

POLICY-PROCEDURE MANUAL

**TITLE: BYLAW ENFORCEMENT POLICY: OVERGROWN LAWNS  
(B-08)**

PREPARED BY: AUTHORIZED BY: DATE OF ISSUE OR REVISION:

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Engineering Services

Council

June 17, 2024

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**Definitions:**

**Enforcement Officer** means those persons designated Bylaw Enforcement Officers under Part 1, Division 3 of the *Kitimat Municipal Code*.

**Nuisance Lawn Property** means a property with a lawn that:

- a) exceeds 25 cm in height, or
- b) contains an accumulation of weeds or brush.

**Overgrown Lawn Notice** means a communication from the District notifying the property owner or tenant of the need to address the lawn growth.

**Owner** means the registered owner(s) of real property as shown on the last revised real property assessment roll.

**Objective:**

During the summer months, uncut grass and the accumulation of weeds or brush make-up the majority of nuisance property complaints. The purpose of this policy is to establish target timelines to provide for the effective enforcement of relevant sections of the *Kitimat Municipal Code* regarding these Nuisance Lawn Properties.

In accordance with the *Community Charter*, the District is authorized to and has established bylaws to deal with Nuisance Lawn Properties: section 9.12.2 of the *Kitimat Municipal Code*.

This policy does not replace other policies related to bylaw remedial actions.

**Procedure:**

- 1) The Enforcement Officer inspects neighborhood areas or responds to a complaint from the public. Owners of properties identified as a Nuisance Lawn Property will be mailed an Overgrown Lawn Notice. For undeveloped lots, step 1 will not be completed.
- 2) The Enforcement Officer may issue an order to comply. The order to comply will require the person to remedy the nuisance or non-compliance within a date period determined as outlined:
  - a. within seven (7) days of deemed service, or
  - b. on a date an Enforcement Officer considers reasonable in the circumstances if, in the opinion of the Chief Administrative Officer, or delegate, a further period of time is required due to:
    - i. any disability or physical limitations of the person to whom the order to comply is directed; or
    - ii. weather conditions at the time of issuing an order to comply.

- 3) An order to comply may be served on an owner or occupier of real property and is deemed to be served when the District has:
  - a) delivered a copy of the order to comply by regular mail, by courier, or by hand to the owner of the real property at the address shown on the last revised real property assessment roll; and
  - b) Either:
    - i. placed the order to comply in a mailbox or other receptacle for the receipt of mail on the real property;
    - ii. posted a copy of the order to comply on the real property.
- 4) Where a condition exists that when, acting reasonably, there is a potential for immediate harm to a person or the environment, an Enforcement Officer may issue an order to comply requiring the person to remedy the nuisance or non-compliance within a period of time reasonable in the circumstances.
- 5) For a non-compliance order issued in accordance with section 4 of this Policy, an order to comply may be served on an owner or occupier of real property and is deemed to be served when the District has:
  - a) placed the order to comply in a mailbox or other receptacle for the receipt of mail on the real property; or
  - b) posted a copy of the order to comply on the real property.

#### **Non-Compliance with Remedial Action Order**

- 6) Where the property owner has failed to remedy the contravention, the Enforcement Officer will forward a report to the Chief Administrative Officer, or delegate, noting the contravention, the failure to remedy, and process followed in issuing the remedial action order.
- 7) Upon the direction of the Chief Administrative Officer, or delegate, the Enforcement Officer will take steps necessary to perform the remedial action directed in the Remedial Action Order.
- 8) Upon completion of the remedial action, the Enforcement Officer will have an invoice for the remedial action delivered to the Property Owner of the real property at the address shown on the last revised real property assessment roll.

#### **Unpaid Amounts of Remedial Action Order**

- 9) In accordance with section 9.12.2.13 of the *Kitimat Municipal Code*, the Director of Finance, or delegate, will apply any unpaid amount of the remedial action invoice as of December 31 to taxes as property taxes in arrears.