

TOWN OF FORT NELSON

***THE PROPERTY MAINTENANCE
BYLAW NO. 614, 2002***

August 2002

A bylaw of the Town of Fort Nelson (hereinafter called "the Town") to establish standards for the maintenance of real property and to prohibit littering within the boundaries of the Town pursuant to the Local Government Act.

WHEREAS Section 725 of the Local Government Act and amendments thereto provides the Council of the Town with the authority, by bylaw, to prohibit persons from causing or permitting water, rubbish or noxious, offensive or unwholesome matter to collect or accumulate around their premises, or from depositing or throwing bottles, broken glass or other rubbish in any open place; and,

WHEREAS Section 725 of the Act and amendments thereto provides the Council of the Town with the authority, by bylaw, to prohibit the owners or occupiers of real property from allowing their property to become or remain unsightly and to require the owners or occupiers of real property, or their agents, to remove from it unsightly accumulations of filth, discarded materials, or rubbish; and,

WHEREAS Section 725 of the Act and amendments thereto provides the Council of the Town with the authority, by bylaw, to require the owners or occupiers of real property, or their agents, to clear the property of brush, trees, noxious weeds or other growths;

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

1. CITATION

(1) This bylaw may be cited as "The Property Maintenance Bylaw No. 614, 2002".

2. REPEALS

(1) The following bylaw is hereby repealed in its entirety:

(a) The Property Maintenance Bylaw No. 546, 1998.

3. APPLICATION

(1) This bylaw shall apply to the geographic area of the Town of Fort Nelson.

4. DEFINITIONS

In this bylaw:

(1) "Bylaw Enforcement Officer" means the person appointed to that position by resolution of the Council of the Town of Fort Nelson from time to time, or his designate.

(2) "Council" means the elected Council of the Town of Fort Nelson;

(3) "Noxious Weed" means any weed so designated by the regulations to the Weed Control Act and amendments thereto, and includes: Diffuse Knapweed (*Centaurea diffusa* Lam.), Ox-Eye Daisy (*Chrysanthemum leucanthemum* L.), Leafy Spurge (*Euphorbia esula* L.), Russian Knapweed (*Acroptilon repens*), Spotted Knapweed (*Centaurea maculosa* L.), Sow Thistle, Annual and Perennial (*Sonchus* spp.), Giant Burdock (*Arctium* spp.), Dodder (*Cuscuta* spp.) and Tartary Buckwheat (*Fagopyrum tataricum* L.);

- (4) "Town" means the Town of Fort Nelson;
- (5) "Untidy or Unsightly" means, but is not limited to
 - (a) the accumulation of building material on any property other than premises licensed under the Business License Bylaw for that purpose, unless the owner or occupier of the property, or their agent, is in possession of a valid building permit or unless the accumulation is stored in a covered building;
 - (b) the storage or accumulation of all or part of any motor vehicle which is not validly registered and licensed in accordance with the Motor Vehicle Act or any amendments thereto, or any vehicle incapable of movement under its own power, including any dismantled, wrecked, or non-operational vehicle for more than one month in any 12 month period or any vehicle which has not been licensed for a period of one year which is not covered with a fitted vehicle cover or housed in a garage or carport;
 - (c) the accumulation of filth, discarded materials or rubbish of any kind including but not limited to: ashes, dead animals, paper, cardboard, tin cans, leaves, wood, bedding, crockery, glass, bags and appliances.

5. GENERAL MAINTENANCE REGULATIONS

Accumulation of Water, Rubbish or Noxious Matter

- (1) No person shall cause or permit water, rubbish or noxious, offensive or unwholesome matter to collect or accumulate around their premises or the premises occupied by them.

Bottles, Glass or Rubbish

- (2) No person shall deposit or throw bottles, glass or broken glass or other rubbish in any open place.

Untidy or Unsightly Property

- (3) No owner or occupier of real property in the Town shall cause or permit that property to become or to remain untidy or unsightly.

Removal of Filth or Rubbish

- (4) Every owner and occupier of real property, or their agent, shall remove from the property any accumulation of filth, discarded material or rubbish of any kind.

Removal of Brush, Trees, Weeds or Other Growths

- (5) Every owner and occupier of real property, or their agent, shall clear the property of brush, trees, noxious weeds, wild grass and other untended growths.

6. WEED CONTROL

- (1) Pursuant to the Weed Control Act and amendments thereto, the Bylaw Enforcement Officer shall be the "Weed Control Officer" within the Town and shall be authorized to enforce those provisions of the Weed Control Act on behalf of the Council.

7. ENFORCEMENT

Removal of Offending Material

- (1) Where any person fails to comply with Section 5(3), 5(4) or 5(5) of this bylaw, the Bylaw Enforcement Officer may give written notice to that person to comply with fourteen (14) days of delivery of the notice, by registered mail or certified mail, addressed to the address of the property or the last known address of the owner or occupier of the property, and in the event of failure to comply with the notice, the Bylaw Enforcement Officer may order property clean-up by the Town's employees or contractors and enter onto the property and effect the removal of the offending material at the expense of the person defaulting.

Application of Costs to Property Taxes

- (2) The cost of effecting any removal pursuant to Section 7(1) of this bylaw shall be due and payable by the person in default immediately upon receipt of the Town's account in that regard, and if such charge remains unpaid on the 31st day of December in any year, the charge will be added to and form part of the taxes payable on the property as taxes in arrears.

Entry Onto Property

- (3) The Bylaw Enforcement Officer may at all reasonable times enter onto any property in the Town in order to ascertain whether the regulations and requirements of this bylaw are being observed and it is an offence to obstruct the Bylaw Enforcement Officer from acting in accordance with this Section.

8. PENALTY PROVISIONS

- (1) Any person who contravenes any of the provisions of this bylaw shall be liable to a fine of not more than Two Thousand Dollars (\$2,000.00) for each offence, and every day during which there is a contravention of the bylaw shall constitute a separate offence.

9. SEVERABILITY

- (1) If any portion of this bylaw is held to be invalid by a Court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of the bylaw

10. EFFECTIVE DATE

- (1) This bylaw shall take effect upon its adoption.

11. DESIGNATED BYLAW ENFORCEMENT OFFICER

- (1) Designated bylaw enforcement officer for Bylaw No. 614, 2002 is: Bylaw Enforcement Officer.

READ a first time this 11th day of February, 2002.

READ a second time this 11th day of February, 2002.

READ a third time this 11th day of February, 2002.

ADOPTED as amended this 21st day of August, 2002.

CERTIFIED a true and correct copy of "The Property Maintenance Bylaw No. 614, 2002" as adopted by the Council of the Town....Debbie Walker, Town Clerk

THE CORPORATE SEAL of the Town of Fort Nelson was hereto affixed in the presence of....Harry Clarke, Mayor and Debbie Walker, Town Clerk

THE MUNICIPAL TICKET INFORMATION
BYLAW NO. 610, 2002
(In Reference to Property Maintenance Bylaw No. 614, 2002)

Designated Bylaw Enforcement Officers for Bylaw No. 614, 2002
Bylaw Enforcement Officer

Offence Bylaw No. 610, 2002 Section/Fine

Offence	Bylaw Section	Fine
Accumulation of Water Around Premises	5(1)	\$100
Accumulation of Rubbish Around Premises	5(1)	\$100
Accumulation of Unwholesome Matter Around Premises	5(1)	\$100
Depositing Bottles/Glass/Broken Glass Rubbish in Open Place	5(2)	\$100
Permitting Property to be Untidy/Unsightly	5(3)	\$100
Failure to Remove Accumulations of Filthy Materials/Rubbish	5(4)	\$100
Failure to Remove Untended Growths	5(5)	\$100
Obstruction of Bylaw Enforcement Officer Entering Property	7(3)	\$200