

PROPERTY MAINTENANCE BYLAW

Bylaw No. 1400 and amendments thereto

CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of the bylaws listed below. The amending bylaws have been consolidated with the original bylaw for convenience only.

Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws on this subject.

<u>BYLAW NO.</u>	<u>ADOPTED</u>
1400	April 16, 1991
1940	April 13, 1999
2472	October 5, 2010

The bylaw numbers in **bold** at the end of the clause refer to the bylaws that amended the principal bylaw.

PROPERTY MAINTENANCE BYLAW

Consolidated Copy - Bylaw No. 1400 and amendments

A Bylaw to Establish Required Standards for the Maintenance of Real Property and to Prohibit Littering.

WHEREAS Section 932(g), of the *Municipal Act*, R.S.B.C. 1979, c. 290, and amendments thereto, provides Council with the authority, by bylaw, to prohibit persons from causing or permitting water, rubbish or 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 *Municipal Act*, provides Council with the authority, by bylaw, to prohibit persons from placing graffiti on walls, fences or elsewhere on or adjacent to a public place and prohibits the owners or occupiers of real property from allowing property to become or remain unsightly, and to require the owners or occupiers of real property, or their agents, to remove from it unsightly accumulations of filth, discarded materials, rubbish or graffiti;

AND WHEREAS Section 932(k), of the *Municipal Act*, provides Council with the authority, by bylaw, to require the owners or occupiers of real property, or their agents, to clear the property of brush, trees, noxious weeds or other growths;

AND WHEREAS Section 932(l), of the *Municipal Act*, provides Council with the authority, by bylaw, to require the owners or occupiers of real property, or their agents, to prevent infestation by caterpillars and other noxious or destructive insects, and to require the owners or occupiers to clear the property of caterpillars and other noxious or destructive insects;

AND WHEREAS Section 932(m), of the *Municipal Act*, provides Council with the authority, by bylaw, to prohibit the posting, exhibiting or distributing of placards, playbills, posters, advertising, writings or pictures, or the writing of words, or the making of pictures or drawings which are indecent or may tend to corrupt or demoralize, on walls, fences or elsewhere, on or adjacent to a highway of public place;

AND WHEREAS Section 579(2), of the *Municipal Act*, provides Council with the authority, by bylaw, to require the owner or occupier of real property to remove snow, ice or rubbish from sidewalks and footpaths bordering his real property or from the roof or other part of a structure adjacent to a highway;

AND WHEREAS Sections 934.1, 934.2 and 934.3, of the *Municipal Act*, provide Council with the authority, by bylaw, to designate that a bylaw shall come within the category of bylaws enforceable by means of a ticket, and authorize a bylaw enforcement officer to lay an information and issue a summons by means of a ticket for a contravention of a bylaw;

NOW, THEREFORE, the Council of The Corporation of the District of Pitt Meadows, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "**Property Maintenance Bylaw No. 1400, 1991**".

2. In this Bylaw:

"bylaw enforcement officer" means the person appointed as such by the Council;

Section 2 Cont'd.

"closed structure" means a structure the contents of which are not visible to the public from a highway, a public place or from private property other than that on which the structure is located;

"Council" means the municipal Council of the District of Pitt Meadows;

"Municipality" means the geographical area comprised within the boundaries of the District of Pitt Meadows;

"noxious weed" means any weed the seed thereof to the extent the weed is designated by the regulations under the *Weed Control Act*, R.S.B.C. 1979, c. 432 and amendments thereto, and shall include, but shall not be limited to:

Canada Thistle	- (<i>Cirsium arvense</i> (L.) Scop.)
Dodder	- (<i>Cuscuta</i> spp.)
Diffuse Knapweed	- (<i>Centaurea diffusa</i> Lam.)
Spotted Knapweed	- (<i>Centaurea maculosa</i> L.)
Russian Knapweed	- (<i>Centaurea repens</i> L.)
Sow Thistle, annual	
perennial	- (<i>Sonchus</i> spp.)
Leafy Spurge	- (<i>Euphorbia esula</i> L.)
Common Toadflax spp.	- (<i>Linaria vulgaris</i> Hill)
Dalmation Toadflax	
spp.	- (<i>Linaria dalmatica</i> L.)
Wild Oats	- (<i>Avena fatua</i> L.)
Dandelions	- (<i>Taraxacum officinale</i>)

"highway" includes a street, road, lane, bridge, viaduct and any other way open to public use, but does not include a private right of way on private property;

"unsightly" includes but is not limited to:

- (a) the accumulation of building material on any property other than premises licensed for such under a business licensing bylaw of the District of Pitt Meadows, unless the owner or occupier of the property is in possession of a valid building permit or unless the accumulation is stored in a closed structure;
- (b) the storage or accumulation of all or part of any motor vehicle which is not:
 - (i) validly registered and licensed in accordance with the *Motor Vehicle Act*, R.S.B.C. 1979, c. 288 and amendments thereto, or
 - (ii) capable of movement under its own power,unless stored in a closed structure;
- (c) the accumulation of filth, discarded materials or rubbish of any kind, including but not limited to ashes, dead animals, paper, cardboard, tin cans, leaves, wood, bedding, crockery, glass, bags and appliances;
- (d) the accumulation or deposit of discarded or fallen building materials, including the surface, covering or coating material of a building or structure, or the

PROPERTY MAINTENANCE BYLAW

Section 2 - "Unightly" Cont'd.

- building or structure itself or part thereof which is missing all or a portion of its surface, covering or coating material;
 - (e) the exterior storage or accumulation of solid fuels, including coke, but excluding wood on any site used for residential premises;
 - (f) the accumulation of mechanical equipment including bulldozers, graders, backhoes or other similar heavy construction equipment on any site in the Municipality where such site is not zoned for such use and, where zoned, if the accumulation of equipment is unsightly and not stored in a closed structure;
 - (g) the presence of graffiti, whether in the form of pictures or words, on real property or on the surface of premises located on real property.
3. No person shall cause or permit water, rubbish or noxious, offensive or unwholesome matter to collect or accumulate in, on, over or around their premises.
 4. No person shall deposit or throw bottles, cans, broken glass or other rubbish in or on any highway or public place, or any place on private property visible from a highway, a public place or other private property.
 5. No owner or occupier of real property shall cause or permit the property to become or remain unsightly.
 6. Every owner and occupier of real property, or his agent, shall remove from the property any unsightly accumulation of filth, discarded material and rubbish.
(Bylaw No. 2472)
 7. Every owner or occupier of a building or structure of real property , or his agent, or part thereof is required to remove from the real property any accumulations or deposits of fallen or discarded building materials.
 8. Every owner or occupier of real property, or his agent, shall prevent infestation by caterpillars and other noxious or destructive insects, and shall clear the property of caterpillars and other noxious or destructive insects.
 9. Every owner or occupier of real property, or his agent, shall clear the property of brush, trees, noxious weed, wild grass and other untended growths.
 10. Pursuant to the *Weed Control Act*, R.S.B.C. 1979, c. 432 as amended, the bylaw enforcement officer shall be the Weed Control Officer within the Municipality and shall be authorized to enforce those provisions of the *Weed Control Act* on behalf of the Council.
 11. No person shall cause or permit the posting, exhibiting or distributing of placards, play bills, posters, advertising, writing or pictures, or the writing of words, or the making of pictures or drawings which are indecent or may tend to corrupt or demoralize, on walls, fences or elsewhere, on or adjacent to a highway or public place.
 12. Every owner or occupier of real property shall remove snow, ice or rubbish from sidewalks, stairs, ramps and foot paths bordering the real property and from the roof or other part of a structure located on the real property adjacent to the highway and from walkways, ramps and stairways on the real property which are open to the public.

PROPERTY MAINTENANCE BYLAW

Consolidated Copy - Bylaw No. 1400 and amendments

Page 4

13. Every person found guilty of an infraction of this Bylaw shall be liable upon summary conviction to a penalty not exceeding Two Thousand Dollars (\$2,000.00) and the cost of prosecution for each offence and every day during which there is an infraction of this Bylaw shall constitute a separate offence.
14. Where any person fails to comply with sections 3, 4, 5, 6, 7, 8, 9 or 10 of this Bylaw, the bylaw enforcement officer may give written notice to that person, by registered mail or by certified mail addressed to the address of the property or the address of the owner as shown as of the date of the notice on the assessment roll, or by personal service to the owner or occupier of the property, to comply within fourteen (14) days of delivery of the notice and, in the event of failure by the owner or occupier to comply with the notice, Council may, by its employees or other persons, at reasonable times and in a reasonable manner, enter on the property and effect the removal of the offending material at the expense of the person who has failed to comply.
15. The cost of effecting any removal pursuant to section 15 of this Bylaw shall be payable by the person in default and due immediately upon removal, and if such charge remains unpaid on December 31 in the year that the removal was done, the costs shall be added to and form part of the taxes payable on the property as taxes in arrear.
16. Where any material is removed from property pursuant to section 15 hereof, Council may, by its employees or other persons, sell or dispose of the material and no liability shall attach to the District of Pitt Meadows, its employees or other persons, for any material sold or disposed of in accordance with the provisions of this Bylaw.
17. Pursuant to sections 934.1 and 934.2 of the *Municipal Act*, a bylaw enforcement officer may lay an information and issue a summons by means of a ticket for a contravention of this Bylaw, which ticket shall be in the form set out in Schedule "A" attached to and forming part of this Bylaw.
18. When laying an information by means of a ticket, a bylaw enforcement officer shall indicate on the ticket the offence charged and the fine imposed under this Bylaw, and shall sign the ticket.
19. The ticket may, without the swearing of an information, be delivered by a peace officer or other person authorized by this Bylaw, or by registered mail to the person charged with an offence therein, and delivery of the ticket to the person shall be deemed to be personal service of the ticket upon that person.
20. The person to whom a ticket has been delivered may, in accordance with the instructions indicated on the ticket, pay the fine within 14 days after the date of service or indicate on the ticket that the person wishes to dispute the charge, in which case the person shall deliver the ticket to the Council at the address indicated on the ticket.
21. Where any person has paid the fine specified in any ticket for a violation of this Bylaw, no proceedings in respect of that violation shall be brought under this Bylaw.
22. The bylaw enforcement officer may at all reasonable times enter upon any property in the Municipality in order to ascertain whether the regulations and requirements of this Bylaw are being observed.
23. 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.
24. "District of Pitt Meadows Untidy Premises Bylaw No. 983, 1983" is hereby repealed.

SCHEDULE "A" CONT'D.
(Bylaw No. 1940)

The Corporation of the
District of Pitt Meadows
Municipal Act

CERTIFICATE OF SERVICE

I, _____
NAME OCCUPATION
YY MM DD

certify that on the date

I served _____
with a copy of the Municipal Ticket information on the reverse side of this form, in the manner indicated below:

- by delivering it to him / her personally;
- the defendant being a corporation, but not being a municipal corporation, by delivering it to a director, or to a manager, secretary or other executive officer of the corporation or of a branch of it or on the attorney of an extraprovincial company.

namely: _____

Dated: _____
YY MM DD

ENFORCEMENT OFFICER'S SIGNATURE

AFFIDAVIT OF NO RESPONSE

I, _____
NAME OCCUPATION
make oath and say that at least fourteen (14) days have elapsed after the ticket shown on the reverse side was served on the alleged offender on the date

YY MM DD

as set out in the Certificate of Service shown immediately above and, upon reviewing the records of the District of Pitt Meadows, the fine set out on the ticket has not been paid and no notice of dispute has been filed.

Date
YY MM DD

Sworn before me on: _____
YY MM DD

SIGNATURE

at Maple Ridge,
in the Province of British Columbia

COMMISSIONER FOR TAKING AFFIDAVITS FOR BRITISH COLUMBIA

SCHEDULE "A" CONT'D.
 (Bylaw No. 1940)

SCHEDULE A

MUNICIPAL TICKET INFORMATION SUMMONS and NOTICE

XXXXX-1

THE INFORMATION BENEATH THAT HE HAS REASONABLE AND PROBABLE GROUNDS TO BELIEVE AND DOES BELIEVE THAT

FIRST NAME _____

LAST NAME _____

ADDRESS _____

IS REGISTERED OWNER OF A _____ MOTOR VEHICLE

BEARING _____

ON _____ AT _____

AT OR NEAR _____

DO EXAMINE THE OFFENCES INDICATED UNDER THE FOLLOWING BYLAWS

DESCRIPTION OF BYLAW AND OFFENCE	SECTION	PENALTY	FINE COUNTY (or DISPOSITION) DATE
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

_____ SIGNATURE OF JUDGE / JUSTICE

THORN BEFORE ME ON _____ AT _____

Signature of Justice _____

For Name of Justice (if applicable) _____

Signature of Justice _____

REGISTERED OWNER WAS REQUESTED TO RESPOND TO A NOTICE BY _____

YOU MUST RESPOND TO THIS SUMMONS ON OR BEFORE _____

OTHER BY: _____

OR _____

AT: _____

IF YOU DO NOT PAY THE PENALTY OR FILE A DISPUTE, THE PROVINCIAL COURT OF BRITISH COLUMBIA WILL DEAL WITH THESE CHARGES IN YOUR ABSENCE.
 IF YOU PAY THE PENALTY, THAT PAYMENT IS A GUILTY PLEA UNDER B.C. LAW.
 IF YOU FILE A DISPUTE, A DATE WILL BE SET FOR THE CASE TO BE HEARD.
 YOU WILL BE NOTIFIED BY MAIL OF THE COURT DATE.

INFORMATION COPY

SCHEDULE "A" CONT'D.
(Bylaw No. 1940)

CERTIFICATE OF SERVICE	
I, _____, certify that on _____ at _____, _____, BC, I served _____	
<small>NAME OF PERSON SERVED</small>	
with a copy of the Municipal Ticket information and Summons shown on the reverse side:	
<input type="checkbox"/>	for delivery of an original statement.
<input type="checkbox"/>	for delivery of the original statement, a return receipt card and the appropriate form, or delivery of the same plus an original copy of each item of information or document to the addressee or to a third party as per the instructions on the form.
<input type="checkbox"/>	for delivery of the original statement to the addressee or to a third party as per the instructions on the form, or delivery of the same plus an original copy of each item of information or document to the addressee or to a third party as per the instructions on the form.
Name: _____	
dated: _____	
<small>UNIVERSAL RECORDS LTD.</small>	

AFFIDAVIT OF NO RESPONSE	
I, _____, make oath and say that, as of this date, the voluntary penalty has not been paid and a dispute has not been filed, following service (as indicated above) of the summons on the person/corporation named in the information.	
I, _____, for the _____	
KNOWN BEFORE ME ON: _____ AT _____	
<small>COMMISSIONER FOR TAKING AFFIDAVITS FOR BRITISH COLUMBIA</small>	

REVERSE OF INFORMATION COPY

MTI (a)

SCHEDULE "A" CONT'D.
(Bylaw No. 1940)

MUNICIPAL TICKET
INFORMATION,
SUMMONS and
NOTICE

XXXXXX-7

TO:
FIRST NAME []
LAST NAME []
ADDRESS []
AS REGISTERED OWNER OF A [] MOTOR VEHICLE []
ISSUED [] AT []
AT OR NEAR []
YOU HAVE BEEN CHARGED WITH THE FOLLOWING OFFENCES:

DESCRIPTION OF BYLAW AND OFFENCE	SECTION	NUMBER
[]	[]	[]
[]	[]	[]
[]	[]	[]
[]	[]	[]

IF YOU DO NOT RESPOND TO THIS SUMMONS, A CONVICTION MAY BE ENTERED IN YOUR ABSENCE

PLEASE SEE REVERSE FOR FURTHER INFORMATION

YOU WERE REQUESTED TO RESPOND TO A NOTICE BY [] AT []

YOU MUST RESPOND TO THIS SUMMONS ON OR BEFORE [] AT []

paying the voluntary penalty
OR
filing a dispute

AT: []

IF YOU DO NOT PAY THE PENALTY OR FILE A DISPUTE, THE PROVINCIAL COURT OF BRITISH COLUMBIA WILL DEAL WITH THESE CHARGES IN YOUR ABSENCE.
IF YOU PAY THE PENALTY, THAT PAYMENT IS A GUILTY PLEA UNDER B.C. LAW
IF YOU FILE A DISPUTE, A DATE WILL BE SET FOR THE CASE TO BE HEARD.
YOU WILL BE NOTIFIED BY MAIL OF THE COURT DATE.

SUMMONS COPY

SCHEDULE "A" CONT'D.
(Bylaw No. 1940)

INSTRUCTIONS

On or before the "first return" date and time (shown on the front of this summons):

AT: [REDACTED]

YOU MUST DO ONE OF THE FOLLOWING:

1. Pay the voluntary penalty either by mail or in person. This payment is a guilty plea under B.C. law. or
2. File the Notice of Dispute.

NOTICE OF DISPUTE

DISPUTE THE CHARGES INDICATED ON THIS SUMMONS.

I am eighteen years of age or older. Yes No

DATE: _____ SIGNATURE: _____

ADDRESS: _____

It is important to give your proper mailing address because the notice of hearing will be mailed to you at this address. If you do not attend the hearing you may be convicted.

NOTE

The MUNICIPAL ACT in part, reads as follows:

FAILURE TO RESPOND TO TICKET

934.2 (1) Where a person served with a ticket under section 934.1 does not, as provided for in that section, pay the fine or provide a writ to dispute the charges, and where not less than 14 days have elapsed after the ticket was served on the person, the person shall be deemed to have not to dispute the charges.

(2) Where a person is deemed under subsection (1) to have not to dispute the charges, a justice shall determine the amount and date.

(a) if the ticket is returned and regular by the vice,

(i) enter a conviction in the person's absence and without a hearing, and

(ii) impose the fine set under section 934.1 (10) for the charges charged, or

(b) if the ticket is not returned and regular on its face, cause the proceeding

(3) Where a person who is served with a ticket has, through no fault of the person, not had an opportunity to appear before a justice and where a date in respect of the charges charged, and where not more than 30 days have elapsed since the conviction was made to the person's address, the person may appear before a justice.

(4) Where a person appears before a justice under subsection (2), the justice, on being satisfied of the facts by affidavit in the prescribed form, shall settle out the conviction, if any, and set a date for a trial of the matter and inform the person of the date of, where the person stands guilty to the charges, charges of the matter as provided in subsection (2).

(5) Where a conviction is struck out under subsection (4), the justice shall give the defendant a certificate of the fact in the prescribed form.

(6) Hearing in subsection (1) shall be construed as recognizing the right of any person to access the conviction under section 92 of the Charter Act.

Unless you PAY THE VOLUNTARY PENALTY OR DISPUTE THE CHARGES, you may be CONVICTED IN YOUR ABSENCE.

NOTE ALSO

If you are convicted in your absence you must pay the voluntary penalty in full. If you do not pay, enforcement measures will be taken.

REVERSE OF SUMMONS COPY

MTT (a)

MUNICIPAL ACT

SCHEDULE "A" CONT'D.
 (Bylaw No. 1940)

MUNICIPAL TICKET
 INFORMATION,
 SUMMONS and
 NOTICE



XXXXX-1

Notice of Bylaw Violation

TO: THE REGISTERED OWNER OF A _____ MOTOR VEHICLE

PLATE NO. _____

ON _____ AT _____

AT OR NEAR _____

YOU HAVE COMMITTED THE OFFENCES INDICATED UNDER THE FOLLOWING BYLAWS

DESCRIPTION OF BYLAW AND OFFENCE	SECTION	REGISTRATION NO.
<input type="checkbox"/> _____	_____	_____
<input type="checkbox"/> _____	_____	_____
<input type="checkbox"/> _____	_____	_____
<input type="checkbox"/> _____	_____	_____
<input type="checkbox"/> _____	_____	_____

IF YOU DO NOT RESPOND TO THIS NOTICE A SUMMONS WILL BE ISSUED

PLEASE SEE REVERSE FOR FURTHER INFORMATION

YOU MUST RESPOND TO THIS NOTICE BEFORE _____

EITHER BY: _____ paying the voluntary penalty OR _____

AT: _____

IF YOU DO NOT PAY THE PENALTY OR FILE A DISPUTE, A SUMMONS WILL BE ISSUED.
 IF YOU FILE A DISPUTE, A DATE WILL BE SET FOR THE CASE TO BE HEARD. YOU WILL BE NOTIFIED BY MAIL OF THE COURT DATE.

Notice of Bylaw Violation

NOTICE COPY

MTI (a)

SCHEDULE "A" CONT'D.
(Bylaw No. 1940)

INSTRUCTIONS

On or before the "expiry period" date (shown on the front of this notice)

AT: [REDACTED]

YOU MUST DO ONE OF THE FOLLOWING:

1. Pay the voluntary monetary amount by mail or in person.

OR

2. File the notice of Dispute (below).

NOTICE OF DISPUTE

1. DISPUTE THE CHARGES INDICATED ON THIS NOTICE.

I am years of age or older.

DATE: _____ SIGNATURE: _____

ADDRESS

It is important to give your correct mailing address because the notice of hearing will be mailed to you at that address. If you do not attend the hearing you may be convicted.

REVERSE OF NOTICE COPY

MTI (a)