

CITY OF PRINCE GEORGE

BYLAW NO. 8425, 2012

A Bylaw of the City of Prince George to regulate the Standard for the Maintenance of Property (Land & Buildings) within the City of Prince George.

WHEREAS the property values and the general welfare of the community are founded, in part, upon the appearance and maintenance of property in the City;

AND WHEREAS unsightly conditions have been found to exist from place to place throughout the City;

AND WHEREAS the existence of such conditions is detrimental to the welfare of the residents of the City and contributes substantially and increasingly to the deterioration of neighbourhoods;

AND WHEREAS the abatement of such conditions will improve the general welfare and image of the City;

AND WHEREAS pursuant to the City of Prince George's statutory powers, including Sections 7, 8, 9, 12, 15, 16, 17, 39, 154 and 155 of the *Community Charter*, Council may, by bylaw, regulate, prohibit and impose requirements with respect to this statutory authority; and

AND WHEREAS the intent of the Property Maintenance Bylaw is 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 Prince George, in open meeting assembled, **ENACTS AS FOLLOWS:**

CITATION

1. (1) That this Bylaw may be cited for all purposes as the "City of Prince George Property Maintenance Bylaw No. 8425, 2012".
- (2) That the "City of Prince George Maintenance Bylaw No. 3302, 1978" is hereby repealed.

DEFINITIONS

2. In this Bylaw, unless the context otherwise requires:

"Accessory Building" means a building, the use or intended use of which is ancillary to that of the principal building situated on the same lot.

“Alien Invasive Species” means the species of animals listed in Schedule 1 of the Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation B.C. Reg. 144/2004.

“Authorized Person” means the person employed as the Manager, Bylaw Services, or a person or persons designated in writing by the Manager, Bylaw Services to carry out any act or function under this bylaw;

“Building” means any structure used or intended for supporting or sheltering any use or occupancy.

“Bylaw Enforcement Officer” means the Manager, Bylaw Services for the City, and every Bylaw Enforcement Officer employed to inspect and enforce any bylaw of the City.

“City” means the City of Prince George.

“Council” means the council of the City of Prince George.

“Community Charter” means the *Community Charter*, SBC 2003, c. 26.

“Dangerous Wildlife” means bear, cougar, coyote or wolf, or a species of wildlife that is prescribed as dangerous under the *Wildlife Act*, R.S.B.C. 1996, c.488.

“Derelict Vehicle” means a Vehicle which is any one or more of the following:

- (a) physically wrecked or disabled;
- (b) not capable of operating under its own power;
- (c) not displaying a current and valid licence plate in accordance with the Motor Vehicle Act.

“Graffiti” means one or more letters, initials, symbols, marks, slogans, designs or drawings howsoever made, on any sidewalk, wall, building, fence, sign or any other structure or surface but does not include marks made accidentally, or any of the following:

- (a) a sign, public notice or traffic control mark authorized by the head of the Operations Department;
- (b) a sign authorized pursuant to the City’s applicable bylaw provisions regulating signs;
- (c) a public notice authorized by a City bylaw or by provincial or federal legislation; and
- (d) in the case of private property, a letter, symbol or mark authorized by the owner or occupant of the property on which the letter, symbol or mark appears.

“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 city-owned parks and open spaces.

“Motor Vehicle Act” means the *Motor Vehicle Act*, RSBC, 1996, c.318.

“Noxious Weeds” means the plants designated as weeds in the Weed Control Act, R.S.B.C. 1996, c.487 and Regulations as amended from time to time.

“Occupier” means any person who occupies Land, or who is qualified to maintain an action for trespass in respect of the Land, or who is in possession of the land under a lease, licence, agreement for sale or other agreement with the Owner of the Land.

“Owner” means any person in relation to the Land who is the registered owner of an estate in fee simple, the tenant for life under a registered life estate, or the registered holder of the last registered agreement for sale. In the case of Crown or municipal owned Lands, Owner shall mean the Occupier of the Land.

“RCMP” means the police force retained by the City.

“Refuse” means all manner of rubbish or garbage, discarded or disused items, junk, filth, unused or dismantled aircraft, electronic devices, trailers, boats, vessels, machinery, old, discarded or unused mechanical or metal parts, glass or plastic bottles or objects, tin cans or other metal containers, paper, glass, pipes, dilapidated furniture, inoperative appliances and other similar things, unused wood or wood products excluding seasoned untreated wood or manufactured products cut in lengths for use as fuel in solid fuel burning appliances.

“Unightly Property” includes Land that displays any one or more of the following characteristics to such an extent that as a whole it looks unkempt, unmaintained, dilapidated or in disrepair:

- (a) the accumulation of Refuse, garbage, Graffiti, discarded materials, filth or Derelict Vehicles;
- (b) fencing materials that are broken, rotting, contain holes or cracks, or are rusted or covered with peeling paint;
- (c) landscaping plants, bushes and trees that are dead or are demonstrating uncontrolled growth;
- (d) building or structure or parts thereof that contains holes, breaks, rot or that is crumbling or cracking, or is covered with rust or peeling paint or any other evidence of physical decay or neglect or excessive use or lack of maintenance; or
- (e) any other similar conditions or disrepair and deterioration regardless of the condition of other properties in the neighbourhood.

“Vacant” in relation to a Building means a Building that is not being used for its approved purpose or not occupied.

“Vehicle” means any vehicle as defined in the *Motor Vehicle Act* and shall include, but not be limited to, snowmobiles, dirt bikes and all-terrain vehicles.

“Wildlife” has the meaning prescribed in the *Wildlife Act*.

“Wildlife Attractant” means any substance that could be reasonably expected to attract Dangerous Wildlife including, but not limited to, food products, pet food, seed, restaurant grease, or glass or metal ware or other item having contained food, but does not include game meat or the carcass of an animal defined as wildlife in the *Wildlife Act* and its Regulations as amended from time to time.

“Wildlife Act” means the *Wildlife Act*, R.S.B.C., 1996, c.488.

“Zoning Bylaw” means the City of Prince George Zoning Bylaw No. 7850, 2007, as amended or re-enacted from time to time.

APPLICATION

3. The provisions of this Bylaw apply to all Land in the boundaries of the City, and, the Owner or Occupier of the Land shall be responsible for carrying out or causing to be carried out the work required under this Bylaw in accordance with the provisions of this Bylaw.

UNSIGHTLINESS, UNSANITARY CONDITIONS AND GRAFFITI

4.
 - (1) No Owner or Occupier shall cause or permit Refuse, garbage or noxious, offensive or unwholesome objects or materials from collecting or accumulating on or around the Land of that Owner or Occupier.
 - (2) No Owner or Occupier shall cause or permit the Land of the Owner or Occupier to become or remain an untidy or Unsightly Property.
 - (3) No Owner or Occupiers of Land shall cause or permit unsanitary conditions to exist on the Land of that Owner or Occupier.
 - (4) No person shall place Graffiti in such a manner as to be visible from a highway, public place or other Lands.

LITTERING

5. No Person shall deposit or throw Refuse, garbage or noxious, offensive or unwholesome objects or materials, on a highway, public place or Land without Buildings or structures.

NOXIOUS WEEDS AND LAWN OVERGROWTH

6.
 - (1) No Owner or Occupier shall cause or permit Noxious Weeds to grow or accumulate on the Land of that Owner or Occupier.
 - (2) No Owner or Occupier shall cause or permit the lawn on the Land of that Owner or Occupier to grow in height beyond the prevailing standard in the neighbourhood but in any event, not beyond 10 (ten) inches in height.

- (3) No Owner or Occupier shall cause or permit any trees, hedges, bushes or shrubs or other growths that are a hazard to the safety of persons, likely to damage public property or seriously inconvenience the public to remain on the Land of that Owner or Occupier.

DERELICT VEHICLES

7. No Owner or Occupier shall cause or permit the storage or accumulation on the Land of the Owner or Occupier of a Derelict Vehicle or parts of a Derelict Vehicle or of a wrecked, broken or dismantled trailer, boat or mechanical equipment unless the Zoning Bylaw permits the principle use of wholesaling or retailing, storing or parking of wrecked, broken or dismantled materials or equipment or Derelict Vehicles and only provided that they are stored in a manner so as not to be visible from another property, highway or other public place.

DRIVEWAYS, SIDEWALKS AND BOULEVARDS

8.
 - (1) Every Owner or Occupier shall maintain driveways, walkways, steps, and parking spaces on the Land of the Owner or Occupier in a clean, fit and safe condition free from the accumulation of Refuse, garbage or noxious, offensive or unwholesome objects or materials so as to ensure safe passage under normal use and weather conditions.
 - (2) Every Owner or Occupier shall remove all accumulations of snow and ice from all footpaths and sidewalks on and adjoining the Land of that Owner or Occupier within 4 days of the snow or ice accumulating.
 - (3) Every Owner or Occupier shall maintain outdoor lighting equipment and its supports shall be kept in safe and proper working condition.
 - (4) Every Owner or Occupier shall maintain any fence on the Land of that Owner or Occupier that abuts a highway in good condition and repair.
 - (5) Every Owner or Occupier shall immediately repair any fence on the Land of that Owner or Occupier that abuts a highway if the fence falls into a state of disrepair.
 - (6) Where the Zoning Bylaw permits the keeping of livestock on Land, every Owner or Occupier of Land that abuts upon a highway is required to erect fences on the boundary of that part of the Land that abuts the highway for the purposes of preventing livestock from straying on the highway.

PEST INFESTATIONS

9. Every Owner or Occupier of Land must prevent or cause to be prevented the infestation of the Land of the Owner or Occupier by vermin or other noxious or destructive insects or animals except Wildlife unless the Wildlife is an Alien Invasive Species or listed in Schedule B or C of the Designation and Exemption Regulation, B.C. Reg. 168/90 enacted under the *Wildlife Act*.

WATER PONDING

10. (1) No Owner or Occupier shall cause or permit water to accumulate or pond on the Land of the Owner or Occupier, unless the ponding is a natural occurrence or approval to retain water on the Land was granted by an authority having jurisdiction and the water is being retained in accordance with that approval.
- (2) No Owner or Occupier shall cause or permit any excavation or basement area left after a Building or structure is demolished to become or remain filled with water.

FEEDING WILDLIFE AND CONTROL OF WILDLIFE ATTRACTANTS

11. (1) No person shall store, handle or dispose of Wildlife Attractants in such a way that they are accessible to Dangerous Wildlife or members of the family *Cervidae*.
- (2) No person shall feed or attempt to feed Dangerous Wildlife, or deposit Wildlife Attractants in a place or manner that attracts Dangerous Wildlife or members of the family *Cervidae*.
- (3) No person shall place or allow a bird feeder on Land so that the bird feeder is accessible to Dangerous Wildlife. Every Owner or Occupier must keep the area below a bird feeder free of the accumulation of seed and debris from the bird feeder at all times.
- (4) No Owner or Occupier shall permit or allow fruit from a tree or bush to fall on the ground and accumulate in such a manner that it attracts or is likely to attract Dangerous Wildlife.
- (5) The regulations, prohibitions and requirements in sections 11(1)-(4) do not apply in the circumstances set out in section 2(3)(a)-(c) of the Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation 144/2004.

DEMOLITION SITES

12. Every Owner or Occupier shall remove or cause to be removed from the Land of the Owner or Occupier all debris and material from a demolition of any Building or structure on the Land within two (2) weeks of the demolition having taken place.

VACANT/UNSECURED BUILDINGS

13. (1) Every owner of a vacant Building must ensure that the Building is secure from unauthorized entry.

- (2) Every owner of a vacant Building that is open and unsecure shall secure the Building to the satisfaction of the Authorized Person or Bylaw Enforcement Officer within 24 hours of written notice from the Authorized Person delivered to the Owner's address as indicated in the City's Property Tax records or within 72 hours of the notice being posted on or near the front entrance to the vacant Building subject to the notice.
- (3) If the Owner or Occupier fails to comply with an order of the Authorized Person issued under paragraph 13 (2) of this Bylaw, the City, by its employees, contractors and agents may take action in accordance with section 17 of the *Community Charter, S.B.C., 2003, c.26* to fulfill the requirements of the order of the Authorized Person and to recover the costs, including the administrative costs provided in Schedule A to this bylaw, from the Owner or Occupier of the Land which is subject to the order without further notification to the Owner or Occupier.
- (4) Every Owner or Occupier of a vacant Building secured against unauthorized entry by the City shall be issued an invoice for the costs incurred by the City to secure the Building within a reasonable time period after the work was completed and given an opportunity to appeal to Council regarding the amount of the invoice, provided the Owner or Occupier of the Land submits a written appeal to the Authorized Person with 14 days of the date of the invoice.
- (5) The appeal process provided in Paragraph 22 of this bylaw does not apply to this section. The appeal process for action taken pursuant to paragraph 13 (3) by the City to secure a Vacant/unsecured Building is provided in paragraph 13 (4).

MAINTENANCE OF PROPERTY

14. (1) Nothing in this Part shall be deemed to prevent the lawful storage and keeping of material in or on any non-residential Land, if a lawful use requiring that material is conducted on the Land and the materials are stored in a neat and orderly fashion.
- (2) All Land shall be kept clean and free from accumulations of Refuse, junk, rubbish, brush, litter, garbage and other debris, and any conditions that are health, fire or other hazards.
- (3) All Land shall be kept clean and free from dilapidated, collapsed or unfinished structures.
- (4) All construction conducted on Land shall be carried out in a tidy and orderly fashion, and all construction materials and equipment shall be properly stored when not in use.

ACCESSORY BUILDINGS

15. Every accessory Building on Land shall be constructed and maintained with suitable and uniform materials, kept in good repair, free from hazards, and protected by paint, preservatives or other weather-resistant material.

RETAINING WALLS

16. Retaining walls on Land shall be structurally sound and plumb, unless specifically designed to be other than vertical, and shall be maintained in good repair and free from hazard.

EXTERIOR WALLS, COLUMNS AND BEAMS

17. (1) On all Land the following shall apply:
- (a) exterior columns, walls and their components shall be maintained in good repair, weather-tight and free from loose or unsecure objects and materials;
 - (b) the protective or decorative finishes of all exterior surfaces shall be maintained in good repair so as to prevent deterioration that affects the appearance of the Building or structure;
 - (c) markings, stains, Graffiti, painted slogans, smoke damage or other markings or defacement appearing on any exterior surface shall be removed, and, if necessary to maintain the exterior surface, the surface of these areas shall be restored, resurfaced and coordinated to the exterior finish of the Building or structure; and
 - (d) all canopies, marquees, signs, awnings, screens, grilles, stairways, pipes, ducts, standpipes, air conditioners and all similar equipment, attachments and their supporting members shall be maintained in good repair, properly anchored and protected from the elements, so as to prevent decay and rust, by paint or other protective coating.

ENTRY ON PROPERTY

18. (1) The authority of the RCMP to enter on Land and property in relation to this Bylaw contained in section 16 of the *Community Charter* is authorized by Council.
- (2) For the purposes of carrying out an action referred to in sections 13.(3) and 21 of this Bylaw, Council delegates to the Manager, Bylaw Services, the power to authorize a person, as the City's Contractor, to enter on property in accordance with section 16 of the *Community Charter*.

ENFORCEMENT AND PENALTIES

19. If a Bylaw Enforcement Officer determines that the regulations, prohibitions, and requirements of this Bylaw are not being met with respect to the Lands of an

Owner or Occupier, the Bylaw Enforcement Officer may, by notice, require the Owner or Occupier of the Land to comply with this Bylaw within the time period stated in the notice.

20. If an Owner or Occupier fails to comply with the direction from the Bylaw Enforcement Officer given under section 19 of this Bylaw, the Authorized Person may issue a written order directing that the Owner or Occupier comply within a time specified in the Authorized Person's order, with the specific regulations, prohibitions and requirements of this Bylaw that are not being met in respect of the Land of the Owner or Occupier.
21. If the Owner or Occupier fails to comply with an order of the Authorized Person issued under paragraph 20 of this Bylaw, the City, by its employees, contractors and agents may take action in accordance with section 17 of the *Community Charter, S.B.C., 2003, c.26* to fulfill the requirements of the order of the Authorized Person and to recover the costs, including the administrative costs provided in Schedule "A" to this bylaw, from the Owner or Occupier of the Land which is subject to the order.
22. Prior to the Authorized Person taking action authorized under paragraph 21 of this Bylaw, the Authorized Person shall give an opportunity to the Owner or Occupier of the Land to be heard by Council in respect of the matter contained in the order of the Authorized Person made under paragraph 20 of this Bylaw provided the Owner or Occupier of the Land submits a written appeal to the Authorized Person with 14 days of the date of the Authorized Person's order made under paragraph 20 of this Bylaw.
23. A person who contravenes, violates or fails to comply with any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or violation of this Bylaw, or who fails to do anything required by this Bylaw, commits an offence and shall be liable upon conviction to a fine of not more than \$10,000 (Ten Thousand Dollars) and not less than \$200 (Two Hundred Dollars), the cost of prosecution and any other penalty or order imposed pursuant to the *Community Charter, S.B.C., 2003, c.26* or the *Offence Act, R.S.B.C., 1996, c.338*. Each day that an offence against the Bylaw continues or exists shall be deemed to be a separate and distinct offence.

TICKETING

24. This Bylaw may be enforced by means of a ticket in the form prescribed for the purpose of section 264 of the *Community Charter*.
25. Pursuant to section 264(1)(b) of the *Community Charter*, a Bylaw Enforcement Officer, and the RCMP are designated to enforce this Bylaw; and any Conservation Officer, employed by the Province of British Columbia are designated to enforce Section 11 of this bylaw only.
26. Pursuant to section 264(1) of the *Community Charter*, the words or expression in Column 1 of Schedule "B" to this Bylaw designate the offence committed under

the Bylaw section number appearing in Column 2 opposite the respective words or expression.

- 27. Pursuant to section 265(1)(a) of the *Community Charter*, the fine amount in Column 3 of Schedule "B" to this Bylaw is the fine amount that corresponds to the words or expression and section number set out in Columns 1 and 2 opposite the fine amount.
- 28. Council delegates its duty to refer any disputed tickets to the Provincial Court for a hearing to a Bylaw Enforcement Officer and to the RCMP.

SCHEDULES

- 29. Schedules "A" and "B" attached to and forms part of this Bylaw.

SEVERABILITY

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

READ A FIRST TIME THIS THE **17th** DAY OF **DECEMBER , 2012.**

READ A SECOND TIME THIS THE **17th** DAY OF **DECEMBER , 2012.**

READ A THIRD TIME THIS THE **17th** DAY OF **DECEMBER , 2012.**

All three readings passed by a **unanimous** decision of Members of City Council present and eligible to vote.

ADOPTED THIS THE _____ DAY OF _____, **2013**, BY A
DECISION OF ALL MEMBERS OF CITY COUNCIL
PRESENT AND ELIGIBLE TO VOTE.

MAYOR

CORPORATE OFFICER

SCHEDULE "A"
PROPERTY MAINTENANCE BYLAW

ADMINISTRATIVE COSTS FOR TAKING ACTION AT THE DEFAULTER'S EXPENSE

Description	Section #	Cost (\$)
Administrative Cost to secure a vacant Building	13 (3)	200.00
Administrative Cost to obtain compliance at defaulter's expense	21	200.00

SCHEDULE "B"
PROPERTY MAINTENANCE BYLAW

FINE SCHEDULE

Column 1	Column 2	Column 3
Description of an Offence	Section #	Amount of Fine (\$)
Allow Refuse on property	4 (1)	200.00
Allow Unsightly Property	4 (2)	200.00
Littering	5	100.00
Allow Noxious Weeds	6 (1)	100.00
Allow overgrown lawn	6 (2)	100.00
Allow hazardous trees	6 (3)	100.00
Allow Derelict Vehicles	7	200.00
Fail to maintain driveways	8 (1)	200.00
Fail to remove snow	8 (2)	200.00
Fail to maintain lighting	8 (3)	200.00
Fail to maintain fence	8 (4)	200.00
Fail to repair fence	8 (5)	200.00
Fail to fence livestock	8 (6)	200.00
Fail to prevent pest infestation	9	200.00
Allow water accumulation	10 (1)	200.00
Allow water in excavation	10 (2)	200.00
Attract Dangerous Wildlife	11 (1)	0.00
Feed Dangerous Wildlife	11 (2)	0.00
Attract Dangerous Wildlife with bird feeder	11 (3)	0.00
Attract Dangerous Wildlife with fruit	11 (4)	0.00
Fail to remove demolition debris	12	200.00