

CONSOLIDATED FOR CONVENIENCE COPY

CITY OF PORT MOODY

BYLAW NO. 1488

A bylaw to regulate untidy and unsightly premises

WHEREAS pursuant to Section 932(h) of the Municipal Act, being Chapter 290 of the Revised Statutes of British Columbia, 1979, and amendments thereto, the Municipal Council may by Bylaw prohibit the owners or occupiers of real property from allowing the property to become or to remain untidy or unsightly;

NOW THEREFORE, the Municipal Council of the City of Port Moody, in open meeting assembled, enacts as follows:

1. Title

This Bylaw may be cited for all purposes as "City of Port Moody Untidy and Unsightly Premises Bylaw, 1980".

2. Repeal

Bylaw No. 1220 cited as "City of Port Moody Untidy and Unsightly Premises Bylaw, 1975", is hereby repealed.

3. Interpretation

In this Bylaw, unless the context otherwise requires:

"City" means the City of Port Moody;

"Council" means the Council of the City of Port Moody;

"Discarded Materials" means and includes all material not in use for the construction, maintenance, or as part of the equipment or furnishings of the building situated on the premises and includes apparatuses, motor vehicles, or other chattels in a dismantled or partially dismantled state not in use for the purposes for which they were constructed or intended, and occupying a place open to public view;

"Bylaw Enforcement Officer" means the person appointed as the Bylaw Enforcement Officer of the City of Port Moody;

"Motor Vehicle Act" means the Motor Vehicle Act of the Province of British Columbia, R.S.B.C., 1979, Chapter 288 and amendments thereto;

"Motor Vehicle" means a motor vehicle as defined by the Motor Vehicle Act;

3. Interpretation (continued)

"Occupier" means a person occupying a property within the City and includes the registered owner of the Property;

"Order" mean an order issued pursuant to section 7 of this Bylaw;

"Owner" includes the registered owner of a Property and those persons defined as owner in the Community Charter;

"Person" means any corporation, partnership or party, and the heirs, executors, administrator, or other legal representatives of such person, to whom the context can apply according to law;

"Solid Waste Container" means a metal or plastic container or plastic bag, or an approved semi automated waste cart;

"Trailer" means a trailer as defined by the Motor Vehicle Act;

"Zoning Bylaw" means the City of Port Moody Zoning Bylaw, and amendments thereto.

All other words or terms shall have the meaning assigned to them in the "Municipal Act" or the "Health Act" or the "Motor Vehicle Act" of the Province of British Columbia.

4. Offences

(a) No owner or occupier of real property in the City shall allow such property to become or to remain untidy or unsightly, and shall be required to maintain the said property in a neat and tidy condition in keeping with a reasonable standard of maintenance prevailing in the neighbourhood.

(b) No owner or occupier of real property in the City shall cause, suffer, permit or allow such real property to become overgrown with brush, noxious weeds, or other growth, or to become infested with caterpillars or other noxious or destructive insects.

Added by
BL2301 →

(c) No owner or occupier of real property within the City shall cause, suffer, permit or allow the accumulation of filth, discarded materials, ***graffiti** or rubbish of any kind to accumulate upon such real property.

(d) It shall be unlawful for any person in any residential zone as defined by the "Zoning Bylaw" to store, keep, leave or maintain on any real property, except in a building or structure lawfully erected or used as an enclosure, the following:

Amended
by BL3024 →

i) a motor vehicle or trailer which is unlicensed for the current year under the "Motor Vehicle Act"; unless a permit has been issued by the Bylaw Enforcement Officer;

4. Offences (continued)

- ii) any part of the motor vehicle or trailer;
- iii) firewood, unless neatly piled or stacked against a wall or fence;
- iv) lumber, bricks, metal, but not including building materials being used for construction purposes upon real property pursuant to a building permit being in force or except as may be permitted under provisions contained in the City of Port Moody Zoning Bylaw;
- v) engines, machinery;
- vi) discarded materials or rubbish of any kind;
- vii) storage of boats, boat trailers or recreation vehicles except as permitted under provisions of the City of Port Moody Zoning Bylaw.

Added by
BL2710

5. Adequate Container

- (a) Every Occupier shall acquire and maintain in good order and repair a sufficient number of solid waste containers in which to store all rubbish generated on the property.
- (b) No Occupier may permit rubbish to overflow the solid waste containers on the property.
- (c) All solid waste containers must be kept lidded or closed and at all times secured against disturbance by animals.

Amended by
BL2710

6. Enforcement

- (a) It shall be the responsibility of the Bylaw Enforcement Officer to enforce the provisions of this Bylaw.
- (b) Where the Bylaw Enforcement Officer is satisfied of the existence of a violation of this Bylaw, he shall cause a notice to be served on the owner of the lands or premises on which the violation exists, whether the violation arises or continues by or from the act, default, or sufferance of the owner, or of his tenant, or the occupier thereof, or from the nature of the premises themselves if the same are unoccupied, requiring him to abate the nuisance within a time to be specified in the notice, and to execute such works and do such things as may be necessary for that purpose.
- (c) In the event that an owner or occupier of real property on which a violation of this Bylaw exists, should fail to abate that nuisance within the time specified in the notice, the City by its workmen and others may, within fifteen (15) days following written notice by registered mail to the owner, enter and effect such abatement at the expense of the person so defaulting; and the charges for so doing, if unpaid on the thirty-first day of December in any year, shall be added to and form part of the taxes payable in respect of that real property as taxes in arrears.

6. Enforcement (continued)

Amended by
BL2710

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- (d) When a violation of this Bylaw exists and the materials appear to have a monetary value, which exceed the cost of removal or clean-up, the Bylaw Officer will proceed with an Order to Comply notice. The Order to Comply will form part of this bylaw.

Added by
BL2710 →

7. Order to Comply

- (a) Where a person has failed to perform the obligations pursuant to the provisions of this Bylaw and the materials in violation appear to have a monetary value, which exceed the cost of removal or clean-up, the Bylaw Officer may in accordance with this section, issue to such person an Order to Comply with the requirements of this Bylaw in respect of which that person is in default.
- (b) An Order to Comply shall be given in Form 1 attached to this Bylaw and forming a part hereof.
- (c) An Order to Comply shall be sufficiently issued when the Bylaw Officer:
 - (i) ascertains the registered owner of the real property and his address from the real property assessment roll of the Municipality and mailing a copy of the Order to Comply to such person by registered mail or certified mail; and,
 - (ii) delivers a copy of the Order to Comply to an occupier of the real property, to a mailbox or other receptacle for the receipt of mail or messages, if any, or by posting a copy of it on the property.
- (d) Upon receipt of an Order to Comply, a person may appeal its issuance to the Council of the Municipality who shall hear and determine the appeal and either confirm, amend, or rescind the Order to Comply. Any such appeal shall be brought forward in writing to the Clerk's office within fifteen (15) days of the date of issuance of the Order to Comply.
- (e) Any time period set out in the Order to Comply shall be deemed to commence immediately upon the completion of the last of the steps required to be completed under Section 6(c) of this Bylaw, except in the case of any appeal under Section 6(d), in which case the time period shall be deemed to commence immediately upon the issuance of Council's decision on the appeal.

Amended
by BL2710 →

8. Protection of Bylaws

- (a) Nothing in this Bylaw contained shall relieve any person from complying with the provisions (where applicable) of any other Bylaw of the City.
- (b) Provisions of the "Health Act", where applicable, are hereby incorporated as part of this Bylaw.

Amended by
BL2710

9. Penalties

- (a) Every person, firm or corporation who violates any of the provisions of this Bylaw, or who causes, suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects or refrains from doing anything required to be done by any of the provisions of this Bylaw, or who carries out or who suffers, causes or permits to be carried out any work in a manner prohibited by or contrary to any of the provisions of this Bylaw or who fails to comply with the order, direction or notice given under this Bylaw shall be deemed to be guilty of an offence against this Bylaw and shall be liable to the penalties hereby imposed.
- (b) Every person, firm or corporation violating any provisions of this Bylaw shall be liable on summary conviction to a fine of not more than Five Hundred (\$500.00) dollars.
- (c) A separate offence shall be deemed to be committed on each day during or on which a violation occurs or continues.

Added by
BL2710

10. Offences and Fines

Offences for which tickets can be issued and fines imposed are prescribed in the Municipal Ticket Information Utilization Bylaw.

Amended
by BL2710

11. Effective Date

This Bylaw shall come into force and take effect upon adoption thereof.

BYLAW 1488 ADOPTED
AMENDMENT No. 1, 1996, No. 2301
AMENDMENT No. 2, 1980, No. 2710
AMENDMENT No. 3, 2015, No. 3024

December 18, 1980
December 16, 1996
July 11, 2006
Oct 27, 2015

**APPENDIX "A" HAS BEEN REMOVED
BY BL3024**

[Added by Bylaw No. 2710]



PORT MOODY
CITY OF THE ARTS

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Form 1

**UNTIDY & UNSIGHTLY PREMISES BYLAW NO. 1488
ORDER TO COMPLY**

Date:		
Attention:		
Regarding Property at:		
Legal Description:		
Complaints have been received regarding:		
Investigation discloses the following:		
The above constitutes an offence under the <i>Untidy & Unsightly Premises Bylaw No. 1488</i> Section		
You are hereby ordered to:		
Failure to comply may result in:		
a) The Municipality proceeding in accordance with the default provisions of Section of the said Bylaw. and/or		
b) The Municipality proceeding in accordance with Section of the said Bylaw, the offence section.		
<i>Pursuant to section 7(d) of the Untidy and Unsightly Premise Bylaw, 1998 No. 1488 an appeal may be brought forward in writing to the Clerk's office within 15 days of the date this Compliance Order.</i>		
Questions regarding this order may be directed to:		
Name:		Phone:
	Issuing Officer	