

**PROPERTY MAINTENANCE BYLAW**

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to regulate, prohibit, and impose requirements in relation to:

- (a) refuse, garbage and other material that is noxious, offensive or unwholesome;
- (b) the accumulation of water on property;
- (c) weeds or other growths that Council for the City considers should be removed, cut down or trimmed;
- (d) graffiti and unsightly conditions on property.

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Under its statutory powers, including sections 8(3)(h), 16, 17, 64, 258, and 260 to 263 of the *Community Charter*, the Council of the City of Victoria enacts the following provisions:

**Title**

- 1 This Bylaw may be cited as the "PROPERTY MAINTENANCE BYLAW".

**Definitions**

- 2 In this Bylaw,

"graffiti"

- (a) means drawing, printing, or writing that
  - (i) is scribbled, scratched, sprayed, painted, or similarly placed directly, and
  - (ii) if it is on private property that is not located on public real property, is there without the consent of the owner of that private property, and

- (b) excludes
  - (i) signs for which permits have been issued under the Sign Bylaw, and
  - (ii) murals;

"mural"

means a painting

- (a) that is applied directly to the wall of a building with the consent of the owner of that building, and
- (b) that does not include any text or logo other than the name of the artist;

"real property"

means any parcel of private land within the City of Victoria;

"refuse"

includes, but is not limited to:

- (a) food wastes;
- (b) market wastes;
- (c) combustibles like paper, cardboard, yard trimmings, leaves and brush, plastics, and leather;
- (d) non-combustibles such as metal, cans, glass, dirt, ashes, and street sweepings;
- (e) bulky wastes such as furniture, appliances, tires, stumps, recycling, and construction waste;
- (f) unlicensed, unused, or stripped automobiles, trucks, trailers, boats, vessels, machinery, mechanical parts, and metal parts;

"unsightly"

means an untidy or otherwise non-aesthetic accumulation of filth, discarded materials, junk, or refuse on any real property, and includes graffiti.

### **Graffiti prohibited on or adjacent to public place**

- 3** A person must not place graffiti on a wall, fence, or elsewhere on or adjacent to a public place.

## **Refuse, unsightly property prohibited**

- 4** (1) A person must not do any of the following activities:
- (a) cause or permit water, or refuse, garbage or other material that is noxious, offensive or unwholesome to collect or accumulate on real property;
  - (b) deposit or throw bottles, broken glass, or other refuse in any open place;
  - (c) allow real property, of which that person is the owner or occupier, to become or remain unsightly;
  - (d) post, or cause or authorize the posting of, a notice, handbill, poster, or advertisement on any property without the consent of the owner of that property if it is adjacent to a public place.
- (2) For the purposes of the City's enforcement of subsection (1)(d),
- (a) evidence that a notice, handbill, poster, or advertisement was posted contrary to the provisions of this section may be treated as evidence that the notice, handbill, poster, or advertisement was placed by the person who caused or authorized that posting; and
  - (b) in the absence of evidence to the contrary, a person, business, or other establishment that is promoted by a notice, handbill, poster or advertisement may be presumed to have authorized and caused its posting.

## **Weeds prohibited**

- 5** The owner or occupier of real property must not allow to be present on that property weeds or other growths that
- (a) because of their condition, are likely to spread or become a nuisance to other real property in the vicinity; or
  - (b) are so unkempt as to be unsightly to nearby residents.

## **Removal of graffiti, refuse, weeds, unlicensed vehicles**

- 6** Every occupier of real property, or its owner if there is no occupier, must remove from that property:
- (a) graffiti;
  - (b) refuse and other material described in section 4(1);
  - (c) weeds and other growths described in section 5.

### **Inspection to determine whether bylaw is being followed**

- 7**
- (1) The City's police officers and Bylaw Officers at all reasonable times may enter on real property to determine whether a requirement set out in sections 3, 4, and 6(a) and (b) is being observed.
  - (2) The Supervisor, Parks Operations at all reasonable times may enter on real property to determine whether a requirement set out in sections 5 and 6(c) is being observed.

### **City's action at defaulter's expense**

- 8**
- (1) The City may give written notice to an owner or occupier, who does not take an action required under section 6, stating that the City will take the action at the expense of the owner or occupier if that person does not take the action within 14 days of the service of the notice.
  - (2) An owner or occupier to whom notice is given under subsection (1) may appeal the City's proposed action by applying, within 14 days of the service of the notice, for a hearing by the City's Private Property Maintenance Committee established under the Property Maintenance Hearing Delegation Bylaw.
  - (3) Upon hearing an appeal under subsection (2) the Private Property Maintenance Committee may
    - (a) dismiss the appeal;
    - (b) extend the time in which the person appealing must undertake the action required by the notice given under subsection (1); or
    - (c) where the Private Property Maintenance Committee determines it is appropriate to do so, vary the action required to be taken by the person appealing and establish time limits within which the person appealing must undertake the action.
  - (4) The City's police officers, Bylaw Officers, with respect to a matter under section 6(a), (b), or (d), and the Supervisor, Parks Operations with respect to a matter under section 6(c), on behalf of the City and at a defaulting person's expense, at reasonable times and in a reasonable manner, may enter on the real property owned or occupied by that person and take the action required by a notice given under subsection (1) if that person does not take the action within 14 days after the service of the notice, and
    - (a) that person has not appealed to the Private Property Maintenance Committee within 14 days of the service of the notice;
    - (b) the Private Property Maintenance Committee, acting under its authority in subsection (3)(a), has dismissed that person's appeal;

- (c) the Private Property Maintenance Committee has not extended the time in which the person is required to comply with the action required by the notice given under subsection (1); or
  - (d) the Private Property Maintenance Committee, acting under its authority in subsection (3)(c), has not varied the action required to be taken by the person appealing.
- (5) If the City takes action under subsection (4) and the costs of the action are not paid on or before December 31 in the year in which they are incurred,
- (a) they may be recoverable from the person as a debt, or
  - (b) they may be collected in the same manner and with the same remedies as ordinary taxes on the real property on which the action was taken.
- (6) For the purposes of subsection (5)(b), the costs referred to in subsection (5) are considered to be taxes in arrear.

### **Offences and penalties**

- 9** A person who contravenes a provision of this Bylaw is guilty of an offence and is subject to the following enforcement provisions:
- (a) to the penalties imposed by the *Offence Act*;
  - (b) the issuing and enforcement of a ticket under the Ticket Bylaw.

### **Severability**

- 10** Each provision of this Bylaw is intended to be independent to the extent that its setting aside by a court does not affect the validity of the remaining provisions.

## **Repeal**

**11** Bylaw 04-65, the Property Maintenance Bylaw, is repealed.

READ A FIRST TIME the	<b>13<sup>th</sup></b>	day of	<b>September,</b>	2007
READ A SECOND TIME the	<b>13<sup>th</sup></b>	day of	<b>September,</b>	2007
READ A THIRD TIME the	<b>13<sup>th</sup></b>	day of	<b>September,</b>	2007
ADOPTED on the	<b>20<sup>th</sup></b>	day of	<b>September,</b>	2007

**“ROBERT G. WOODLAND”**  
CORPORATE ADMINISTRATOR

**“ALAN LOWE”**  
MAYOR