

**GREATER VANCOUVER REGIONAL DISTRICT**

**ELECTORAL AREA "A"**

**UNSIGHTLY PREMISES AND NUISANCE BYLAW NO. 1198, 2014**

WHEREAS:

- A. By Supplementary Letters Patent dated June 17, 1970, the Regional Board of the Greater Vancouver Regional District ("**GVRD**"), was granted the ability to exercise the powers of a municipal council in that portion of the GVRD not contained within the boundaries of a city, town, district or municipality;
- B. By Supplementary Letters Patent dated February 13, 1986, the GVRD was granted the function of general administration over the electoral areas;
- C. By Supplementary Letters Patent dated September 2, 1999 and pursuant to section 777 of the *Local Government Act*, R.S.B.C. 1996, c. 323 ("**Local Government Act**"), Electoral Area "A" was established as a member of the GVRD;
- D. Pursuant to provisions in the *Local Government Act* and the *Community Charter*, S.B.C. 2003, c. 26 ("**Community Charter**"), the GVRD and its Board of Directors, exercising the powers of a municipal council for Electoral Area "A", may, by bylaw, regulate, prohibit and impose requirements in relation to buildings and other structures;
- E. The Board of Directors of the GVRD has deemed it desirable within Electoral Area "A", to prescribe standards towards preserving and maintaining the rural character and natural beauty of properties, encouraging the maintenance of buildings and structures and abating those conditions that contribute to the aesthetic deterioration of communities.

NOW THEREFORE the Board of Directors of the Greater Vancouver Regional District in open meeting assembled enacts as follows:

**Part 1 – Interpretation and Application**

- 1.1 The "Greater Vancouver Regional District Electoral Areas "B" and "C" Unsightly Premises Bylaw No. 583, 1987" and the "Greater Vancouver Regional District Unsightly Premises Amendment Bylaw No. 808, 1995" are hereby repealed.
- 1.2 This bylaw may be cited as the "Greater Vancouver Regional District Electoral Area "A" Unsightly Premises and Nuisance Bylaw No. 1198, 2014",
- 1.3 This bylaw applies to the parts of Electoral Area "A" that are outlined on the map attached as Schedule A to this bylaw (the "**Service Area**"). For clarity, the Service Area includes the following:

- (a) Lands along Howe Sound, located between the District of West Vancouver and Squamish-Lillooet Regional District including the communities of Ocean Point, Strachan Point and Montizambert Wynd, but excluding the Village of Lions Bay,
- (b) Bowyer and Passage Islands (in Howe Sound),
- (c) Northern portion of Indian Arm,
- (d) Boulder Island and Carraholly Point,
- (e) West side of Pitt Lake, and
- (f) Barnston Island (in the Fraser River, west of Golden Ears Bridge),

but does not include:

- (a) the University of British Columbia,
- (b) the University Endowment Lands, or
- (c) any of the following First Nation reserve lands: Barnston Island IR #3 (Katzie First Nation), Pitt Lake IR #4 (Katzie First Nation), Inlailawatash 4 (Tsleil-Waututh First Nation) and Inlailawatash 4A (Tsleil-Waututh First Nation).

1.4 The terms defined in the *Local Government Act* and *Community Charter*, as such Acts may be amended or replaced from time to time and including regulations under those Acts applicable to local governments, shall apply to the terms used in this bylaw, unless otherwise defined in this bylaw.

1.5 In this bylaw:

**“Board”** means the Board of Directors of the GVRD;

**“building”** means any structure used or intended for supporting or sheltering any use or occupancy;

**“building material”** means any item used in the construction of buildings or in landscaping, including but not limited to lumber, windows, doors, fill and soil;

**“derelict vehicle”** means a motor vehicle incapable of movement under its own power or a motor vehicle that does not contain all of the parts necessary for movement;

**“discarded materials”** means substances which may be present in accumulations in excess of thirty centimetres in height, width and length, including but not limited to deteriorated lumber, old newspapers, furniture parts, cabinets, appliances, household fixtures, vehicle parts, abandoned, broken or neglected equipment or the scattered remains of any of the foregoing;

**“dock”** means a wooden or cement platform built over water with at least one end secured to the land that is used for the boarding and offloading of boats or other marine vessels;

**“hazardous waste”** has the meaning set out in the *Environmental Management Act*, S.B.C. 2003, c. 53, and regulations thereunder;

**“motor vehicle”** means a vehicle, not on rails, that is designed to be self-propelled and includes motorcycles, off-road vehicles, parts and equipment;

**“nuisance”** means a condition or situation that interferes with the use or enjoyment of a property, including but not limited to causing or creating the following:

- (a) excessive noise or sound that continues for a duration of more than fifteen minutes or occurs continually, sporadically or erratically such that the noise or sound occurs for a total of more than fifteen minutes in any 60 minute period of time,
- (b) prolonged or repetitive odourous emissions,
- (c) burning of any material (including wood) in a manner that causes the dissemination of smoke or other air contaminants,
- (d) an accumulation or deposit of building or discarded materials, waste, soil, dirt, mud, or hazardous waste; or,
- (e) a property that is so dilapidated or unclean as to be offensive to the community;

**“occupant”** means, in respect of property, a person who:

- (a) is qualified to maintain an action for trespass,
- (b) is in possession of Crown land under a homestead entry or preemption record,
- (c) is in possession of Crown land or land owned by a municipality or regional district under a lease, licence, agreement for sale, accepted application to purchase, easement or other record from the Crown, municipality or regional district,
- (d) resides on or in a property,
- (e) occupies a property, or
- (f) is a leaseholder to the property,

and shall include the agent or invitee of any such person;

**“officer”** means a bylaw enforcement officer as designated under this bylaw;

**“owner”** means, in respect of property:

- (a) a registered owner of an estate in fee simple,
- (b) a tenant for life under a registered life estate, or
- (c) a registered holder of the last registered agreement for sale;

**“property”** means all real property and parcels of land with or without improvements so affixed to the land as to make them in fact and law a part of it including any building structure or fence and, including but not limited to front yards, side yards, backyards, driveways, walkways, sidewalks and boulevards;

**“structure”** means anything constructed or erected, the use of which requires its permanent location on the ground, or its attachment to something having a permanent location on the ground;

**“unsightly”** means any property having one or more of the following characteristics:

- (a) an accumulation of waste,
- (b) an accumulation of building material on any property unless the owner or occupant of the property is in possession of a valid building permit or the accumulation is stored in a closed structure,
- (c) dilapidated, collapsed or unfinished structures,
- (d) an accumulation of mechanical equipment including bulldozers, graders, backhoes or other similar heavy construction equipment on any property that is not zoned for such use or where such equipment is not stored in a closed structure,
- (e) fences characterized by significant holes, breaks, rot, crumbling, cracking, peeling or rusting,
- (f) the presence of graffiti, whether in the form of pictures or words, on property or on the surface of premises located on property,
- (g) the storage or accumulation of all or part of any derelict vehicle outside of a closed structure,
- (h) the accumulation of all or part of any boat or boat trailer or a boat or boat trailer that is in a wrecked, discarded, dismantled or inoperative condition, outside of a closed structure,
- (i) the overgrowth of vegetation or trees within 3 metres of a building or structure,
- (j) a lowering in quality of the condition or appearance of a building or structure or parts thereof characterized by holes, breaks, rot, crumbling, cracking, peeling or rusting or any other evidence of physical decay or neglect, excessive use or lack of maintenance, or
- (k) any other similar conditions of disrepair and deterioration regardless of the condition of other properties in the community;

**“waste”** means:

- (a) refuse, rubbish, debris or trash of any kind including household, commercial, agricultural, industrial and organic waste, and other similar matter or things,
- (b) decaying or non-decaying solid or semi-solid wastes including but not limited to paper, cardboard, cans, yard clippings, wood, glass, bedding, mattresses, crates, rags, barrels, boxes, unsorted lumber, scrap iron, tin and other metal, scrap paving material, discarded materials, or
- (c) piles of dirt, soil or mud mixed with any of the above.

1.6 The following GVRD employees are hereby designated by the Board as bylaw enforcement officers for the purpose of enforcing this bylaw:

- (a) Building Inspector,
- (b) Regional Planner,

- (c) Enforcement Officer,
- (d) Park Officer,
- (e) Emergency Preparedness and Security Coordinator,
- (f) Local Assistant to the Fire Commissioner,
- (g) Corporate Safety Division Manager,
- (h) Electoral Area Administration Manager, or
- (i) any other person as may be designated by the Board;

- 1.7 In this bylaw headings are for convenience of reference only and are not intended to limit, enlarge or affect the scope of the section.
- 1.8 If any part or provision of this bylaw is for any reason held to be illegal, invalid or unenforceable by a court of competent jurisdiction, it may be severed without affecting the remainder of this bylaw.
- 1.9 Male gender words include the female gender and vice versa and either includes the neuter. Singular number words include the plural and vice versa.

## **Part 2 – General Provisions**

- 2.1 No owner or occupant shall cause or allow a property to become or remain unsightly.
- 2.2 No owner or occupant shall cause or allow a nuisance to occur on any property.
- 2.3 No owner or occupant shall cause or allow recurrent ponding of water, unstable soil conditions or erosion to occur on any property.
- 2.4 Each owner or occupant of a building must:
- (a) maintain the building in a structurally sound condition so as to be capable of safely sustaining its own weight and any additional load to which it may be subjected through normal use;
  - (b) maintain exterior doors and windows in good repair;
  - (c) ensure the roof is free from leaks that have the potential to cause significant damage to the building; and
  - (d) maintain interior walls and ceilings in good repair so as to be free from holes or loose or broken plaster that may create health, fire or accident hazards.
- 2.5 Each owner or occupant of a property that includes a dock must:
- (a) maintain the dock in a structurally sound condition so as to be capable of safely sustaining its own weight and any additional load to which it may be subjected through normal use; and
  - (b) ensure the dock is free from rotting, holes or any other condition that may compromise the safety of any person utilizing the dock.

- 2.6 No person shall obstruct or hinder an officer who is carrying out his or her duties or functions under this bylaw.

### **Part 3 – Inspections and Entry on Property**

- 3.1 Subject to section 3.2, any officer, employee or agent of the GVRD may enter on or into any property, to inspect and determine whether this bylaw is being complied with or to effect remedial action, without the consent of the owner or occupant of the property.
- 3.2 The authority to enter on or into any property is subject to the following conditions and exceptions:
- (a) the authority to enter must only be exercised at reasonable times and in a reasonable manner;
  - (b) prior to entering the property, reasonable steps must be taken to notify the owner or occupant, either verbally or in writing;
  - (c) if the property is occupied as a private dwelling, entry can only occur in any of the following circumstances:
    - i. the occupant consents;
    - ii. the occupant has been given at least 72 hours' written notice of the entry and the reasons for it;
    - iii. the entry is made under the authority of a warrant under the *Community Charter* or another Act;
    - iv. the person conducting the inspection has reasonable grounds to believe that failure to enter may result in a significant risk to the health or safety of the occupant or other persons;
    - v. the entry is for the purpose of taking required action pursuant to Part 4 of this bylaw and section 17 of the *Community Charter* or section 268 of the *Local Government Act*.

### **Part 4 – Remedial Action**

- 4.1 In accordance with the provisions under Division 12 of Part 3 of the *Community Charter*, the Board, by resolution, may order any owner or occupant to undertake remedial action in response to a declared nuisance (as nuisance is defined in this bylaw) or in response to a hazardous condition, with the details of such action to be determined by the Board. Pursuant to the provisions of the *Community Charter* and *Local Government Act*, this authority of the Board cannot be delegated.
- 4.2 Pursuant to the provisions of the *Local Government Act* and *Community Charter*, the Board or any officer, employee or agent of the GVRD, has the authority to direct an owner or occupant to comply with the requirements set out in this bylaw.

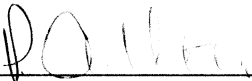
- 4.3 If an owner or occupant fails to comply with action required under section 4.2, the GVRD, through its officers, employees or agents, may take the required action at the expense of the owner or occupant and recover the costs incurred from that person as a debt, or in the case of an owner, pursuant to Division 14 [*Recovery of Special Fees*] of Part 7 [*Municipal Revenue*] of the *Community Charter*.
- 4.4 Any owner or occupant, who has been directed to undertake remedial action or fulfill any other requirements pursuant to this Part, must comply with the requirements as ordered or directed.

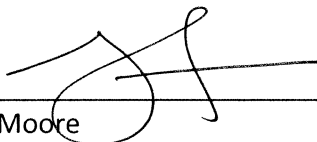
#### Part 5 – Offences and Penalties

- 5.1 The Board may designate any contravention of this bylaw as an offence under the *Greater Vancouver Regional District Ticket Utilization Bylaw No. 1050, 2006* (as amended) and the *Greater Vancouver Regional District Notice of Bylaw Violation Enforcement and Dispute Adjudication Bylaw No. 1117, 2010* (as amended).
- 5.2 A person who contravenes any provision of this bylaw commits an offence and is liable on conviction in court proceedings brought pursuant to the *Offence Act*, R.S.B.C. 1996, C. 338, to a minimum fine of \$50.00 and a maximum fine not exceeding \$10,000.00.
- 5.3 A person who contravenes any provision of this bylaw in a continuing nature commits an offence and is liable on conviction in court proceedings brought pursuant to the *Offence Act*, to a minimum fine of \$50.00 and a maximum fine not exceeding \$10,000.00 for each day such offence is continued.
- 5.4 Nothing in this bylaw limits the GVRD from utilizing any other provision of this bylaw or other remedy available at law.

READ A FIRST, SECOND AND THIRD TIME this 28 day of March, 2014.

PASSED AND FINALLY ADOPTED this 28 day of March, 2014.

  
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Paulette Vetleson  
Corporate Officer

  
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Greg Moore  
Chair

# SCHEDULE A

