

THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 9600

UNSIGHTLY PREMISES BYLAW

The Municipal Council of the Corporation of the District of Saanich, in open meeting assembled, enacts as follows:

PART 1 - Definitions

1.1 In this Bylaw:

“bylaw enforcement officer” means a bylaw enforcement officer employed by Saanich;

“Council” means the municipal council of Saanich;

“Director of Building, Bylaw, Licensing and Legal Services” means the Director of Building, Bylaw, Licensing and Legal Services employed by Saanich and includes any employee authorized to act on his or her behalf;

“graffiti” means an inscription, drawing, writing, pictorial representation, message or slogan, made on a wall, fence or other surface by means of paint, chalk, ink or other substance, or by chisel, hammer, stone or other device, but does not include the following:

- (a) a sign authorized pursuant to the Sign Bylaw;
- (b) a sign, public notice or traffic control mark authorized by Saanich;
- (c) a public notice authorized by an enactment of Canada, British Columbia, the Capital Regional District, or another public authority having jurisdiction; or
- (d) a mural authorized by Council or a person or body to whom Council has delegated such authority;

“Manager of Bylaw and Licensing Services” means the Manager of Bylaw and Licensing Services employed by Saanich and includes any employee authorized to act on his or her behalf;

“Naturescape Property” means real property that is intentionally planned and maintained in accordance with naturescape principles, being: a commitment to stewardship; habitat creation and preservation; biodiversity; and water conservation.

“owner” and **“occupier”** have the meaning assigned to them in the *Community Charter*, S.B.C. 2003, c.26.

“Saanich” means The Corporation of the District of Saanich;

“Sign Bylaw” means Sign Bylaw, 2006, No. 8789, as amended or replaced from time to time;

“Urban Containment Boundary” means the boundary of the Urban Containment Policy Area as defined in Capital Regional District Regional Growth Strategy Bylaw No. 1, 2016, as amended or replaced from time to time.

PART 2 - Prohibitions

- 2.1 No owner or occupier of real property shall allow that property to become or remain unsightly.
- 2.2 Without in any way restricting the generality of the word “unsightly”, any one or more of the following conditions may render real property unsightly within the meaning of this bylaw:
- (a) fences that are dilapidated, broken, leaning, rotten, crumbling, peeling or rusted;
 - (b) one or more motor vehicles stored on the real property that are not capable of normal vehicular operation and do not have attached number plates for the current year pursuant to the *Motor Vehicle Act* and regulations thereunder;
 - (c) construction materials stored on the real property where there is no apparent or real construction occurring on the real property for which the materials are required;
 - (d) unenclosed vehicle parts or supplies;
 - (e) old wood or paper piles;
 - (f) furniture (other than furniture designed specifically for outdoor use), bedding or appliances stored outside the premises or in open carport areas;
 - (g) exterior finishing of premises that has become excessively dirty or dilapidated through lack of maintenance;
 - (h) unused landscaping materials such as dirt piles or discarded planting pots;
 - (i) accumulations of bottles, broken glass, refuse, garbage or other noxious, offensive, or unwholesome materials;
 - (j) graffiti on fences, walls, buildings or structures on the real property or on patios, driveways or other finished ground surfaces;
 - (k) except in the case of a Naturescape Property, unmowed grass or broad-leaf weeds in excess of 20 cm in height growing on real property inside the Urban Containment Boundary;
 - (l) landscaping plants, bushes, trees and grass that are clearly dead or demonstrate uncontrolled growth; and
 - (m) uncontained compost piles.
- 2.3 No person shall cause or permit the placement of graffiti on a wall, fence or other place or thing in, upon or adjacent to a highway, park or other public place.

- 2.4 No person shall deposit or throw bottles, broken glass, refuse, garbage or other noxious, offensive, or unwholesome materials in or upon a highway, park or other public place.

PART 3 - Exception

- 3.1 Notwithstanding any provision of this bylaw or the Sign Bylaw, the Council may, upon the application in writing of an owner of real property, authorize the issuance of a permit to paint a mural on a wall, fence or other place or thing on a parcel of real property.

PART 4 - Municipal Action

- 4.1 In any instance where an owner or occupier of real property is not in compliance with this bylaw, the Director of Building, Bylaw, Licensing and Legal Services, the Manager of Bylaw and Licensing Services, or a bylaw enforcement officer may serve upon the owner or occupier notice of non-compliance with the bylaw, and require the owner or occupier to take the action necessary to bring the real property into compliance with the bylaw within ten (10) business days of the notice.
- 4.2 Without limiting the generality of section 4.1, a notice served upon the owner or occupier of real property under that section may require the owner or occupier to do the following:
- (a) remove from the real property any matter or thing causing the real property to be unsightly; and
 - (b) repair, restore or maintain any buildings or structures that have caused the real property to become unsightly.
- 4.3 If the owner or occupier fails to take the required action to bring the real property into compliance with the bylaw in accordance with section 4.1, then Saanich will be entitled to take the required action at the expense of the person given the notice.
- 4.4 For the purposes of carrying out an action referred to in section 4.3 of this bylaw, Council delegates to the Director of Building, Bylaw, Licensing and Legal Services, the Manager of Bylaw and Licensing Services and bylaw enforcement officers the power to authorize a person, as Saanich's contractor, to enter onto real property in accordance with section 16 of the *Community Charter*.
- 4.5 A notice under section 4.1 may be served upon the owner or occupier by any of the following means:
- (a) personal service;
 - (b) deposit in a mail box or other receptacle for messages, if any, on the real property;
 - (c) posting on the real property; or
 - (d) registered mail to the address of the owner or occupier shown on the most recent property tax assessment roll.
- 4.6 A notice under section 4.1 is deemed to be served, in the case of personal service, on the day it is personally served, and in the case of deposit, posting or mailing under

subsections 4.5 (b), (c) and (d), on the third day following the deposit, posting or mailing.

- 4.7 If Saanich takes action under section 4.3, and the owner or occupier referred to in section 4.1 does not pay the costs of the action taken by Saanich on or before December 31st in the year in which the costs were incurred, the costs shall be added to and form part of the taxes payable on the real property as taxes in arrears.

PART 5 - Enforcement and Penalties

- 5.1 Every person who contravenes this bylaw by doing any act which it forbids, or omitting to do any act which it requires to be done, is guilty of an offence and is liable upon summary conviction to a fine of not less than \$150.00.
- 5.2 A separate offence shall be deemed to be committed upon each day during and in which a contravention of this bylaw occurs or continues.
- 5.3 The Director of Building, Bylaw, Licensing and Legal Services, the Manager of Bylaw and Licensing Services and bylaw enforcement officers are authorized to enforce the provisions of this bylaw.
- 5.4 The penalties imposed under this section shall be in addition to and not in substitution for any other penalty or remedy imposed by law.

PART 6 - Severability

- 6.1 If any section, clause, sub-clause or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw

PART 7 - Commencement

- 7.1 This bylaw comes into force on the date of its adoption.

PART 8 - Repeal

- 8.1 Unsightly Premises Bylaw, 2003, No. 8417 is hereby repealed except insofar as it may repeal any other bylaw.

PART 9 - Citation

- 9.1 This bylaw may be cited for all purposes as “**UNSIGHTLY PREMISES BYLAW, 2021, NO. 9600**”.

Read a first time this 3rd day of May, 2021.

Read a second time this 3rd day of May, 2021.

Read a third time this 3rd day of May, 2021.

Adopted by Council, signed by the Mayor and Clerk and sealed with the Seal of the Corporation on the 10th day of May, 2021.

“Angila Bains”

“Fred Haynes”

Municipal Clerk

Mayor