

The District of Wells

Bylaw No. 88, 2007

UNTIDY AND UNSIGHTLY PREMISES BYLAW

WHEREAS the economy of Wells is dependant on tourism; and **WHEREAS** Wells has embarked on a long-term program of improvements to enhance the image and appearance of the community; and **WHEREAS** as part of that program it is deemed necessary and expedient to regulate untidy and unsightly premises in the Wells Commercial Districts (CW and CWC) and to require the owners or occupiers of real property with said zoning to not only remove therefrom any accumulation of filth, abandoned vehicles and abandoned equipment, other worn-out or discarded material, scrap, trash, debris or rubbish of any kind, but also to maintain the exterior facades and frontages to a high standard;

NOW THEREFORE the Council of the District of Wells in open meeting assembled enacts as follows:

1. DEFINITIONS for the purpose of this bylaw:
 - a. "Abandoned Equipment" means equipment or machinery, which has been rendered inoperative by reason of its disassembly, age or mechanical condition. Equipment located in historical displays or as signage for commercial businesses is exempt;
 - b. "Abandoned Vehicle" means the whole or any part of any motor vehicle that has no current license plate attached to it and in respect of which, no registration certificate has been issued for the current year; and
 - i. is in a wrecked, partly wrecked, dismantled, partly dismantled, or inoperative condition and is not located in a building or located on the property such that it can be concealed from view; or
 - ii. is inoperative by reason of removed or missing parts or equipment, and is not located within a building or located on property such that it can be concealed from view.
 - c. "Accumulation" means a collection, either scattered, amassed or piled, existing at the time of inspection;
 - d. "Fence" means a structure, that is maintained in good condition and appearance, which is at least 85 per cent solid and conceals all material stored so that no such material is visible to an adult person standing at grade level on a public highway, or on properties neighbouring that on which the said fence is located;

- e. "Person" means and includes any corporation, partnership or party and the heirs, executors, administrators or other legal representatives of such person to whom the context can apply according to the law;
- f. "District" means the District of Wells;
- g. "Rubbish" means all scrap, trash and debris and all discarded, dilapidated, broken or unused items and without restricting the generality of the foregoing, shall include old glass, plastic, metal, paper and wood products not presently in use;
- h. "Unsightly", in addition to its common dictionary meaning, shall include:
 - i. the storage, location or accumulation visible to an adult person standing at grade level on a public highway or neighbouring property, of abandoned vehicles or abandoned equipment;
 - ii. the storage, location, placement or deposit of any scrap, trash, debris, filth or rubbish;
 - iii. the storage, location or placement of building materials on a site where construction under a building permit is not taking place, except where they cannot be seen from a public highway or neighbouring property;
 - iv. the lack of repair or maintenance of buildings, structures, or property including but not limited to:
 - 1. the significant deterioration of buildings, structures or improvements, or portions of buildings, structures or improvements;
 - 2. broken or missing windows, siding, shingles, shutters, eaves or other building material; or
 - 3. significant fading, chipping or peeling of painted areas of buildings, structures or improvements on property;
- i. "Bylaw Enforcement Officer" means a full-time employee of the District of Wells; including, but not limited to the Chief Administrative Officer, the Superintendent of Public Works, or the Deputy Clerk.
- j. "Council" means the Council of the District of Wells.

2. UNTIDY AND UNSIGHTLY PREMISES

- a. It shall be unlawful for any person(s) being the owner(s) or occupier(s) of real property in an area zoned CW or CWC to allow such property to become or to remain untidy or unsightly.
- b. Owner or occupiers of real property in an area zoned CW or CWC, or their agents, shall remove therefrom any accumulation of filth, discarded materials, rubbish, *abandoned vehicles*, or *abandoned equipment* of any kind.

- c. Owners or occupiers of real property in an area zoned CW or CWC, who are legally entitled in the course of the day-to-day operations of their businesses, to accumulate abandoned vehicles and abandoned equipment, and/or other machinery or scrap materials, shall fully conceal such accumulations behind a fence.

3. RIGHT OF ENTRY

The Bylaw Enforcement Officer(s) of the District may at all reasonable times enter upon any property in the District in order to ascertain whether the regulations contained in this Bylaw are being obeyed.

4. NOTICES

The Bylaw Enforcement Officer may give written notice to the owner(s) or occupier(s) of real property or their agent(s) by registered mail or by personal service requiring such person(s) to remove any accumulation of discarded material or rubbish of any kind within a period of thirty (30) days from receipt of the notice.

5. APPEALS

Where notice has been given pursuant to Section 4, the person receiving the notice shall have ten (10) days from the date of receipt of the notice to appeal in writing to the Council and the said person shall be entitled to appear at the meeting of the Council where the matter is discussed and to present evidence and call witnesses and, at the conclusion of the appeal, the Council shall confirm, vary or rescind the notice.

6. RIGHT TO DO WORK

Where notice has been given pursuant to Section 4 of this Bylaw and the notice has not been appealed or, if appealed, the notice has been confirmed or varied, the District of Wells may, by its servants, workers, employees or contractors, upon expiration of the thirty (30) day period referred to in Section 4 of this Bylaw or such further period as may have been allowed by the Council further to Section 5 of this Bylaw, enter on the said premises and do such work as is specified in the notice as originally issued or as varied on appeal, at the expense of the person in default and the Council shall recover the expense thereof with interest in the same manner as municipal taxes.

7. PENALTIES

- a. A person is guilty of an offence against this Bylaw if he or she:
 - i. Violates any provisions of this Bylaw; or
 - ii. Causes or permits any act or thing to be done in contravention or violation of any provisions of this Bylaw; or

- iii. Neglects or omits to do anything required under this Bylaw.
 - iv. Hinders, obstructs, interferes with or attempts to hinder, obstruct or interfere with a person authorized under this Bylaw in the performance of his or her powers and duties pursuant to this Bylaw commits an offence.
- b. Any person who commits an offence under this Bylaw shall be subject to a municipal ticket of \$50.00 for each day that they fail to do such work as is specified in the notice as originally issued or as varied on appeal.
8. Council may, upon written application of the registered owner, exempt a property in the CW/CWC Zoning areas from the provisions of this Bylaw, providing such property is being actively used solely for residential purposes.
9. The provisions of this Bylaw shall come into effect on September 30, 2008.
10. This Bylaw may be cited for all purposes as the "District of Wells Unsightly Premises Bylaw No. 88, 2007."

READ A FIRST TIME this 4th day of December, 2007.

READ A SECOND TIME this 4th day of December, 2007.

READ A THIRD TIME this 4th day of December, 2007.

FINALLY READ AND ADOPTED this 5th day of February, 2008.

John P.S. Vermette, Mayor

Gary Champagne, Chief Administrative Officer