



## DISTRICT OF SOOKE

### BYLAW No. 296

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A bylaw to prevent unsightliness and other objectionable situations on real property in the District of Sooke.

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The Council of the District of Sooke, in open meeting assembled, enacts as follows:

1. This Bylaw is cited as Bylaw No. 296, *Unsightly Premises and Objectionable Situations Bylaw, 2007*.

#### **Prohibitions**

2. The owner or occupier of real property shall NOT cause or permit:
  - (a) refuse, garbage, or other noxious, offensive, or unwholesome material to accumulate on such real property or in any buildings or structures located on such real property;
  - (b) water to accumulate on such real property or in any buildings or structures located on such real property;
  - (c) unsanitary conditions to exist on such real property or in any buildings or structures located on such real property;
  - (d) noxious weeds designated under the *Weed Control Regulation* of the *Weed Control Act*, as amended from time to time, to grow or accumulate on such real property;
  - (e) any trees or other growths that create a safety hazard to remain on such real property;
  - (f) graffiti to be placed or remain on any buildings or structures located on such real property;
  - (g) unsightly conditions to exist on such real property or in any buildings or structures located on such real property.

### **Removal Required**

3. Every owner and occupier of real property shall remove, or cause to be removed, from such real property and from any buildings or structures located on such real property all:
  - (a) accumulations of refuse, garbage, or other noxious, offensive, or unwholesome material;
  - (b) accumulations of water;
  - (c) unsanitary conditions;
  - (d) noxious weeds designated under the *Weed Control Regulation* of the *Weed Control Act*, as amended from time to time;
  - (e) trees and other growths that create a safety hazard;
  - (f) graffiti; and
  - (g) unsightly conditions.

### **Non-compliance**

4. In the event the owner or occupier of real property fails to comply with section 3 of this bylaw, and the owner or occupier of such real property has been given an opportunity to appear before Council to be heard in respect of such failure, the District of Sooke may, by its own officers and employees or other persons, carry out the work necessary to comply with section 3 of this bylaw at the expense of the owner or occupier, and the District of Sooke may recover the costs of undertaking such work either as a debt against the person in default or in the same manner and with the same remedies as property taxes.

### **Rubbish on Public or Private Property**

5. No person shall deposit or throw bottles, broken glass, or other rubbish on any highway, public place, or private property in the District of Sooke.

### **Graffiti on Public or Private Property**

6. No person shall place graffiti on a building or structure, or elsewhere, on any highway, public place, or private property in the District of Sooke.

### **Right of Entry**

7. Any officer or employee of the District of Sooke may enter at all reasonable times on any real property or in any buildings or structures located on such real property to ascertain whether the regulations and requirements of this bylaw are being observed.

### **No Interference**

8. No person shall obstruct or interfere with:
  - (a) an officer or employee of the District of Sooke in the performance of his or her duties under this bylaw; or
  - (b) any person directed by the District of Sooke to carry out the work under section 4 of this bylaw.

### **Offence and Penalties**

9. Any person who contravenes this bylaw is liable upon summary conviction to a fine not exceeding \$10,000 and the cost of prosecution. Every day during which there is an infraction of this bylaw shall constitute a separate offence.
10. This bylaw may be enforced by means of a ticket in the form prescribed for the purpose of section 264 of the *Community Charter*.
11. Bylaw enforcement officers are designated to enforce this bylaw pursuant to section 264(1)(b) of the *Community Charter*.
12. The words or expressions set forth in Column 1 of Schedule A of this bylaw are authorized pursuant to section 264(1)(c) of the *Community Charter* to designate the offence committed under the bylaw section number appearing in Column 2 opposite the respective words or expressions.
13. The amounts appearing in Column 3 of Schedule A of this bylaw are the fines established by Council pursuant to section 265(1)(a) of the *Community Charter* for the corresponding offence designated in Column 1.

### **Severability**

14. 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.

**Repeal of Existing Bylaw**

15. The *Unsightly Premises Bylaw No. 1, 1991* is hereby repealed and replaced with this bylaw.

Introduced and read a first time the 10<sup>th</sup> day of April, 2007.

Read a second time the 10<sup>th</sup> day of April, 2007.

Public Information Meeting the 22<sup>nd</sup> day of May, 2007.

Amended the 7<sup>th</sup> day of June, 2007.

Read a third time the 7<sup>th</sup> day of June, 2007.

Adopted on the 11<sup>th</sup> day of June, 2007.

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Janet Evans  
Mayor

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Evan Parliament  
Chief Administrative Officer

**SCHEDULE "A"**

**MUNICIPAL TICKET INFORMATION DESIGNATIONS**

<b>Offence</b>	<b>Bylaw Section No.</b>	<b>Fine</b>
Accumulation of refuse, garbage or other material on property	2(a)	\$100.00
Accumulation of water on property	2(b)	\$100.00
Unsanitary conditions on property	2(c)	\$100.00
Noxious weeds on property	2(d)	\$100.00
Unsafe tree or other growth on property	2(e)	\$100.00
Graffiti on property	2(f)	\$100.00
Unsightly conditions on property	2(g)	\$100.00
Failure to remove refuse, garbage or other material on property	3(a)	\$100.00
Failure to remove accumulations of water on property	3(b)	\$100.00
Failure to remove unsanitary conditions on property	3(c)	\$100.00
Failure to remove noxious weeds on property	3(d)	\$100.00
Failure to remove unsafe tree or other growth on property	3(e)	\$100.00
Failure to remove graffiti on property	3(f)	\$100.00
Failure to remove unsightly conditions on property	3(g)	\$100.00
Rubbish on public or private property	5	\$100.00
Graffiti on public or private property	6	\$100.00
Interference with enforcement	8	\$100.00