



CITY OF TRAIL

UNSIGHTLY PREMISES BYLAW NO. 2669, 2008

Comprising a consolidation of the Unsightly Premises Bylaw No. 2669, 2008 and the following amendments thereto:

Bylaw No. 2848

Effective Date

July 16, 2018

THE CITY OF TRAIL

BYLAW NO. 2669

A BYLAW TO CONTROL UNSIGHTLY PREMISES WITHIN THE CITY OF TRAIL

WHEREAS Council of the City of Trail deems it expedient to control unsightly premises within the Municipality;

NOW THEREFORE, Council, in open meeting assembled, ENACTS AS FOLLOWS:

1.0 Interpretation

1.1 In this bylaw:

“**Bylaw Enforcement Officer**” means a person appointed by the Council as a bylaw enforcement officer or building inspector, or a peace officer;

“**Corporate Administrator**” means a person appointed by the Council as the corporate officer of the City of Trail;

“**Demand Letter**” means a letter issued pursuant to section 4.1 of this bylaw;

“**Developed Property**” means a property where a dwelling or other building has been constructed, and excludes parks and properties that have not been built on or developed;

“**City**” means the Corporation of the City of Trail;

“**Council**” means the Council of the City of Trail;

“**Unsightly Structure**” includes any building or structure that has:

- (i) a broken window or windows;
- (ii) a boarded up window or windows or a boarded up door or doors;
- (iii) peeling or worn paint such that the original surface or underlying coat of paint is visible; or
- (iv) exterior damage to the brickwork, cladding, siding or shingles visible from an adjacent roadway;

“**Removal Order**” means a letter issued pursuant to section 4.2 of this bylaw.

2.0 Unsightly Premises

2.1 No owner or occupier shall cause, allow or permit a parcel to become or to remain unsightly, and, specifically:

- a) No owner or occupier of a parcel shall cause, allow or permit the accumulation of building material on the parcel unless
 - i) the owner of the parcel is in possession of a valid building permit;
 - ii) the building materials are stored in a closed building or structure such that they are not visible from another parcel or a public place; or
 - iii) the owner of the parcel is licensed to sell building material.
- b) No owner or occupier of a parcel shall cause, allow or permit the storage or accumulation on the parcel of all or part of a vehicle that is not:
 - (i) validly registered, licensed and insured in accordance with the Motor Vehicle Act, or
 - (ii) capable of movement under its own power

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unless it is stored in a closed building or structure such that the vehicle, or any portion of the vehicle, is not visible from another parcel or a public place or unless the owner of the parcel is a licensed dealer of motor vehicle scrap metal;

- c) No owner or occupier of a parcel shall cause, allow or permit the accumulation on the parcel of filth, discarded materials, unwholesome matter, or rubbish of any kind, whether or not for commercial purposes or as part of a trade or calling, including but not limited to dead animals, paper products, crockery, glass, metal, plastics, plastic containers, wire, ropes, machinery, tires, appliances, vehicle parts, and any other scrap metal, scrap or salvage;

- d) No owner or occupier of a parcel shall allow vegetation on a parcel to become unsightly, including allowing a grass lawn on a developed property to grow higher than 15 centimeters;
- e) No owner or occupier of a parcel shall cause, allow or permit graffiti, whether in the form of pictures or words, on the parcel or on the surface of a structure on the parcel that is visible from a public place; and
- f) No owner or occupier of a parcel shall cause, allow or permit the accumulation on the parcel of garbage not contained in a covered receptacle.

2.2 The owner or occupier of a parcel must remove or cause to be removed from the parcel any accumulations of filth, discarded material, graffiti or rubbish of any kind.

2.3 No owner or occupier of a parcel shall allow any structure on that parcel to become or remain an unsightly structure.

3.0 Inspection

3.1 A Bylaw Enforcement Officer may, in compliance with section 16 of the *Community Charter*, enter on a parcel at all reasonable times to ascertain whether this bylaw is being observed, to gather evidence of any violation, or to serve any notice related to this bylaw.

3.2 No person shall obstruct a Bylaw Enforcement Officer from entering a parcel in accordance with section 3.1.

4.0 Demand Letter and Removal Order

4.1 Where a Bylaw Enforcement Officer observes that a parcel is or has become unsightly or remains unsightly under sections 2.1 or 2.2 of this Bylaw, or observes that a structure on a parcel has become an unsightly structure under section 2.3 of this Bylaw, the Bylaw Enforcement Officer may deliver a Demand Letter to both the owner and the occupier of the parcel:

- a) requesting the removal, clearing or remedying of any thing or things listed in subsections 2.1 (a - f), including a class of things that render the parcel unsightly, within 14 days;
- b) requesting the remediation of the unsightly structure within 14 days;
- c) stating that, after the expiration of 14 days, the Bylaw Enforcement Officer will inspect the parcel to determine compliance with the Demand Letter. If, after the inspection, the Bylaw Enforcement Officer considers the parcel remains in contravention of this bylaw, then the Corporate Administrator may forward the Demand Letter and a report to Council for its consideration at a specified Council meeting, and inform the owner and the occupier, in writing, that Council will consider the matter.

4.2 If Council receives a Demand Letter and a report from the Corporate Administrator pursuant to section 4.1, the Council may issue a Removal Order:

- a) requiring the removal, clearing or remedying of any thing or things listed in subsections 2.1 (a - f), including a class of things that render the parcel unsightly, within 30 days;
- b) requiring the remediation of the unsightly structure within 30 days;
- c) stating that, after the expiry of 30 days, the City by its officers, employees, contractors, or agents may, at the expense of the owner, enter on the parcel and remove, clear or remedy any thing or things that render the parcel unsightly or that render a structure on the parcel an unsightly structure, as stated in the Removal Order, at the owner's expense.

4.3 Where an owner or occupier receives a Removal Order with respect to a parcel or structure, the owner or occupier of the parcel must remove, clear, or remedy anything that, as stated in the Removal Order, either renders the parcel unsightly or renders the structure an unsightly structure, within 30 days of delivery of the Removal Order.

5.0 Default

- 5.1 On any date that is 30 days after delivery of a Removal Order, between the hours of 8:00 a.m. and 8:00 p.m., an employee, contractor, or agent of the City may enter the parcel subject to the Removal Order and remove, clear or remedy any thing or any condition stated in the Removal Order that renders the parcel unsightly or that renders a structure on the parcel an unsightly structure.
- 5.2 The owner of a parcel where the City has performed work under section 5.1 of this bylaw shall owe to the City, as a debt, the cost of performing the work.
- 5.3 If the debt under section 5.2 remains unpaid on December 31 in the year the work is done, the City shall add the cost of the work to the taxes due and owing on the affected parcel.

6.0 Offence & Penalty

- 6.1 Every person who violates a provision of this bylaw, or who suffers or permits any act or thing to be done in contravention of or in violation of any provision of this bylaw, or who neglects to or refrains from doing anything required to be done by any provision of this bylaw, is guilty of an offence against this bylaw and is liable on summary conviction, to a penalty of not more than \$10,000.00 and not less than \$1,000.00.
- 6.2 Each day that a violation continues to exist is a separate offence against this bylaw.

7.0 Severability

- 7.1 If at any time, any provision of this bylaw is declared or held to be illegal, invalid, or ultra vires, in whole or in part by a court of competent jurisdiction, then the provision shall not apply and the remainder of this bylaw shall continue in full force and effect and be construed as if it had been enacted without the illegal, invalid, or ultra vires provision.

8.0 Title

- 8.1 This bylaw may be cited for all purposes as the “**Unsightly Premises Bylaw No. 2669, 2008**”.

9.0 Repeal

- 9.1 The Unsightly Premises Bylaw No. 2145, 1990 and all amendments thereto are hereby repealed.

READ the **FIRST**, **SECOND** and **THIRD** time the ____ day of _____, 2008.

ADOPTED the ____ day of _____, 2008.

MAYOR

CORPORATE ADMINISTRATOR

Certified a true copy of
Bylaw No. 2669, 2008.

CORPORATE ADMINISTRATOR