

RESORT MUNICIPALITY OF WHISTLER

BYLAW NO. 810

BEING A BYLAW OF THE RESORT MUNICIPALITY OF WHISTLER
TO ESTABLISH REQUIRED STANDARDS FOR THE MAINTENANCE
OF REAL PROPERTIES

WHEREAS Section 932(g) of the Municipal Act, R.S.B.C. 1979, c. 290, and amendments thereto, provides Municipal Council with the authority by bylaw to prohibit persons from causing or permitting water, rubbish or noxious, offensive or unwholesome matter to collect or accumulate around their premises, or from depositing or throwing bottles, broken glass or other rubbish in any open place;

AND WHEREAS Section 932(h) of the Municipal Act, R.S.B.C. 1979, c. 290 and amendments thereto, provides Municipal Council with the authority by bylaw to prohibit persons from placing graffiti on walls, fences or elsewhere on or adjacent to a public place and to prohibit the owners or occupiers of real property from allowing their property to become or remain unsightly and to require the owners or occupiers of real property, or their agents, to remove from it any unsightly accumulations of filth, discarded materials, rubbish or graffiti;

AND WHEREAS Section 932(k) of the Municipal Act, R.S.B.C. 1979, c. 290 and amendments thereto, provides Municipal Council with the authority by bylaw to require the owners or occupiers of real property, or their agents, to clear the property of brush, trees, noxious weeds or other growths;

AND WHEREAS Section 932(m) of the Municipal Act, R.S.B.C. 1979, c. 290 and amendments thereto, provides Municipal Council with the authority by bylaw to prohibit the posting or exhibiting of placards, play bills, posters, advertising, writings or pictures, or the writing of words, or the making of pictures or drawings which are indecent or may tend to corrupt or demoralize, on walls, fences or elsewhere, on or adjacent to a highway or public place;

AND WHEREAS Section 579(2) of the Municipal Act, R.S.B.C. 1979, c. 290 and amendments thereto, provides Municipal Council with the authority by bylaw to require the owner or occupier of real property to remove snow, ice or rubbish from sidewalks and foot paths bordering his real property or from the roof or other part of a structure adjacent to a highway;

AND WHEREAS Section 968 of the Municipal Act, R.S.B.C. 1979, c. 290 and amendments thereto, provides Municipal Council with the authority by bylaw to require and regulate the provision of landscaping to mask or separate certain uses from other uses;

AND WHEREAS Section 936(1) of the Municipal Act, R.S.B.C. 1979, c. 290, and amendments thereto, provides Municipal Council with the

authority by resolution to declare a building, structure or erection of any kind, or a drain, ditch, watercourse, pond, surface water or other matter or thing, in or on private land or a highway or in or about a building or structure, a nuisance, and may direct and order that it be removed, pulled down, filled up or otherwise dealt with by its owner, agent, lessee or occupier, as the Council may determine and within the time after service of the order that may be named in it.

NOW THEREFORE the Council of the Resort Municipality of Whistler, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as the Resort Municipality of Whistler "Property Maintenance Bylaw No. 810, 1990".

2. In this Bylaw:

- (a) "Bylaw Enforcement Officer" shall mean the person so appointed by the Municipal Council under Section 29 of the Police Act.
- (b) "closed structure" means a structure the contents of which are not visible to the public from a highway, a public place or from private property other than that on which the structure is located;
- (c) "Council" means the Municipal Council of the Resort Municipality of Whistler.
- (d) "graffiti" means an inscription or drawing on some public surface or adjacent to a public place.
- (e) "Municipality" means the geographical area comprised within the boundaries of the Resort Municipality of Whistler.
- (f) "noxious Weed" means any weed and the seed thereof to the extent the weed is designated by the regulations under the Weed Control Act, R.S.B.C. 1979, c. 432 and amendments thereto and shall include:

Canada Thistle	- (Cirsium arvense (L.) Scop.)
Dodder	- (Cuscuta spp.)
Diffuse Knapweed	- (Centaurea diffusa Lam.)
Spotted Knapweed	- (Centaurea maculosa L.)
Russian Knapweed	- (Centaurea repens L.)
Sow Thistle, annual and perennial	- (Sonchus spp.)
Leafy Spurge	- (Euphorbia esula L.)
Common Toadflax spp.	- (Linaria vulgaris Hill)
Dalmation Toadflax spp.	- (Linaria dalmatica L.)
Wild Oats	- (Avena fatua L.);

- (g) "highway" includes a street, road, lane, bridge, viaduct and any other way open to public use, but does not include a private right of way on private property;
- (h) "unsightly" includes but is not limited to:
 - (i) the accumulation of building material on any property other than premises licenced under the Business Licence Bylaw, unless the owner or occupier of the property is in possession of a valid building permit or unless the accumulation is stored in a closed building;
 - (ii) the storage or accumulation of all or part of any motor vehicle which is not:
 - (i) validly registered and licenced in accordance with the Motor Vehicle Act, R.S.B.C. 1979, c. 288; or
 - (ii) capable of movement under its own power;unless stored in a closed structure;
 - (iii) the accumulation of filth, discarded materials or rubbish of any kind, including but not limited to ashes, dead animals, paper, cardboard, tin cans, leaves, wood, bedding, crockery, glass, bags and appliances;
 - (iv) the accumulation or deposits of discarded or fallen building materials, including the surface, covering or coating material of a building or structure, or the building or structure itself or part thereof which is missing all or a portion of its surface, covering or coating materials;
 - (v) the exterior storage of solid fuels, including coke or coal but excluding firewood on any site used for residential premises;
 - (vi) the accumulation of mechanical equipment including bulldozers, graders, backhoes or other similar heavy construction equipment on any site in the Municipality where such site is not zoned for such use and, where zoned, if the accumulation of equipment is untidy and not stored in a closed structure;
 - (vii) the presence of graffiti, whether in the form of pictures or words, on walls, fences or elsewhere on or adjacent to a public place;
 - (viii) the storage of beer kegs and pallets, unless stored in a closed structure.

3. No person shall cause or permit water, rubbish or noxious, offensive or unwholesome matter to collect or accumulate around their premises.

4. No person shall deposit or throw bottles, cans, broken glass or other rubbish in or on any highway or public place or in any place on private property visible from a highway, a public place or other private property.

5. No owner or occupier of real property shall cause or permit that property to become or to remain unsightly.

6. Every owner and occupier of real property, or his agent, shall remove from the property any accumulation of filth, discarded materials, rubbish or graffiti.

7. Every owner or occupier of a building or structure on real property or part thereof is required to remove from the real property any accumulations or deposits of fallen or discarded building materials and to affix a surface, covering or coating which matches the original material to the building or structure or part thereof from which the accumulations have fallen, been removed or discarded.

8. Every owner and occupier of real property, or his agent, shall clear the property of brush, hazardous trees, noxious weeds, wild grass and other untended growths.

9. Pursuant to the Weed Control Act, R.S.B.C. 1979, c. 432, the Bylaw Enforcement Officer shall be the Weed Control Officer within the Municipality and shall be authorized to enforce those provisions of the Weed Control Act on behalf of the Council.

10. Every owner and occupier of real property shall remove snow, ice or rubbish from sidewalks, stairs, ramps and foot paths bordering the real property and from the roof or other part of a structure located on the real property adjacent to a highway and from walkways, ramps and stairways on the real property which are open to the public.

11. Every owner and occupier of real property shall maintain the real property and every building, structure, erection or thing located in, on or upon the real property in a safe condition, and without limiting the generality of the foregoing,

- (a) every owner and occupier of real property shall repair, replace, or provide support for surfaced plazas, stairs, walkways, paths and sidewalks on real property such that concrete and pavers does not remain or become cracked or settled in uneven manner so as to cause a passerby to trip, stumble or have difficulty passing by or so that any portion of the concrete or pavers remains or becomes more than two centimetres higher or lower than any other portion;

- (b) every owner and occupier of real property shall provide hand rails along all stairways, steps and elevated ramps on the real property to National Building Code standards, as those standards are revised from time to time;
- (c) every owner and occupier of real property shall repair and maintain walkways and passageways on the real property which are open to the public in a proper, safe and sanitary condition;
- (d) every owner and occupier of real property shall maintain all buildings, structures and erections of any kind on the real property such that they do not become so dilapidated or unclean as to be offensive to the community;
- (e) every owner and occupier of real property shall maintain the real property in such a manner than it does not obstruct or impair, inconvenience, discomfort or endanger the use and enjoyment of portions of the real property open to the public or the use and enjoyment of adjoining properties by their owners and occupiers.

12. Every person found guilty of an infraction of this Bylaw shall be liable upon summary conviction to a penalty not exceeding Two Thousand Dollars (\$2,000.00) and the cost of prosecution for each offence and every day during which there is an infraction of this Bylaw shall constitute a separate offence.

13. Where any person fails to comply with Sections 5, 6, 7 or 8 of this Bylaw, the Bylaw Enforcement Officer may give written notice to that person to comply within fourteen (14) days of delivery of the notice, by personal service on the owner or occupier, by registered mail, addressed to the address of the property and the address of the owner as shown as of the date of the notice on the assessment roll, and upon receipt of the notice, the person may dispute the notice in writing within fourteen (14) days of delivery of the notice, and in the event of failure by the owner or occupier to comply with the notice or to present a reasonable excuse for non-compliance satisfactory to the Bylaw Enforcement Officer, Council may by its employees or contractors enter the property, at reasonable times and in a reasonable manner, and effect the removal of the offending material at the expense of the person who has failed to comply.

14. The cost of effecting any removal pursuant to Section 14 of this Bylaw shall be payable by the person who has failed to comply and is due immediately upon removal, and if such cost remain unpaid on December 31 in the year the offending material was removed, the costs shall be added to and form part of the taxes payable on the real property as taxes in arrear.

15. Where a person fails to remove ice or snow as required by Section 11, the Bylaw Enforcement Officer may give written notice to that person to comply within twenty-four (24) hours of delivery of the notice, by personal service on the occupier of the property or by leaving or posting it at the property, and in the event of failure to comply with the notice, Council may by its employees or contractors, at reasonable times and in a reasonable manner, enter onto the property and effect the removal of the ice or snow at the expense of the person who has failed to comply.

16. The expense of removing ice or snow pursuant to Section 16 of this Bylaw shall be paid immediately by the person who has failed to comply and Council may recover the expense, with interest at the rate of 6% year, with costs in the same manner as municipal taxes.

17. The Bylaw Enforcement Officer may at all reasonable times enter upon any property in the Municipality in order to ascertain whether the regulations and requirements of this Bylaw are being observed.

18. If any portion of this Bylaw is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Bylaw.

19. The Resort Municipality of Whistler "Untidy or Unsightly Property Bylaw No. 306, 1983" is repealed.

GIVEN FIRST, SECOND and THIRD READINGS this 22nd day of
October , 1990.

RECONSIDERED and finally ADOPTED this 13th day of November ,
1990.


R.H. Drew Meredith,


Barbara Elliott,

I HEREBY CERTIFY that this is a
true copy of "Property Maintenance
Bylaw No. 810 1990".

Barbara Elliott,

RESORT MUNICIPALITY OF WHISTLER

BYLAW NO. 836, 1991

A BYLAW TO AMEND "PROPERTY MAINTENANCE BYLAW NO. 810, 1990"

WHEREAS Section 579(2) of the Municipal Act, R.S.B.C. 1979, c.290 and amendments thereto, provides the Council of the Resort Municipality of Whistler with the authority by bylaw to require the owner or occupier of real property to remove snow, ice or rubbish from sidewalks and footpaths bordering said real property or from the roof or other part of a structure adjacent to a highway;

AND WHEREAS the Council of the Resort Municipality of Whistler has adopted "Property Maintenance Bylaw No. 810, 1990";

AND WHEREAS it is deemed expedient to amend the Resort Municipality of Whistler "Property Maintenance Bylaw No. 810, 1990" for the purpose of further regulating the removal of snow, ice or rubbish from sidewalks and footpaths bordering real property;

NOW THEREFORE the Council of the Resort Municipality of Whistler, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as "Property Maintenance Amendment Bylaw No. 836, 1991"

2. Section 10 of "Property Maintenance Bylaw No. 810, 1990" is hereby deleted and the following is inserted in its place:

"10. Every owner and occupier of real property shall remove snow, ice or rubbish from sidewalks, stairs, ramps and footpaths bordering the real property and from the roof or other part of a structure located on the real property adjacent to a highway and from walkways, ramps and stairways on the real property which are open to the public, by not later than 10:00 a.m. local time, each day of the week."

3. Section 15 of "Property Maintenance Bylaw No. 810, 1990" is hereby deleted and the following is inserted in its place:

"15. Notwithstanding the generality of the foregoing, where a person fails to remove ice or snow as required by Section 11, a Bylaw Enforcement Officer may give written notice to that person to comply within twenty-four (24) hours of delivery of the notice, by personal service on the occupier of the property or by leaving or posting it at the property, and in the event of failure to comply with the notice, Council may by its employees or

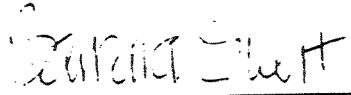
contractors, at reasonable times and in a reasonable manner, enter onto the property and effect the removal of the ice or snow at the expense of the person who has failed to comply."

GIVEN FIRST, SECOND AND THIRD READINGS this 28th day of
January , 1991.

RECONSIDERED and finally ADOPTED by Council this 11th day of
February , 1991.



Mayor



Municipal Clerk

I hereby certify that this is a
true copy of "Property Maintenance
Amendment Bylaw No. 836, 1991"

Municipal Clerk