

FRASER VALLEY REGIONAL DISTRICT

BYLAW NO. 0037, 1996

A bylaw to prohibit the owners or occupiers of  
real property from allowing property to become unsightly; to  
prohibit the collection or accumulation of unwholesome  
matter on premises; and to prohibit littering

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WHEREAS the Fraser Valley Regional District was incorporated by Letters Patent effective December 12, 1995;

AND WHEREAS Article 11.1 of the Letters Patent incorporating the Fraser Valley Regional District provides that all services of the former Central Fraser Valley Regional District, Dewdney-Alouette Regional District and Regional District of Fraser-Cheam at the time of dissolution, whether established by legislation, regulation, order in council, letters patent, supplementary letters patent, or bylaw pursuant to the Municipal Act, are services of the Fraser Valley Regional District;

AND WHEREAS the former Central Fraser Valley Regional District, Dewdney-Alouette Regional District and Regional District of Fraser-Cheam were empowered by Order in Council No. 1961/70 and Supplemental Letters Patent issued on June 17, 1970 to prohibit and control unsightly premises;

AND WHEREAS Section 932 of the Municipal Act provides that the Board of Directors may by bylaw regulate unsightly premises;

NOW THEREFORE in open meeting assembled, the Board of Directors of the Fraser Valley Regional District enacts as follows:

1. CITATION

This bylaw may be cited for all purposes as the "Fraser Valley Regional District Unsightly Premises and Unwholesome Matter Bylaw No. 0037, 1996".

2. REPEAL

- (1) The Regional District of Fraser-Cheam "Unsightly Premises and Unwholesome Matter Bylaw No 1012, 1991" is hereby repealed;
- (2) The "Dewdney-Alouette Regional District Untidy and Unsightly Premises By-law No. 114-1976" is hereby repealed;

3. TEXT

(1) Interpretation

In this bylaw,

"**accumulation**", means the amassing, heaping up, or storage of matter, whether covered or uncovered by soil or other materials, or screened or unscreened by natural vegetation;

"**effluent**" means a substance discharged into water or onto land, or water containing such substance, which is capable of injuring the health or safety of a person, capable of interfering with the normal conduct of business, capable of causing physical discomfort to a person, or capable of damaging the environment and includes but is not limited to animal wastes, domestically used chemicals, agricultural chemicals, and pharmaceutical or veterinary chemicals;

"**litter**" means the act of depositing, accumulating, dropping, or throwing down bottles, broken glass or other rubbish of any kind in any public place, such as to cause or contribute to the defacement of that place, except where a public place is specified by law for the depositing of rubbish or waste, in accordance with the Waste Management Act, S.B.C. 1982, c. 41;

"**private land**" means lands:

- (a) the fee of which is in some person or organization other than the Crown; or
- (b) the fee of which is in the Crown but which is controlled, held, or occupied by some person or organization other than the Crown under a form of agreement with the Crown which has a term of one year or more;

"**public place**" means unalienated land, the general public domain, lands owned by British Columbia or Canada; excludes private land;

"**Regional District**" means the Fraser Valley Regional District;

"**rubbish**" refers to materials or debris of any kind including but not limited to appliances, bedding, cardboard, dead animals or animal parts, glass, bottles, transportation or storage pallets, paper, tin cans, wood, and any other garbage;

"**unsightly**", except where expressly permitted in a Zoning Bylaw of the Fraser Valley Regional District, means any of the following situations, the occurrence of which is visible from a public road or from adjacent, neighbouring properties:

- (a) the accumulation or storage of any building material, whether new or used, on any site or premises, other than a building material storage yard, where the owner or occupier of the premises is not in possession of a valid building permit issued by the Regional District;
- (b) the outside storage or accumulation of any goods or merchandise, including agricultural produce, which is offered or intended to be offered for sale on any site;
- (c) the exterior storage of solid fuels, including coke or coal but excluding firewood, on any site;

"unwholesome", except where expressly permitted by bylaw, regulation, or statute, means:

- (a) the collection of water, or the accumulation of rubbish or noxious, offensive-smelling matter, including although not limited to matter which may, by its nature, discharge or emit noxious or offensive odours or vapours across lot lines; or
- (b) any matter which represents a fire hazard, a health hazard, or causes environmental pollution;

"water" includes runoff, seepage, or effluent from farm buildings, storage yards, or other works operating on private land.

(2) Application

This bylaw applies to the Electoral Areas of the Regional District except those lands in Electoral Area "E" at Cultus Lake Park that are separately administered by the Cultus Lake Park Board under the Cultus Lake Act S.B.C. 1932, c.63.

(3) Prohibition

- (a) No owner or occupier of real property, or premises on the real property, shall allow the property or premises owned or occupied by him to become or remain unsightly.
- (b) No person shall cause or permit unwholesome matter to collect or accumulate around his premises.
- (c) No person shall litter.

(4) Removal

- (a) Every owner or occupier of real property, or premises on real property, or his agent is required to remove from the real property or premises any unsightly accumulation of filth, discarded materials, or rubbish.
- (b) Every person is required to remove from his premises any unwholesome matter.
- (c) The Regional District Board may cause to be delivered to the owner, occupier or agent of either of them notice in writing requiring that any storage, collection or accumulation which is unsightly or unwholesome be removed from the real property or premises on the real property before the expiry of twenty-one (21) days after the delivery of the notice.
- (d) In the event of default of the removal of unsightly materials as set forth in Paragraph 4(b) and failure of any owner or occupier of the real property or premises on the real property, or his agent, to comply with the written notice to remove the accumulation, the Regional District Board hereby authorizes officers of the Regional District, or their lawful deputies, to enter the real property or premises on the real property affected to effect the removal at a time and in a manner of administrative convenience to the Regional District at the expense of the person defaulting.
- (e) In the event that the person defaulting in the removal of unsightly materials pursuant to Paragraph 4(d) hereof fails to pay the charges incurred by the Regional District for effecting the removal, and if the charges are unpaid on the 31st day of December in any year, the charges shall be added to and form part of the taxes payable in respect of the real property as taxes in arrear.

(5) Penalty

- (a) Every person who commits an offence contrary to the provisions of this bylaw is liable on summary conviction to a penalty of not more than two thousand dollars (\$2,000.00) in addition to the costs of prosecution.
- (b) Each day a violation is caused or allowed to continue constitutes a separate offence.
- (c) Upon conviction, the justice or Court may direct that no prosecution under Paragraph 5(b) of this bylaw may be made with respect to the continuance of the violation, for such period of time as she or he directs, and she or he may order the violator to remedy the violation.

(6) Severability

If any section, subsection, sentence, clause or phrase in this bylaw is for any reason held to be invalid by a decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of the bylaw.

4. EFFECTIVE DATE

This bylaw shall take effect upon the date of its adoption.

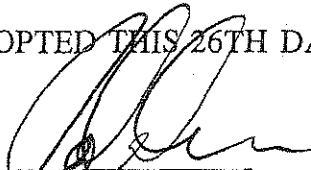
5. ADOPTION AND APPROVAL

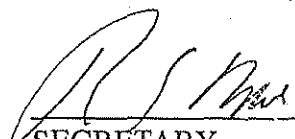
READ A FIRST TIME THIS 27TH DAY OF FEBRUARY, 1996.

READ A SECOND TIME THIS 27TH DAY OF FEBRUARY, 1996.

READ A THIRD TIME THIS 27TH DAY OF FEBRUARY, 1996.

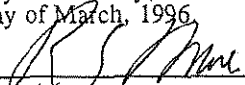
ADOPTED THIS 26TH DAY OF MARCH, 1996.

  
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CHAIRPERSON

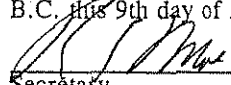
  
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SECRETARY

6. CERTIFICATION

I hereby certify the foregoing to be a true and correct copy of Fraser Valley Regional District Unightly Prmises and Unwholesome Matter Bylaw No. 0037, 1996 as read a third time by the Board on the 27th day of February, 1996. Dated at Chilliwack this 1st day of March, 1996.

  
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Secretary

I hereby certify that this is a true and correct copy of Bylaw No. 0037, 1996 adopted by the Board of Directors of the Fraser Valley Regional District on the 26th day of March, 1996. Dated at Chilliwack, B.C. this 9th day of April, 1996.

  
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Secretary