

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BY-LAW NO. 433

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Being a by-law to prohibit unsightly premises.

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WHEREAS by By-Law, cited as the "Regional District of Central Okanagan Unsightly Premises Extended Service Establishment By-Law No. 409, 1990", the Regional District of Central Okanagan authorizes the Regional Board of the said Regional District to exercise the powers set out in sections 932(b),(g),(h),(h.1)(k), section 934.1, 934.2 and 934.3 of the Municipal Act R.S.B.C. 1979 and;

WHEREAS Section 932 (g) of the said Act provides that the Regional Board may, by by-law, prohibit persons from causing or permitting water, rubbish, noxious, offensive, or unwholesome matter to collect or accumulate around their premises or from depositing or throwing bottles, broken glass or other rubbish in any open place, and;

WHEREAS Section 932 (h) of the said Act provides that the Regional Board may, by by-law, prohibit the owners or occupiers of real property from allowing their property to become or remain unsightly, and require the owners or occupiers of real property, or their agents, to remove from it unsightly accumulations of filth, discarded materials, or rubbish; and further provides that where a person fails to comply with a requirement or removal, the Regional Board, by its employees or other persons at reasonable times and in a reasonable manner, may enter on the property and effect the removal, at the expense of the person who has failed to comply and further provides that where the person at whose expense the removal is carried out does not pay the cost of removal on or before the 31st day of December in the year the removal was done, shall be added to and form part of the taxes payable on the property, as "taxes in arrears" and;

WHEREAS the Regional Board does not wish to interfere with traditional farming operations and;

WHEREAS it is deemed advisable and expedient that, for the protection of property owners generally in the Regional District of Central Okanagan as hereinafter described, such powers be exercised and necessary and sufficient regulatory measures be enacted.

NOW THEREFORE the Regional Board of the Regional District of Central Okanagan in open meeting assembled, enacts as follows:

1. This by-law shall apply for all purposes to that tract of land known and described as the Regional District of Central Okanagan in the Letters Patent or in Supplementary Letters Patent incorporating the Regional District, excluding thereout the Municipality of the City of Kelowna and the Corporation of the District of Peachland.

I. INTERPRETATION

2. In this by-law, unless the context otherwise requires:

**BYLAW ENFORCEMENT OFFICER** shall mean the Bylaw Enforcement Officer or his assistants appointed from time to time by the Regional District of Central Okanagan.

**OCCUPIER** shall have the meaning given to it by Section 1 of the Municipal Act.

**OWNER** shall have the meaning given to it by Section 1 of the Municipal Act.

**REGIONAL DISTRICT** shall mean and be the Regional District of Central Okanagan as described in the Letters Patent or subsequent amendments incorporating the said Regional District, excluding thereout the Municipality of the City of Kelowna and the Corporation of the District Municipality of Peachland.

**REGIONAL BOARD** shall mean the Regional Board of the Regional District of Central Okanagan holding office for the time being.

**REAL PROPERTY** shall have the meaning given to it by Section 1 of the Municipal Act.

**PERSON** includes a corporation, partnership or party and the personal or other legal representatives of such person to whom the context can apply according to law.

**RUBBISH** shall mean all filth, rubbish, discarded or broken items, and without restricting the generality of the foregoing, shall include paper and wood products no longer in use, and all automobiles and trucks that are no longer road worthy and parts thereof.

**UNSIGHTLY** shall mean the storage or accumulation of rubbish on real property.

## II. REGULATION

### 3. Unsightly Premises:

- (a) No person, being an owner or occupier of real property within the Regional District, shall allow such property to become unsightly.
- (b) All owners and occupiers of real property within the Regional District are hereby required, when such real property is in an unsightly condition, to remove therefrom all rubbish.

## III. ENFORCEMENT

- 4. The Bylaw Enforcement Officer is hereby authorized to enter, at all reasonable times, upon any real property within the Regional District for the purpose of inspecting the said property, in order to ascertain whether or not the said property is in an unsightly condition.
- 5. Complaints regarding unsightly real property shall be made in writing to the Bylaw Enforcement Officer who shall without undue delay inspect the real property that is the subject of the complaint.
- 6. Should the owner or occupier of real property fail to remove from their real property all rubbish of any kind after being given thirty (30) days notice to remove the same, the Regional District by its employees and other persons may enter upon such real property, at reasonable times and in a reasonable manner, and effect removal of such rubbish at the expense of the persons who failed to comply, and the charges for so doing, if unpaid on the 31st day of December in the year in which the rubbish is removed, shall be added to and form part of the taxes payable in respect of that real property as taxes in arrear. Any notice required to be given under this section shall be validly given if delivered personally to such owner or occupier or mailed by prepaid, registered mail and addressed to such owner or occupier in care of the ordinary postal address for such real property or to the address of such owner or occupier as set out in the last revised assessment roll.

IV. EXEMPTION OF FARM OPERATIONS

7. "This Bylaw does not apply to and specifically excludes:

(a) All production of plant and animal waste by traditional farming operations when managed and applied in a reasonable manner as organic fertilizers to promote crop production, and

(b) The accumulation of materials and equipment required for traditional farming operations including automobiles and trucks";

8. Bylaw No. 132 cited as "The Regional District of Central Okanagan Prohibition of Untidy and Unsightly Premises Bylaw No. 132, 1977" is hereby repealed.

9. This by-law may be cited for all purposes as "The Regional District of Central Okanagan Prohibition of Unsightly Premises Bylaw No. 433 , 1990".

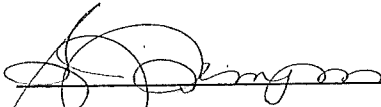
READ A FIRST TIME THIS 28th DAY OF May 1990

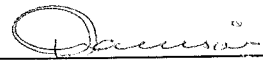
READ A SECOND TIME THIS 28th DAY OF May 1990.

READ A THIRD TIME THIS 28th DAY OF May 1990.

Approved by the Inspector of Municipalities this 19th day of December, 1990.


RECONSIDERED AND ADOPTED THIS 21st DAY OF January, 1991.

  
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CHAIRPERSON

  
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SECRETARY

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 433 cited as "The Regional District of Central Okanagan Prohibition of Unsightly Premises Bylaw No. 433 1990" as read a third time by the Regional Board on the 28th day of May , 1990.

Dated at Kelowna, B.C. this 30th day of May 1990.

  
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Secretary

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 433 cited as "The Regional District of Central Okanagan Prohibition of Unsightly Premises Bylaw No. 433 1990" as adopted by the Regional Board on the 21st day of January , 1991.

Dated at Kelowna, B.C. this 22nd day of January 1991.

  
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Secretary