CARIBOO REGIONAL DISTRICT

BYLAW NO. 4628

A bylaw of the Cariboo Regional District, in the Province of British Columbia, to regulate untidy and unsightly premises.

WHEREAS it is deemed necessary and expedient to regulate untidy and unsightly premises and to require the owners or occupiers of real property to remove therefore any accumulation of filth, discarded, dilapidated or unroadworthy motor vehicles, motor vehicle bodies and any other inoperable machinery, other worn-out or discarded material, scrap, trash, debris or rubbish of any kind;

AND WHEREAS the Cariboo Regional District Board adopted "Cariboo Regional District Untidy and Unsightly Premises Regulatory Service Establishment Bylaw No. 4627, 2010", which establishes the service of regulation of untidy and unsightly premises within all electoral areas of the Cariboo Regional District;

NOW THEREFORE the Board of Directors of the Cariboo Regional District duly assembled in open meeting hereby enacts as follows:

1. CITATION:

This bylaw may be cited for all purposes as the "Cariboo Regional District Untidy and Unsightly Premises Regulatory Bylaw No. 4628, 2011".

2. DEFINITIONS:

Interpretation for the purpose of this bylaw:
- unless the context otherwise requires, the following words shall have the definition prescribed herein:

(a) "ACCUMULATION" means a collection, either scattered, amassed or piled, existing at the time of inspection;

(b) "BYLAW ENFORCEMENT OFFICER" means an officer appointed by the Regional District;

(c) "DILAPIDATED" means decayed, deteriorated, or fallen into partial ruin through neglect or misuse; in a ruinous condition, a state of bad repair,

(d) "FENCE" means a structure, that is maintained in good condition and appearance, which totally conceals all material stored behind same so that no such material is visible to an adult person standing at grade level on a public highway, or on properties neighbouring that on which the said fence is located;

(e) "PERSON" means and includes any corporation, partnership or party and the heirs, executors, administrators or other legal representatives of such person to whom the context can apply according to the law, and also includes an owner, the agent of an owner or occupier of, or the holder of a purchaser's interest in an Agreement for Sale, of any real or personal property within the District;

(f) "REAL PROPERTY" means land, with or without improvements so affixed to the land as to make them in face and law a part of it;

(g) "REGIONAL DISTRICT" means the Cariboo Regional District;

(h) "RUBBISH" means all scrap, trash and debris and all discarded, dilapidated, broken or unused items and without restricting the generality of the foregoing shall include old glass, plastic, metal, paper and wood products not presently in use, dilapidated RV trailers, campers, snowmobiles, boats or other watercraft and all dilapidated automobiles and trucks and motor vehicles that are no longer roadworthy or cannot be operated by its own mode of power and other machinery and parts thereof;

(i) "UNSIGHTLY" in addition to its common meaning, shall include:

i. repulsive to the sight or ugly;

ii. the storage, location or accumulation visible to an adult person standing at grade level on a public highway or neighbouring property of scrap, trash, debris, filth or rubbish as defined in this bylaw

iii. the untidy storage, location or placement of building materials on a site where construction is not taking place, except where they cannot be seen from a public highway or neighbouring property.

3. UNTIDY AND UNSIGHTLY PREMISES:

(a) It shall be unlawful for any person(s) being the owner(s) or occupier(s) of real property to allow such property to become or to remain untidy or unsightly.

(b) Owners or occupiers of real property, or their agents, shall remove therefrom any accumulation of filth, discarded materials or rubbish or unsightly materials of any kind.

(c) Owners or occupiers of real property, who are legally entitled in the course of the day-to-day operations of their businesses to accumulate dilapidated and unroadworthy vehicles, or parts thereof, other machinery or scrap materials, and where the property is appropriately zoned, shall conceal such accumulations behind a fence as defined in this bylaw.

4. RIGHT OF ENTRY (INSPECTION)

(a) The Bylaw Enforcement Officer(s) of the Regional District may at all reasonable times enter upon any property in the Cariboo Regional District in order to ascertain whether the regulations contained in this bylaw are being obeyed (to gather evidence of any violation or to serve any notice relating to a violation of this bylaw).

(b) No person shall prevent or obstruct, or attempt to prevent or obstruct, the entry of the Bylaw Enforcement Officer upon any property as authorized under this Bylaw.

5. NOTICES

The Bylaw Enforcement Officer(s) may give written notice to the owner(s) or occupier(s) of real property or their agent by registered mail or by personal service requiring such person(s) to remove any accumulation of discarded material or rubbish of any kind within a period of thirty (30) days from receipt of the notice.

6. APPEALS

Where notice has been given pursuant to Section 5, the person(s) receiving the notice shall have ten (10) days, from the date of receipt of the notice, to appeal in writing to the Board of the Cariboo Regional District and the said person(s) shall be entitled to appear at the meeting of the Cariboo Regional District Board where the matter is being discussed and to present evidence and call witnesses and at the conclusion of the appeal the Board of the Cariboo Regional District shall rescind, vary or confirm the notice.

7. RIGHT TO DO WORK

Where notice has been given pursuant to Section 5 of this bylaw and the notice has not been appealed or if appealed, the notice has been confirmed or varied, the Cariboo Regional District may by its servants, workmen, employees, or contractors upon expiration of the thirty (30) day period referred to in Section 5 of this bylaw or such further period as may have been allowed by the Board of the Cariboo Regional District further to Section 6 of this bylaw, enter on the said premises and do such work as is specified in the notice as originally issued or as varied on appeal at the expense of the person in default and the Board of the Cariboo Regional District may recover the expense thereof with interest at a rate prescribed by the Lieutenant Governor in Council further to Section 11(3) of the Taxation (Rural Area) Act with costs in the same manner as taxes.

8. PENALTIES

(a) Every *person* who violates any of the provisions of this bylaw or who 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 to do or refrains from doing anything required to be done by any of the provisions of this bylaw is guilty of an offence against this bylaw and liable to the penalties hereby imposed.

(b) Every *person* who violates a provision of this Bylaw, or consents, allows or permits an act or thing to be done in violation of a provision of this Bylaw, or who neglects to or refrains from doing anything required to be done by a provision of this Bylaw, is guilty of an offence and is liable to the penalties imposed under this Bylaw or any other applicable Bylaw of the Cariboo Regional District, and is guilty of a separate offence each day that a violation continues to exist.

(c) Any *person* designated as a Bylaw Enforcement Officer pursuant to the Cariboo Regional District's Bylaw Offence Notice Enforcement Bylaw or is named as the enforcement officer pursuant to the Cariboo Regional District's Ticket Information Utilization Bylaw is hereby authorized and empowered to enforce the provisions of this Bylaw by Bylaw Notice in accordance with Schedule 'A' attached hereto, or Municipal Ticket Information or as otherwise provided by this Bylaw.

9. JURISDICTION

This bylaw shall be in full force and effect in all Electoral Areas of the entire Cariboo Regional District.

10. SEVERABILITY

If any section, subsection, sentence, clause or phrase in this bylaw is for any reason held to be invalid by a decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of the bylaw.

11. REPEAL BYLAW

The Cariboo Regional District's "Unsightly Premises By-law No. 1665, 1984" and all amendments thereto are hereby repealed.

READ A FIRST TIME this 16th day of June, 2011.

READ A SECOND TIME this 16th day of June, 2011.

READ A THIRD TIME this 16th day of June, 2011.

ADOPTED this 16th day of June, 2011.

Chair

Corporate Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 4628, cited as the "Cariboo Regional District Untidy and Unsightly Premises Regulatory Bylaw No. 4628, 2011" as adopted by the Cariboo Regional District Board on the 16th day of June, 2011.

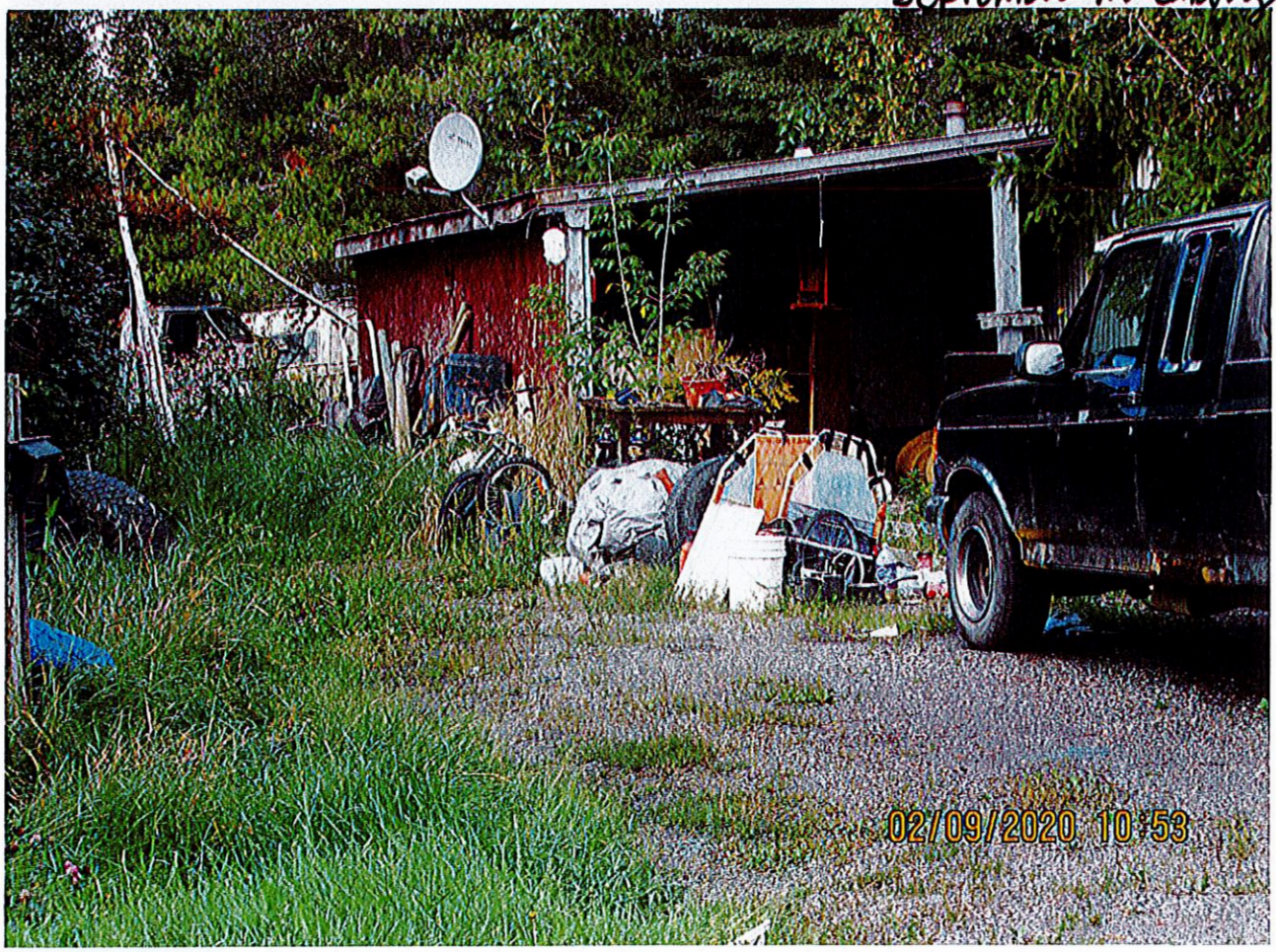
Corporate Officer

"Cariboo Regional District Untidy and Unsightly Premises Regulatory Bylaw No. 4628, 2011"

SCHEDULE "A"

OFFENCE	**FINE**
Contravention of "Cariboo Regional District Untidy and Unsightly Premises Regulatory Bylaw No. 4628, 2011"	$200

Septemba no change



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Velvet Morgenstern
641 Fir Street
Quesnel BC V2J 5T1
30/07/2020 11:54

13/07/2020 11:13

Cariboo Regional District

Suite D, 180 N Third Avenue, Williams Lake, BC V2G 2A4
Tel: 250-392-3351 TF: 1-800-665-1636
Fax: 250-392-2812

File: CE2017-050

July 28, 2020

HAND DELIVERED/POSTED

[redacted]
641 Fir Street
Quesnel, BC V2J 5T1

[redacted]

Re: Property Condition at 641 Fir Street

Please see this correspondence as a letter regarding the condition of the above-noted property.

Unsightly Premises Bylaw No. 4628, 2011 states:

3. UNTIDY AND UNSIGHTLY PREMISES:

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Several formal complaints have been received and an inspection of your property was made on **July 13, 2020**, at which time the investigating Officer noted that your property was in violation of the Untidy & Unsightly Premises Bylaw. The investigating Officer noted that the property contained derelict vehicles, general garbage and debris.

You have received several warning letters and personal contacts but to date you have not taken any steps to remedy the violation. CRDBW Notice 90515 was hand-posted on July 24, 2020 at the property.

Continued

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We are requesting that you remove the derelict vehicles, garbage and debris on your property. It was also noted the grass has been neglected.

Action on this complaint was delayed due to the COVID-19 travel restrictions. Phase 3 has been implemented which allows for relaxed self-isolation, making it possible for you to attend to this issue.

An inspection will take place on the **August 10, 2020** to ensure that compliance has been met, and the property is up to standards and in compliance with the Cariboo Regional District regulations and bylaw. Should you need to adjust the timeline to bring the property into compliance, please contact me to see what arrangements can be made.

Follow up inspections of this property will be conducted every 2-week period to ensure compliance with the Unsightly Premises Bylaw No. 4628, 2011.

We trust that we can count on your cooperation so that additional action by Bylaw Enforcement will not be necessary. Failure to comply with this request could result in a minimum $100.00 fine for every day your property is in violation.

Should you require further information about the Untidy & Unsightly Premises Bylaw, or if you would like to speak with the Investigating Officer, please call the Bylaw Enforcement Department at 250 392-3351. Thank you for your cooperation in this matter.

Respectfully Submitted,

Rick Cunningham
Senior Bylaw Enforcement Officer

RC/cm

JM:

Enclosures