 15 of this Bylaw.

GENERAL

- 20. 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.
- 21. The City, any Inspector who inspects any property under this Bylaw, or any other person who performs any work on behalf of the City in accordance with this Bylaw, is not liable for any damages caused by their actions.
- 22. The “White Rock Litter and Nuisance Bylaw, 1989, No. 1196” is hereby repealed
- 23. This Bylaw may be cited as “City of White Rock “UNSIGHTLY PREMISES AND GRAFFITI CONTROL BYLAW NO. 1698, 2003”.

RECEIVED FIRST READING on the 9th day of December, 2002.

RECEIVED SECOND READING on the 9th day of December, 2002.

RECEIVED THIRD READING on the 9th day of December, 2002.

RECONSIDERED AND FINALLY ADOPTED on the 27th day of January, 2003.

Mayor

Director, Corporate Services