

Sechelt Indian Government District

Bylaw No 2018-11

A bylaw to regulate untidy and unsightly premises within the Sechelt Indian Government District.

- A. WHEREAS it is deemed desirable to regulate the maintenance of property within the Sechelt Indian Government District in order to prevent the existence of unsightly premises;
- B. WHEREAS Part III of the Constitution of the Band, paragraphs of the Sechelt Indian Band Self-Government Act, and Order-in-Council PC 1987-2125 authorized the District Council to make laws in relation to:
- a. Public order and safety on Sechelt lands;
 - b. The imposition on summary conviction of fines or imprisonment for the contravention of any law made by the Band government;
 - c. The creation of administrative bodies and agencies to assist in the administration of the affairs of the Band; and,
 - d. Matters related to the good government of the Band, its members or Sechelt lands;
- C. NOW THEREFORE the District Council of the Sechelt Indian Government District in open meeting assembled enacts as follows:
- 1) This bylaw may be cited for all purposes as **“UNSIGHTLY PREMISES BYLAW NO. 2018-11”**.
 - 2) The “Unsightly Premises” Bylaw No 2010.03 is hereby repealed.

Part 1: DEFINITIONS

- 3) In this Bylaw, the following words and terms have the following meanings:

“Boat” means any vessel that is designed for transporting persons or things on water and also includes all ancillary parts, components and equipment attached to the vessel;

“Building” means any building or structure located on a Property, including but not limited to residences, manufactured homes as defined in the British Columbia *Manufactured Homes Act*, storage sheds, garden sheds, garages, workshops or other auxiliary buildings;

“Building Materials” means materials that are typically used in the construction of buildings, such as lumber, paving materials, roofing materials, glazing, flooring, siding, cladding or drywall;

SECHELT INDIAN GOVERNMENT DISTRICT

“Bylaw Enforcement Officer” means a person or persons appointed from time to time by resolution of Council pursuant to section 36 of the *Police Act*, the purpose of which is to enforce regulatory bylaws of the District;

“Trash Container” means a lidded plastic or metal container weighing no more than 45 lbs when full and not exceeding 3.5 cubic feet in volume;

“Council” means the Council of the Sechelt Indian Government District;

“District” means the Sechelt Indian Government District;

“District Manager” means the Manager of the Sechelt Indian Government District or their designate;

“Dumpster” means a specially designed garbage receptacle fitted with equipment that enables it to be dumped mechanically by a garbage truck;

“Garbage Containers” means, collectively, Dumpster, Trash Container, and Recycling Container;

“Graffiti” means one or more letters, symbols, marks, slogans, designs or drawings, howsoever made, on any sidewalk, wall, building, fence, sign or any other structure or surface, but does not include marks made accidentally or any of the following:

- a) a sign, public notice or traffic control mark authorized by Council;
- b) a sign authorized pursuant to applicable SIGD bylaws;
- c) a public notice authorized by a SIGD bylaw, or by provincial or federal legislation;
and
- d) a letter, symbol, mark, slogan, design or drawing authorized by the Owner or Occupant of the Property on which it appears if that letter, symbol, mark, slogan, design or drawing is not visible from adjacent public Property;

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

“Nuisance” means any contamination of the atmosphere through the emission of smoke, dust, gas, sparks, ash, soot, cinders, fumes, odour or other effluvia that is liable to foul or contaminate

SECHELT INDIAN GOVERNMENT DISTRICT

the atmosphere, or that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;

“Occupier” means any person who occupies Property, or who is qualified to maintain an action for trespass in respect of the Property, or who is in possession of Property under a rental agreement, leasehold, licence, agreement for sale or other agreement with the Owner of the Property;

“Owner” means any person, company, corporation, society, association, or other party who is the registered owner, owner under agreement of any Property;

“Property” means all real property, including but not limited to front yards, side yards, backyards, driveways, boulevards, sidewalks, parks, streets together with any and all Buildings or fences located thereon;

“Recycling Container” means a container that is intended or used to hold recyclable materials;

“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, household trash, refuse, cardboard, packaging materials, cans, glass, bedding, mattresses, crates, boxes, barrels, lawn and garden waste, grass and tree clippings, discarded appliances, discarded furniture, scrap metals, demolition waste or scrap building materials;

“Unightly Premises” means a Property that displays at least one of the following characteristics such that the Property looks unkempt, unmaintained, dilapidated or in disrepair:

- a) the storage, placement, collection or other accumulation of Rubbish or other noxious, offensive or unwholesome objects or materials, that is visible from adjacent public or private Property;
- b) the storage, placement or other accumulation of Vehicles or Boats that are unlicensed, uninsured, dismantled or otherwise inoperable, and that is visible from adjacent public or private Property;
- c) fencing that is broken, rotting, contains holes or cracks, is rusted or displays peeling paint;

SECHELT INDIAN GOVERNMENT DISTRICT

- d) contains a Building that is dilapidated, deteriorating or otherwise in disrepair as evidenced by such things as broken windows, broken doors, rot, holes, peeling, rusting, or cracking; or
- e) any other similar conditions of disrepair, dilapidation, deterioration or decay; and

“**Vehicle**” means any vehicle as defined in the British Columbia *Motor Vehicle Act*, as well as all ancillary parts, components and equipment attached to the vehicle, and includes but is not limited to automobiles, motor homes, motorcycles, dirt-bikes, all-terrain vehicles, trailers and manufactured homes.

Part 2: PROHIBITION ON UNSIGHTLY PREMISES

- 4) An Owner or Occupier of Property shall not cause, permit or allow Property of the Owner or Occupier to become or remain Unsightly Premises.
- 5) An Owner or Occupier of Property shall not cause, permit or allow Property of the Owner or Occupier to cause a Nuisance.
- 6) An Owner or Occupier of Property shall not cause, permit or allow Graffiti to be placed on or to remain on Property of the Owner or Occupier such that it is visible from an adjacent highway, public place or other public Property.
- 7) An Owner or Occupier of Property shall:
 - a) rectify or cause to be rectified any circumstances that may or does cause the Property of the Owner or Occupier to be an Unsightly Premises;
 - b) rectify or cause to be rectified any Nuisance that exists on or is created by the Property of the Owner or Occupier; or
 - c) remove or cause to be removed from the Property of the Owner or Occupier any Graffiti that is visible from an adjacent highway, public place, or other public Property.

Part 3: PROHIBITION ON OVERGROWTH, NOXIOUS WEEDS

- 8) An Owner or Occupier of Property shall not cause, permit or allow Noxious Weeds to grow, accumulate or otherwise be present on the Property of the Owner or Occupier.

SECHELT INDIAN GOVERNMENT DISTRICT

- 9) An Owner or Occupier of Property shall not cause or permit weeds to be present on Property of the Owner or Occupier in a manner that:
- a) because of their condition, are likely to spread to other Property in the vicinity; or
 - b) are so unkempt as to be unsightly.
- 10) An Owner or Occupier of Property shall not cause, permit or allow landscaping, including but not limited to brush, trees, shrubs, weeds, or flowers, on the Property of the Owner or Occupier to:
- a) become untidy, overgrown, diseased or dead; or
 - b) encroach onto adjacent public or private Property.
- 11) An Owner or Occupier of Property shall keep grass trimmed to a height of not more than 15 centimeters.
- 12) An Owner or Occupier of Property shall:
- a) remove or cause to be removed from the Property of the Owner or Occupier, using a method of removal approved by the District, all Noxious Weeds;
 - b) remove or cause to be removed from the Property of the Owner or Occupier all weeds, other than Noxious Weeds, that are likely to spread to adjacent Property or that are unkempt;
 - c) clear or cause to be cleared from the Property of the Owner or Occupier landscaping, including but not limited to brush, trees, shrubs, weeds, or flowers, that is untidy, overgrown, diseased or dead; and
 - d) clear or cause to be cleared from the Property of the Owner or Occupier landscaping, including but not limited to brush, trees, shrubs, weeds, or flowers, that is encroaching onto adjacent public or private Property.

Part 3: PROHIBITION ON BUILDING MATERIALS

- 13) No Owner or Occupier of Property shall cause, permit or allow the accumulation of Building Materials on Property of the Owner or Occupier unless:
- a) the Owner or Occupier is in valid possession of a valid building permit in respect of that Property;

SECHELT INDIAN GOVERNMENT DISTRICT

- b) the Building Materials are stored on the Property such that they are not visible from a highway, public place or other public or private Property; or
- c) when otherwise permitted by the District.

Part 4: GARBAGE CONTAINERS

- 14) An Owner or Occupier of Property shall acquire and maintain in good order and repair one Trash Container and one Recycling Container in which to store all Rubbish generated on the Property of the Owner or Occupier.
- 15) An Owner or Occupier of Property may place a Dumpster on the Property of the Owner or Occupier, if the Owner or Occupier is in possession of a valid building permit with respect to the Property, or when otherwise permitted by the District.
- 16) No Owner or Occupier of Property may cause, permit or allow Rubbish to overflow Garbage Containers on the Property of the Owner or Occupier.
- 17) An Owner or Occupier of Property must ensure that all Trash Containers on the Property of the Owner or Occupier are kept lidded when not being emptied or filled, and at all times are secured against disturbance by animals.
- 18) An Owner or Occupier of Property shall keep the area on the Property of the Owner or Occupier which is used for the storage of Garbage Containers clean, sanitary and free from standing water and loose Rubbish.
- 19) If a Dumpster is used, the Occupier must ensure that the lid on the Dumpster is locked at all times.

Part 5: ENFORCEMENT

- 20) If an Owner or Occupier of Property fails to comply with the obligations required pursuant to sections 4 to 19, a Bylaw Enforcement Officer, at their discretion, may serve on such Owner or Occupier an order which requires the owner to remove the contravention or otherwise rectify the noncompliance:
 - a) within 30 days; or
 - b) within 7 days if the Bylaw Enforcement Officer believes the contravention is a Nuisance under this Bylaw.

SECHELT INDIAN GOVERNMENT DISTRICT

21) An order under section 20 must be in writing and must:

- a) be delivered to the Owner or Occupier of the noncompliant Property by express mail or by hand;
- b) be posted on the noncompliant Property if there is an occupied Building on the Property;
- c) describe the procedure for having the order reconsidered by Council under Section 23 of this Bylaw; and
- d) clearly state that, if the Owner or Occupier of the noncompliant Property does not comply with the order within the specified time, the District may, under Section 20 of this Bylaw, take any actions required to bring the Property into compliance.

22) If the Owner or Occupier of the noncompliant Property fails to comply with an order under section 20, the District may, by its own forces or those of a contractor, immediately enter on the Property and carry out the work described in the order, at the expense of the Owner, Occupier or both. If such costs remain unpaid on December 31st in the year the removal was done, the costs shall be added to and form part of the taxes payable on the property as taxes in arrears.

23) Should an Owner or Occupier of Property wish to contest an order issued under section 20, that person must within 5 business days of the posting or mailing of the order, inform the District Manager in writing that they wish to appear before the Council to contest the order. Upon hearing submissions by the Owner or Occupier, staff and any other affected persons, the Council may affirm, vary or revoke the order.

24) Offence and Penalty – Every person who offends against any of the provisions of this Bylaw, or who suffers, permits or allows any act or thing to be done in contravention, or who refrains from doing anything required to be done by any of the provisions of this Bylaw, or who does any act or thing which violates any of the provisions of this Bylaw, shall be deemed to have committed an offence under this Bylaw and, upon conviction thereof before a Judge having jurisdiction, shall be liable to a fine not exceeding two thousand dollars (\$2,000.00).

25) Each day that a violation of the provisions of this Bylaw exists or is permitted to exist shall constitute a separate offence.

SECHELT INDIAN GOVERNMENT DISTRICT

26) Inspection –The Bylaw Enforcement Officer may enter on any Property at any reasonable time to ascertain whether the requirements of this Bylaw, or any Order issued pursuant to the Bylaw, are being observed. The Bylaw Enforcement Officer will take all reasonable steps to advise the owner or occupier before entering the property.

Part 6: SEVERABILITY

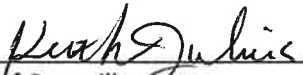
27) If any section, subsection of clause of this Bylaw is held by a court of competent jurisdiction to be invalid, it shall be severed and the remainder shall be deemed to be valid as if adopted without the invalid section, subsection or clause.

Read a First time this 16th day of October, 2018

Read the Second time this 16th day of October, 2018

Read the Third time this 20th day of November, 2018

Adopted this 21st day of December, 2018



Chief Councillor
for Chief
Warren Paull



Manager of the Sechelt Indian Government District
Certified a true copy of Bylaw No. 2018-11 as adopted