

District of Stewart  
By-law No. 672-1996

***Being a By-law to prohibit unsightly premises within the District of Stewart***

***WHEREAS*** pursuant to Section 932 (b),(g),(h),(h.1),and (k) of the "***Municipal Act***", R.S.B.C., Ch. 255, 1960, as amended, the Council of the District of Stewart, may by By-law, regulate untidy and unsightly premises, and require the owners or occupiers of real property or their agents, to remove therefrom any accumulation of filth, discarded materials, or rubbish of any kind.

***NOW THEREFORE***, the Council of the District of Stewart in open meeting, assembled enacts as follows:

**DEFINITIONS:**

***"Administrator:"*** means the official appointed as Administrator by the Council of the District of Stewart or in his absence another official designated to act on his behalf.

***"By-law Enforcement Officer:"*** means the person or persons appointed by the Council of the District of Stewart to enforce its By-laws and for the purposes of this By-law, includes the Administrator.

***"Council:"*** means the Council of the District of Stewart.

***"Derelict Vehicle:"*** means:

- a) a motor vehicle which has not been registered for a period of one year or more and is not capable of movement under its own power;
- b) any part of a motor vehicle;
- c) not validly registered and licensed in accordance with the ***Motor Vehicle Act, R.S.B.C., 1979, c.288***;
- d) which is not stored in a covered building or carport.

***"District:"*** means the District of Stewart.

***“Filth, Discarded Materials or Rubbish:”*** means:

- a) garbage, litter and disused materials;
- b) noxious, offensive or unwholesome matters;
- c) derelict vehicles; and
- d) unused or unusable trailers, boats, vessels, mechanical or metal parts, bottles and glass.

***“Graffiti:”*** means a piece of writing or drawing scribbled, scratched, sprayed, painted or otherwise affixed to a surface.

***“Occupier:”*** means a person who:

- a) is in physical possession of land, premises or property, and;
- b) is responsible for and has control over the condition of the activities conducted on and the persons allowed to enter or use the land, premises, property or which has the same meaning as defined in the Municipal Act.

***“Owner:”*** includes every person who has any estate or interest in any land or which has the same meaning as defined in the Municipal Act.

***“Person:”*** shall, when necessary, mean and include natural persons of either sex, associations, corporations, political bodies, co-partnerships, whether acting by themselves or by a servant, agents or employee and their heirs, executors, administrators, successors and assigns, or other legal representatives of such person to whom the context can apply according to law. The singular shall when necessary be held to mean and include the plural, the masculine, the feminine, and the converse thereof.

***“Waterway:”*** means any stream, creek, waterway, watercourse, waterworks, ditch, drain, or sewer within the District of Stewart, whether or not it is situated on private property.

#### **ADMINISTRATION:**

2. ***Right of Entry for Inspection*** A By-law Enforcement Officer may enter at all reasonable times, upon any property subject to the regulations of this By-law, to ascertain whether a requirement is being met or the regulations are being observed.

**Penalty** Any person who violates a provision of this By-law shall, upon conviction, be liable to a penalty of not less than \$100.00 or more than Five Hundred Dollars (\$500.00) for a first offence, and not less than \$100.00 or more than Five Hundred Dollars (\$500.00) for a second and subsequent offence.

**Jurisdiction** This By-law is applicable to and enforceable in the District of Stewart.

**Complaints** Complaints regarding real property in an unsightly condition shall be made to the By-law Enforcement Officer.

**REGULATIONS:**

**2.1 *Accumulation of Water, Rubbish, or Noxious, Offensive or Unwholesome Matter***

No person being an owner or occupier of real property shall cause or permit rubbish or noxious, offensive or unwholesome matter to collect or accumulate around their premises.

**2.2 *Unsightly Premises*** No person being an owner or occupier of real property shall allow the real property to become or remain unsightly.

**2.3 *Nuisance*** No person being an owner or occupier of real property shall by doing, or failing to do any act, deed, thing, action, create, permit or cause to be created a nuisance.

**2.4 *Waterways*** No person shall foul, obstruct or impede the flow of any waterway within the boundaries of the District of Stewart.

**2.5 *Deposit of Rubbish*** No person shall deposit or throw bottles, broken glass or other rubbish in any open place.

**2.6 *Graffiti*** No person shall place graffiti on walls, fences or elsewhere on or adjacent to a public place.

**3. *Remedial*** Owners or occupiers of real property, or their agents, shall, when directed to do so by a By-law Enforcement Officer:

a) Remove from the property unsightly accumulations of filth, discarded materials, rubbish, graffiti, or derelict vehicles.

b) cease creating or eliminate any nuisance.

Should any owner or occupier of real property or their agent fail to comply with a requirement by the By-law Enforcement Officer to:

- a) remove from the property unsightly accumulations of filth, discarded materials, rubbish or graffiti or derelict vehicles.

The District of Stewart, by its employees or other persons at reasonable times and in a reasonable manner, may enter on the property and effect the removal at the expense of the person who has failed to comply and the costs incurred by the District of Stewart for the removal if unpaid on or before December 31, in the year the removal was done, shall be added to and form part of the taxes payable on the property as taxes in arrears.

This By-law may be cited as the "District of Stewart Unsightly Premises By-law No. 672-1996.

READ A FIRST TIME THIS 12th Day of August, 1996.

READ A SECOND TIME THIS 15th Day of October, 1996.

READ A THIRD TIME THIS 15th Day of October, 1996.

RECONSIDERED AND ADOPTED THIS 12th Day of November, 1996

Mayor  
District of Stewart

Clerk  
District of Stewart

I hereby certify that this is a true copy of By-law No. 672-1996 of the District of Stewart, cited as "Unsightly Premises By-law No. 672-1996.

Clerk  
District of Stewart