



The Corporation of the City of Dawson Creek

**Property Maintenance
Bylaw No. 4190, 2013**

CONSOLIDATED VERSION FOR CONVENIENCE ONLY

Amendment Bylaw 4296, 2016 incorporated
Amendment Bylaw 4345, 2017 incorporated

THE CORPORATION OF THE CITY OF DAWSON CREEK

BYLAW NO. 4190

A bylaw of the Corporation of the City of Dawson Creek (hereinafter called “the City”) relating to the care and maintenance of property and adjoining public places within the City.

WHEREAS, the Council of the City of Dawson Creek hereby enacts as follows:

SECTION 1 – TITLE

1.1 This bylaw may be cited for all purposes as **“PROPERTY MAINTENANCE BYLAW NO. 4190, 2013”**.

SECTION 2 - DEFINITIONS

2.1 In this bylaw, the following words and terms have the following meanings assigned to them:

“Authorized Representative” Means a person appointed by the council for the purposes of administering and enforcing this bylaw.

“Boulevard” means the area from the edge of the pavement or curb of a highway, or where there is no pavement or curb, the traveled portion of the highway, to the property line and includes lanes and ditches.

“Bylaw Enforcement Officer” means a person or persons appointed from time to time by resolution of City Council pursuant to Section 36 of the Police Act, the purpose of which is to enforce regulatory bylaws of the municipality.

“City” means the City of Dawson Creek.

“Corporate Administrator” means the Director of Corporate Administration or his/her designate

“Director of Development Services” means a person appointed in accordance with the City of Dawson Creek Appointment of Officers Bylaw, as amended from time to time, and includes any other person authorized to act on behalf of the Director of Development Services.

“Council” means the Council of the City of Dawson Creek.

“Derelict Vehicle” means a motor vehicle or recreational vehicle that is wrecked, disabled or dismantled so it cannot be operated by its own mode of power or is not registered and licensed in accordance with the current *Motor Vehicle Act*.

“Highway” includes all the meanings of that word as specified in the definition in the *Community Charter*, and includes any street, road, lane, bridge, sidewalk, pavement, curbing or gutter in the City.

“Notice” means a notice issued pursuant to Section 7 of this bylaw.

“Noxious Weeds” includes weeds designated as such under Weed Control Regulation pursuant to the *Weed Control Act*.

“Order” means an order issues pursuant to Section 7 of this bylaw.

“Sidewalk” means every structure designed primarily for pedestrian use, including, but not limited to, any footpath made of gravel, asphalt, limestone, dirt or other material and the unpaved edge adjoining any asphalt road surface where no finished sidewalk exists.

“Tree Protection Zone (TPZ)” means the area around the tree or group of trees in which no grading or construction activity may occur. This area is clearly defined in the Urban Forestry Policy.

SECTION 3 - GENERAL PROVISIONS

Unightly Premises

- 3.1 No owner or occupier of property within the City will permit the property, including the boulevard(s), to become or remain unsightly.
- 3.2 Every owner or occupier of property must remove, or cause to be removed, from the property, including the boulevard(s), any unsightly accumulations of filth, discarded materials, rubbish, or graffiti.

Accumulation

- 3.3 No owner or occupier of property within the City will cause or permit refuse or other noxious, offensive or unwholesome matter to collect or accumulate on or around the property, including the boulevard(s).

Insect Infestations

- 3.4 No owner or occupier of property within the City will allow an infestation of the property by caterpillars or other noxious or destructive insects.

Offensive Odours

- 3.5 No owner or occupier of property within the City will allow smelly or messy compost heaps, excessive animal feces or the production of offensive odours.

Littering

- 3.6 No person will deposit or throw garbage, bottles, broken glass, garden or vegetation waste or other refuse on a highway or public place within the City.
- 3.7 Every owner or occupier of property in the City must clean up refuse that has been strewn by animals or wind when placed for garbage collection by no later than 7 p.m. on the day the incident occurred.

Graffiti

- 3.8 No person will place graffiti on any sidewalk, wall, fence, structure, sign or any other surface within the City.
- 3.9 Every owner or occupier of property within the City must ensure that graffiti placed on their property is removed, painted over or otherwise blocked from public view.

Property Damage

- 3.10 No person will in any way damage, deface or disfigure any public building, wall, fence, hedge, railing, sign, monument, statue, post, pole, wire, planters or any other public property within the City.

Derelict Vehicle

- 3.11 No owner or occupier of property within the City will cause or permit the storage or accumulation of a derelict vehicle or parts of a derelict vehicle, wrecked, broken or dismantled trailer, boat, construction or mechanical equipment so as to cause a nuisance or make the property unsightly, unless the *City of Dawson Creek Zoning Bylaw* permits the storage as a permitted use on the land and the storage does not cause a nuisance or make the property unsightly.

Damage to Boulevards

- 3.12 No person will wilfully damage:
- a. any boulevard or hedge adjacent to any highway, or
 - b. anything erected or maintained adjacent to a highway for the purpose of lighting the highway.

3.13 No person will cause:

- a. any vehicle, including recreation vehicles, to be placed, parked or moved upon any boulevard within the City, except when it is necessary to do so for the purpose of delivering or moving furniture, household goods, or similar items.
- b. any material or chattel to be placed, stored or discarded on any boulevard.

Grass, Weeds and Trees

3.14 No owner or occupier of property within the City will permit the grass or weeds on that land, or the boulevard or lane adjacent to the property, to grow beyond 12 inches (30 cm) in height.

3.15 No owner or occupier of property within the City will permit hedges, shrubs, trees or other plants that:

- a. obstruct the safety of the public;
- b. affect the safety of vehicular or pedestrian traffic;
- c. constitute an obstruction of view for vehicular traffic; or
- d. wholly or partially conceal or interfere with the use of any hydrant or water valves.

3.16 No person will alter or injure a City tree in any way unless written permission is given by the City's Parks Manager; including but not limited to:

- a. affixing signage, lighting or any fixture;
- b. painting;
- c. trimming or altering;
- d. removing;
- e. making any grade changes around the tree protection zone (TPZ);
- f. poisoning or utilizing harmful ice melting agents.

3.17 No person will damage the roots of a City tree that encroach on their property and are within the tree protection zone (TPZ) of a tree.

3.18 For the purposes of sections 16 and 17 of Section 3, each tree damaged is considered a separate offence.

City Compost Site

3.19 Only compostable materials are permitted in the City compost site located at 941 & 949 – 99th Avenue. Branches, trees, garbage or household trash are not permitted.

Electric Fences

3.20 No person will erect or maintain any fence within the City that is electrically charged or otherwise dangerous in any way.

Air Pollution

3.21 No owner or occupant of any real property within the City will pollute the air within the City by way of discharge into the atmosphere of dust, soot, fumes, noxious gases, cinders, smoke, sparks, ash or other solid or liquid particles or effluvia, or any other products of combustion to any extent, in any way and in any degree that might be or liable to become injurious to the health, comfort, property or welfare of any person residing within the City.

Waste Disposal

3.22 No person being a manufacturer or processor within the City will:

- a. dispose of waste from the plant; or
- b. construct, reconstruct, convert, install, alter or add to any incinerator for the disposal of industrial or commercial scrap or waste material refuse, rubbish, garbage or any combination thereof,

without first requesting and obtaining the permission of the Director of Development Services and the Fire Chief, either or both of whom may:

- (i) withhold approval until the City has received complete plans and specifications of the proposed work to be undertaken;
- (ii) deny the request; or
- (iii) grant approval for such work to be undertaken, upon such terms and conditions that is considered advisable in the circumstances.

SECTION 4 - SIDEWALK MAINTENANCE

- 4.1 Every owner or occupier of property within the City must keep any sidewalk adjoining the property clear of any debris, ashes, mud, dirt, snow, ice, slush, refuse or any other objects that would reasonably pose a hazard to anyone using the sidewalk. During removal, due and proper care must be taken for the safety of persons passing.
- 4.2 Every owner or occupier of property within the City must remove all accumulations of snow and ice from all sidewalks and footpaths, on and adjoining the property, by no later than 7:00 p.m. on the day on which the snow began to fall and on each subsequent day on which the snow continues to fall unless the snow and ice creates a hazardous condition in which case it must be removed immediately.
- 4.3 Whenever snow or ice accumulation on a roof, eave or awning of a building may create a hazardous condition on a highway, the owner or occupier of the property on which the building is located must immediately remove the accumulation of snow and ice. During removal, due and proper care must be taken for the safety of persons passing.
- 4.4 All snow or ice moved from sidewalks, footpaths or driveways will be placed on the property of the owner or occupier and cannot be shoveled onto highways or neighbouring properties. Any materials which must be removed from private property will be placed in an area approved by the Director of Development Services.
 - a. Properties designated on the map in the “Snow Removal in the Downtown Core Policy” are exempt from the requirement to contain snow or ice on their own property and may place the snow onto the highway in front of their property.

SECTION 5 - HIGHWAYS

- 5.1 Obstruction of Drainage – No person will obstruct the drainage of surface water on or in any ditch or Highway in the City.
- 5.2 Responsibility for Repair of Highways - Any person who in any way damages any Highway in the City will be liable to pay to the City, the amount determined by the Director of Development Services to be equal to the City’s cost and expense in connection with the repair of the damage.
- 5.3 Access Construction – No Person will create or maintain any access to or from a Highway in the City, unless given permission from the Director of Development Services for such access. The Director of Development Services may, in granting permission for such access, may impose terms on the nature, extent and location of such access that is considered reasonable and necessary in the circumstances.

- 5.4. Private Highways - Every owner of a private Highway within the City must maintain such Highway in a clean, fit and safe state, and must affix suitable signs indicating that any such Highway is a private thoroughfare.
- 5.5. Care and Maintenance of Highways - The Director of Development Services has the sole authority to carry out works relating to the paving, gravelling, lighting, watering and oiling of all Highways within the City. No Person will pave, gravel, light, water or oil any Highway within the City without first obtaining the written permission of the Director of Development Services, whose permission may be subject to such conditions as considered advisable and necessary in the circumstances.
- 5.6. Fences Abutting Highways - The Director of Development Services may require that any owner of property within the City erect and maintain a fence on that portion of the property of that abuts upon any Highway within the City.
- 5.7. Laneways – The City does not perform regular snow clearing in laneways through the winter months. Property owners may clear snow from the laneway as long as care is taken not to place snow on private property or where it would block private or public access.

SECTION 6 - UTILITIES AND RELATED WORKS

- 6.1. Utilities to be Controlled by the City – No person will:
- a. use any Highway within the City for the construction, distribution, or maintenance of any of the following utilities: gas, electric light, telegraph, power, pipeline, telephone, water, motor bus, electric trolley bus, radio or telephone broadcasting, closed-circuit television, or any similar utility; or
 - b. place, remove or replace any pole, tower, structure, wire, pipe, pipeline, conduit, tunnel, or similar structure on, in, over, under or along any Highway within the City, without first requesting and obtaining the written permission of the Director of Development Services, who may:
 - (i) withhold approval pending receipt of complete plans and specifications of the proposed work to be undertaken; or
 - (ii) deny any such request; or
 - (iii) grant permission for such work to be undertaken, upon such terms and conditions that is considered applicable in the circumstances.
- 6.2. Control of Watercourses – No person will foul, obstruct or impede the flow of any stream, creek, waterway, water-course, water-works, ditch, drain or sewer, whether or not the same is situated on private property.

- 6.3 Prohibition of Earth Removal from Highways, etc. – No person will take up, dig, or carry away any earth, sand or gravel in or from any Highway, sidewalk, alley, lane, or square within the City, or from any property owned by the City, without first requesting and obtaining written permission from the City.
- 6.4 Prohibition of Earth Removal from Vacant Lands – No person will remove any soil from any vacant lands within the City, without first requesting and obtaining permission from the Director of Development Services, who may make any such permission subject to conditions regarding the quantity of soil to be removed and the manner in which it is to be removed.

SECTION 7 – ENFORCEMENT

General Compliance Notice:

- 7.1 Where the Authorized Representative determines that an owner or occupier of land in the City has failed to comply with this bylaw, the Authorized Representative may, by notice, require the owner or occupier of the land to comply with this bylaw within the time period stated in the notice. The notice will:
- a. describe the property by municipal address, location or legal description;
 - b. give reasonable particulars of the repairs, demolition, clearing or other actions required to be made; and
 - c. state the time that the repairs, demolition, clearing or other actions must be completed.

Tall Grass and Weeds Compliance Order:

- 7.2 Where the Authorized Representative identifies that an owner or occupier of property in the City has grass or weeds in excess of 12 inches (30 cm) in height, the Authorized Representative, may, by Order, require the owner or occupier of the property to comply with this bylaw. The Order mailed or delivered to the property owner will:
- a. describe the property by municipal address, location or legal description;
 - b. give reasonable particulars of the remedial action to be made within fourteen (14) days; and
 - c. advise the date the owner or occupier may apply to the Director of Development Services for an opportunity to be heard in respect of the matter.

Unightly Property Compliance Order:

- 7.3 Where the Authorized Representative identifies that an owner or occupier of property in the City has allowed the property to become unsightly, the Authorized Representative, may, by Order, require the owner of the property to comply with this bylaw. The Order mailed or delivered to the property owner will:
- a. describe the property by municipal address, location or legal description;
 - b. give reasonable particulars of the repairs, demolition, clearing, clean-up or other measures described in the Order to remedy unsightliness on the property within fourteen (14) days; and
 - c. advise the date the owner or occupier may apply to the Director of Corporate Administration for an opportunity to be heard by Council in respect of the matter.

General Enforcement:

- 7.4 Any person designated as a Bylaw Enforcement Officer pursuant to the City of Dawson Creek's Bylaw Enforcement Notice Bylaw or Dawson Creek's Municipal Ticket Information Bylaw is hereby authorized and empowered to enforce the provisions of this Bylaw by the Bylaw Notice Enforcement Bylaw No. 4277, 2016 or by the Municipal Ticket Information System Bylaw No. 4278, 2016.
- 7.5 Any person must not do any act or suffer or permit any act to be done in contravention of this bylaw.
- 7.6 The Bylaw Enforcement Officer is authorized to enter on any property in relation to this bylaw in accordance with Section 16 of the Community Charter.
- 7.7 For the purposes of carrying out an action referred to in this bylaw, council delegates to the Authorized Representative the power to authorize a contractor or contractor(s) to enter on property in accordance with section 16 of the Community Charter.
- 7.8 A person must not obstruct or impede a bylaw officer in lawful performance on any property, at all reasonable times, in order to ascertain whether such regulations are being observed.
- 7.9 Each day that an offence against this bylaw continues will be deemed a separate and distinct offence.
- 7.10 A person who contravenes any provision of this bylaw is liable to a fine of not more than \$10,000.00 and not less than \$100.00 for each offence.

- 7.11 Any penalty imposed pursuant to this bylaw will be in addition to, and not in substitute for, any other penalty or remedy imposed pursuant to any other applicable statute, law, or legislation.
- 7.12 If the owner or occupier fails to comply with an Order issued under this Part, the City, by its employees, contractors and agents, may take action in accordance with section 17 of the *Community Charter, S.B.C.*, 2003, c.26 to fulfill the requirements of the order and to recover the costs, including the administrative costs provided in Schedule "A" of this bylaw, from the owner or occupier of the land which is subject to the order.
- 7.13 In the event that the person fails to pay the costs of compliance before December 31st in the year that the compliance was enacted, the costs will be added to, and form part of, the taxes payable on the property as taxes in arrears.

SECTION 8 – ADMINISTRATIVE

- 8.1 The following bylaws, and all amendments thereto, are hereby repealed:
- a. Noxious Weed Bylaw No. 260, 1958.
 - b. Fines and Penalties Bylaw No. 302, 1958.
 - c. Litter Bylaw No. 370, 1959.
 - d. Streets and Avenues Naming and Numbering Bylaw No. 544, 1960.
 - e. General Improvement, Maintenance and Regulation of Lanes Bylaw No. 1441, 1973.
 - f. N.I.P. Occupancy and Building Maintenance Standards Bylaw No. 1828, 1978.
 - g. City of Dawson Creek Maintenance Bylaw No. 2793, 1990.
 - h. Maintenance Amendment Bylaw No. 3151, 1996.
 - i. Maintenance Amendment Bylaw No. 3507, 2000.
 - j. Property Maintenance Bylaw No. 3673, 2004.
 - k. Property Maintenance Bylaw No. 3869, 2006.
- 8.2 That the CITY OF DAWSON CREEK TICKET INFORMATION UTILIZATION BYLAW No. 2900, 1992 be amended as follows:
- a) That SCHEDULE 1 be amended by deleting No. 6 regarding Maintenance Bylaw No. 2793.
 - b) That SCHEDULE 7 regarding Maintenance Bylaw No. 2793 be repealed in its entirety.
- 8.3 Schedule "A - ADMINISTRATIVE COSTS FOR TAKING ACTION AT THE DEFAULTER'S EXPENSE" is attached to this bylaw and forms part of this bylaw.
- 8.4 If any provision of this bylaw is declared or held to be illegal, invalid, or ultra vires, in whole or in part, then the provision will not apply and the remainder of this bylaw will

continue in full force and effect and be construed as if it had been enacted without the illegal, invalid, or ultra vires provision.

READ a first time this 18th day of November, 2013.

READ a second time this 18th day of November, 2013.

READ a third time this 18th day of November, 2013.

RESCINDED third reading this 2nd day of December, 2013.

READ a third time as amended this 2nd day of December, 2013.

ADOPTED this 16th day of December, 2013.

CERTIFIED A TRUE AND CORRECT COPY of Bylaw No. 4190 cited as "PROPERTY MAINTENANCE BYLAW NO. 4190, 2013".

Brenda Ginter
Director of Corporate Administration

The Corporate Seal of **THE CORPORATION OF THE CITY OF DAWSON CREEK** was affixed in the presence of:

Dale Bumstead - Mayor

Brenda Ginter – Director of Corporate Administration

SCHEDULE 'A'

ADMINISTRATIVE COSTS FOR TAKING ACTION AT THE DEFAULTER'S EXPENSE

Description	Section	Cost
Obtain compliance	7	\$100.00
Obtain compliance regarding unsightly properties	7	\$200.00
Obtain compliance regarding tall grass and weeds	7	\$100.00