



THE CORPORATION OF THE VILLAGE OF FRUITVALE

BYLAW 845, 2014

A Bylaw to Regulate the Maintenance of Private Property and Adjoining Public Places

WHEREAS *Community Charter* Sections 62 and 64 empower Council to enact regulations governing the appearance and maintenance of property and public places;

AND WHEREAS the Council of the Village of Fruitvale deems it advisable to enact regulations regarding same;

NOW THEREFORE, Council of the Corporation of the Village of Fruitvale, in open meeting assembled, ENACTS AS FOLLOWS:

PART 1- DEFINITIONS

In the context of this bylaw, the following definitions apply:

“Authorized Representative” means the person appointed by the Council for the purposes of administering and enforcing this Bylaw, and includes the Village’s Bylaw Enforcement Officer;

“Council” means the Council of the Village.

“Noxious Weeds” include weeds designated as such under the Weed Control regulations pursuant to the Weed Control Act;

“Order” means an order issued pursuant to section 14 of this Bylaw.

“Unightly” describes property having any one or more of the following characteristics:

- a. the accumulation of filth, discarded materials, rubbish of any kind or graffiti;
- b. fences characterized by holes, breaks, rot, crumbling, cracking, leaning, peeling or rusting;
- c. landscaping that is dead or characterized by uncontrolled growth or grass of a height in excess of 20 centimetres;
- d. wrecked vehicles, parked or stored outside buildings on property, or inside a building but visible from a property line, including motor vehicle parts;
- e. deteriorated lumber, old newspapers, unused furniture or furniture parts, stoves, sinks, cabinets, household appliances and fixtures, abandoned, broken or neglected equipment, or the scattered remains of items stored outside buildings on residential property, or inside a building but visible from a property line;

- f. construction material stored outside a building or inside a building but visible from a property line except where construction is in progress pursuant to an active building permit; or
- g. upon which there is one or more unsightly buildings.

“Unsightly building” includes any building or structure that has:

- a. broken window or windows;
- b. peeling or worn paint such that the original surface or underlying coat of paint is visible;
- c. exterior damage to the brickwork, cladding, siding or shingles visible from an adjacent roadway;
- d. rot or other deterioration in its construction materials;
- e. and includes a building or structure that has been boarded up for a period of two months or more.

“Wrecked vehicle” is a motor vehicle as defined in the Motor Vehicle Act that:

- a. is not licensed for the current year; or
- b. is not capable of being moved by its own motive power; or
- c. is reduced to parts, frames, or bodies of a motor vehicle unless such vehicle or parts thereof are situated in and enclosed by a building.

“Village” means the Corporation of the Village of Fruitvale.

PART II – MAINTENANCE OF PRIVATE PROPERTY

Unsightly Premises

1. No owner or occupier of real property shall allow his property to become or remain unsightly.
2. Every owner or occupier of real property must remove, or cause to be removed, from the property any unsightly accumulations of filth, discarded materials, rubbish, or graffiti.

Accumulations of Offensive Growths

3. Every owner or occupier of real property must clear the property of any brush, noxious weeds, or other growths.

Insect Infestations

4. Every owner or occupier of real property must prevent, or cause to be prevented, the infestation of the property by caterpillars or other noxious or destructive insects.

5. Every owner or occupier of real property must clear, or cause to be cleared, from the property any infestations by caterpillars and other noxious or destructive insects.

Accumulations of Unwholesome Matter

6. No person shall cause or permit water, rubbish, or noxious, offensive, or unwholesome matter to collect or accumulate around his premises.
7. Every owner and occupier of real property shall eliminate or reduce the emission of dust from that property into the atmosphere such that no airborne dust travels beyond any boundary of the property. Without limiting the generality of this section, during excavation or construction on property, dust shall be controlled by the application of water or other dust control agents.

PART III – MAINTENANCE OF PUBLIC PROPERTY

Littering

8. No person shall deposit or throw bottles, broken glass or other rubbish on any highway, park and landscaped area adjacent to any public building, or other open space.

Graffiti

9. No person shall place graffiti on any wall, fence, structure or elsewhere on or adjacent to a public place.

Sidewalk and Boulevard Maintenance

10. Every owner or occupier of real property shall keep any sidewalk adjoining the Property clear of any sweeping, ashes, mud, dirt, or refuse from the property.
11. Every owner or occupier of real property shall maintain any boulevard adjoining the property in a safe and tidy condition including without limitation, by mowing any grass, and trimming and trees or shrubs, located on the boulevard.

Accumulations of Snow and Ice

12. Every owner or occupier of real property shall remove all accumulations of snow and ice from all footpaths and sidewalks on and adjoining the property by no later than 7:00 p.m. on the day on which the snow began to fall and on each subsequent day on which the snow continues to fall.
13. Notwithstanding section 12 of this Bylaw, where the accumulation of snow and ice on a footpath, sidewalk, or roof creates a hazardous condition, the owner or occupier of the real property on which the footpath, sidewalk, or roof is located, or is adjoined by, shall immediately remove the accumulation of snow and ice.

PART IV – ENFORCEMENT

Direct Enforcement

14. The Authorized Representative may, by notice in writing sent by registered mail, posted on the property or delivered in person, order the owner or occupier of real property, at his expense and within fourteen days of the mailing or posting of the Order, to:
 - a. remove any accumulation of filth, discarded materials, rubbish, or other noxious, offensive, or unwholesome matter described in the Order from the property;
 - b. remove any graffiti described in the Order from any wall, fence, or other structure on the property;
 - c. clear any brush, noxious weeds, or other growths described in the order from the property; or,
 - d. take any other measures described in the Order to remedy unsightliness on the property.
15. Upon any failure by the owner or occupier of real property to comply with an Order under section 14 of this Bylaw, the Village may, by its own forces or those of a contractor, enter on the property and carry out the work described in the Order at the expense of the owner or occupier and, whether the Order was directed at the owner or the occupier, recover the costs in the same manner and with the same remedies as ordinary taxes on land and improvements under the *Community Charter*.
16. In the event the unsightly conditions are a public health or safety concern, the Authorized Representative may carry out remediation of the conditions immediately at the expense of the owner or occupier and recover the costs in the same manner and with the same remedies as ordinary taxes on land and improvements under the *Community Charter*.

Inspection

17. The authorized Representative may enter on any real property at any reasonable time to ascertain whether the requirements of this Bylaw, or any order issued pursuant to this Bylaw, are being observed.
18. No person shall obstruct or interfere with the Authorized Representative in the exercise of the powers under this Bylaw.

Penalty

19. Every person who violates any provisions of this Bylaw, or who permits any act or thing to be done in violation of any provision of this Bylaw, is guilty of an offence against this Bylaw, which is punishable upon summary conviction by a fine of up to \$2,000.00.

20. Each day that a violation of any provision of this Bylaw continues to exist is a separate offence against this Bylaw.

PART V – MISCELLANEOUS PROVISIONS

Severability

21. If any Section, Subsection, Paragraph, Clause or Phrase of this Bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

Repeal

22. Bylaw 647, 2000 cited as "Property Maintenance Bylaw 647, 2000" and any amending bylaws thereto are hereby repealed.

Citation

23. This Bylaw may be cited for all purposes as "Village of Fruitvale Property Maintenance Bylaw 845, 2014".

READ a first time this 25th day of June, 2014.

READ a second this 25th day of June, 2014.

READ a third time this 25th day of June, 2014.

RECONSIDERED, FINALLY PASSED AND ADOPTED this 26th day of June, 2014.

Mayor

Chief Administrative Officer

CERTIFIED a true copy of Bylaw No. 845, 2013, entitled "Village of Fruitvale Property Maintenance Bylaw 845, 2014".

DATED this 26th day of June, 2014.

Chief Administrative Officer