



EXPLANATORY MEMO

COMMUNITY STANDARDS BYLAW, 2018, No. 3075, AMENDMENT No. 2 BYLAW No. 3338

DRAFT

This memo summarizes proposed updates to the Community Standards Bylaw No. 3075, that are intended to strengthen the bylaw's application in securing vacant premises, which are generally described as a lot, building or other structure in which lawful occupancy has ceased and the condition of the premises is not suitable for human habitation.

These updates include requiring 1.) the securing ('boarding up') of windows, doors and other openings in vacant buildings to inhibit unauthorized entry into these buildings, and 2.) using security fencing to limit trespass onto vacant premises. Other measures, such as security alarm and monitoring systems, security guards, and exterior lighting may also be required by the 'Inspector' (City staff, including a Bylaw Enforcement Officer, Building Inspector and Fire Chief), based on site conditions and activity.

The current Community Standards Bylaw only requires 'one or more' of the above methods and staff recommend, through the proposed bylaw updates, that vacant premises with vacant buildings are required to be both 1.) secured (boarded up) and 2.) fenced. Supporting this recommendation, Schedules A and B are proposed be added to the Bylaw to provide specific and illustrated requirements for securing or boarding up buildings and fencing lots. The proposed Bylaw also includes other updates that provide City staff the ability to require the securing of unoccupied buildings (buildings that are intended to be re-occupied) and fencing of vacant lots if necessary.

The updated bylaw also includes an informational clause identifying the possibility of the City seeking a remedial action, such as demolishing a building, if it is deemed to be a hazard and/or nuisance. The *Community Charter* (sections 72-80) provides this authority to municipalities, and could be considered by Council if necessary. Typically this course of action is considered if the application of a community standards bylaw is not able to remedy a hazard and/or nuisance to a municipality's satisfaction.

Specific bylaw updates include (underlined in attached draft bylaw):

1. Including a new 'Vacant Premises' definition under Section 30. This definition replaces the 'Unoccupied Buildings' heading in the current bylaw, and applies more broadly to vacant buildings and lots that are, or are not, the subject of redevelopment.
2. Updating the 'Inspector' definition under Section 30 to reflect the updated Fire Protection and Safety Bylaw.

3. Replacing Section 7 to require vacant premises, with vacant buildings and structures, to be secured and fenced, among other possible securing methods as directed by the Inspector. These include premises with or without development or demolition applications, and premises that are to be redeveloped can use temporary construction fencing for up to 3 years (instead of the default of chain link fencing).
4. Adding Section 8 that requires vacant premises that consist of lots without vacant buildings and subject to development or demolition permits, to be fenced. Section 8 also states that vacant premises without buildings and not subject to redevelopment may be required to be fenced, depending on site conditions and activity. Premises that are to be redeveloped can use temporary construction fencing for up to 3 years (instead of the default of chain link fencing).
5. Adding Schedule A to the Bylaw, titled 'Vacant Premises Securing Requirements', which identifies specific securing measures and materials, and illustrates how to board up openings (windows, doorways, etc.) in vacant buildings and structures, in manner that makes the boards/covers very difficult and time consuming to remove.
6. Adding Schedule B to the Bylaw, titled 'Vacant Premises Fencing Requirements', which identifies specific fencing type and installation requirements.
7. Adding Section 27 that the City may seek a remedial action to remedy a hazardous condition or declared nuisance under the authority of the *Community Charter*.
8. Adding Section 13 that states that unoccupied buildings, which are intended to be reoccupied following a change in use, owner, tenant and/or repair/renovation, may be required to be fenced and/or secured by the Inspector.