

STAFF INFORMATION REGARDING CONSIDERATIONS FOR UPDATING THE UNSIGHTLY PREMISES BYLAW

The City's ability to adopt a bylaw regulating unsightly premises is governed through the Community Charter, under Division 10 (64). Our bylaw could be improved to provide more certainty if desired. Currently our bylaw reads as follows:

6.0 PROHIBITIONS:

6.1 No person shall place, or cause to be placed, graffiti on any sidewalk, wall, building, fence, sign or other structure on real property or any place to which the public has access.

6.2 An owner or occupier of property upon which graffiti has been placed shall completely remove, or otherwise cover the graffiti so that it is not visible or unsightly, within 48 hours of receipt of a notice from the City to do so.

6.3 No owner or occupier shall cause or permit

(a) water, refuse, rubbish, discarded materials, garbage, or other material that is noxious, offensive or unwholesome to collect or accumulate;

(b) unsanitary conditions;

(c) trees, weeds or other growths that Council considers should be removed, cut down or trimmed;

(d) graffiti and unsightly conditions;

(e) an infestation of destructive insects or rodents;

(f) conditions which may provide food, protection, or harbourage for rodents or other nuisance animals;

(g) with respect to real property to which a building permit has been issued by the City, demolition waste, construction waste, or trade waste to accumulate unless contained within a container

(h) the outside storage of household items, building materials, tools or other items of value.

(added by Bylaw No. 2116)

(i) the storage of a vehicle, boat or recreation vehicle on any landscaped portion. (added by Bylaw No. 2116)

on real property owned or occupied by that owner or occupier.

6.4 No owner or occupier of real property shall place any sweepings, ashes, refuse, rubbish or other discarded materials onto a public space.

6.5 An owner of real property that is vacant property must ensure that the property is fully secure from unauthorized access, occupation, use, vandalism or other unlawful activity or fire hazard. (added by Bylaw No. 2116)

Planning and Development Services staff have already reached out to legal counsel who have provided sample language below. Of course, this will need to be tailored to what is most appropriate for White Rock and any amendments would include a more comprehensive review of other parts of the current bylaw as well. As you can see, the language below is clearer, which makes for better enforcement for the City, but also makes the bylaw easier to interpret for the public.

1. *No owner or occupier of property shall allow, cause, or permit the property to become or remain unsightly. Unsightly, in addition to its common dictionary meaning, and regardless of the condition of other properties in the neighbourhood, includes, without limitation, any property having one or more of the following characteristics:*

(a) *an accumulation of filth or rubbish that is not contained in a covered receptacle designed or intended to be used to hold such materials;*

(b) *the storage or accumulation of all or part of more than one derelict vehicle on a property;*

(c) *the storage or accumulation of building materials on property where the owner or occupier is not in possession of a valid building permit in respect of the building materials, except where those building materials are not visible from an adjacent property, a highway or other public place;*

(d) *the storage or accumulation of mechanical equipment including bulldozers, backhoes or other similar heavy construction equipment where the owner or occupier is not in possession of a valid building permit in respect of the mechanical equipment, except where such equipment is not visible from an adjacent property, a highway or other public place;*

(e) *the storage or accumulation of appliances, bedding or furniture other than appliances or furniture designed specifically for outdoor use, except where the appliances, bedding or furniture are not visible from an adjacent property, a highway or other public place;*

(f) *the storage or accumulation of all or any part of any machinery, vessel or equipment which is in a damaged or dismantled state or is not in use for the purpose for which it was manufactured or intended to be used, except where such machinery, vessel or equipment is not visible from an adjacent property, a highway or other public place;*

(g) *dilapidated, collapsed, abandoned or unfinished structures;*

(h) *graffiti;*

(i) *grass or lawn higher than 3 inches measured from the ground; and*

(j) *any other similar conditions of disrepair, dilapidation, or deterioration.*

While opinions regarding the appearance of a property may vary, a subjective assessment alone does not necessarily meet the threshold of an unsightly property under the bylaw. Bylaw Enforcement staff endeavour to apply the bylaw in a fair, consistent, and objective manner when reviewing complaints.