



## EXPLANATORY MEMO

### COMMUNITY STANDARDS BYLAW, 2018, No. 3075

#### **PURPOSE:**

The purpose of Bylaw No. 3075 is to consolidate in a single bylaw, and make consistent, provisions previously contained in the Community Standards Bylaw adopted in 2004; the Abandoned Properties Bylaw adopted in 2014; and one section of the Fire Protection and Safety Bylaw that deals with abandoned buildings. The bylaw establishes community standards for the upkeep and maintenance of properties and for the securing of abandoned buildings from unauthorized entry and occupancy. A consistent procedure is provided for giving notice of bylaw contraventions to owners and occupiers, following up with inspections and direct City action if necessary, and recovery of costs incurred from owners via the property tax procedure.



## Community Standards Bylaw, 2018, No. 3075

A Bylaw to regulate, prohibit and impose requirements in relation to the use of public places and the protection and enhancement of the well-being of the community.

The Council of the City of Langley, in open meeting assembled, enacts as follows:

### **Title**

1. This bylaw may be cited as the “Community Standards Bylaw, 2018, No. 3075”.

### **Repeal**

2. The following are repealed:
  - (a) City of Langley Abandoned Properties Bylaw, 2014, No. 2922;
  - (b) Community Standards Bylaw, 2003, No. 2487; and
  - (c) Section 10 of Fire Protection and Safety Bylaw, 2009, No. 2784 and the definition of “Vacant Premises” in Section 2 of the bylaw.

### **Public Places**

3. No person shall do any of the following on any highway or in any other public place:
  - (a) deposit any rubbish, debris or other discarded or recyclable materials except in a container provided and placed by the City for that purpose;
  - (b) foul or pollute any water body;
  - (c) place graffiti on or otherwise damage or deface any wall, building, fence, sign, bench, sculpture, water fountain or other structure or any sidewalk or pavement; or
  - (d) post or affix to any building or other structure, fence or utility pole any bill, poster, placard, notice or advertisement without the written permission of the City.

### **Nuisances on Private Property**

4. No person shall, being the owner or occupier of premises in the City, do any of the following:
  - (a) allow the premises to become or remain unsightly, and for this purpose any of the following is deemed to render premises unsightly:

- i. the storage, location or accumulation of rubbish, debris or any other discarded materials so as to be visible to a person standing on an adjacent highway or parcel;
  - ii. the exterior storage or parking of dilapidated motor vehicles, recreational vehicles, vessels of any kind or other equipment or machinery, or parts
  - iii. not more than one unlicensed or uninsured motor vehicle may be stored or parked on any parcel of land. ;
  - iv. landscaping or other vegetation that is dead, diseased, damaged, or unsightly as a result of lack of maintenance or uncontrolled growth;
  - v. an area of grass or other vegetation that exceeds 30 cm in height and is unkempt or unmaintained;
  - vi. fencing that has not been maintained and that is characterized by rot, corrosion, breakage, collapse, impact damage, peeling of paint or other evidence of physical deterioration;
  - vii. graffiti on an building or other structure including a fence, that is visible to a person standing on an adjacent highway or parcel;
  - viii. demolition waste, construction waste or trade waste accumulated on a construction site;
  - ix. rubbish or recyclable material overflowing from or accumulated in the vicinity of any container or receptacle of any type situated on the premises; or
  - x. any other condition of disrepair, dilapidation or deterioration of the premises or any building or structure on the premises;
- (b) allow the accumulation of water on the premises;
- (c) permit or allow an infestation of the premises by noxious or destructive rodents or insects;
- (d) permit or allow the growth of noxious weeds or the accumulation of prunings, cuttings or other flammable material constituting a fire hazard; or
- (e) cause, suffer or permit any nuisance on the premises.
5. An Inspector may, in writing, order an owner or occupier of premises to comply with this bylaw by taking such measures as are reasonably determined by the Inspector to be required to abate the condition that contravenes the bylaw, within the time specified in the order, and upon receiving such order the owner must comply with the order.
6. An order made under Section 5 may be delivered to the owner or occupier by any method that the Inspector determines will give the owner actual notice of its contents, including mail, facsimile transmission, email, courier, and personal service, and in the case of an imminent hazard to persons or property, including the premises that are the subject of the order, may provide oral notice of the order by telephone or in person, as long as the order is subsequently confirmed in writing.

### **Unoccupied Buildings**

7. Every owner of premises in the City that are unoccupied shall, within 24 hours of the termination of the last lawful occupancy of the building and, where a building permit is required for the work, within 24 hours of the issuance of the permit, make the premises secure against unauthorized entry or occupancy, intentional

damage and any other condition constituting a fire hazard by one or more of the following methods:

- (a) affixing solid barriers to doors, windows and other points of ingress using materials and installation methods that effectively preclude easy entry, and reinstate such barriers immediately upon becoming aware that they have been removed, damaged or compromised in any way;
  - (b) installing security fencing or other perimeter barriers that effectively preclude entry, and reinstate such barriers immediately upon becoming aware that they have been removed, damaged or compromised in any way;
  - (c) installing a security alarm system complying with all applicable city bylaws;
  - (d) employing security guards on a regular and frequent basis; or
  - (e) utilizing or installing such other security measures or devices as the Inspector may approve, including without limitation the installation of exterior lighting that does not shed direct light on any neighbouring premises.
8. Section 7 applies to every building or structure that is accessory to an unoccupied building, including any garage, garden shed or other structure that can reasonably be expected to present a fire hazard if occupied unlawfully.
  9. Section 7 applies to every building or structure that has been damaged by fire or any other cause to the point that it cannot safely be occupied.
  10. Every owner of unoccupied premises in the City that have been damaged by unauthorized entry or occupancy must promptly effect such repairs as are required to make the premises secure against further entry or occupancy and mitigate any fire hazard.
  11. Sections 7 and 10 do not apply in respect of premises for which the City has issued a demolition permit, provided that the building is demolished within 48 hours of the issuance of the permit.
  12. An Inspector may, in writing, order an owner of unoccupied premises to comply with this bylaw by taking measures described in Section 7 or 10, or other measures reasonably determined by the Inspector to be required to make the premises secure against unauthorized entry or occupancy, within the time specified in the order, and upon receiving such order the owner must comply with the order.
  13. An order made under Section 12 may be delivered to the owner by any method that the Inspector determines will give the owner actual notice of its contents, including mail, facsimile transmission, email, courier, and personal service, and in the case of an imminent hazard to persons or property, including the unoccupied premises, may provide oral notice of the order by telephone or in person, as long as the order is subsequently confirmed in writing.

## **Inspections and Inspection Fees**

14. An Inspector may enter on any land at reasonable times and in a reasonable manner to inspect the land to determine whether the condition of the land and any buildings and structures on the land complies with this bylaw.
15. No person shall obstruct or interfere with an Inspector in the performance of duties under this bylaw, or any employee of the City or contractor engaged by the City to perform work under this bylaw on default of the owner or occupier.

16. In making an order under Section 5 or 12, the Inspector must specify a time for compliance that is reasonable in view of the condition of the premises and the time that is required to carry out the work required by the order.
17. If an Inspector issues an order under Section 5 or 12, the owner or occupier must advise the Inspector when compliance with the order has been effected, and the Inspector may inspect the premises to confirm such compliance.
18. If the Inspector requires an inspection under Section 17, the owner must pay in advance the inspection fee set out in the Fees and Charges Bylaw, which fee is imposed in respect of both the inspection that preceded the making of the order and the inspection that confirms compliance with the order.

### **City Action on Default**

19. An order made under Section 5 or 12 must specify that if the person to whom the order is addressed fails to comply with the order within the time specified in the order, the City may without further notice enter on the land and perform the work required by the order, at the cost of the owner of the land.
20. Upon the failure of an owner or occupier to comply with an order made under Section 5 or 12 within the time specified in the order, the City may without further notice enter on the land and perform the work required by the order, at the cost of the owner of the land.
21. The City may not perform work under Section 20 in relation to an order that has been delivered to an occupier of premises unless a copy of the order was also delivered to the owner.
22. The City may not perform work under Section 20 in relation to an order of which oral notice was given, until the owner has been provided written confirmation of the order.
23. The City may, if an owner has not paid the City its cost in undertaking work under Section 20 by December 31 in the year in which the work was performed, recover the cost from the owner in the manner authorized by Section 258 of the *Community Charter*.
24. If the Inspector is not, having made reasonable efforts, able to locate an owner for the purpose of providing notice of an order under Section 12 or Section 21, the City may perform work under Section 20 at the cost of the owner as if the owner had been notified and had not complied with the order, provided that the City may not incur costs under this Section in excess of \$5000

### **Penalties and Enforcement**

25. The maximum penalty for a contravention of this bylaw, upon conviction of an offence under the *Offence Act*, is \$10,000.00.
26. Each day on which a contravention of this bylaw continues constitutes a separate offence.
27. The City may enforce this bylaw by ticketing under Municipal Ticket Information System Bylaw, 2011, No. 2846 or by prosecution under the *Offence Act* notwithstanding that it has taken action on default of the owner or occupier of land under Section 20.

## Interpretation

28. In this bylaw,

**Discarded material** includes, for the purposes of Section 4(a)(i), material having little or no economic value that is accumulated or stored and includes without limitation used lumber or other building supplies, newspapers, household appliances, plumbing fixtures or furniture or the parts of any of them, and broken or unused equipment of any kind.

**Graffiti** does not include any mural or similar graphic design authorized by the City to be placed on City property.

**Inspector** means the Bylaw Enforcement Officer, Chief Building Inspector, and any other person designated by the Council to administer this bylaw, and includes, for the purposes of Section 12 of this bylaw, the Fire Chief as defined in Fire Protection and Safety Bylaw, 2009, No. 2784.

**Noxious weed** means a weed designated under Section 2 of the Weed Control Regulation B.C. Reg. 66/85 under the *Weed Control Act*.

**Owner** includes, in relation to any provision of this bylaw that requires notice to be given to an owner in respect of any parcel of land, a representative of the owner who has been authorized by the owner, in writing, to deal with the City with respect to matters involving that parcel, or with respect to matters involving any of that owner's parcels of land within the City.

**Recreational vehicle** includes a travel trailer, tent trailer, fifth wheel trailer, camper whether mounted on a vehicle or not, park model recreational vehicle and motor home.

**Rubbish** includes without limitation household or garden waste of any kind whether mixed with soil or not; incinerator ash; used or broken glass; recyclable material of any kind that is not being stored at a recycling facility or depot; and barrels, boxes, crates, totes and other containers.

READ A FIRST, SECOND AND THIRD time this      day of      , 2018.

ADOPTED on the      day of      , 2018.

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**MAYOR**

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**CORPORATE OFFICER**