

# TOWN OF GOLDEN

## BYLAW NUMBER 1287, 2011 PROPERTY MAINTENANCE

Being a bylaw to ensure the good maintenance of property within the Town of Golden.

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The Council of the Town of Golden, in open meeting assembled, **HEREBY ENACTS AS FOLLOWS:**

### 1. CITATION

This bylaw may be cited for all purposes as “*Property Maintenance Bylaw No. 1287, 2011*”.

### 2. APPLICATIONS AND INTERPRETATION

(1) This Bylaw applies to all activities and properties within the Town except in relation to farm business in areas where farm use is allowed, and farm operations are carried out in accordance with normal farm practices within the meaning of the *Farm Practices Protection (Right to Farm) Act*.

(2) In this bylaw:

“Bylaw Enforcement Officer” means a person employed or contracted by the Town to administer and enforce this Bylaw;

“Council” means the Council for the Town;

“derelict vehicle” means any *unlicensed vehicle* that is not capable of being moved by its own motive power and that is *dilapidated*;

“dilapidated” means means a state of disrepair or ruin apparently resulting from disuse or neglect;

“graffiti” includes scratched, sprayed, painted or scribbled messages or images on a wall, fence or other surface that is visible from a sidewalk, street, lane or other highway, or a park or other public place, but does not include a sign:

(a) for which a permit has been issued by the Town; or

(b) that is authorized by the owner of a parcel on which it appears; relates to or identifies a use on that parcel; and complies with applicable bylaws and other enactments;

“noxious weeds” means the plants listed in Schedule A of this Bylaw;

“order” a notice delivered by a Bylaw Enforcement Officer for the purpose of directing actions or measures to achieve compliance with this Bylaw;

“owner” has the same meaning as in the *Community Charter*, and in relation to

	common property of a strata corporation, includes the strata corporation;
“rubbish”	means any one or more of the following: (a) garbage, debris or waste produced or resulting from human activity; (b) discarded or unused materials, substances or objects; (c) foul or putrid matter or other filth; (d) noxious, offensive or unwholesome substances and materials; (e) damaged, or unused wire or vehicle tires or parts; (f) rusted, or inoperative appliances, machinery, metal or parts thereof; (g) yard waste, tree trimmings; (h) waste from construction or demolition;
“Town”	means the Town of Golden;
“unlicensed vehicle”	means a vehicle for which evidence of current insurance to drive the vehicle has not been produced on the request of a Bylaw Enforcement Officer;
“unsightly” or “declared nuisance”	in relation to real or personal property, includes property that is cluttered, dilapidated, disorganized, unclean, or in [ <i>such</i> ] a state of apparent neglect or disrepair as to unreasonably cause irritation or inconvenience to residents or business operators in the vicinity or to members of the public; and
“vehicle”	means a motor vehicle as defined in the <i>Motor Vehicle Act</i> .

(3) Unless otherwise provided in this Bylaw, words and phrases used herein have the same meanings as in the *Community Charter, Local Government Act, Motor Vehicle Act, Farm Practices Protection (Right to Farm) Act, or Interpretation Act* as the context and circumstances may require. A reference to a statute in this Bylaw refers to a statute of the Province of British Columbia unless otherwise indicated, and a reference to any statute, regulation, bylaw or other enactment refers to that enactment as it may be amended or replaced from time to time. In the event of a conflict between this Bylaw and a Provincial enactment, the stricter law prevails. Words in the singular include the plural and words in the plural include the singular, and reference to a gender includes both genders and a corporation. Headings in this Bylaw are for convenience only and must not be construed as defining or limiting its scope or intent. If any part of this Bylaw is held to be invalid by a court of competent jurisdiction, the invalid part is severed and the remainder continues to be valid.

3. **REGULATIONS**

- (1) A person must not place *graffiti*, or cause, suffer or allow *graffiti* to be placed, or to remain, on any building, wall, fence, sign, or other structure or thing on or adjacent to a road, sidewalk, parking lot, park or other public place, whether or not the property is privately owned.
- (2) A person must not:
  - a) throw, deposit, leave, place *rubbish*, or any item or material that may be recycled under the Town of Golden Residential Recycling Collection Program or
  - b) abandon a vehicle, household appliance or furniture, or any parts thereof,  
  
in or on any highways, sidewalk, ditch, parking lot, waterway, park or other public place, or on or in any open place on private property, except in a receptacle, facility or within a site intended or designated by the Town or a government body for that purpose, and in accordance with any applicable bylaw or other enactment.
- (3) A person must not cause, permit, suffer or allow *rubbish* to overflow from or accumulate around any container.
- (4) An owner or occupant of any land, property or premises:
  - a) must not cause, permit, suffer or allow the land, property or premises to become or remain *unsightly*;
  - b) without limiting paragraph (a), must not cause or permit, suffer or allow any of the following to accumulate or to remain on or around the land, property or premises, other than stored neatly and safely within a facility, building or structure that is permitted under the current *Town of Golden Zoning Bylaw* as it may be amended or replaced from time to time:
    - i. *rubbish*, other than in accordance with a bylaw of the Town or regional district, or an enactment of British Columbia or Canada;
    - ii. broken or *dilapidated* furniture or bedding or inoperable appliances and parts thereof;
    - iii. vehicle parts or equipment;
    - iv. unused wood or wood products, other than seasoned or untreated wood or manufactured products cut in lengths for use as a fuel in a solid fuel burning appliance;
    - v. construction materials or equipment, where no apparent or actual construction activity for which those items are required has been initiated, is pending or is in progress;

c) must not cause, suffer or allow standing water or *noxious weeds* to accumulate or unsanitary conditions to develop or remain; and

d) other than as permitted under the current *Town of Golden Zoning Bylaw* as it may be amended or replaced from time to time. and in accordance with a business licence issued by the Town, must not cause or allow to accumulate or remain on or around a parcel or premises:

- i. more than two *unlicensed vehicles*, ,
- ii. more than one *derelict vehicle*; or
- iii. more than one inoperative trailer or vessel or parts thereof.

#### 4. **REQUIREMENTS**

(1) Every person who owns or occupies real property must:

a) ensure that lawn grass is trimmed so that its height does not exceed 30 centimetres (12 inches) during the period from April 30<sup>th</sup> to September 30<sup>th</sup> each year; and

b) on being delivered an *order*, remove or cause to be removed from the property:

- i. any and all unsightly conditions described in the *order*; and
- ii. any water, noxious weeds, objects, or conditions listed in paragraph (b) of subsection 3.(4) identified in the order, within a time period stated in the order, or if no time period is stated, within 30 days following the date the order was mailed or otherwise delivered.

#### 5. **ENTRY AND ORDERS**

(1) A Bylaw Enforcement Officer, and other municipal officers or employees may, in accordance with section 16 of the *Community Charter*, enter on any property to inspect and determine whether the restrictions and requirements of this Bylaw are being met.

(2) A Bylaw Enforcement Officer may, by written order, identify a condition on real property, premises, a building, structure or personal property that appears to be in violation of this Bylaw, and may direct the owner, occupier or other person having an interest or right in the property to bring the property into compliance. An order under this section may specify steps that must be taken and a time frame, and may address any conditions or circumstances particular to the property and the person to whom the order is directed for the purpose of achieving compliance with this Bylaw.

- (3) An order made under this Bylaw is sufficiently delivered when a copy of the order is:
- a) mailed to the owner of the property by registered mail;
  - b) personally delivered to the owner of the property or to an occupant who appears to be 19 years of age or older;
  - c) in the case of a corporate owner or occupier, by delivering it personally or by mail to its registered office or business premises, or
  - d) posted on the property that is the subject of the order by a Bylaw Enforcement Officer if the owner or occupant cannot be located or appears to refuse delivery.

**6. REVIEW BY COUNCIL**

- (1) A person who has been delivered an order under this Bylaw may, by giving notice in writing to the corporate officer for the Town at least five (5) business days prior to the time of expiry of the time period set out in the order, seek review by Council at a time to be arranged by the corporate officer but in any case, within a time period not exceeding two (2) months from the date the order was delivered.
- (2) On reviewing a matter pursuant to subsection 6.(1), Council may confirm, modify, add to or rescind an order of the Bylaw Enforcement Officer.

**7. REMEDATION AND COST RECOVERY THROUGH FEES**

- (1) Every person with a right or interest in real or personal property that is the subject of an order by a Bylaw Enforcement officer or direction of Council must comply fully with that order or direction.
- (2) If a person subject to an order or a direction of Council under this Bylaw fails to take any and all required actions within the applicable time period, the Town may, by its own employees, servants or contractors, enter on the property and fulfill the requirements at the expense of the person subject to the order or direction. The Town may recover the costs incurred by it from that person as a debt which shall include all costs relating to the remediation including an administrative charge of \$100 for every ten days following the expiration of an Order issued under s. 5.(2) until completion of all remedial works.
- (3) If costs incurred by the Town for work done or services provided under this Bylaw are not paid in full on or before December 31<sup>st</sup> of the year in which the work was done or services provided, the amount owing may be collected in the same manner as for property taxes.

**8. ENFORCEMENT, OFFENCE AND PENALTY**

- (1) This Bylaw may be enforced by a Bylaw Enforcement Officer, who may be assisted by other employees of the Town or a peace officer as considered necessary in the circumstances.
- (2) If it appears to a Bylaw Enforcement Officer that a vehicle is not capable of being moved on its own motive power, or that is an *unlicensed vehicle*, he or she may request that an owner or occupant:
  - a) show that the vehicle is capable of being moved on its own motive power, and
  - b) provide documented evidence of the vehicle being currently insured for the purpose of driving it,and on receiving a request under this section, the owner or occupant must promptly comply.
- (3) A person must not interfere with, resist or willfully obstruct any person authorized to carry out an inspection or other function or proceeding pursuant to this Bylaw.
- (4) A person who
  - a) contravenes, violates or fails to comply with any provision of this Bylaw;
  - b) fails or neglects to do anything required to be done under this Bylaw; or
  - c) suffers or allows any action or thing to be done in contravention of this Bylaw or any order or direction made under this Bylaw commits an offence, and where the offence is a continuing one, each day that the offence is continued constitutes a separate offence.
- (5) On being convicted of an offence under this Bylaw, a person is liable to pay a fine of up to Ten Thousand Dollars (\$10,000) if proceedings are brought under the *Offence Act*.
- (6) Proceedings brought under the *Offence Act* do not limit any other remedies at law that are available to the Town under the *Community Charter* or *Local Government Act*.

**9. SCHEDULE**

- (1) Schedule A is attached to and forms part of this Bylaw.

10. **REPEAL**

*Town of Golden Unsightly Premises Bylaw Number 902, 1993, and all amendments thereto is hereby repealed in its entirety.*

READ A FIRST TIME THIS 2<sup>ND</sup> DAY OF AUGUST , 2011.

READ A SECOND TIME THIS 2<sup>ND</sup> DAY OF AUGUST , 2011.

READ A THIRD TIME THIS 6<sup>TH</sup> DAY OF SEPTEMBER , 2011.

ADOPTED THIS 20<sup>TH</sup> DAY OF SEPTEMBER , 2011, BY A UNANIMOUS DECISION OF ALL MEMBERS OF TOWN COUNCIL PRESENT AND ELIGIBLE TO VOTE.

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MAYOR

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CORPORATE OFFICER

**PROPERTY MAINTENANCE BYLAW NO.1287, 2011**

**SCHEDULE A**

The following plants are noxious weeds:

Annual Sow Thistle	(Sonchus oleraceus)
Blueweed	(Echium vulgare)
Burdock	(Arctium spp.)
Canada Thistle	(Cirsium arvense)
Common Crupina	(Crupina vulgaris)
Common Toadflax	(Linaria vulgaris)
Dalmatian Toadflax	(Linaria dalmatica)
Diffuse Knapweed	(Centaurea diffusa)
Dodder	(Cuscuta spp.)
Gorse	(Ulex europaeus)
Hoary Cress	(Cardaria spp.)
Hound's-tongue	(Cynoglossum officinale)
Jointed Goatgrass	(Aegilops cylindrica)
Leafy Spurge	(Euphorbia esula)
Meadow Knapweed	(Centaurea pratensis)
Orange Hawkweed	(Hieracium aurantiacum)
Perennial Sow Thistle	(Sonchus arvensis)
Purple Nutsedge	(Cyperus rotundus)
Rush Skeletonweed	(Chondrilla juncea)
Scentless Chamomile	(Matricaria maritima)
Spotted Knapweed	(Centaurea maculosa)
Sulphur Cinquefoil	(Potentilla recta)
Tansy Ragwort	(Senecio jacobaea)
Velvetleaf	(Abutilon theophrasti)
Wild Oats	(Avena fatua)
Yellow Nutsedge	(Cyperus esculentus)
Yellow Starthistle	(Centaurea solstitialis)