

**THE CORPORATION OF THE VILLAGE OF CLINTON**  
**Bylaw No. 505 2013 – GOOD NEIGHBOUR BYLAW**

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***A bylaw to prohibit unsightly premises, nuisances and other objectionable situations***

The Council of the Village of Clinton in open meeting assembled pursuant to sections 8 (3) (h) and 64 of the *Community Charter* enacts as follows:

**CITATION**

1. This bylaw may be cited for all purposes as “Good Neighbour Bylaw No. 505, 2013”.

**PREVIOUS BYLAW REPEAL**

2. “Unsightly Premises Bylaw No. 434, 2006” is repealed

**DEFINITIONS**

3. In this Bylaw:

“Bylaw Enforcement Officer” means an officer or employee of the Municipality appointed by Council as a Bylaw Enforcement Officer or other person authorized by Council under contract to enforce this Bylaw;

“Council” means the Council of the Village of Clinton;

“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 own power; and
- (c) Not displaying a current and valid license plate in accordance with the Motor Vehicle Act.

“Graffiti” means drawing, printing, or writing that is etched, scratched, sprayed, painted or scribbled on a wall or other surface, but does not include a sign for which a permit has been issued by the Municipality;

“Junk” means used or discarded metal, glass, paper, wood or other material whether or not it may be usable again in some fashion;

“Motor Vehicle” means a vehicle, not on rails, that is designed to be self propelled;

“Motor Vehicle Act” means the *Motor Vehicle Act RSBC, 1996 Chapter 308*;

“Municipality” means the Village of Clinton;

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“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;

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

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

“Owner” means any person in relation to Property 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;

“Property” means real property consisting of land only or land and improvements, and includes a portion of real property occupied separately by the Owner or an Occupier;

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

- a. The accumulation of Refuse, garbage, discarded materials, filth or Derelict Vehicles;
- b. Fencing being broken, rotting, containing holes or cracking, or being rusted or covered with peeling paint;
- c. Landscaping plants, bushes and trees being dead or clearly demonstrating uncontrolled growth;
- d. The majority of a building or structure containing holes, breaks, rot or that is crumbling or cracking, or is covered with rust or peeling paint;
- e. The majority of the windows in a building or structure are broken or boarded up.

“Zoning Bylaw” means the Village of Clinton’s Zoning Bylaw No. 439, 2007.

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**GENERAL PROVISIONS**

4. No Owner or Occupier shall cause or permit refuse, to collect or accumulate on or around the Property of that Owner or Occupier.
5. No Owner or Occupier shall allow their Property of that Owner or Occupier to become or to remain Unsightly.
6. No person shall place Graffiti on Property in such a manner as to be visible from a highway, public place or any other Property.
7. No person shall deposit or dispose of Refuse on a highway or, public place or any Property where there are no buildings or structures.
8. No Owner or Occupier shall cause or permit the storage or accumulation on the Property of that Owner or Occupier of a Derelict Vehicle or parts of a Derelict Vehicle unless:
  - (a) The Zoning Bylaw permits an auto wrecking or salvage yard use on that Property; or
  - (b) The Derelict Vehicle or parts of a Derelict Vehicle are stored in a building or structure such that they are not visible from another Property, highway or other public place.
9. Despite paragraph 8 (b), an Owner or Occupier is permitted to store up to two (2) Derelict Vehicles that are visible from another Property, highway, or other public place provided that the Derelict Vehicle do not fall within paragraphs (a) or (b) or the definition of "Derelict Vehicle" under this Bylaw.
10. No Owner or Occupier shall cause or permit water to accumulate or pond on the Property of that Owner or Occupier, unless the ponding is a natural occurrence or approval to retain water on the Property has been granted by an authority having jurisdiction and the water is being retained in accordance with that approval
11. 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.
12. No Owner or Occupier shall cause or permit unsanitary conditions to exist on the Property of that Owner or Occupier.
13. No Owner or Occupier shall cause or permit Noxious Weeds to grow or accumulate on the Property of that Owner or Occupier.

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14. No Owner or Occupier shall cause or permit any trees, hedges, bushes, shrubs or other growths that are a hazard to the safety of persons or their property, that remain on the Property of that Owner or Occupier.

**REQUIREMENTS**

15. Every Owner and Occupier of Property shall remove, or cause to be removed, from such Property any of the following that contravene a provision of this Bylaw:
- (a) Refuse;
  - (b) Any matter or thing that causes the Property to be Unsightly;
  - (c) Graffiti;
  - (d) Derelict Vehicles or parts of a Derelict Vehicle;
  - (e) Accumulations of water;
  - (f) Unsanitary conditions;
  - (g) Noxious Weeds; and
  - (h) Trees, hedges, bushes, shrubs or other growths that are a hazard to the safety of persons or other property.

**ENFORCEMENT**

16. Subject to the procedures prescribed in Section 16 of the *Community Charter*, a Bylaw Enforcement Officer is authorized to enter on and into property to inspect and determine whether all regulations, prohibitions and requirements of this Bylaw are being met.
17. Where a Bylaw Enforcement Officer determines that the regulations, prohibitions and requirements of this Bylaw are not being met with respect to a Property, the Bylaw Enforcement Officer may, by notice, require the Owner or Occupier of the Property to comply with this Bylaw within a time period stated in the notice.

**COUNCIL ORDER**

18. If an Owner or Occupier of Property fails to comply with the direction from the Bylaw Enforcement Officer given under Section 16 of this Bylaw, the Council may issue a written order directing the Owner or Occupier of the property to comply, within a time specified in the Council's order, with the specific regulations, prohibitions and requirements of this Bylaw that are not being met in respect of the Property of that Owner or Occupier.
19. Prior to Council making an order under paragraph 17, the Council shall give an opportunity to the Owner or Occupier of the Property to appear before Council to be heard in respect of the matter contained in the notice of the Bylaw Inspection Officer made under paragraph 16.

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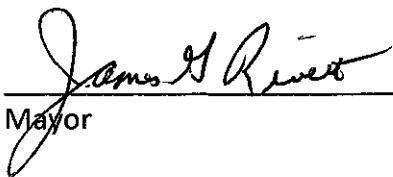
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20. If the Owner or Occupier of the Property fails to comply with an order of the Council issued under Section 17 of this Bylaw, the Municipality, by its employees, contractors and agents, may take action under Section 17 of the Community Charter to fulfill the requirements of the order and to recover the costs from the Owner or Occupier of the Property.

**OFFENCE AND PENALTY**

21. Every person who violates a provision of this Bylaw, or who consents, allows or permits an act/or thing to be done in violation of a provision of this Bylaw, or who neglects or refrains from doing anything required by a provision of this Bylaw, is guilty of an offence and is liable, upon summary conviction to a fine not greater than Ten Thousand (\$10,000) Dollars.
22. Every day during which there is a contravention of this Bylaw shall constitute a separate offence.
23. If a portion of this Bylaw is held invalid by a Court of competent jurisdiction then the invalid portion must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed portion

READ a first time	this 28th day of August 2013
READ a second time	this 28th day of August 2013
READ a third time	this 28th day of August 2013
ADOPTED BY COUNCIL	this 11 <sup>th</sup> day of September 2013

  
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Mayor

  
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Corporate Officer