

**THE VILLAGE OF PEMBERTON
BYLAW NO. 638, 2009**

Being a bylaw to amend Village of Pemberton Unsightly Premises By-law No. 476, 2002 to provide clarity with regard to unsightly premises within the Village.

WHEREAS Section 137 of *the Community Charter* empowers the Council, by bylaw, to amend an original bylaw;

AND WHEREAS pursuant to Section 8 (3) (h) of the Community Charter and amendments thereto, a Council may, by bylaw, regulate, prohibit and impose requirements in relation to the protection and enhancement of the well-being of its community in relation to the matters referred to in section 64 [nuisances, disturbances and other objectionable situations];

AND WHEREAS Council has determined it would be appropriate to amend the Village of Pemberton Unsightly Premises By-law No. 476, 2002 in order to provide clarity with regard to unsightly premises within the Village.

NOW THEREFORE, the Council of the Village of Pemberton, in open meeting assembled, **ENACTS AS FOLLOWS**:

1. Bylaw No. 476, 2002 cited as the "Village of Pemberton Unsightly Premises By-law No. 476, 2002", is hereby amended by inserting the following:

Section 3 – Interpretation

Addition of the following definition:

"Closed Structure or Closed Building" means a structure the contents of which are not visible to the public from a roadway, a public place or from private property other than that on which the structure is located;

Section 6 – Unsightly Real Property

Subsection 6.1 is hereby deleted:

6.1 deleted

Subsection 6.3 is hereby amended as follows:

- 6.3 No owner or occupier of real property within the Village shall allow such property to become, or to remain, untidy or unsightly, and shall be required to maintain the said property in a neat and tidy condition in keeping with a reasonable standard of maintenance prevailing in the neighbourhood.

Subsection 6.5 is hereby amended as follows:

- 6.5 Without in any way restricting the generality of the word “unsightly”, any one or more of the following conditions may render real property unsightly where such property is not zoned for such use and, where zoned, if the accumulation of items is untidy and not stored in a lawfully constructed closed structure or closed building, within the meaning of this bylaw:
- a) dilapidated or broken fences;
 - b) materials of any sort that are strewn about the real property rather than piled in a neat and orderly manner
 - c) the storage or accumulation of all or any part of a vehicle (snowmobile, motorcycle, all terrain vehicle, trailer or motorhome) which is not validly registered and licensed in accordance with the Motor Vehicle Act, and is incapable of moving under its own power;
 - d) the storage or accumulation of all or any part of a boat which is inoperable, un-seaworthy, or in a dilapidated state;
 - e) furniture (other than furniture designed specifically for outdoor use), bedding or appliances stored outside the premises or in open carport areas;
 - f) unused landscaping materials such as dirt piles or discarded planting pots, or tree or plant material clippings;
 - g) uncontained and un-maintained compost piles;
 - h) accumulations of rubbish, trash, bottles, broken glass or other discarded or unwholesome materials;

Subsection 6.6 is hereby amended as follows:

- 6.6 It shall be unlawful for any person to store, keep, leave or maintain on any real property, except behind a lawfully constructed fence with appropriate screening or in a lawfully constructed closed building or closed structure erected or used as an enclosure, with the express purpose that materials are not visible from a public place or an adjacent property, the following:
- a) any derelict or partially dismantled vehicle or vehicle parts engines, machinery
 - b) discarded materials or rubbish of any kind.
 - c) the accumulation of building material, such as but not limited to, lumber, bricks, metal, pre-load, equipment and supplies, on the parcel unless
 - i) the owner of the parcel is in possession of a valid building permit;
or
 - ii) the owner of the parcel has a business license for building material sales or storage
 - d) firewood, unless neatly piled or stacked.

Section 9 – Notice of Non-Compliance

Section 9 is amended with the addition of sub-section e) as follows:

- e) to construct a fence with appropriate screening, with the express purpose that unsightly materials may be stored behind the fence and not be visible from a public place or adjacent property.

2. Citation

This Bylaw may be cited as “The Village of Pemberton Unsightly Premises Amendment Bylaw No. 638, 2009.”

READ A FIRST TIME this 7th day of July, 2009.

READ A SECOND TIME this 7th day of July, 2009.

READ A THIRD TIME this 7th day of July, 2009.

RECONSIDERED AND FINALLY ADOPTED this 21st day of July, 2009.

Mayor

Administrator