

THE CORPORATION OF THE VILLAGE OF KEREMEOS

BYLAW NO. 635, 2002

A Bylaw to establish required standards for the maintenance of real property and to prohibit unsightly premises.

Whereas Section 725 of the Local Government Act empowers Council to enact regulations governing the appearance and maintenance of property;

Now Therefore, the Municipal Council of The Corporation of the Village of Keremeos, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited for all purposes as the “Property Maintenance Bylaw No. 635, 2002.
2. In this Bylaw:

(Definitions updated by Bylaw 635-1, 2007)

“**Bylaw Enforcement Officer**” means the person or persons appointed from time to time by Council as “Bylaw Enforcement Officer” to enforce the provision of this bylaw, or the authorized agent or employee of any corporation or society, with whom the Village has an agreement to act as a Bylaw Enforcement Officer.

“**Council**” means the Council of the Corporation of the Village of Keremeos.

“**Occupier**” has the meaning as outlined in the Local Government Act.

“**Owner**” has the meaning as outlined in the Local Government Act.

“**Municipality**” means the Corporation of the Village of Keremeos.

“**Noxious Weeds**” means any weed so designated by the Provincial Weed Control Act.

(Definition updated by Bylaw 635-1, 2007)

“**Unsightly**” includes, but is not limited to:

- (a) an outdoor accumulation of building materials on any property other than premises identified in a business licence for building materials sales or storage, or premises where construction is in progress pursuant to a valid building permit:

- b) an accumulation of motor vehicle parts or all or part of any motor vehicle which is not:
 - (i) registered and licensed in accordance with the Motor Vehicle Act *unless otherwise specified in this bylaw*: or
 - (ii) capable of movement under its own power; and
 - c) any accumulation of filth, discarded materials, debris or rubbish of any kind.
3. No owner or occupier of real property shall allow that property to become or remain unsightly.
 4. No person shall cause or permit water, rubbish or noxious, offensive or unwholesome matter to collect or accumulate on their premises.
 5. No person shall deposit or throw bottles, broken glass or other rubbish in any open space.
 6. No person shall place graffiti on walls, fences or elsewhere on or adjacent to a public place.
 7. Every owner and occupier of real property shall eliminate or reduce the emission of dust from that property into the atmosphere such that no airborne dust travels beyond any boundary of the property. Without limiting the generality of this section, during excavation or construction on property, dust shall be controlled by the application of water or other dust control agents. Property governed by the Right to Farm Legislation, where appropriate farm practices are being followed, is exempt from this section.
 8. Every owner and every occupier of real property shall:
 - (a) remove from the property every unsightly accumulation of filth, discarded materials, rubbish or graffiti;
 - (b) clear the property of brush, noxious weeds, wild grass and other untended growths;
 - (c) prevent infestation of caterpillars and other noxious or destructive insects and shall clear the property of such caterpillars and insects.

(8.1 added by Bylaw 635-1, 2007)

- 8.1 One unlicensed vehicle is permitted to be stored on any real property provided that vehicle is registered and licensed for at least one full month in any 12 month period. The property owner must provide proof of such registration and licensing upon request of the Bylaw Enforcement Officer.
9. Where any person fails to comply with Section 8 of this bylaw, the Bylaw Enforcement Officer may give written notice to that person to comply within twenty-one (21) days of delivery of the notice, and in the event of failure to comply with the notice the municipality may by its employees or contractors, at reasonable times and in a reasonable manner, enter the property and effect the removal of the offending materials, growths or infestations at the expense of the person who has failed to comply.

(9.1 added by Bylaw 635-1, 2007)

9.1 Notices

Where any notice is required to be given pursuant to this Bylaw, such notice shall be given in writing.

Such notice shall be sufficiently delivered if;

- (a) It is personally served on the owner or occupier; or
 - (b) It is sent to the owner of the real property by Registered Mail to his address appearing on the last revised assessment roll; or
 - (c) It is affixed to the property in a prominent place.
10. The cost of effecting removal pursuant to Section 9 of this bylaw shall be due and payable by the person in default immediately upon removal, and if such costs remain unpaid on December 31st, in the year the removal was done, the costs shall be added to and form part of the taxes payable on the property as taxes arrear.
11. Any Bylaw Enforcement Officer may at all reasonable times enter on property to ascertain whether the regulations and directions of this bylaw are being observed.
12. If any portion of this bylaw is held to be invalid by a Court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this bylaw.
13. Any person who violates any of the provisions of this bylaw, or who neglects or refrains from doing anything required to be done by this bylaw, is guilty of an offence and on summary convictions therefor shall be liable to a fine not exceeding two hundred and fifty (\$250.00) dollars, and the cost of the prosecution

and every day during which there is an infraction of this bylaw, shall constitute a separate offence.

14. The "Property Maintenance Bylaw no. 452, 1993" is hereby repealed.

READ a first time by Council this 21st day of January, 2002.

READ a second time by Council this 21st day of January, 2002.

READ a third time by Council this 2nd day of September, 2003.

ADOPTED by Municipal Council this 15th day of September, 2003.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

I hereby certify this to be a true and correct copy
of "Property Maintenance Bylaw No. 635, 2002"
as adopted by Municipal Council of the Corporation
of the Village of Keremeos on the 15th day of
September, 2003.

CHIEF ADMINISTRATIVE OFFICER