

## REGIONAL DISTRICT OKANAGAN-SIMILKAMEEN

### BYLAW NO. 2438, 2008

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#### A bylaw to regulate and control untidy and unsightly premises.

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**WHEREAS** the Board of the Regional District Okanagan-Similkameen has adopted the Untidy and Unsightly Premises Regulatory Control Service Establishment Bylaw No. 2437, 2008, to establish a service in Electoral Area 'F' of the regional district for the regulation and control of untidy and unsightly premises.

**AND WHEREAS** the *Local Government Act* authorizes the Regional District Okanagan-Similkameen to regulate and prohibit, by bylaw, untidy and unsightly premises.

**NOW THEREFORE**, the Board of the Regional District Okanagan-Similkameen, in open meeting assembled, enacts as follows:

1. In this bylaw:
  - a) "Board" means the Board of the Regional District Okanagan-Similkameen;
  - b) "Bylaw Enforcement Officer" means the person appointed as such by the Board;
  - c) "Highway" means a highway as defined in the *Highway Act*;
  - d) "Noxious Weeds" means weeds designated as such under the Weed Control Regulation of the *Weed Control Act*; and,
  - e) "Regional District" means the Regional District Okanagan-Similkameen.
2. No owner or occupier of real property shall cause or permit:
  - a) Refuse, garbage, or other noxious, offensive, or unwholesome material to collect or accumulate on such real property or in any buildings or structures located on such real property;
  - b) Water to collect or accumulate on such real property or in any buildings or structures located on such real property;
  - c) Noxious weeds to grow or accumulate on such real property;
  - d) Trees, brush, and other growths on such real property to create a safety hazard;

- e) Graffiti to be placed on any buildings or structures located on such real property; and,
  - f) Any other unsightly condition to exist on such real property or in any buildings or structures located on such real property.
3. Every owner and occupier of real property shall remove, or cause to be removed, from such real property and from any buildings or structures located on such real property:
- a) All collections or accumulations of refuse, garbage, or other noxious, offensive, or unwholesome material;
  - b) All collections or accumulations of water;
  - c) All noxious weeds;
  - d) All trees, brush, and other growths that create a safety hazard;
  - e) All graffiti; and,
  - f) All other unsightly conditions.
4. Upon any failure by the owner or occupier of real property to undertake the work necessary to comply with section 3 of this bylaw, and upon the owner or occupier of such real property having been given an opportunity to be heard by the Board in respect of such failure, the Regional District may, by its own forces or those of a contractor, carry out the work necessary to comply with section 3 of this bylaw at the expense of the owner or occupier, and the Regional District may recover the costs of undertaking the work either as a debt against the person in default or in the same manner and with the same remedies as property taxes.
5. The bylaw enforcement officer may at any reasonable time enter on or into any real property to ascertain whether the regulations and requirements of this bylaw are being observed.
6. No person shall obstruct or interfere with the bylaw enforcement officer in the exercise of the powers conferred on the bylaw enforcement officer under this bylaw.
7. Every person who violates any provision of this bylaw, or who permits any act or thing to be done in violation of any provision of this bylaw, is guilty of an offence against this bylaw that is punishable upon summary conviction by a fine of up to \$2000.
8. Each day that a violation of any provision of this bylaw continues to exist is a separate offence against this bylaw.
9. If any section, subsection, or other portion of this bylaw is held by a court of competent jurisdiction to be invalid, such invalidity shall not affect the validity of the remainder of this bylaw.

10. This bylaw may be cited as the "Electoral Area 'F' Untidy and Unsightly Premises Regulatory Control Bylaw No. 2438, 2008".

READ A FIRST, SECOND AND THIRD TIME this 20<sup>th</sup> day of March, 2008.

ADOPTED this        day of        , 2008.

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RDOS Board Chair

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General Manager of Administration Services