

## VILLAGE OF RADIUM HOT SPRINGS

### Littering, Garbage and Unsightly Premises Bylaw No. 334, 2007.

Being a bylaw regulating littering, garbage accumulation and containment and prohibiting the owners or occupiers of real property from allowing their property to become unsightly.

**WHEREAS** it is has been deemed desirable and necessary to regulate littering, garbage accumulation and containment, and to prohibit the owners or occupiers of real property from allowing property to become unsightly for the safety, health and enjoyment of the residents of the municipality.

**NOW THEREFORE** the Council of the Village of Radium Hot Springs, in open meeting assembled enacts as follows:

1. This bylaw may be cited as "Village of Radium Hot Springs Littering, Garbage and Unsightly Premises Bylaw No. 334, 2007."

2. **DEFINITIONS**

Within this bylaw the following terms have the following meanings:

"garbage" means, but is not limited to, trade waste, household waste, garden refuse and all noxious offensive or unwholesome matter or substances or any article or material which the owner does not wish to retain, including household furniture, appliances, machinery, automobile vehicle bodies and/or parts and construction waste.

"garbage receptacle" means a container for garbage that is bird, rodent and fly proof and that has sufficient containment to prevent spillage and the spread of garbage by wind.

"graffiti" means writing, drawing, painting et cetera any words or pictures that, for the purposes of this bylaw, are not used as advertising on an appropriate sign or premises for a business or enterprise in conformance with the sign regulations of the Village of Radium Hot Springs.

"public place" includes every road, square, lane, bridge, highway, park or other places which the public has access to as a right or by invitation, express or implied.

3. **INTERPRETATION**

In this Bylaw "unsightly" includes but is not limited to:

- (a) the accumulation or storage of any building material, whether new or used, on any site or premises other than a building material storage yard, when the owner or occupier of the premises is not in possession of a valid Municipal building permit or when that storage or accumulation is required for the normal maintenance and operation of a commercial facility.
- (b) the storage or accumulation of any goods or merchandise which is offered or intended to be offered for sale on any site used as a residential premises other than what is required and permitted for use in a home occupation.
- (c) the storage, collection or accumulation of all or part of any automobile wreck or all or part of any motor vehicle which is not:

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- (i) validly registered and licensed in accordance with the Motor Vehicle Act or relevant legislation, or;
  - (ii) capable of motivation under its own power.
- (d) the storage of solid fuels, including wood, coke or coal, other than what is required for personal use, or when required for the normal operation of a commercial facility.
  - (e) the use of any residential or commercial property for the storage, repair, cleaning, maintenance, collection or servicing of mechanical equipment including bulldozers, graders, backhoes or other similar heavy construction equipment.
  - (f) the collection or accumulation of rubbish or garbage of any kind including but not limited to ashes, dead animals, paper, cardboard, tin cans, leaves, wood, bedding, crockery, glass, bags and appliances.
  - (g) the placing of graffiti on walls, fences or elsewhere on or adjacent to a public place.

**4. LITTERING**

- (a) No person shall obstruct, litter or defoul any road, sidewalk or public place in the Village of Radium Springs with any refuse, debris, litter, garbage or any unsanitary or offensive substance or article of any kind.
- (b) No person shall stamp, paint, post, affix or otherwise place or distribute any bill, poster, notice or advertisement on any public property without first having obtained written permission from the municipality.
- (c) No person shall deface, injure or damage any property or equipment owned by or in the care of the Village of Radium Hot Springs in any public place.

**5. GARBAGE CONTAINMENT**

- (a) Every owner or occupier of property shall not store, keep or allow garbage or refuse on their property unless the garbage or refuse is placed inside a properly designed garbage receptacle capable of containing the garbage therein and preventing the spread of that garbage by birds, rodents or wind.
- (b) All garbage receptacles and commercial garbage containment bins shall, at all times, be kept in a good and sanitary condition and shall be accessible for inspection at all reasonable hours. When any receptacle or bin has been condemned by the Village as unfit for the purpose, such receptacle or bin shall be removed along with the garbage and the occupier shall forthwith provide a suitable and sanitary container as described in this bylaw.

**6. UNSIGHTLY PREMISES**

- (a) No owner or occupier of real property or premises on the real property shall allow the property or premises owned or occupied by him to become or remain unsightly.
- (b) Every owner or occupier of real property or premises on real property or his agent is required to remove from the real property or premises any accumulation of rubbish, garbage, ashes, filth, discarded material or discarded bodies or parts of vehicles or machinery.
- (c) Every owner and occupier of real property shall clear that property of brush, noxious weeds, wild grass and other untended growths.

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- (d) No person shall cause or permit water to collect around their premises.
- (e) A Bylaw Enforcement Officer of the Village of Radium Hot Springs may deliver by registered mail to the owner, occupier or agent of either of them, of real property or premises on the real property, notice in writing that any accumulation of rubbish, garbage, ashes, filth, discarded material or discarded bodies or parts of vehicles or machinery, or graffiti, or brush, noxious weeds, wild grass and other untended growths be removed from or cleared from the real property or premises on the real property before the expiry of thirty (30) days after the mailing of the notice.
- (f) In the event of default of this removal or failure to clear, and failure of any owner or occupier of the real property or premises on the real property, or his agent, to comply with the written notice, to remove the accumulation or clear the property, the Village of Radium Hot Springs hereby authorizes agents or employees of the municipality to enter the real property or premises on the real property affected to effect the removal at a time and in a manner of administrative convenience to the municipality at the expense of the person defaulting.
- (g) The cost of effecting removal pursuant to Section 6. (f) of this bylaw shall be due and payable by the person in default immediately upon removal, and if such costs remain unpaid on December 31 in the year the removal was done, the costs shall be added to and form part of the taxes payable on the property as taxes in arrears.

**7. ENFORCEMENT AND PENALTIES**

- (a) A Bylaw Enforcement Officer of the Village of Radium Hot Springs is authorized to enter, at all reasonable times, on any real property or premises on real property in the Village of Radium Hot Springs to ascertain whether the regulations under this Bylaw are being observed. It is an offence for any person to prevent the Bylaw Enforcement Officer to enter real property or premises for the purposes of enforcing the regulations contained in this bylaw. For the purposes of this section, Bylaw Enforcement Officer includes the Municipal Clerk, Bylaw Enforcement Officer, the License Inspector and the Royal Canadian Mounted Police.
- (b) Every person, firm or corporation who violates any of the provisions of this Bylaw, or who causes, suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw shall be deemed to be guilty of an offence against this Bylaw and shall be liable to the penalties hereby imposed.
- (c) Every person, firm or corporation violating any provision of this Bylaw shall be liable on summary conviction to a fine of not more than two thousand dollars (\$2,000.00).
- (d) A separate offence shall be deemed to be committed on each day during on which a violation occurs or continues.
- (e) Offences for which tickets can be issued and fines imposed are prescribed in the Municipal Ticket Information Utilization Bylaw.

8. Village of Radium Hot Springs Bylaws No. 19, 28 and 160 are hereby repealed and replaced by this bylaw.

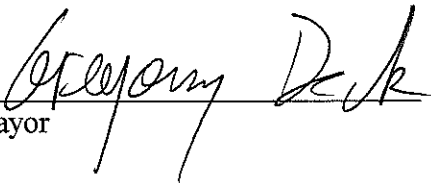
9. If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.


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10. This bylaw shall come into full force and effect upon the date of passage.

Read a first second and third time this 27th day of June, 2007.

Reconsidered and adopted this 11th day of July, 2007.

  
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Mayor

  
\_\_\_\_\_  
Clerk

Hereby certified as a true copy of Village of Radium  
Hot Springs Littering, Garbage and Unsightly  
Premises Bylaw No. 334, 2007.

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date

**VILLAGE OF RADIUM HOT SPRINGS**

**Unsightly Premises Bylaw Amendment No. 372, 2010.**

Being a bylaw amending Bylaw No. 334, 2007 (Littering, Garbage and Unsightly Premises) to reduce the time period for compliance with an order to clean up property.

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**WHEREAS** it is has been deemed desirable and necessary to regulate littering, garbage accumulation and containment, and to prohibit the owners or occupiers of real property from allowing property to become unsightly for the safety, health and enjoyment of the residents of the municipality.

**NOW THEREFORE** the Council of the Village of Radium Hot Springs, in open meeting assembled enacts as follows:

1. This bylaw may be cited as "Village of Radium Hot Springs Littering, Garbage and Unsightly Premises Amendment Bylaw No. 372, 2010."
2. That Section 6 (e) of Bylaw No. 334, 2007 be deleted and replaced with the following:
  6. (e) A Bylaw Enforcement Officer of the Village of Radium Hot Springs may deliver by registered mail to the owner, occupier or agent of either of them, of real property or premises on the real property, notice in writing that any accumulation of rubbish, garbage, ashes, filth, discarded material or discarded bodies or parts of vehicles or machinery, or graffiti, or brush, noxious weeds, wild grass and other untended growths be removed from or cleared from the real property or premises on the real property before the expiry of five (5) days after the mailing of the notice.
3. This bylaw shall come into full force and effect upon the date of passage.

Read a first second and third time this 25th day of August, 2010.

Reconsidered and adopted this 8th day of September, 2010.

  
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Mayor Dee Conklin

  
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Clerk Mark Read

Hereby certified as a true copy of Village of Radium Hot Springs Littering, Garbage and Unsightly Premises Amendment Bylaw No. 372, 2010.

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Clerk

\_\_\_\_\_  
Date