

“PROPERTY MAINTENANCE BYLAW 1990 NO. 3704”

Consolidated Version

1995-MAR-07

Includes Amendments: 4802, 4889

CITY OF NANAIMO

BYLAW NO. 3704

A BYLAW TO PROVIDE FOR THE MAINTENANCE OF PROPERTY

WHEREAS Council may, by bylaw, under Section 932(g) of the *Municipal Act* 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 Council may, by bylaw, under Sections 932(h) and 932(h.1) of the *Municipal Act*, prohibit persons from placing graffiti on walls, fences or elsewhere on or adjacent to a public place, and prohibit the owners or occupiers of real property or their agents from allowing their property to become or remain unsightly and require the owners or occupiers of real property or their agents to remove from it any accumulation of filth, discarded material, rubbish or graffiti; (Bylaw 4802)

AND WHEREAS Council may, by bylaw, under Section 932(k) of the *Municipal Act* require the owners or occupiers of real property or their agents to clear the property of brush, trees, noxious weeds or other growths;

AND WHEREAS Council may, by bylaw, under Section 932(1) of the *Municipal Act* require the owners or occupiers of real property or their agents to prevent infestation by caterpillars and other noxious or destructive insects.

THEREFORE BE IT RESOLVED that the Council of the City of Nanaimo in open meeting assembled, ENACTS AS FOLLOWS:

1. Title

This Bylaw may be known and cited for all purposes as “PROPERTY MAINTENANCE BYLAW 1990 NO. 3704”.

2. Interpretation

In this Bylaw unless the context otherwise requires:

“Bylaw Enforcement Officer” means a person or persons appointed from time to time by resolution of City Council pursuant to Section 36 of the *Police Act*, and include the Manager of Bylaw Services and any person designated by the Manager to act on his/her behalf.
(Bylaw 4802)

“City”	means the City of Nanaimo.
“Container”	includes a dumpster, garbage can, garbage bin or other receptacle designed, intended or used to hold rubbish, discarded materials and debris. (Bylaw 4802)
“Council”	means the Council of the City of Nanaimo.
“Graffiti”	means writing or pictorial representation scratched, scribbled, painted or otherwise applied to walls, roofs, fences, or windows, but not including permitted signs as defined in “SIGN BYLAW 1987 NO. 2850” and amendments thereto.
“Rubbish”	means refuse. (Bylaw 4802)
“Refuse”	includes, but is not limited to, food wastes, market wastes, combustibles such as paper, cardboard, plastics, leather, yard trimmings and brush, non-combustibles such as metal cans, glass containers, glass, crockery, dirt, ashes from fireplaces and on-site incinerators, street sweepings, bulky wastes such as furniture, appliances, tires, stumps, construction and demolition waste, unlicensed, unused or stripped automobiles, trucks, trailers, boats, vessels, machinery, mechanical or metal parts. (Bylaw 4802)

3. Authority to Enter Upon Property

Bylaw Enforcement Officers of the City are hereby authorized to enter at all reasonable times upon any property within the City for the purpose of ascertaining whether the regulations under this Bylaw are being observed, or whether a requirement of the City is being met. (Bylaw 4802)

4. Rubbish and Litter Control

No person shall:

- (a) cause or permit water, rubbish, or noxious, offensive or unwholesome matter to collect or accumulate around lands or buildings owned or occupied by them;
- (b) deposit or throw bottles, broken glass or other rubbish in any open place.
- (c) cause or permit rubbish to overflow from or accumulate around any container. (Bylaw 4802)

- (d) without limiting the generality of the foregoing, no person shall, in respect to property for 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. (Bylaw 4802)

5. Unsightly Property

- (a) No person shall place graffiti on walls, fences or elsewhere on or adjacent to a public place;
- (b) No owner or occupier of real property or their agents shall allow such property to become or remain unsightly by the accumulation of filth, discarded materials or rubbish.

6. Unsightly Growth

Every owner or occupier of real property or their agents shall clear the property of brush, trees, noxious weeds or other growths that become or remain unsightly.

7. Destructive Insects

Every owner or occupier of real property or their agents shall clear the property that becomes infested by caterpillars and other noxious or destructive insects of such caterpillars or insects.

8. Enforcement

- (a) Owners or occupiers of real property or their agents shall under Sections 5, 6 and 7 of this Bylaw remove from the property unsightly accumulations of filth, discarded materials, rubbish, or graffiti and brush, trees, noxious weeds or other growths, caterpillars and other noxious or destructive insects that infest the property;
- (b) Where a person fails to comply with a requirement under (a), the City may by its employees or other persons, at reasonable times and in a reasonable manner, enter on the property and effect the removal at the expense of the person who failed to comply;
- (c) Where the person at whose expense removal is carried out under (b) does not pay the costs of the removal on or before December 31, in the year that the removal was done, the costs shall be added to and form part of the taxes payable on the property as taxes in arrears.

9. Penalty

Every person who violates any of the provisions of this Bylaw, or who causes, suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw or who neglects or refrains from doing anything required to be done by any of the provisions of this Bylaw, or who carries out or who suffers, causes or permits to be carried out any development in a manner prohibited by or contrary to any of the provisions of this Bylaw, or who fails to comply with any order, direction or notice given under this Bylaw in addition to any other penalties provided for in this Bylaw, shall be liable on summary conviction to a fine not exceeding Two Thousand Dollars (\$2,000.00); or, if an information is laid by means of a ticket, in accordance with the procedure set out in the *Offence Act*, a fine as stipulated in Schedule 'A' of this Bylaw. (Bylaw 4889)

10. Remainder of Bylaw to be Maintained Intact

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.

11. Repeal

The "UNTIDY AND UNSIGHTLY PREMISES BYLAW 1965 NO. 1210" is hereby repealed.

The "NOXIOUS WEEDS AND THISTLE BYLAW 1883 NO. 52" is hereby repealed.

The "NOXIOUS WEEDS BYLAW 1898 NO. 53" is hereby repealed.

(Bylaw 4889)

SCHEDULE 'A'

FINE SCHEDULE

Fines for tickets issued pursuant to this Bylaw, shall be as follows:

<u>Description of Offence</u>	<u>Section #</u>	<u>Amount of Fine</u>
Cause or permit rubbish to collect	4(a)	\$100.00
Deposit rubbish in open space	4(b)	\$100.00
Permit rubbish to accumulate around container	4(c)	\$100.00
Fail to contain demolition waste	4(d)	\$100.00
Place graffiti	5(a)	\$100.00
Allow unsightly property	5(b)	\$100.00
Fail to clear unsightly growth	6	\$100.00
Fail to clear noxious insects	7	\$100.00