

**CITY OF BURNABY**

**BYLAW NO. XXXXX**

A bylaw to regulate  
unsightly premises.

The Council of the City of Burnaby ENACTS as follows:

**PART 1: CITATION**

- 1.1 This bylaw may be cited as **BURNABY UNSIGHTLY PREMISES BYLAW 2024**.

**PART 2: DEFINITIONS**

- 2.1 In this Bylaw,

<b>“abandoned building materials”</b>	means items used in the maintenance or construction of structures or in landscaping, including, but not limited to, lumber, piping, gypsum board, windows, doors, roofing materials, scaffolding, equipment, tools, bricks, and building blocks, where there is no apparent or actual construction activity occurring on or in the real property
<b>“bylaw”</b>	means this bylaw, including all schedules attached hereto
<b>“City”</b>	means the City of Burnaby
<b>“compliance order”</b>	means an order issued pursuant to section 4.1 of this <b>bylaw</b>
<b>“Corporate Officer”</b>	means the corporate officer for the <b>City</b> appointed pursuant to section 148 of the <i>Community Charter</i>
<b>“Council”</b>	means the Council of the <b>City</b>
<b>“derelict vehicle”</b>	means any <b>vehicle</b> which: <ul style="list-style-type: none"><li>(a) is not capable of being operated by its own power or is missing parts, including, but not limited to, engines, doors, hood, trunk, tires, lights or windows; and</li><li>(b) is not validly insured and/or licensed, if such <b>vehicle</b> would be required to be insured and/or licensed, to be operated on public roads and/or waterways</li></ul>

For the purpose of this definition, a **vehicle** that is not validly insured and licensed, as described above, shall be deemed to be not capable of operating by its own power unless the **owner** or **occupier** of the real property on which it is located is able to demonstrate to an **Inspector** that the **vehicle** is capable of operating under its own power.

- “discarded materials”** means all materials not in use for the immediate construction or maintenance of a building situated on the property, and includes, but is not limited to, appliances, motor vehicle parts, machinery, firewood (unless it is neatly piled or stacked against a wall or fence), furniture, and any other chattels in a dismantled state or not in use for the purpose for which the manufacturer intended
- “General Manager Community Safety”** means the individual employed by the **City** as the General Manager Community Safety, or any individual or individuals acting on their behalf
- “graffiti”** has the meaning set out in the Burnaby Graffiti Bylaw
- “Inspector”** means:
- (a) **General Manager Community Safety**;
  - (b) Chief Licence Inspector;
  - (c) Manager Bylaw Services;
  - (d) Supervisor Property Use Coordination;
  - (e) Property Use Coordinators;
  - (f) Bylaw Enforcement Officers;
  - (g) officers and members of the RCMP, Burnaby Detachment; and
  - (h) other City employees or contractors authorized by the **General Manager Community Safety** to enforce this **bylaw**
- “noxious weed”** means any weed designated as a noxious weed pursuant to the *British Columbia Weed Control Act*
- “occupier”** includes:
- (a) a person residing on or in the real property;
  - (b) the person entitled to possession of real property if there is no person residing on or in the real property;

- (c) a leaseholder or tenant; and
- (d) the agent of any such person

“owner”	means the registered owner of the real property set out in the Land Title Office, or the agent of any such person
“public property”	means any real property owned, leased or controlled by the <b>City</b>
“rubbish”	includes, but is not limited to, solid and semi-solid waste, dead animals, feces, filth, litter, paper, trash, refuse, garbage, junk, cardboard, waste material, demolition material, cans, bottles, yard clippings, wood, rubber, plastics, glass, bedding, mattresses, crates, pallets, rags, barrels, boxes, scrap iron, and other metal, scrap paving material, broken flowerpots, discarded tanks of fuel and propane, discarded household appliances, and discarded furniture
“unsightly”	includes, in addition to its common dictionary meaning and regardless of the condition of other properties in the neighbourhood, real property having any one or more of the following characteristics: <ul style="list-style-type: none"><li>(a) the accumulation of <b>abandoned building materials, derelict vehicles, discarded materials, rubbish and/or graffiti;</b></li><li>(b) landscaping that is dead, characterized by uncontrolled growth or significant lack of maintenance, or is significantly damaged;</li><li>(c) a lowering in quality of the condition of a building or structure, or parts thereof, characterized by holes, breaks, rot, crumbling, cracking or any other evidence of physical decay or neglect or excessive use or lack of maintenance; or</li><li>(d) any other conditions of disrepair, dilapidation or deterioration</li></ul>
“vehicle”	means any vehicle propelled otherwise than by human power and includes an automobile, truck or other motor vehicle, including a farm implement or equipment, motorcycle, snowmobile, boat, recreational vehicle, airplane, trailer, and any other device which is capable of being driven or drawn

### PART 3: GENERAL PROHIBITIONS

- 3.1 No **owner** or **occupier** of real property shall allow that property to become or remain **unsightly**.
- 3.2 Without restricting the generality of section 3.1, an **owner** or **occupier** of real property must not cause, allow, or permit with respect to that real property:
- (a) the storage of **abandoned building materials, derelict vehicles, discarded materials, rubbish, vehicle** parts, chattels and fixtures, furniture, appliances, and other household items unless the items are within a fully enclosed building or permitted temporary structure that is fully enclosed;
  - (b) the parking or storage of one or more **derelict vehicles**;
  - (c) grass, weeds or similar ground cover to be over 15 centimeters in height;
  - (d) the accumulation or growth of **noxious weeds**;
  - (e) the accumulation of uncontrolled growth, cut tree branches, dead trees, leaves, dead bushes, or other growth;
  - (f) a fence, retaining wall, or wood ties to be rotting, breaking, crumbling, cracking, leaning, or any other condition indicating dilapidation, including physical decay, neglect, or excessive lack of maintenance;
  - (g) water to collect or accumulate in a pond, swimming pool, hot tub, or as surface water such that it becomes sufficiently stagnant to permit the breeding of mosquitoes, other insects, mold, algae, or other similar organisms.
- 3.3 Except as authorized by the **City**, a person must not cause or permit **abandoned building materials, derelict vehicles, discarded materials, rubbish, vehicle** parts, structures, chattels and fixtures, furniture, appliances, other household items, or noxious, offensive or unwholesome matter or substance to collect, obstruct, occupy or accumulate on or around **public property**. The **City** may, by its officers, employees, agents or contractors, at its discretion and with or without notice, remove any such material, item, matter or substance from **public property**.

### PART 4: COMPLIANCE ORDER

- 4.1 If an **owner** or **occupier** of real property fails to comply with this **bylaw**, the **General Manager Community Safety** may issue a **compliance order** requiring the **owner**

and/or **occupier** to bring the real property into compliance with one or more provisions of this **bylaw** within the time period set out in the **compliance order**.

- 4.2 A **compliance order** shall be served on the **owner** and **occupier** in accordance with the following:
- (a) in respect to the **owner**, by personal service or by prepaid registered mail to the address for the **owner** shown at the Land Title Office;
  - (b) by prepaid mail to the address of the real property; and
  - (c) by posting the **compliance order** in a conspicuous location on the real property.
- 4.3 When a **compliance order** is not served personally, such order is deemed to have been served on the **owner** and the **occupier** on the third day after mailing and posting in accordance with sections 4.2(b) and (c).
- 4.4 An **owner** or **occupier** of real property served with a **compliance order** must bring the real property into compliance with this **bylaw**, as described in the **compliance order**, within the time period set out in the **compliance order**.
- 4.5 If an **owner** or **occupier** fails to comply with a **compliance order**, the **City** may, by its officers, employees, agents or contractors, enter onto the real property, at reasonable times and in a reasonable manner, to bring the real property into compliance with this **bylaw** at the expense of the **owner** or **occupier** of the real property.
- 4.6 The **owner** or **occupier** must pay to the **City** the expenses incurred by the **City** pursuant to section 4.5 of this **bylaw** within thirty (30) days of being issued an invoice for such expenses. If an **owner** or **occupier** of real property defaults in paying such invoice by the 31<sup>st</sup> day of December of the year in which the expenses are incurred, the expenses shall be added to and form part of the taxes payable in respect of that real property as taxes in arrears.

## **PART 5: APPEAL OF COMPLIANCE ORDER**

- 5.1 The **owner** or **occupier** of real property who has been issued a **compliance order** may appeal to **Council**, by giving notice in writing to the **Corporate Officer** at least seven (7) days prior to the expiration of the time period for compliance set out in the **compliance order**.
- 5.2 **Council** must hear an appeal made pursuant section 5.1 of this **bylaw** and may confirm, amend, rescind or issue other directions or conditions in respect to the **compliance order**.

## **PART 6: ENFORCEMENT AND INSPECTIONS**

- 6.1 The provisions of this **bylaw** may be enforced by any **Inspector**.
- 6.2 An **Inspector** may enter, in accordance with Section 16 of the *Community Charter*, upon any real property in order to inspect and determine whether all regulations, restrictions, and requirements of this **bylaw** are being met.
- 6.3 No person shall interfere with or attempt to obstruct an **Inspector** who is conducting an inspection or enforcement action in relation to this **bylaw**.

## **PART 7: OFFENCES AND PENALTIES**

- 7.1 Every person who violates any of the provisions of this **bylaw**, or who suffers or permits any act or thing to be done in contravention of any of the provisions of this **bylaw**, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this **bylaw**, is guilty of an offence and is liable, on summary conviction, to and a maximum fine of fifty thousand dollars (\$50,000.00).
- 7.2 If an offence continues for more than one day, a separate offence occurs on each day or part of a day, and separate fines may be issued for each day or part of a day in respect of which the offence occurs or continues.
- 7.3 A violation of any of the provisions identified in this **bylaw** shall result in liability for penalties and late payment amounts established in Schedule A of BURNABY BYLAW NOTICE ENFORCMENT BYLAW, 2009, and be subject to the procedures, restrictions, limits, obligations and rights established in BURNABY BYLAW NOTICE ENFORCMENT BYLAW, 2009 and the *Local Government Bylaw Notice Enforcement Act*.

## **PART 8: SEVERABILITY**

- 8.1 If a portion of this **bylaw** is held invalid by a Court of competent jurisdiction, the invalid portion must be severed and the remainder of this **bylaw** is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

## **PART 9: REPEAL**

- 9.1 **Burnaby Unsightly Premises Bylaw 1969**, together with all amendments thereto, is hereby repealed.

Read a first time this	day of	, 2024
Read a second time this	day of	, 2024
Read a third time this	day of	, 2024
Reconsidered and adopted this	day of	, 2024

MAYOR

CORPORATE OFFICER