



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 4628

A Bylaw To Regulate Unsightly Premises, The Deposit And Accumulation Of Rubbish, The Application And Removal Of Graffiti And Other Related Subjects And To Prevent Nuisances Caused By Abandoned And Unoccupied Buildings Within The Cowichan Valley Regional District In Accordance With The Provisions Of The *Local Government Act*

WHEREAS the Cowichan Valley Regional District has established a service for the control of pollution, nuisances, pests, noxious weeds, noise, unsightly premises, unwholesome or noxious materials, odours and disturbances;

AND WHEREAS the Cowichan Valley Regional District has authority under Section 325 of the *Local Government Act* to prevent, abate and prohibit nuisances, the authority to prohibit persons from placing graffiti on walls, fences or elsewhere on or adjacent to a public place, the authority to prohibit owners and occupiers of real property from allowing their property to become or remain unsightly, the authority 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, as well as other authority in relation to nuisances and disturbances;

AND WHEREAS the Cowichan Valley Regional District has authority under Section 418 of the *Local Government Act* to direct that, if a person subject to a requirement fails to take the required action, the Cowichan Valley Regional District may fulfil the requirement at that person's expense and recover the costs incurred as a debt, or in accordance with Section 399 of the *Local Government Act*;

AND WHEREAS the Cowichan Valley Regional District has authority under Section 413 of the *Local Government Act* to enforce its bylaws by imposing fines, penalties and costs;

NOW THEREFORE the Board of Directors of the Cowichan Valley Regional District, in open meeting assembled, enacts as follows:

1. APPLICATION

This Bylaw applies to all land within the boundaries of Electoral Areas A, B, C, D, E, F, G (excluding the Gulf Islands), H and I of the Cowichan Valley Regional District.

2. REPEAL

Cowichan Valley Regional District House Numbering, Unsightly Premises and Graffiti Bylaw No. 1341, 1991, and all amendments are hereby repealed.

3. CITATION

This bylaw may be cited for all purposes as "**CVRD Bylaw No. 4628 – Unsightly Premises and Abandoned Property Bylaw, 2025**".

4. DEFINITIONS

1. In this Bylaw:

"abandoned property" means a building, structure or improvement which has remained unoccupied by its owner, tenant, or other lawful occupier for a continuous period of over 30 days and there is no apparent intention on the part of the owner, tenant or other lawful occupier to resume occupancy of that building, structure or improvement;

"Board" means the Board of Directors of the Cowichan Valley Regional District;

"Bylaw Enforcement Officer" means a person designated by the Board to administer and enforce bylaws within the Cowichan Valley Regional District;

"Building Official" means a person to whom the Regional District has assigned the responsibility for administering its building regulation bylaws, and that person's designated representative;

"compliance order" means a compliance order issued by a by an Inspector under section 7 of this bylaw;

"derelict vehicle" means any vehicle, including any recreational vehicle, camper, boat, or trailer, or any part thereof, which:

- (1) is physically wrecked or disabled;
- (2) is not capable of operating under its own power; or
- (3) does not display attached license plates valid for the current year pursuant to the regulations of the *Motor Vehicle Act*, as amended from time to time.

"graffiti" includes any inscription, writing, slogan, design, drawing or painting howsoever made on any wall, building, fence, or any other structure or surface that is on or adjacent to a public place, but does not include a sign that conforms to the requirements of the Cowichan Valley Regional District Sign Bylaw No. 1095, 1987, as amended or replaced;

"Inspector" means any of the following persons:

- (1) a Building Official;
- (2) a Bylaw Enforcement Officer;
- (3) any other officer, employee, or representative of the Regional District, appointed by the Board to enforce this Bylaw; or
- (4) a fire inspector designated by the Regional District under the *Fire Safety Act*.

"nuisance" includes:

- (1) a condition or use of a parcel of land that unreasonably interferes with another owner or occupier's use or enjoyment of real property;
- (2) a public nuisance;

“nuisance property” means abandoned property that is a nuisance, or creates or causes a nuisance, by reason of the fact that the owner or occupier has not taken reasonable measures to secure the property against unauthorized entry or occupation, vandalism, or other intentional damage or fire hazard, including but not limited to the measures referred to in section 6(2) of this bylaw;

“person” includes any corporation, partnership or party and the heirs, executors, administrators, or other legal representatives of such person;

“property” means all real property, including but not limited to buildings, structures, and improvements located on real property;

“Regional District” means the Cowichan Valley Regional District;

“rubbish” includes, but is not limited to:

- (1) anything that is discarded or disused;
- (2) anything that is completely or substantially destroyed, damaged or dismantled;
- (3) accumulations of filth; and
- (4) any and all manner of garbage or other noxious, offensive or unwholesome matter.

“unoccupied” means that:

- (1) a building, structure or improvement is no longer used by the owner, tenant or other lawful occupier thereof for its accustomed and ordinary purpose for more than 30 consecutive days; and
- (2) there is no apparent intention on the part of the owner, tenant or other lawful occupier to resume occupancy of that building, structure or improvement.

“unsightly” means in addition to its plain meaning, and without limiting the generality of the term, any property or part of it which is characterized by visual evidence of a serious disregard for general maintenance and upkeep, and includes but is not limited to:

- (1) the storage or accumulation of rubbish, garbage, bottles, broken glass, scrap metals, wastes, or other discarded materials or unwholesome materials;
- (2) the presence of graffiti;
- (3) the presence of derelict vehicles, trailers, boats, vessels, machinery or vehicle or vessel parts.

2. Words and phrases used in this bylaw that are not included in the definitions in this Part have the meanings assigned to them in the Community Charter, *Local Government Act*, and the applicable CVRD Zoning Bylaw.

5. GENERAL PROHIBITIONS

- (1) No owner or occupier of real property shall cause or allow or permit such property to become or remain unsightly including but not limited to by permitting the accumulation of any filth, discarded material or rubbish of any kind.
- (2) No owner or occupier of real property shall cause or allow or permit rubbish or noxious or unwholesome matter to collect or accumulate on such property.
- (3) No person shall place or permit graffiti to be placed on any wall, building, fence, sign or any other structure or surface that is on or adjacent to a public place.

- (4) Owners or occupiers of real property shall remove or caused to be removed from such property any accumulation of filth, discarded materials, rubbish, graffiti or other unsightly material.

6. SPECIFIC PROHIBITIONS - ABANDONED PROPERTY

- (1) An owner or occupier of abandoned property must not cause or allow or permit the property to become a nuisance property.
- (2) An owner or occupier of abandoned property does not violate section 6(1) of this bylaw if they take reasonable measures to secure the property against unauthorized entry or occupation, vandalism or other intentional damage, or fire hazard, which reasonable measures may include the following:
 - (a) affixing and maintaining structural barriers to windows and other points of ingress using materials and installation that are effective in preventing unauthorized entry;
 - (b) installing and maintaining security fencing or other perimeter barriers;
 - (c) installing and maintaining a security lighting system which does not impact neighbouring properties;
 - (d) installing maintaining a security alarm system;
 - (e) employing security or guard patrols on a frequent and periodic basis;
 - (f) where the property has been damaged because of unauthorized entry or occupation, by making the repairs that are necessary as a result of the damage and by re-securing the property against unauthorized entry or occupation;
 - (g) utilizing or installing other security measures or devices that are satisfactory to the Inspector;
 - (h) preventing the uncontrolled growth of grass, weeds, trees, shrubs or other vegetation and plants.

7. COMPLIANCE ORDERS

- (1) If an owner or occupier of real property has failed to comply with this bylaw, an Inspector may issue a compliance order to that owner or occupier notifying and requiring that person:
 - (a) to remove unsightly accumulations of filth, discarded materials, rubbish, or graffiti from their property within a specified period of time;
 - (b) in the case of a nuisance property, to abate the nuisance by securing the property, and as necessary repairing the property, in accordance with section 6(2).
- (2) A compliance order issued to an owner or occupier of real property shall be in writing and shall include the following:
 - (a) the name of the person or persons who are subject to the compliance order;
 - (b) the description of the real property that is the subject of the compliance order;
 - (c) a direction to remove unsightly accumulations of filth, discarded materials, rubbish, or graffiti, or to remove an uncontrolled or unsightly growth of grass, weeds, trees, shrubs or other vegetation and plants, from the real property;
 - (d) in the case of a nuisance property, a direction to abate the nuisance by securing the property, and as necessary repairing the property and managing uncontrolled or

- unsightly growths of grass, weeds, trees, shrubs or other vegetation and plants, in accordance with section 4(2);
- (d) the date by which the owner or occupier must remove the unsightly accumulations or abate the nuisance;
 - (e) a warning that failure to do so may result in the employees or contractors of the Regional District entering onto the real property and conducting the work at the expense of the owner or occupier, and that if the costs of the work if unpaid by December 31 in the calendar year in which those costs are due and payable, the Regional District may recover the costs as a debt or may add the costs to the taxes payable on the real property as taxes in arrears.
- (3) Upon the failure by an owner or occupier to undertake the work required under a compliance order, and upon the owner or occupier having been given an opportunity to be heard by the Board, the Regional District may, by its own forces or those of a contractor, carry out the work required under the compliance order at the expense of the owner or occupier, and the Regional District may recover the costs of undertaking the work either as a debt against the person in default or in the same manner and with the same remedies as property taxes.

8. OFFENCES AND PENALTIES

- (1) Every person who:
- a) violates a provision of this bylaw;
 - b) permits, suffers or allows any act to be done in violation of any provision of this bylaw;
 - c) neglects to do anything required to be done under any provision of this bylaw; or
 - d) allows a violation of this bylaw to continue;
- commits an offence and, upon conviction, shall be liable to a fine or penalty of up to \$50,000.00 plus the cost of prosecution.
- (2) Each day a violation, contravention or breach of this bylaw continues is deemed to be a separate offence.
- (3) The provisions of this bylaw may be enforced by any Inspector and for that purpose, an Inspector may enter on any property within the Regional District at all reasonable times to ascertain whether the provisions of this bylaw are being complied with.
- (4) Nothing in this Part 8 shall prevent the Regional District or an authorized person acting on behalf of the Regional District from issuing and enforcing a ticket under the Regional District's Bylaw Offence Notice Enforcement Bylaw and/or the Municipal Ticket Information Authorization Bylaw.

READ A FIRST TIME this 14th day of May, 2025.

READ A SECOND TIME this 14th day of May, 2025.

READ A THIRD TIME this 14th day of May, 2025.

ADOPTED this 14th day of May, 2025.


Chair


Corporate Officer