

**REGIONAL DISTRICT OF KITIMAT-STIKINE
BYLAW NO. 373**

**A bylaw to prohibit unsightly premises within
Electoral Areas C and E of the Regional District
of Kitimat-Stikine.**

WHEREAS the authority to exercise the powers set out in 932(b), (g), (h), (h.1) and (k) has been granted by the "Regional District of Kitimat-Stikine Disturbance, Nuisance and Unsightly Premises Extended Service Establishment Bylaw No. 312, 1991";

NOW THEREFORE the Board of the Regional District of Kitimat-Stikine, in open meeting assembled, enacts as follows:

1. DEFINITIONS

"Administrator" means the official appointed as Administrator by the Board of the Regional District of Kitimat-Stikine or in his absence, another official designated to act on his behalf;

"Bylaw Enforcement Officer" means the person or persons appointed by the Board of the Regional District of Kitimat-Stikine to enforce its bylaws; and, for the purposes of this bylaw, includes the Administrator;

"Derelict Vehicle" means:

- a) a motor vehicle which has not been registered for a period of one year or more and is not capable of movement under its own power; or
- b) any part of a motor vehicle;

which is not stored in a covered building or carport;

"Filth, Discarded Materials or Rubbish" means:

- a) garbage, litter and disused materials;
- b) noxious, offensive or unwholesome matters;
- c) derelict vehicles; and
- d) unused or stripped trailers, boats, vessels, mechanical or metal parts, bottles and glass.

"Graffiti" means a piece of writing or drawing scribbled, scratched, sprayed, painted, or otherwise affixed to a surface;

"Occupier" has the same meaning as in the Municipal Act;

"Owner" has the same meaning as in the Municipal Act;

2. BASIC PROVISIONS

a) Right of Entry for Inspection

A Bylaw Enforcement Officer may enter, at all reasonable times, upon any property subject to the regulations of this bylaw, to ascertain whether a requirement is being met or the regulations are being observed.

b) Penalty

Any person who violates a provision of this bylaw shall, upon conviction, be liable to a penalty of not less than \$100 or more than \$2000 for a first offence, and not less than \$300 or more than \$2000 for a second and subsequent offence.

c) Jurisdiction

This bylaw is applicable to and enforceable in Electoral Areas C and E.

d) Complaints

Complaints regarding real property in an unsightly condition shall be made to the Bylaw Enforcement Officer.

3. REGULATIONS

a) Accumulation of Water, Rubbish, or Noxious, Offensive or Unwholesome Matter

No person being an owner or occupier of real property shall cause or permit water, rubbish or noxious, offensive or unwholesome matter to collect or accumulate around their premises.

b) Unsightly Premises

No person being an owner or occupier of real property shall allow the real property to become or remain unsightly.

c) Nuisance

No person being an owner or occupier of real property shall by doing, or failing to do any act, deed, thing, or action create or permit or cause to be created a nuisance.

d) Deposit of Rubbish

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

e) Graffiti

No person shall place graffiti on walls, fences or elsewhere, on or adjacent to a public place.

4. REMEDIAL

a) Owners or occupiers of real property, or their agents, shall, when directed to do so by a Bylaw Enforcement Officer:

- i) remove from the property unsightly accumulations of filth, discarded materials, rubbish or graffiti;
- ii) clear the property of brush, trees, noxious weeds or other growths;
- iii) cease creating or eliminate any nuisance.

b) Should any owner or occupier of real property or their agent fail to comply with a requirement by the Bylaw Enforcement Officer to:

- i) remove from the property unsightly accumulations of filth, discarded materials, rubbish or graffiti; or
- ii) clear the property of brush, trees or noxious weeds;

the Regional District of Kitimat-Stikine, by its employees or other persons, at reasonable times and in a reasonable manner, may enter on the property and effect the removal at the expense of the person who has failed to comply, and the costs incurred by the Regional District of Kitimat-Stikine for the removal, if unpaid on or before December 31 in the year the removal was done, shall be added to and form part of the taxes payable on the property as taxes in arrear.

5. BYLAW 266 - REPEALED

The "Regional District of Kitimat-Stikine Electoral Area E Untidy and Unsightly Premises Bylaw No. 266, 1988", is hereby repealed.

6. TITLE

This bylaw may be cited as the "Electoral Areas C and E Unsightly Premises Bylaw No. 373, 1995".

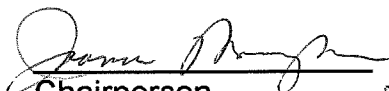
READ a first time this 18 day of November, 1995.

READ a second time this 18 day of November, 1995.

READ a third time this 18 day of November, 1995.

Notice of the enactment of this bylaw under Section 817.1 of the Municipal Act given pursuant to that Section by publication on the 20 day of December, 1995.

ADOPTED this 13 day of January, 1996.


Chairperson


Deputy Administrator