

THE VILLAGE OF PORT CLEMENTS

BY-LAW NO. 46

By a by-law to Regulate Untidy and Unightly Premises within the Limits of the Village of Port Clements.

WHEREAS it is deemed necessary and expedient to regulate untidy and unsightly premises and require the owners or occupier of real property or their agents, to remove therefrom any accumulation of filth, discarded materials, rubbish, brush, noxious weeds or other weeds and for providing that in default of such removal the Municipality by its workmen and others, may enter and effect such removal at the expense of the person so defaulting.

NOW THEREFORE the Council of the Village of Port Clements in open meeting assembled in pursuance of Section 870 of the "Municipal Act" enacts as follows:

1. No person or persons shall accumulate or permit to cause to accumulate filth, discarded materials, including disused or stripped automobiles and parts, or rubbish, brush, noxious weeds of any kind on his or their premises or the premises that he or they occupy

2. The owners and occupiers of real property and their agents shall take every measure necessary to remove such accumulated filth, discarded materials and rubbish of every kind from their premises or the premises which they occupy or represent.

3. The Council shall appoint by resolution, such of its officers and employees as it may deem necessary as inspectors to enter upon premises within the Municipality during reasonable hours to inspect the said premises and determine whether there is any accumulation of filth, discarded materials or rubbish on the said premises.

4. In the event that the Inspector determines that there is a violation of this By-law, he shall notify the owner or occupier of the real property that in his opinion there is an accumulation of filth, discarded materials or rubbish on the said premises and the Inspector shall designate the material that he considers an accumulation aforesaid to the owner or occupier and forthwith file a report with the Municipal Clerk. He shall also advise the owner or occupier that in the event of the said owner or occupier disputes the determination of the Inspector he should do so by a written objection letter to the Municipal Clerk specifying his objection and providing reason why he disputes the determination that there is an accumulation of filth, discarded material, or rubbish of the said premises.

5. No person or persons in the process of clearing or causing to be cleared their own property shall push or cause to be pushed such debris as rocks, stumps, rubbish, etc. over their own property line onto the adjoining property or adjoining road allowances, boulevards etc.

6. Upon receipt from the Inspector, the Municipal Clerk shall give notice to the owner or occupier of real property to remove therefrom the said accumulation within fourteen days from the date of the said written notice and also stating that in the event that the said owner or occupier shall not remove the said accumulation, the Municipality may then enter upon the premises and effect such removal at the expense of the said owner or occupier, and in default of payment, that the said charge shall be added to the taxes payable in respect of the real property aforesaid. In the event that the owner or occupier files a notice of objection as above provided the Municipal Clerk will refer the same to the Inspector for a further inspection. The Inspector shall then re-examine the premises and make a second report and should the Inspector still designate that there is a accumulation of filth, discarded material, or rubbish on the said premises the Municipal Clerk shall forward a second notice advising the owner or occupier of this determination and demanding the removal as aforesaid and advising that if the owner/occupier is still not in agreement with the designation he may appeal to the Village Council for relief within fourteen (14) days of receipt of notice.

Upon expiration of the notice provided by the Municipal Clerk, the Inspector shall again examine the premises and in the event that the accumulation has not been removed, he shall immediately report to the Municipal Clerk who may order the removal of the said accumulation under the supervision of the Inspector and in the event the costs shall be charged to the occupier in the possession of the premises by service of a bill to him by registered mail, and in the event it is not paid by December 31st of that year, it shall be added to form part of the taxes in respect of the real property as taxes arrears. In the event of failure of payment of the said charge as aforesaid, the Municipal Clerk by authority of this by-law shall direct the Collector to add the charge to the taxes for that year.

Notwithstanding the right of the Municipality to remove the said accumulation of filth, discarded materials or rubbish of any kind, it shall be an offence against this by-law for an owner or occupier of real property to permit his property to remain untidy or rubbishy and upon conviction of accumulating filth, discarded material or rubbish of any kind contrary to this by-law. Any Justice of the Peace or other Court which convicts any person, pursuant to Section 232, Subsection 1 of the "municipal Act" being Chapter 255 of the Statutes of British Columbia, 1960 as amended, of an offence against this by-law is hereby authorized to impose a fine or penalty not exceeding One Hundred Dollars (\$100.00) upon such person for each day or part of a day upon which such offence was committed.

This by-law shall be known and cited for all purposes as "Regulations of Untidy and Unsanitary Premises By-Law No. 46, 1979."

READ A FIRST TIME THIS 15th day of February, 1979.

READ A SECOND TIME THIS 15th day of February, 1979.

READ A THIRD TIME THIS 12th day of March, 1979.

RECONSIDERED AND FINALLY ADOPTED THIS 12th day of March, 1979.

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CERTIFIED a true copy of
by-law No. 46 cited as
"A by-law to Regulate Untidy
and Unsanitary Premises
within the limits of the
Village of Port Clements,
1979."

CLERK

L. O'Brien
MAYOR

CLERK

L. O'Brien

A true copy of By-Law No. 46,
registered in the office of the Inspector
of Municipalities this 27th day of
March, 1979.

Deputy Inspector of Municipalities