

CITY OF POWELL RIVER

BYLAW 2649, 2021

A BYLAW TO REGULATE PROPERTY AND BUILDING MAINTENANCE STANDARDS

WHEREAS the intent of the Property and Building Maintenance Standards Bylaw is to protect and enhance the well-being of the community from nuisances, graffiti and unsightly conditions, and to prescribe standards for the maintenance of private property;

AND WHEREAS the existence of such conditions is detrimental to the welfare of the residents of the City and contributes substantially and increasingly to the deterioration of neighbourhoods;

The Council of the City of Powell River, in open meeting assembled, hereby enacts as follows:

TITLE

1. This Bylaw may be cited as "Property and Building Maintenance Standards Bylaw 2649, 2021".

DEFINITIONS

2. In this Bylaw:
 - a) "**Building**" means any structure used or intended for supporting or sheltering any use or occupancy;
 - b) "**Bylaw Enforcement Officer**" means a person or persons appointed by Council as a Bylaw Enforcement Officer;
 - c) "**City**" means the City of Powell River;
 - d) "**Corporate Officer**" means the person holding the position of Corporate Officer for the City, or their Deputy;
 - e) "**Council**" means the City's municipal council;
 - f) "**Fire Chief**" means the person who is appointed by the City as head of Powell River Fire Rescue or his or her designate;
 - g) "**Grffiti**" means drawing, printing or writing scratched, sprayed, painted, scribbled or placed on a wall, fence, or other surface which is visible from a highway, sidewalk, park or other public place, but does not include a sign for which a permit has been issued by the City;
 - h) "**Noxious Weeds**" means those weeds designated by the regulations under the *Weed Control Act*, RSBC 1996, c 487 that are listed in Schedule "A" of this Bylaw;
 - i) "**Residential Premises, Residential Property and Tenancy Agreement**" shall have the same meanings as in the *Residential Tenancy Act* of British Columbia;
 - j) "**Rubbish**" means decaying, non-decaying, solid, semi-solid or liquid wastes, including but not limited to any of the following:
 - i. glass, bedding, mattresses, crates, rags, barrels, boxes, lumber not neatly piled;
 - ii. paper, trash, refuse, cardboard, waste material, cans;
 - iii. scrap iron, tin or other metal, scrap paving material;
 - iv. discarded appliances or furniture;

-
- v. discarded or disused materials, substances or objects;
 - vi. garbage, filth;
 - vii. construction or demolition waste, materials or equipment, where no apparent or actual construction activity for which those items are required has been initiated, is imminent or is in progress;
 - viii. unused machinery, equipment or mechanical parts; and
 - ix. derelict vehicles, recreational vehicles, campers, utility trailers, boat trailers, transport trailers, boats, machinery, tires, and equipment and machinery parts;
- k) **“Vacant Premises”** means Real Property containing a building(s) that is not lawfully occupied or that is not lawfully being used for its approved purpose for a continuous period of 60 consecutive days;
- l) **“Vegetation”** means all grass, non-noxious weeds, vines, nettles, shrubs, bushes, trees, and other plant materials whether growing, diseased, or dead.

PROPERTY MAINTENANCE

3. A person shall not cause, permit, suffer or allow any of the following to occur, accumulate or remain on Real Property:
- a) Rubbish, or other material that is noxious, offensive or unwholesome;
 - b) Unsanitary conditions, including water, other than in accordance with a Bylaw of the City or Regional District; or an enactment of British Columbia or Canada;
 - c) Any building on the Real Property that falls into disrepair to the extent that it contravenes the building maintenance standards prescribed in Schedule “B” of this Bylaw;
 - d) Noxious Weeds.
4. Every Owner or occupier of Real Property must comply with the following:
- a) Ensure that lawn grass is trimmed so that its height does not exceed 20 centimetres;
 - b) Remove diseased or hazardous trees that have been identified in an Order made under this Bylaw as a substantial risk to City owned property and infrastructure in the vicinity;
 - c) Maintain vegetation visible from roads, public areas, parks, trails, neighbours and adjacent lands in a neat and orderly manner, and healthy condition, including being adequately pruned, trimmed, watered and cultivated appropriate to the species, and maintained free of disease and parasites;
 - d) Remove overgrown, unkempt, or uncultivated vegetation, cut down as close to the ground as possible, or cared for in accordance with the section 4 a) and c);
 - e) Keep away accumulation of vegetation waste, including but not limited to, grass clippings, cut brush, cut trees and branches, fallen leaves and cut weeds, in a contained area not to exceed two (2) m³ (71 ft³), and in a manner that the vegetation waste can not be readily scattered, or blown about by wind;
 - f) Remove on any property where the demolition of any building or structure has taken place, all debris and material whether to be discarded or retained, and fill any basement or other excavation to lot grade level;

-
- g) Bring any buildings on the Real Property to the building maintenance standards prescribed in Schedule "B" of this Bylaw when ordered to do so by the City; and
 - h) The owner of a Rental Premises or Residential Property subject to a Tenancy Agreement shall maintain the physical condition and structural repair of the Residential Premises or Residential Property to the health, life safety and fire protection standards of the British Columbia Building Code in force when occupancy was granted and *Powell River Fire Prevention Bylaw No. 1932, 2001*, and maintain the general appearance and repair of the Real Property to the building maintenance standards prescribed in Schedule "B" of this Bylaw.
 - i) A person may keep the following:
 - i. vegetation providing erosion control, storm-water management, habitat protection, or within riparian setbacks or designated environmentally sensitive areas;
 - ii. neatly stacked firewood;
 - iii. landscape screening in accordance with Zoning Bylaw and with section 4 a); and
 - iv. forest trees and its naturally occurring undergrowth.
5. Having received notification that Real Property does not meet building maintenance standards prescribed in Schedule "B" or is in contravention of this Bylaw, the City, upon confirmation by inspection by a person identified in section 18, shall give notice to the Owner of the contravention and require the owner to bring those premises into compliance with Schedule "B" within a time indicated on the notice. A fee of One Hundred (\$100.00) Dollars is payable to the City for each re-inspection carried out pursuant to this Section.

VACANT BUILDINGS

6. The Owner of a Vacant Premises shall maintain the buildings on those premises to the building maintenance and security standards prescribed in Schedule "B" and Schedule "C" of this Bylaw.
- a) A person shall not allow a building or structure for human, industrial, or commercial use, or occupancy to stand vacant for more than sixty (60) days unless one of the following applies:
 - i. The Building is the subject of an active building permit for repair or rehabilitation, or a valid permit for demolition, and the owner is progressing diligently to complete the repair or rehabilitation; or
 - ii. The Building meets all applicable codes, does not contribute to blight, is ready for occupancy and is actively being offered for sale, lease, or rent. The building is to be supplied with minimum utilities to maintain the proper functioning of the facilities as well as to prevent damage to mechanical and plumbing facilities from freezing. Commercial buildings that are classified to have a fire alarm and or fire suppression systems must maintain electrical and heating systems to maintain these life safety components.
 - b) Every owner of a vacant Building must ensure that the Building is secure from unauthorized entry.
 - c) Having received notification that a Vacant Premises does not meet building maintenance standards prescribed in Schedule "B", building security standards prescribed in Schedule "C", or is otherwise in contravention of this Bylaw, the City, upon confirmation by

inspection by a person identified in section 18, shall give notice to the Owner of the contravention and require the owner to bring those premises into compliance with Schedule "B" and/or Schedule "C" within a time indicated on the notice. A fee of One Hundred (\$100.00) Dollars is payable to the City for each re-inspection carried out pursuant to this Section.

- d) Notwithstanding Section 7 of this Bylaw, a person identified in section 18, may enter Real Property without notice to and without the consent of the Owner in order to monitor a Building that appears to be a Vacant Premises to determine whether it complies with this Bylaw.

ENTRY

7. Without limiting 6 d), a person authorized in section 18, may enter on any property to inspect and determine whether regulations, prohibitions and requirements are being met, and fulfill the requirements of an Order made under this Bylaw, including remediation.
8. A person shall not interfere, hinder or obstruct anyone designated in Section 7 of this Bylaw in the performance of their duties.

ORDERS

9. If a Person has failed to comply with obligations under this Bylaw, the Corporate Officer or Bylaw Enforcement Officer may issue a written Order to that Person that requires that Person to remove the contravention or rectify the breach of this Bylaw:
- a) within 21 days; or
 - b) immediately, if the contravention relates to a health, safety or environmental matter of immediate concern; and
 - c) the Order under this Section will specify steps that must be taken and a time frame and may address any conditions or circumstances to the property and the Person to whom the Order is directed.
10. An Order made under this Bylaw shall be deemed to be delivered when a copy is:
- (a) mailed to the Owner of the property by ordinary or express mail;
 - (b) personally, delivered to the Owner of the Real Property or to an occupant who is an adult;
 - (c) in the case of a corporate Owner or occupier, by delivering it by registered mail to its registered office or business premises, or by personally delivering it to a director, manager, secretary or another executive officer; or
 - (d) posted on the Real Property that is the subject of the notice by a Bylaw Enforcement Officer if the Owner or occupier cannot be found or appears to refuse delivery.

APPEALS

11. A Person in receipt of an Order under this Bylaw may contest the Order by informing the Corporate Officer in writing within 7 days of receipt, that the Person wishes to appear before the Council to appeal the Order.
12. Upon receipt of an appeal, the Order will be suspended until heard by Council and a decision given.

-
13. Upon hearing a Person in receipt of an Order, staff and any other affected persons, Council may affirm, vary or revoke the Order.

DEFAULT AND REMEDIAL ACTION

14. If an owner of Real Property or other responsible person fails to comply with an Order, Council may make a declaration in accordance with Section 72 of the *Community Charter* requiring that the owner or other responsible person bring the Real Property into compliance with the provisions of the Order within the specified time frame. A Bylaw Enforcement Officer may issue a notice in relation to Council's declaration.
15. If the owner or other responsible Person fails to comply with the notice requirement within the time frame specified in the notice, the City by its workers, or others authorized by Council, may, at all reasonable times and in a reasonable manner, enter the Real Property and affect such compliance at the cost of the defaulting owner or other responsible Person. Such cost shall consist of all costs and expenses incurred by the City in affecting compliance with this Part including, without limitation, administrative costs, costs of attendance at the property by City employees or its contractors and the costs of removal, clean up and disposal.
16. If the costs incurred by the City for work done or services provided to Real Property are not paid in full on or before December 31 of the year in which the work was done or services provided, the amount owing may be collected as a debt due and recoverable in a court of competent jurisdiction, or in the same manner as for property taxes, plus an administration fee of fifty (\$50) dollars in accordance with Sections 231 and 258 of the *Community Charter*.

RECONSIDERATION

17. An Owner or other responsible Person who has been issued a notice pursuant to Section 14 may make representation to Council to have the decision reconsidered by applying in writing for such reconsideration within 14 days of receipt of the notice, or lesser time if specified in the notice.

ENFORCEMENT, OFFENCE AND PENALTY

18. This Bylaw may be enforced by the Corporate Officer or by a Bylaw Enforcement Officer, who may be assisted by other employees, officers, authorized agents or contractors of the City, or a peace officer.
19. A Person who:
- a) contravenes, violates or fails to comply with any provision of, or Order issued under, this Bylaw;
 - b) suffers or allows any act or thing to be done in contravention of this Bylaw or any Order issued under this Bylaw; or
 - c) fails or neglects to do anything required to be done under this Bylaw or any Order issued under this Bylaw;
- commits an offence against this Bylaw.
20. For certainty, a Person who commits an offence against this Bylaw is liable to pay a fine of not less than One Hundred and Fifty (\$150.00) Dollars and not more than Ten Thousand (\$10,000.00) Dollars, and the cost of prosecution.

21. A Person who interferes, hinders, or obstructs anyone designated in Sections 6 and 14 in the performance of their duties under this Bylaw is liable to pay a fine of Five Hundred (\$500.00) Dollars.

22. Each day that the offence is continued shall constitute a separate offence.

SEVERABILITY

23. If any portion of this Bylaw is found by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this Bylaw.

REPEAL

1. The "*Property Maintenance and Standards Bylaw 2500, 2018*" and amendments are repealed.

READ a first time on the 6th day of May, 2021.

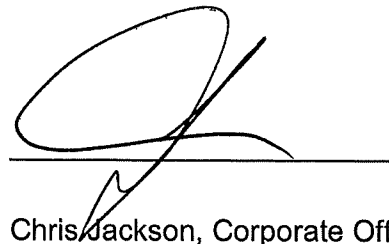
READ a second time on the 6th day of May, 2021.

READ a third time on the 6th day of May, 2021.

ADOPTED the 20th day of May, 2021.



David J. Formosa, Mayor



Chris Jackson, Corporate Officer

SCHEDULE "A"
NOXIOUS WEEDS:

The following plants are considered noxious weeds.

Giant Hogweed (*Heracleum mantegazzianum*)

Japanese Knotweed (*Fallopia japonica*)

Bohemian Knotweed (*Fallopia x bohemica*)

Giant Knotweed (*Fallopia sachalinensis*)

Himalayan Knotweed (*Polygonum polystachyum*)

SCHEDULE "B"**BUILDING MAINTENANCE STANDARDS:**

The Owner of Real Property must comply with the following maintenance standards of this Schedule.

Exterior walls

1. The exterior of every Building must be constructed, repaired and maintained in a manner that ensures the integrity of the Building envelope to protect the Building from the weather and from infestations of insects, rodents and other pests; and
2. Without restricting the general obligation set out in Subsection 1:
 - a. All exterior surfaces must consist of materials that provide adequate protection from the weather;
 - b. All exterior walls and their components, including coping and flashing, must be maintained in good repair;
 - c. All exterior walls must be free of holes, breaks, loose or rotting boards or timbers and any other condition which might permit the entry of insects, rodents or other pests to the interior of the wall or the interior of the building;
 - d. Exterior wood surfaces must be adequately protected against deterioration by the periodic application of paint, stain or other protective coating;
 - e. No more than 25% of any painted area of any exterior wall may be blistered, cracked, flaked, scaled, or chalked away;
 - f. The mortar of any masonry or stone exterior wall may not be loose or dislodged.
 - g. The exterior of every Building must be free of graffiti;
 - h. Loose material must be removed from exterior walls, doors and window openings;
 - i. All windows must be in good repair, and properly glazed; and
 - j. All exterior doors to the Building must be operational and fit tightly within their frames when closed.

Roofs

3. Roofs must be constructed and maintained so as to prevent:
 - a. Rainwater or melting snow falling on the roof from entering the Building;
 - b. Rainwater or melting snow falling on the roof from negatively affecting neighbouring Buildings or properties; and
 - c. Objects and materials from falling from the roof.
4. Without restricting the general obligation set out in Subsection 1:
 - a. Roofs, including fascia boards, soffits, cornices, flashing, eaves troughing and downspouts must be maintained in a watertight condition.

-
- b. Roof drainage must be controlled in order to eliminate or minimize runoff to neighbouring properties that:
 - (i) Accumulates or causes ground erosion;
 - (ii) Causes dampness in the walls, ceilings or floors of any portion of any neighbouring building; and
 - (iii) Accumulates on sidewalks or stairs in a manner so as to create a hazardous condition.
 - c. Loose or unsecured objects and materials, including accumulations of snow or ice or both that are likely to fall on passersby or are likely to result in the collapse of the roof, must be removed from the roof of a building or an accessory building.

SCHEDULE "C"

REQUIREMENTS TO SECURE VACANT BUILDINGS:

The owner of a Vacant Premises must comply with the **Fire Protection Systems** requirements and either **Part I** or **Part II** of this Schedule.

Fire Protection Systems

- a. Any fire protection system, including alarm and monitoring systems required by the BC Building Code must be maintained in an operational condition unless written approval to decommission the system has been received by the Fire Chief.
- b. Electricity, natural gas and water must not be cut off if they are necessary to maintain fire protection systems or fire alarms.
- c. Where they are not necessary to maintain fire protection systems or fire alarms, electricity, natural gas and water must not be cut off except in a manner satisfactory to the Fire Chief.

Part I

In order to comply with Part I of this Schedule, the owner of a Vacant Premises must ensure that:

- a. All exterior doors to buildings are operational, fit tightly within their frames when closed and are locked so as to prevent entry;
- b. All windows are either permanently sealed or locked so as to prevent entry;
- c. All windows, doors, basement and attic hatchways and their frames are so constructed and maintained to completely exclude rain and substantially exclude wind from entering the buildings; and
- d. All windows are in good repair, and properly glazed.

Part II

In order to comply with Part II of this Schedule, the owner of a Vacant Premises must ensure that the following requirements are met:

- a. All doors, windows and other openings, other than the principal entrance, at the basement and main (first) floor levels must be covered with a solid piece of plywood, at least 11 millimeters thick and secured with coated spikes at least 75 millimeters in length, spaced not more than 150 millimeters on centre.
- b. The principal entrance must be covered with a solid piece of plywood, at least 11 millimeters thick, adequately secured with screws at least 50 millimeters in length, spaced not more than 150 millimeters on centre.
- c. Windows, doors and other openings at the second floor level must be covered with a solid piece of plywood, at least 8 millimeters thick and secured with coated spikes at least 75 millimeters in length, spaced not more than 150 millimeters on centre.
- d. Windows, doors and other openings at the third floor level or higher must be either:
 - (i) Secured in accordance with Part I of this Schedule; or

-
- (ii) Covered with a solid piece of plywood, at least 8 millimeters thick and secured with coated spikes at least 75 millimeters in length, spaced not more than 150 millimeters on centre.
 - e. Windows, doors and other openings at the third floor level or higher may be secured from inside the building; plywood applied to all other openings must be secured from the exterior.
 - f. Plywood applied to openings must be installed and maintained in a way that is weather-tight and must be protected from the elements with at least two coats of white paint or a colour that matches the exterior of the building. A hole must be cut in the plywood just large enough for the door hardware to protrude.
 - g. All floors above the first floor must be rendered inaccessible to entry by raising fire escapes and ladders to a height of at least four meters or guarding them in some other manner acceptable to a Bylaw Enforcement Officer or Fire Chief.