



CITY OF RICHMOND

REPORT TO COMMITTEE

TO: General Purposes Committee

FROM: J. Richard McKenna
City Clerk

To General Purposes - July 3, 2001

DATE: June 28, 2001

FILE: 8060-20-7162/7216

RE: NEW UNSIGHTLY PREMISES REGULATION BYLAW

STAFF RECOMMENDATION

That the following bylaws each be introduced and given first, second and third readings:

- (1) Unsightly Premises Regulation Bylaw No. 7162, and
- (2) Municipal Ticket Information Authorization Bylaw No. 7139, Amendment Bylaw No. 7216.

J. Richard McKenna
City Clerk

Sandra Tokarczyk
Manager, Community Bylaws and Administration

Att. 2

FOR ORIGINATING DIVISION USE ONLY		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
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STAFF REPORT

ORIGIN

The existing Unsightly Premises Bylaw, written and adopted in 1994, is out of date in a number of areas, and in some ways, does not reflect the practices of the City which have evolved over the last few years with respect not only to the removal of any rubbish and other materials from private properties, but also in dealing with graffiti. The purpose of this report is to present a more modern and updated Unsightly Premises Regulation Bylaw which essentially follows the procedures contained in the existing bylaw, but with several improvements in key areas.

ANALYSIS

Although the proposed bylaw reflects the procedures set out in the 1994 bylaw, you should be aware of the following:

- (a) inconsistent terminology, structure and format have been corrected;
- (b) language and terminology in the bylaw have been updated and modernized;
- (c) the process followed for the issuance of "Orders to Comply" has been simplified;
- (d) consequential changes have been made to the Unsightly Premises section in the Municipal Ticket Information Authorization Bylaw; and
- (e) the redundant Noxious Weed Control Bylaw from 1966 is being repealed.

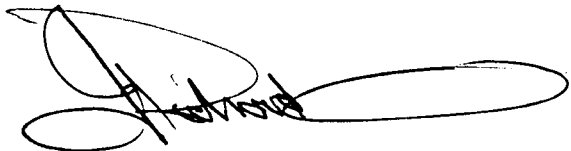
The only substantive change to the bylaw is the addition of a clause in PART ONE: GENERAL PROVISIONS under clause (c) of subsection 1.2.1, which requires a property owner or occupier to keep the grass on such property trimmed to a height of not more than 20 centimetres (8 inches). This clause was included for several purposes, first, to establish a benchmark to which both the community and staff can relate; and, second, to reflect the same height requirement of 20 centimetres on public property in the proposed Boulevard Maintenance Regulation Bylaw which Engineering & Public Works Division staff will again be advancing to Committee of Council in the near future.

FINANCIAL IMPACT

None.

CONCLUSION

This bylaw is presented in the context of reviewing, modernizing and updating all of the City's bylaws to make them more understandable, consistent and user friendly for both staff and the public.



J. Richard McKenna
City Clerk



Sandra Tokarczyk
Manager, Community Bylaws and Administration

JRM:fja



CITY OF RICHMOND

UNSIGHTLY PREMISES REGULATION

BYLAW NO. 7162

EFFECTIVE DATE –

CITY OF RICHMOND

UNSIGHTLY PREMISES REGULATION

BYLAW NO. 7162

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CITY OF RICHMOND
UNSIGHTLY PREMISES REGULATION
BYLAW NO. 7162

PART ONE: GENERAL PROVISIONS

1.1 Property Owner or Occupier Prohibitions

1.1.1 An owner or occupier of real property must not:

- (a) allow such property to become or remain unsightly; or,
- (b) cause or permit **rubbish**, noxious, offensive or unwholesome matter or substance, filth or discarded materials to collect or to accumulate on or around such property.

1.2 Property Owner or Occupier Obligations

1.2.1 The owner or occupier of real property, or their agents, must:

- (a) remove or cause to be removed from the real property, any **rubbish**, or noxious, offensive or unwholesome matter or substance, or any unsightly accumulation of **rubbish**, filth, discarded materials or **graffiti**;
- (b) clear or cause such property to be cleared of unsightly brush, trees, weeds or other growth; and
- (c) keep grass trimmed to a height of not more than 20 centimetres.

1.3 Graffiti Prohibition

1.3.1 A person must not place **graffiti** on walls, fences, or elsewhere on or adjacent to a public place.

PART TWO: ORDER TO COMPLY

2.1 Serving of an Order to Comply

2.1.1 Where an owner or occupier, or their agents fail to comply with any of the provisions of section 1.1 or 1.2, a **Bylaw Enforcement Officer** may, in accordance with subsection 2.1.3, serve an **Order to Comply** on such person, which requires the person to remove or clear the **offending material** from the real property within 14 days of service of such **Order to Comply**.

2.1.2 Where an **Order to Comply** has been served in accordance with subsection 2.1.1 and the **Bylaw Enforcement Officer** is satisfied that special circumstances exist, the **Bylaw Enforcement Officer** may set a time to comply, other than 14 days, that is reasonable in the circumstances.

2.1.3 The **Bylaw Enforcement Officer** must serve the **Order to Comply**:

(a) on the owner of the real property on which the **offending material** is located, by either:

(i) personal service, or

(ii) registered mail with acknowledgement of receipt, to the address of the owner shown on the last real property assessment rolls;

provided that where the owner is a registered company, service may be accomplished according to the provisions of the *Company Act*; and

(b) on the occupier of the real property on which the **offending material** is located, by either:

(i) personal service,

(ii) delivery to a mail box or other receptacle for messages, if any, on the real property, or

(iii) posting on the real property; and

(c) on any agent of the owner or occupier of the real property on which the **offending material** is located, by either:

(i) personal service, or

(ii) registered mail with acknowledgement of receipt.

2.1.4 When an **Order to Comply** is not personally served in accordance with clause (a)(i), (b)(i), or (c)(i) of subsection 2.1.3, whichever is applicable, such order is deemed to have been served:

(a) on the third day after mailing in accordance with clause (a)(ii) or (c)(ii), whichever is applicable;

(b) upon delivery in accordance with clause (b)(ii); or

(c) upon posting in accordance with clause (b)(iii).

2.2 Authority to Enter Property in connection with an Order to Comply

2.2.1 A **Bylaw Enforcement Officer** may enter, at all reasonable times, upon any real property to determine whether the provisions of this bylaw or the directions of an **Order to Comply** are being complied with.

- 2.2.2 If the owner or the occupier of such property, or their agents fail to remove or clear the **offending material** from the real property as directed in an **Order to Comply**, **City** staff, or a contractor engaged by the **City**, may enter on the real property, at reasonable times and in a reasonable manner, to remove or clear the **offending material** at the expense of the defaulting owner or occupier of the real property, or their agents.
- 2.2.3 Where **offending material** has been removed or cleared in accordance with subsection 2.2.2, the charges for such removal or clearance, if unpaid on or before December 31st in the year in which the charges are incurred, form part of the taxes payable on such property, as taxes in arrears.

2.3 Appeal Against an Order to Comply

- 2.3.1 A person upon whom an **Order to Comply** has been served may, by giving notice in writing to the **City Clerk** at least 72 hours prior to the expiration of the time given in the **Order to Comply** to remove or clear the **offending material**, appeal to **Council**, who must hear and determine the appeal by confirming, amending or rescinding the **Order to Comply**.

PART THREE: INTERPRETATION

- 3.1 In this bylaw, unless the context otherwise requires:

BYLAW ENFORCEMENT OFFICER	means an employee of the City , appointed by Council for enforcement of City bylaws.
CITY	means the City of Richmond.
CITY CLERK	means the Municipal Officer appointed by Council and assigned responsibility for corporate administration for the City under Section 198 of the <i>Local Government Act</i> .
COUNCIL	means the Council of the City .
GRAFFITI	means an inscription, drawing, writing, pictorial representation, message or slogan, made on a wall, fence or other surface by means of paint, chalk, ink or other substance, or by chisel, hammer, stone or other device, excluding signs permitted pursuant to the current Sign Regulation Bylaw.
MANAGER OF COMMUNITY BYLAWS	means the Manager of Community Bylaws in the Community Safety Division of the City .
OFFENDING MATERIAL	means any material or substance, including graffiti , which this bylaw requires owners, occupiers or their agents to remove or clear from their real properties.

ORDER TO COMPLY

means an order, which is substantially in the form of Schedule A attached to and forming a part of this bylaw, signed by the **Manager of Community Bylaws**.

RUBBISH

includes, but is not limited to, discarded bottles, broken glass, motor vehicle parts and any derelict or partially dismantled motor vehicle.

PART FOUR: OFFENCES AND PENALTIES**4.1** Any person who:

- (a) violates or who causes or allows any of the provisions of this bylaw to be violated; or
- (b) fails to comply with any of the provisions of this or any other bylaw or applicable statute; or
- (c) neglects or refrains from doing anything required under the provisions of this bylaw, or
- (d) obstructs, or seeks or attempts to prevent or obstruct a person who is involved in the execution of duties under this bylaw,

is deemed to have committed an infraction of, or an offence against this bylaw and is liable on summary conviction to the penalties provided for in the *Offence Act*, and each day that such violation is caused, or allowed to continue, constitutes a separate offence.

PART FIVE: PREVIOUS BYLAW REPEAL

- 5.1** Unsightly Premises Bylaw No. 6349 (adopted October 11, 1994) is repealed.
- 5.2** Noxious Weed and Weed Seed Control Bylaw No. 2218 (adopted March 21, 1966) is repealed.

PART SIX: SEVERABILITY AND CITATION

- 6.1** If any part, section, sub-section, clause, or sub-clause of this bylaw is, for any reason, held to be invalid by the decision of a Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.
- 6.2** This bylaw is cited as "**Unsightly Premises Regulation Bylaw No. 7162**".

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor

MAYOR

CITY CLERK

SCHEDULE A to BYLAW NO. 7162

Date:

ORDER TO COMPLY

Pursuant to the Unsightly Premises Regulation Bylaw
and the *Local Government Act*

Civic Address * <civic>, Richmond, BC

Legal Description Lot * Block * Section * Block * North Range * West
New Westminster District Plan *

You are hereby ordered to bring the condition of this property into conformity with Unsightly Premises Bylaw No. 7162 and the *Local Government Act* by * <date>, by doing the following:

- (a) * <(action words) details>;
- (b) * <(action words first)>;
- (c) *; and
- (d) *.

Details on the Order to Comply process, including appeals, are detailed in the attached letter.

CITY OF RICHMOND

**MUNICIPAL TICKET INFORMATION AUTHORIZATION
BYLAW NO. 7139, AMENDMENT BYLAW NO. 7216**

The Council of the City of Richmond enacts as follows:

- Bylaw No. 7139 is amended by deleting Item No. 11 of Schedule A, and by substituting the following:

Column 1	Column 2
Designated Bylaws	Designated Bylaw Enforcement Officers
11. Unsightly Premises Regulation Bylaw No. 7162	Member of the RCMP

- Bylaw No. 7139 is amended by deleting Schedule B 11 in its entirety, and by substituting the following:

Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine

UNSIGHTLY PREMISES REGULATION BYLAW NO. 7162

Placing graffiti on walls, fences, or elsewhere on or adjacent to a public place.	1.3.1	\$100
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- This bylaw is cited as "**Municipal Ticket Information Authorization Bylaw No. 7139, Amendment Bylaw No. 7216**".

FIRST READING

SECOND READING

THIRD READING

APPROVED BY THE CHIEF JUDGE OF THE
PROVINCE OF BRITISH COLUMBIA

ADOPTED

_____ _____ _____ _____ _____	CITY OF RICHMOND APPROVED for content by originating dept. APPROVED for legality by Solicitor
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MAYOR

CITY CLERK