THE CORPORATION OF DELTA

“Delta Property Enhancement
Bylaw No. 7055, 2012”

A consolidation of Bylaw No. 7055
incorporating amendments pursuant to
Bylaw No.7166 – 5.1a, and 7210 – 5.2 (b)

April 15, 2013

THIS CONSOLIDATION IS FOR CONVENIENCE
AND REFERENCE PURPOSES ONLY. If there is
any discrepancy between this consolidation and the
original Bylaw and any amending Bylaws, the original
Bylaw No. 7055 and any amending bylaws are correct.
For confirmation of the exact terms of the Bylaw, you
must consult the original Bylaw and all amending bylaws.

Consolidated: April 17, 2013
THE CORPORATION OF DELTA BYLAW 7055

The Municipal Council of The Corporation of Delta, in open meeting assembled, ENACTS AS FOLLOWS:

PART 1   CITATION

1.1. This Bylaw may be cited as “Delta Property Enhancement Bylaw No. 7055, 2012”.

PART 2   REPEAL

2.1. Delta Community Improvement and Enhancement of Property Bylaw No. 5840, 2000, as amended, is repealed.

PART 3   INTERPRETATION AND AUTHORITIES

Severability

3.1. If a portion of this Bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed portion.

Successorship of Delegated Authority

3.2. Words in the Bylaw directing or empowering any officer or employee of the Corporation to do any act or thing, or otherwise applying by name of office, includes successors in such office and any lawful deputy, and any person who is duly appointed to act in that officer or person's place.

References to Enactments

3.3. A reference to a statute in this Bylaw refers to a statute of the Province of British Columbia unless otherwise indicated, and a reference to any statute, regulation code, or Bylaw refers to that enactment as it may be amended or replaced from time to time.

3.4. Except as otherwise indicated in this Bylaw, words and phrases herein are to be construed in accordance with their meanings in the Community Charter and the Interpretation Act, as the context and circumstances require.
PART 4 DEFINITIONS

4.1. In this Bylaw, unless otherwise specified:

**Abandoned Property** means a building, structure, or other improvement that has remained unoccupied by its owner or occupant for a continuous period of more than 30 days or, as a result of a fire or other act of God, has been unoccupied for any length of time.

**Building Material** means items used in the construction of structures or in landscaping, including, but not limited to lumber, gypsum board, windows, doors, tools, fill, and soil.

**Bylaw Enforcement Officer** means any person appointed to enforce the provisions of this Bylaw and includes a Bylaw Inspector.

**Corporation** means the Corporation of Delta.

**Derelict Vehicle** means a Motor Vehicle that:

(a) is not licensed for use on public roads for the current year and is not capable of being moved by its own motive power; or

(b) is reduced to parts, frames, or bodies of a Motor Vehicle; or

(c) is missing parts, including, but not limited to doors, hood, trunk, tires, bumpers, lights, or windows.

**Discarded Materials** means substances of little or no apparent economic value including, but not limited to, deteriorated lumber, broken concrete, old newspapers, furniture parts, household appliance parts and fixtures, hot tub covers and old hot tubs, rotting pool liners, vehicle parts, shopping carts, abandoned, broken or neglected equipment, or the scattered remains of items.

**Graffiti** means one or more letters, initials, symbols, marks, slogans, designs or drawings painted or marked on any wall, building, fence, sign, utility box or any other structure or surface, but does not include any of the following:
(a) a sign, public notice or traffic control mark authorized by the Director of Engineering;

(b) a sign authorized pursuant to Delta Sign Bylaw No. 5860, 2000 as amended or replaced from time to time;

(c) a public notice authorized by a Corporation bylaw or by provincial or federal legislation; and

(d) in the case of private property, a letter, symbol or mark authorized by the owner or occupant of the property on which the letter, symbol or mark appears.

Motor Vehicle means a vehicle or motorcycle, not run on rails, that is designed to be self propelled.

Noxious Weeds includes weeds designated as noxious by the Weed Control Act Weed Control Regulation as amended or replaced from time to time and includes blackberry bushes, morning glory, and English ivy.

Occupant includes:

(a) a person residing on or in property;

(b) the person entitled to the possession of property if there is no person residing on or in the property; and

(c) a leaseholder

and includes the agent of any such person.

Peace Officer means an officer, municipal constable, Chief Constable, special municipal constable, or special provincial constable, all of which are defined in the Police Act.

Rubbish means solid and semi-solid wastes including, but not limited to, paper, trash, refuse, cardboard, waste material, demolition material, cans, bottles, yard clippings, wood, rubber, plastics, glass, bedding, mattresses, crates, pallets, rags, barrels, boxes, scrap
PART 5  GENERAL REGULATIONS

Offences

5.1. An owner or Occupant of property within the Corporation must not cause, allow or permit with respect to that property:

(a) the storage of Discarded Materials, Rubbish, Derelict Vehicles or Motor Vehicle parts, more than one Motor Vehicle that is not licensed for use on public roads for the current year, household chattels and fixtures, furniture, appliances, and other household items of value unless the item is in a closed building, not including a temporary structure such as a tent, canopy, or tarp, such that it is not visible from any other property or public place;

(b) the storage of a boat, trailer or recreational vehicle:

i. on a landscaped portion of property; or

ii. in a dismantled condition or state of disrepair including, but not limited to, mould growth or one or more flat tires unless the item is in a closed building, not including a temporary structure such as a tent, canopy, or tarp, such that it is not visible from any other property or public place;

(c) a building or structure or parts thereof to have holes, breaks, rot, crumbling, cracking, peeling, rusting, missing siding, one or more tarps or plastic covering a roof, or any other evidence of physical decay or neglect or excessive use or lack of maintenance;

(d) the accumulation of Building Material for more than 15 days without a valid building permit unless they are in a closed building or structure such that they are not visible from any other property or public place;

(e) a fence, retaining wall, or wood ties to become unstable or unsafe, or be rotting, crumbling, cracking, leaning, peeling, or rusting;

(f) 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, mould, algae or other similar organisms;

iron and other metal, scrap paving material, broken flower pots, discarded tanks of fuel and propane, discarded household appliances, and discarded furniture.
(g) the storage of overflowing, damaged, or otherwise poorly maintained garbage containers, recycling containers, dumpsters, commercial containers, or compost containers in a location visible from a public place;

(h) the infestation of any part of the property by rodents, vermin or destructive insects;

(i) grass, weeds or similar ground cover to be over 20 centimetres in height;

(j) the accumulation or growth of Noxious Weeds;

(k) the accumulation of uncontrolled growth, cut tree branches, dead trees, leaves, dead bushes or other growth, unstacked firewood, dirt piles, or uncontained compost material;

(l) an Abandoned Property to become or remain unsecured; or

(m) graffiti to remain on walls, fences or elsewhere in, or visible from, a public place.

5.2. A person must not

(a) place graffiti on walls, fences or elsewhere in, or visible from, a public place.

(b) dump, place, leave, or deposit Rubbish or Discarded Materials on private property within the Corporation without express authorization from the owner of the property.

Securing Abandoned Property

5.3. The owner of property that is Abandoned Property must ensure that the property is secured against unauthorized entry or occupation, vandalism, or other intentional damage or fire hazard by doing one or more of the following:

(a) affixing structural barriers to windows and other points of ingress using materials and installation that are effective in precluding easy entry;

(b) installing and maintaining security fencing or other perimeter barriers and a security lighting system that does not impact neighbouring properties;

(c) installing a security alarm system;

(d) employing security or guard patrols on a frequent and periodic basis; or

(e) utilizing or installing other security measures or devices that are satisfactory to the Bylaw Enforcement Officer or Peace Officer.
Securing Abandoned Property Damaged by Entry or Occupation

5.4. The owner of Abandoned Property that has been damaged because of unauthorized entry or occupation must:

(a) make the repairs that are necessary as a result of the damage; and

(b) install or take one or more of the security measures described in section 5.3 for the purpose of securing the property against further unauthorized entry, occupation and damage.

PART 6   ENTRY AND ORDER PROCESS

6.1. Any Peace Officer or Bylaw Enforcement Officer may enter, in accordance with Section 16 of the *Community Charter*, upon any property subject to this Bylaw in order to inspect and determine whether all regulations, restrictions and requirements are being met.

6.2. If an owner or Occupant of real property within the Corporation fails to comply with a requirement of this Bylaw, the Bylaw Enforcement Officer may issue an order requiring that the owner or Occupant, or both, bring the real property into compliance with the provisions of this Bylaw within such time as the Bylaw Enforcement Officer considers appropriate.

6.3. Delivery of the order referred to in Section 6.2 upon an owner or Occupant, or both, will be sufficient if a copy of the order is:

(a) served personally or mailed by prepaid registered mail to the owner as shown on the current year’s real property assessment roll; and

(b) either posted on the property or delivered personally to the Occupant.

6.4. If the owner or Occupant fails to comply with the order within the time period specified in such notice, the Corporation, by its workers or by other persons authorized by the Corporation, may, at all reasonable times and in a reasonable manner, enter the property and bring about such compliance at the cost of the owner. Such costs shall consist of all costs and expenses incurred by the Corporation to achieve compliance with this Bylaw including, without limitation, administrative costs, costs to attend property by Corporation employees or its contractors, and the costs of removal, clean up, and disposal.
PART 7 FEES, AND COST RECOVERY

Entry for Inspection

Fees

7.1. Every owner of property in the Corporation who violates any section of Part 5 must pay to the Corporation the fees stipulated in Schedule A.

7.2. Any fees assessed by the Corporation that are unpaid by the property owner by December 31 may be collected in the same manner as for property taxes.

Remedy and Cost Recovery for Default

7.3. Where in this Bylaw any activity, matter or thing is required to be done by any person, or is prohibited, in default of it being done or remedied by such person, such activity, matter or thing may be done by the Corporation at the expense of the person in default, and the expense may be recovered from the person as a debt owing to the Corporation. Without limiting the foregoing, where the Corporation provides work or service in relation to land or improvements, any costs incurred by the Corporation that are not recovered from the property owner by December 31 may be collected in the same manner as for property taxes.

PART 8 ENFORCEMENT AND PENALTY

Fines and Penalties

8.1. A person who:

(a) contravenes, violates or fails to comply with any provision of this Bylaw;

(b) suffers or allows any act or thing to be done in contravention of this Bylaw; or

(c) fails or neglects to do anything required to be done under this Bylaw;

commits an offence and upon conviction shall be liable to a fine of not more than Ten Thousand Dollars ($10,000.00), and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.

8.2. This Bylaw may be enforced:

(a) by a Peace Officer or Bylaw Enforcement Officer;
(b) by means of a ticket in the form prescribed for the purpose under the Community Charter, and fines imposed for offences under The Corporation of Delta Municipal Ticketing Information Bylaw No.6639, 2007, as amended;

(c) by proceedings brought under the Offence Act; or

(d) by means of a bylaw notice as authorized by the Local Government Bylaw Notice Enforcement Act and fines imposed for offences under Delta Bylaw Notice Enforcement Bylaw No. 7009, 2011, as amended.

8.3. A Peace Officer or Bylaw Enforcement Officer may refer any disputed tickets under 8.2 (b) to the Provincial Court and may represent the Corporation in any related proceedings.

No Duty of Care

8.4. Neither failure to enforce this Bylaw, nor any error, omission, or other neglect in relation to the enforcement of this Bylaw, shall be interpreted as giving rise to a cause of action in favour of any person.

READ A FIRST time the 10th day of December, 2012.

READ A SECOND time the 10th day of December, 2012.

READ A THIRD time the 10th day of December, 2012.

FINALLY CONSIDERED AND ADOPTED the 17th day of December, 2012.

"Lois E. Jackson"
Lois E. Jackson
Mayor

"Angila Bains"
Angila Bains
Municipal Clerk
Schedule A

Fees

The following fees for the recovery of the cost of services apply under this Bylaw:

1. After the initial property inspection and one follow up inspection, each additional inspection, per inspection $200
2. Contractor’s cleanup assessment $100
3. Supervision of contractor cleanup $50 per hour