

CITY OF PARKSVILLE

BYLAW NO. 1383

Consolidated for convenience only to include Bylaw No. 1383.1 and 1383.2

**A BYLAW TO REGULATE THE MAINTENANCE OF REAL PROPERTY AND
RELATED MATTERS**

Bylaw 1383.2 adopted April 18, 2016, replaced the first paragraph with the following:

WHEREAS a Council may, by bylaw, under Sections 8(3)(h), 16, 17, 64, 258, 260 to 263 of the *Community Charter*, adopt a bylaw to regulate the maintenance of real property and related matters;

AND WHEREAS the Council of the City of Parksville may, by bylaw, require the owners and occupiers of real property to maintain the property and keep it clear of rubbish;

NOW THEREFORE the Council of the City of Parksville in open meeting assembled enacts as follows:

1. DEFINITIONS

In this bylaw unless the context otherwise requires:

Bylaw 1383.2 adopted April 18, 2016, deleted the definition "Bylaw Compliance Officer" in its entirety and replaced it with the following:

BYLAW COMPLIANCE OFFICER means the Bylaw Compliance Officer appointed by Council, or other persons acting in another capacity on behalf of the City for the purpose of enforcing this bylaw;

CITY means the City of Parksville;

COUNCIL means the Council of the City of Parksville;

JUNK means refuse;

Bylaw 1383.2 adopted April 18, 2016, deleted the definition "Noxious Weed" in its entirety and replaced it with the following:

NOXIOUS WEED includes but is not limited to Broom, Himalayan Balsam, Carpet Burweed, Wild Chervil, Daphne, Dodder, Gorse, Orange Hawkweed, Introduced Yellow Hawkweed, Giant Hogweed, Horsetail, Knapweed, Japanese Knotweed, Leafy Spurge, Garlic Mustard, Perennial Pepperweed, Poison Ivy, Purple Loosestrife, Ragwort, Scotch Broom, Thistle [Canada and Sow], Toadflax [Yellow and Dalmatian] and any plant on Schedule A, Part 1 - Provincial Weeds list under the *Weed Control Regulation BC Reg. 66/85*;

Bylaw 1383.2 adopted April 18, 2016, deleted the definition "Property Owner" in its entirety and replaced it with the following:

OWNER has the same meaning as under the *Community Charter*;

Bylaw 1383.2 adopted April 18, 2016, deleted the definition "Real Property" in its entirety and replaced it with the following:

REAL PROPERTY means any parcel of private or public land within the City of Parksville;

Bylaw 1383.2 adopted April 18, 2016, deleted the definition "Refuse" in its entirety and replaced it with the following:

REFUSE includes, but is not limited to, food wastes, market wastes, litter, combustibles such as paper, cardboard, yard trimmings, leaves and brush, plastics, and leather, non-combustibles such as metal, cans, glass and glass containers, crockery, dirt, ashes from fireplaces, street sweepings, bulky wastes such as furniture, appliances, tires, stumps, recycling, construction, trade and demolition waste, unlicensed, unused or stripped automobiles, trucks, trailers, boats, vessels, machinery, mechanical or metal parts, but excludes properly contained residential compost;

RUBBISH means refuse;

Bylaw 1383.2 adopted April 18, 2016, deleted the definition "Unsightly" in its entirety and replaced it with the following:

UNSIGHTLY means an untidy or otherwise non-aesthetic accumulation of filth, discarded materials, or refuse on any real property, and includes graffiti.

2. APPLICABILITY

This bylaw shall apply to all real property within the City of Parksville.

3. INTERPRETATION

a. Maintenance

Bylaw 1383.2 adopted April 18, 2016, deleted the wording under Section 3.a. "Maintenance" in its entirety and replaced it with the following:

All real property within the City of Parksville shall be maintained by the property owner, occupier, or his or her designate.

b. Accumulation of Rubbish

Bylaw 1383.2 adopted April 18, 2016, deleted the wording under Section 3.b. "Accumulation of Rubbish" in its entirety and replaced it with the following:

No property owner of real property shall cause or permit his or her parcel to collect or accumulate any refuse.

Bylaw 1383.2 adopted April 18, 2016, deleted Sections 3.c., 3.f. and 3.h in their entirety and renumbering the subsections in Section 3 accordingly.

~~c. Storage of Motorized Vehicles~~

~~No property owner of real property shall cause or permit his or her parcel to be used for the storage of motor vehicles, boats, recreational vehicles, unlicensed for more than 12 months or heavy equipment incapable of sustained motorized motion on a public highway, or the parts and accessories associated with such machines;~~

c. Noxious Weeds

No property owner of real property, except those lands within the Provincial Agricultural Land Reserve, shall cause or permit the growth of noxious weeds on his or her parcel.

d. Unsightly Growth

No property owner of real property, except those lands within the Provincial Agricultural land Reserve, shall cause or permit grass or weeds to grow higher than:

- i. 30 cm on a parcel with a primary use;
- ii. 60 cm on a vacant parcel.

~~f. Accumulation of Water~~

~~No property owner of real property shall cause or permit water to accumulate in any unnatural or manmade depression or container. This excludes swamps, creeks, lakes, ponds, rivers, the sea, natural wetlands, stream, spring, ravine, or gulch.~~

e. Destructive Insects

No property owner of real property shall cause or permit a parcel to become infested by pest caterpillars and other noxious or destructive insects and shall immediately clear the parcel of any offensive insects;

~~h. Fire Hazard~~

~~No property owner of real property shall cause or permit a fire hazard to develop as determined by the Fire Chief or his or her designate of the City of Parksville;~~

Bylaw 1383.2 adopted April 18, 2016, deleted "Litter Control" in its entirety and replaced it with the following "No Dumping":

f. No Dumping

No person shall dump, deposit or leave refuse in any open space, City park or other public property.

4. AUTHORIZATION TO ENTER

Bylaw 1383.2 adopted April 18, 2016, replaced Section 4 with the following:

The Bylaw Compliance Officer is hereby authorized to enter at all reasonable times upon any property within the City for the purpose of ascertaining whether the regulations under this bylaw are being observed or whether a requirement of the City of Parksville is being met.

5. ENFORCEMENT

Bylaw No. 1383.2 adopted April 18, 2016, replaced Section 5 a. with the following:

- a. An owner of real property or his or her designate shall remove from the parcel any unsightly accumulations of refuse, noxious weeds or unsightly growth;
- b. Where an owner of real property fails to comply with a requirement under 5.a., the City of Parksville may, by its employees or other persons, at reasonable time and in a reasonable manner, enter on the property and effect the removal at the expense of the person who failed to comply;
- c. Where the person at whose expense removal is carried out under 5.b. does not pay the costs of removal on or before December 31 in the year that the removal was done, the costs shall be added to and form part of the taxes payable on the property as taxes in arrears.

6. PENALTY

- a. Any person found guilty of a contravention of this Bylaw shall be liable upon summary conviction to a penalty not exceeding \$2,000.00 for each offence;

Bylaw No. 1383.2 adopted April 18, 2016, deleted Section 6.b. in its entirety:

- ~~b. Or a ticket, as set out in City of Parksville Municipal Ticketing Bylaw.~~

Bylaw No. 1383.2 adopted April 18, 2016, renamed Section 7 to Severability:

7. SEVERABILITY

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

8. REPEAL

"Property Maintenance Bylaw, 1990, No. 1043" is hereby repealed.

9. CITATION

This bylaw may be cited for all purposes as "Property Maintenance Bylaw, 2003, No. 1383."

READ A FIRST TIME this 6th day of October, 2003

READ A SECOND TIME this 6th day of October, 2003

READ A THIRD TIME this 6th day of October, 2003

ADOPTED this 20th day of October, 2003

Original signed by Mayor
Mayor

Original Signed by City Clerk
Clerk

Consolidated under the provisions of the *Community Charter* to include Bylaw 1383.1 and 1383.2. Printed under the authority of the Corporate Officer of the City of Parksville this 20th day of April, 2016.

Original signed by Amanda Weeks
Deputy Corporate Officer