

COMOX VALLEY REGIONAL DISTRICT

BYLAW NO. 101

A bylaw to regulate the maintenance of property

WHEREAS the Comox Valley Regional District has the authority to exercise the nuisance and unsightly premises function in accordance with section 725 of the *Local Government Act* and by supplementary letters patent dated September 28, 1978;

AND WHEREAS in accordance with the *Local Government Act* section 725 (1)(b), (c) and (d) the board may by bylaw prohibit or require the following:

- 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 space;
- prohibit the owners or occupiers of real property 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 accumulations of filth, discarded material or rubbish;

AND WHEREAS Bylaw No. 2051 being “Unsightly Premises Extended Service Establishment Bylaw 2051, 1998”, adopted on the 29th day of June 1998 converted the function of regulating nuisance and unsightly premises to an extended service of the regional district;

AND WHEREAS the board deems it desirable to establish regulations which may be imposed to require the clean up and restoration of property in the Comox Valley Regional District Electoral Areas “A”, “B” and “C”;

NOW THEREFORE be it resolved, that the board of the Comox Valley Regional District in open meeting assembled, enacts as follows:

Title

1. This Bylaw No. 101 may be cited as the “Electoral Areas Unsightly Premises Regulation Bylaw No. 101, 2010”.

Interpretation

2. In this bylaw unless the context otherwise requires:
 - “Board” means the board of the Comox Valley Regional District.
 - “Bylaw Compliance Officer” means a person appointed by the board or the chief administrative officer to enforce the bylaws.
 - “Filth, Discarded Materials or Rubbish” includes any and all manner of garbage; discarded or disused materials; filth; noxious, offensive or unwholesome matter; unlicensed, unused or stripped automobiles; trucks, trailers, boats, vessels, machinery, mechanical or metal parts; bottles and glass.
 - “Open Place” means lands that are not owned or occupied by the alleged offender.

- “Real Property” means land other than a highway, together with all improvements which have been so affixed to the land as to make them in law a part of the land and includes land without improvements.
- “Regional District” means the Comox Valley Regional District.

Jurisdiction

3. This bylaw is applicable to and enforceable within electoral areas ‘A’, ‘B’, and ‘C’ of the CVRD.

Authority to Enter Upon Property

4. A bylaw compliance officer is hereby authorized to enter at all reasonable times upon property within the district, for the purpose of ascertaining whether the regulations contained in the bylaw or directions made pursuant to this bylaw are being observed.

Rubbish and Litter Control

5. No person shall
- (1) cause or permit rubbish or noxious, offensive or unwholesome matter to collect or accumulate around their premises owned or occupied by that person; or
 - (2) deposit or throw bottles, broken glass or other rubbish in any open place.

Unsightly Property

6. (1) No owner or occupier of real property shall allow their property to become or remain unsightly by the accumulation of filth, discarded materials or rubbish.
- (2) Owners or occupiers of real property shall remove from their property unsightly accumulations of filth, discarded materials or rubbish.

Enforcement

7. The enforcement of the provisions within this bylaw occurs in accordance with the Comox Valley Regional District enforcement policy.

Penalty

8. Any person who contravenes a provision in this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses, omits, or neglects to fulfill, observe, carry out or perform any duty or obligation imposed in this bylaw is guilty of an offence and:
- (a) on summary conviction is liable to a fine of not less than \$500 and not more than \$10,000; or
 - (b) on conviction of a ticket offence under the ticketing bylaw, is liable for the fine imposed under that bylaw.

Severability

9. If any provision of this bylaw is held to be invalid by a court of competent jurisdiction, the provision may be severed from the bylaw and such invalidity shall not affect the validity of the remaining portions of this bylaw.

