

PROPERTY STANDARDS BYLAW 2434, 2018

A bylaw to establish and enforce minimum standards for properties in the
City of Fort St. John

WHEREAS the Council of the City of Fort St. John wishes to ensure that properties within the City are properly maintained and not allowed to become unsightly;

AND WHEREAS the Council of the City of Fort St. John may, by bylaw, regulate, prohibit, and impose requirements with respect to the protection and enhancement of the well-being of its community in relation to nuisances, disturbances and other objectionable situations;

AND WHEREAS the Council of the City of Fort St. John seeks to protect the community from unsightly, hazardous and blighting conditions that contribute to the deterioration of neighbourhoods, to provide for the abatement of such conditions, and to prescribe standards for the maintenance of property.

NOW THEREFORE the Council of the City of Fort St. John, in open meeting assembled, **ENACTS AS FOLLOWS:**

SHORT TITLE

1. This bylaw may be cited as "Property Standards Bylaw No. 2434, 2018".

REPEAL

2. Unsightly Premises Bylaw No. 1223, 1992 and Nuisance Bylaw No. 1645, 2003 are hereby repealed.

DEFINITIONS

3. In this bylaw:

"Boulevard" means the area between the property line and

- (a) the edge of the pavement or curb on an adjacent highway; or
- (b) where there is no pavement or curb, the edge of the regularly travelled portion of the adjacent highway;

"Clean Up Order" means an order issued under section 23 of this bylaw;

"Community Charter" means the *Community Charter*, S.B.C. 2003, c. 26;

"Council" means the Council of the City of Fort St. John;

DEFINITIONS (continued)

3. In this bylaw:

“Derelict vehicle” means:

- (a) a motor vehicle or farm implement that is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, or inoperative condition;
- (b) a motor vehicle that has no licence plate attached to it or no current insurance certificate attached to the motor vehicle’s licence plate; or
- (c) a part or parts of a motor vehicle or farm implement;

“Destructive insect” means any insect that is injurious, noxious and troublesome, and includes, but not limited to: destructive defoliators and woody tissues feeders, such as Sawflys, Caterpillars, Hoppers, Leafminers, Budworms, Loopers, Mites, Adelgid and Aphids, Beetles, Weevils, Moths, Midges and Borers, and the list of quarantine pests regulated by the Canadian Food Inspection Agency (CFIA), under the *Plant Protection Act*;

“Graffiti” means drawing, printing, or writing that is scratched, sprayed, painted or scribbled on a wall or other surface, but does not include a sign for which a permit has been issued by the Municipality;

“Grasses” means planted or wild vegetation including sod, turf and weeds but excluding fireweed;

“Highway” has the same meaning as in the *Community Charter*;

“Inspector” means any person who has been appointed by Council to administer and enforce this bylaw;

“Land” means any lot, block or other area in which land is held or into which it is subdivided and includes any improvement on a parcel but excludes streets, lanes and Municipality-owned parks and open spaces;

“Litter” includes tins, glass, fabric, discarded clothing, soiled bedding and linen, paper, cardboard, beverage containers and food containers left or deposited outdoors;

“Municipality” means the City of Fort St. John;

DEFINITIONS (continued)

3. In this bylaw:

"Noxious weed" means a plant that grows aggressively, multiplies quickly and adversely affects native habitats and includes but is not limited to:

- (a) Canada thistle, Russian thistle, marsh plume thistle, scentless chamomile, ox-eye daisy, common daisy, common tansy, cleavers, green foxtail, wild mustard, burdock, yellow and orange hawkweed, spotted and diffuse knapweed;
- (b) Every weed designated by regulation as a noxious weed under the *Weed Control Act*, R.S.B.C. 1996, c. 487;
- (c) Every plant identified as an invasive plant by the Invasive Plant Committee of the Peace River Regional District; and
- (d) A seed of a plant specified above;

"Occupier" means a tenant, licensee or other person who occupies or is in possession of a premise or premises or who has control over who is allowed to enter a premise or premises;

"Overgrown" includes, with regard to grasses, grasses that are more than 20cm in height;

"Owner" means, in respect of a premise or premises:

- (a) the person registered as the owner in fee simple of the land or improvement; and
- (b) in the case of the absence or incapacity of the person registered as owner of the land or improvement, a trustee, an executor, a guardian, an agent, a mortgagee in possession or other person having the care or control of the land or building;

"Owner's address" means either of the following:

- (a) the address given for the owner on the certificate of title for the premise or premises; or
- (b) the most recent contact address provided by the owner to the Municipality;

"Person" includes a corporation and the heirs, executors, administrators or other legal representatives of a person;

"Premise or premises" means an area of land with or without buildings;

DEFINITIONS (continued)

3. In this bylaw:

"Refuse" includes:

- (a) liquid and solid waste, discarded and disused materials, rubbish and litter,
- (b) refrigerators, washing machines, televisions, dryers, air conditioners, vacuum cleaners and other household appliances, including their parts;
- (c) indoor furniture and household goods, including but not limited to, couches, desks, cabinets, mattresses, carpets and rugs, flooring material, books, magazines;
- (d) lights, computers, screens, mobile phones, alarm clocks, watches, stereos, and other electrical appliances, including their parts;
- (e) chattels stored in garbage bags or under tarpaulins;
- (f) dilapidated or dismantled aircraft, boats, trailers;
- (g) grass cuttings, shrubbery and tree pruning, garden waste; and
- (h) explosives, flammable liquids, diesel fuel and gasoline products;

but does not include tree stumps, roots and turf;

"Weeds, Grass and Litter Order" means an order issued under section 20 of this bylaw.

INSPECTORS

- 4. The Municipality's Bylaw Enforcement Officers and Building Inspectors are appointed as Inspectors under this bylaw.
- 5. Council may, from time to time, appoint additional Inspectors by resolution.

RIGHT OF ENTRY

- 6. Pursuant to section 16 of the *Community Charter*, an Inspector may enter into or upon any premise or premises within the Municipality at any reasonable time, including for the following purposes:
 - (a) to inspect and determine whether all regulations, prohibitions and requirements imposed under or pursuant to this bylaw are being met;
 - (b) to take action on default of an order under this bylaw; and

RIGHT OF ENTRY (continued)

- (c) to request anything to be produced to assist with an inspection, enforcement or action on default performed for the purpose of this bylaw.
- 7. An Inspector shall display or produce identification upon the request of an occupant of premise or premises that are the subject of an inspection or work performed by the Municipality under this bylaw.
- 8. A person must not obstruct an Inspector in the performance of the Inspector's duties.

GENERAL PROHIBITIONS

- 9. No person shall plant, place or leave the following on a highway, in a park or public space, or outside on any other land within the Municipality:
 - (a) refuse, unless placed in an appropriate receptacle;
 - (b) derelict vehicles
 - (c) noxious weeds;
 - (d) destructive insects; or
 - (e) yard waste, grass clippings, and tree and hedge cuttings.
- 10. No person shall place graffiti on the exterior of any building, fence, or other structure.

BOULEVARD MAINTENANCE

- 11. The owner or occupier of a parcel abutting a boulevard must maintain the boulevard by:
 - (a) keeping the boulevard free of refuse, and noxious weeds;
 - (b) not parking vehicles on the boulevard;
 - (c) regularly cutting grasses on the boulevard and treating them for disease; and
 - (d) keeping hedges and trees trimmed to prevent visual obstruction or other hazard.
- 12. No person shall injure or damage any tree, shrub, plant, bush or hedge located on a boulevard.

PROPERTY MAINTENANCE STANDARDS

13. No owner or occupier of a premise or premises shall cause or allow a fence or the exterior of a building or other structure on the premise or premises to fall into disrepair or to become a hazard.
14. No owner or occupier of a premise or premises shall cause or allow the following to be placed outdoors on the premise or premises in a location that is visible from a highway or neighbouring parcel:
 - (a) building materials, unless the owner or occupier of the premise or premises is in possession of a valid building permit from the Municipality, authorizing construction on those premise or premises;
 - (b) chattels belonging to the owner or occupant offered for sale (exceeding 14 days), if the premise or premises are within a residential zone under Zoning Bylaw 2181, 2014, as amended from time to time, or
 - (c) graffiti.
15. The following exceptions apply to section 14 of this bylaw:
 - (a) Section 14(a) does not apply to a premise or premises containing a licensed business that principally sells building materials;
 - (b) Section 14(b) does not apply to a garage sale on a premise or premises if the garage sale has a duration of no more than two days and occurs a maximum of two (2) times per calendar month.
16. No owner or occupier of a premise or premises(s) shall allow the premise or premises(s) to contain an infestation of destructive insects.
17. No owner or occupier of a premise or premises shall allow the following to be located outdoors on the premise or premises, including on balconies, decks, patios or within carports:
 - (a) refuse;
 - (b) derelict vehicles;
 - (c) an accumulation of yard waste, including an accumulation of grass clippings, tree and hedge cuttings and compost piles; or
 - (d) weeds, brush, bush, trees, or other growth that constitutes a fire or health hazard.
18. Section 17(b) of this bylaw does not apply to a premise or premises containing a licensed salvage yard or licensed automobile dealership.

PROPERTY MAINTENANCE STANDARDS (continued)

19. No owner or occupier of a premise or premises shall allow the premise or premises to contain the following:
- (a) litter;
 - (b) overgrown grasses; or
 - (c) noxious weeds.

WEEDS, GRASS AND LITTER ORDER

20. If an Inspector determines that an owner or occupier of a premise or premises has contravened Section 19 of this bylaw, the Inspector may, without prior notice, issue a Weeds, Grass and Litter Order requiring the owner or occupier to remedy the contravention by doing any or all of the following on the premise or premises:
- (a) removing and disposing of noxious weeds;
 - (b) cutting overgrown grasses and removing the cuttings from the premise or premises; and
 - (c) removing and disposing of litter,
- within the time and in the manner specified in the Weeds, Grass and Litter Order.
21. A Weeds, Grass and Litter Order must:
- (a) be in writing;
 - (b) identify the person who must fulfill the requirement;
 - (c) be posted in a conspicuous location on the premise or premises;
 - (d) be sent by regular mail to the owner's address;
 - (e) be sent by regular mail to the occupier of the premise or premises if the occupier is the person who must fulfill the requirement;
 - (f) provide the owner or occupier of the premise or premises with no less than seven (7) calendar days to fulfill the requirement after the date the Weeds, Grass and Litter Order was posted on the premise or premises and sent; and
 - (g) advise that upon default, the Municipality may fulfil the requirement set out in the Weeds, Grass and Litter Order and seek recovery of the cost under section 17 of the *Community Charter*.

CLEAN UP ORDER

22. If an Inspector determines that the regulations, prohibitions and requirements of this bylaw are not being met with respect to certain premise or premises, the Inspector may, by notice, advise the owner or occupier of the premise or premises of the contravention and request that compliance with this bylaw be achieved within the time period stated in the notice.
23. If, after receiving a notice from an Inspector under Section 22 of this bylaw, an owner or occupier fails to remedy a contravention occurring on the owner or occupier's premise or premises, the Inspector may issue a Clean Up Order requiring the owner or occupier to remedy the contravention in the manner specified and within the time specified in the Clean Up Order.
24. A Clean Up Order must:
 - (a) be in writing;
 - (b) identify the person who must fulfill the requirement;
 - (c) be personally served on or sent by registered mail to the owner of the premise or premises at the owner's address; and
 - (i) be personally served on or sent by registered mail to the occupier, if the occupier of the premise or premises is the person who must fulfill the requirement;
 - (d) be sent by regular mail to the occupier of the premise or premises if:
 - (i) the address of the premise or premises is different from the owner's address; and
 - (ii) the owner of the premise or premises is the person must fulfill the requirement;
 - (e) be sent by regular mail to each holder of a registered charge in relation to the premise or premises whose name is included on the assessment roll, if any, at the address set out in that assessment roll and to any later address provided to the Municipality;
 - (f) be posted in a conspicuous place on the premise or premises;
 - (g) provide the owner or occupier with no less than thirty (30) days to fulfill the requirement after the date the Clean Up Order was posted on the premise or premises and sent;
 - (h) advise that a person may request that Council reconsider the Clean Up Order in accordance with this bylaw; and

CLEAN UP ORDER (continued)

- (i) advise that, upon default, the Municipality may fulfil the requirement set out in the Clean Up Order and seek recovery of the cost under section 17 *Community Charter*.
25. If an Inspector concludes that a person is evading receipt of a Clean Up Order, the Inspector may request that Council, by resolution, authorize steps to be taken as an alternative to compliance with section 24(c) or 24(d) of this bylaw.
26. A person may request that Council reconsider a Clean Up Order by delivering a request in writing to the Municipality's clerk at least two weeks prior to the expiration of the time for compliance set out in the Clean Up Order.
27. If a timely request for reconsideration of a Clean Up Order is made, Council must hear the representations of the requestor and may do any of the following:
- (a) affirm the Clean Up Order;
 - (b) cancel the Clean Up Order;
 - (c) affirm and extend the time for compliance with the Clean Up Order; and
 - (d) modify the Clean Up Order to accommodate a request by the affected person.

REQUIREMENT AND ACTION ON DEFAULT

28. An owner or occupier who is required to take action under a Clean Up Order or a Weeds, Grass and Litter Order must comply with that order.
29. If the owner or occupier fails to comply with a Clean Up Order or a Weeds, Grass and Litter Order, the Municipality may, by its employees, contractors and agents, enter onto the premise or premises and take action in accordance with Section 17 of the *Community Charter* and fulfil the requirements of the order and furthermore may recover the cost of such action on default, including administrative costs equal to 15% of the value of all contractor and agent invoices, from the person subject to the order and if such costs remain unpaid by December 31 of the year in which they are owing, the costs may be recovered as property taxes in arrears in accordance with Part 14 of the *Community Charter*.
30. If the Municipality's action on default includes the removal of one or more items from the premise or premises, the Inspector may, as the Inspector considers reasonable given the nature, condition and market value of each item:
- (a) dispose of the item after thirty (30) days;

REQUIREMENT AND ACTION ON DEFAULT (continued)

- (b) sell the item for salvage and credit the money received against the cost of acting on default and any applicable storage fees; or
- (c) auction the item and credit the money received against the cost of acting on default.

ENFORCEMENT

31. Any person designated as a Bylaw Enforcement Officer pursuant to the City of Fort St. John’s Bylaw Enforcement Notice Bylaw or Fort St. John’s Municipal Ticket Information Bylaw is hereby authorized and empowered to enforce the provisions of this Bylaw to the Bylaw Notice Enforcement Bylaw No. 2428, 2018, as amended from time to time, or by the Municipal Ticket Information System Bylaw No. 2429, 2018 as amended from time to time.

OFFENCE AND PENALTIES

32. The penalty for a contravention dealt with by bylaw notice in accordance with the Bylaw Notice Enforcement Bylaw No. 2428, 2018 is as follows:
- a. The Penalty amount set out in Column A3 of Schedule “A” is payable for the corresponding contravention except when subsections 30.b or 30.c apply;
 - b. The early Payment Penalty set out in Column A4 of Schedule “A” applies if payment is received by the City within 14 days of the person receiving or being presumed to have received the bylaw notice; and
 - c. The Late Payment Penalty set out in Column A5 of Schedule “A” applies if payment is received more than 31 days after the person received or is presumed to have received the bylaw notice.

GENERAL

33. If any portion of this bylaw is held to be invalid by a decision of a Court of competent jurisdiction, such invalidity will not affect the validity of the remaining portions of this bylaw.

READ FOR THE FIRST THREE TIME this 23rd day of July, 2018

ADOPTED this 13th day of August, 2018

LORI ACKERMAN
MAYOR

JANET PRESTLEY
DIRECTOR OF LEGISLATIVE AND
ADMINISTRATIVE SERVICES

SCHEDULE A

A1 Section	A2 Description	A3 Penalty (\$) (15 – 30 Days)	A4 Early Payment (\$) (1 – 14 Days)	A5 Late Payment (\$) 31 – 60 Days) (Collections 60+)	A6 Compliance Agreement Available (50% of Penalty)
8	Obstructing an Inspector	200	150	250	No
9	Illegal dumping	200	150	250	No
10	Applying graffiti	200	150	250	No
11(a)	Fail to clear boulevard	200	150	250	Yes
11(b)	Parking on boulevard	200	150	250	Yes
11(c)	Fail to tend boulevard grass	200	150	250	Yes
11(d)	Fail to trim hedge or tree	200	150	250	Yes
12	Damage to plant on boulevard	200	150	250	Yes
13	Dilapidated or unsafe structure	300	250	350	Yes
14(a)	Building materials in view	200	100	250	Yes
14(b)	Prohibited sales	200	100	250	Yes
14(c)	Failure to remove graffiti	200	150	250	Yes
16	Destructive insect infestation	200	150	250	Yes
17(a)	Accumulation of refuse	200	150	250	Yes
17(b)	Derelict vehicle or parts in view	200	150	250	Yes
17(c)	Accumulation of yard waste	200	150	250	Yes
17(d)	Hazardous plant growth	200	150	250	Yes
19(a)	Litter on premise or premises	200	150	250	Yes
19(b)	Failure to cut grass	200	100	250	Yes
19(c)	Noxious weeds on premise or premises	200	150	250	Yes