



CITY OF PORT ALBERNI

PLANNING DEPARTMENT

TO: Ken Watson, City Manager
FROM: Scott Smith, City Planner
DATE: November 5, 2013

SUBJECT: Building Standards Bylaw

Issue

To consider the input received from the public regarding the draft Building Standards bylaw.

Background

City Council previously received a draft bylaw (see attached) to regulate and set a standard for the maintenance of buildings in the City of Port Alberni. Council directed staff to undertake a public consultation on the proposed Building Standards Bylaw.

A short public survey was open from September 12, 2013 to October 11, 2013 and was made available to the public primarily online via links posted on the City website. Paper copy surveys were also made available at City Hall for residents who did not wish to complete the survey online. The City also sent specific invitations for comment to the Chamber of Commerce, local real estate companies and the Uptown Business Association.

Proposed Bylaw

The main components of the bylaw are as follows:

1. All buildings will need to be maintained to standards as set out in the bylaw.
2. Vacant buildings will need to be maintained to standards as set out in the bylaw.
3. Vacant buildings shall be required to obtain a Vacant Building Registration Permit. A fee will be charged for this permit.
4. Vacant buildings must have a special safety inspection.
5. Vacant buildings shall be subject to monthly monitoring inspections.
6. The ability to issue tickets for non-compliance.

Discussion

There were 153 residences that accessed the survey with 99 to 112 answering the various questions.

There are several charts included in the report showing the results of the survey. Seventy percent mostly or fully support implementing a building standards bylaw. Fifty percent mostly or fully support the proposed standards in the draft bylaw. Unfortunately 21% indicated that they had not read the bylaw, even though it was available online with the survey. Only 36% indicated that other exterior standards should be considered under the bylaw. The comments that were received to this question are included with need for painting being repeated most often. Eighty four percent were in favour of issuing tickets for non-compliance. Fifty nine percent supported the penalties in the draft bylaw. Sixty seven percent mostly or fully supported the implementation of vacant building registration permit process and 77% support the process as drafted in the bylaw. Seventy five percent support monthly inspection of vacant buildings.

The City also received a written comment from the Chamber of Commerce. The chamber requested a definition for the word 'actively' as it relates the section 8.1 a) of the draft bylaw in order that it is clear for building owners and city officials. Instead of adding a definition, staff recommend the following wording change to section 8.1 a) *"The building is the subject of a valid demolition permit or an approved building permit for the repair and rehabilitation with the work to be completed within thirty (30) days of issuance of the permit."* This change was been referred to the Chamber of Commerce and is supported. The Chamber also requested that once the bylaw has received three readings that there be additional time for the public and the chamber to make further comment. Staff supports this idea and would propose a similar 30 day comment period that was done for the Tax Revitalization Bylaw.

The Fire Department is recommending some changes to the language in Schedule "A" Fire Protection. The following is the replacement for that section.

"Fire protection systems

3(1) 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."

A following change to Section 8.4 d) is also recommended: *"Ensure that all combustible materials within a vacant building are removed to reduce any potential fire load, as determined by the Fire Chief."*

The Fire Department is also recommending a change to the definition of Fire Chief to add *"or designate"* that would allow the fire chief to have the deputy fire chief or fire prevention officer to also act on the bylaw.

Conclusions

Based on the input received, staff recommend the change to Section 8.1 a) as supported by the Chamber of Commerce and the changes that the Fire Department is supporting. Staff also supports a 30 day comment period after the bylaw has been given three readings.

This proposed bylaw meets City Council Strategic Objective 4.1 to ensure a positive image of the City and more specifically the Initiative 4.1.1 to update bylaws to better address derelict and nuisance properties.

Recommendation

1. *That the report from the City Planner dated November 5th, 2013 reviewing input from the public with regards to the proposed Building Standards Bylaw be received, and that Council for the City of Port Alberni direct staff to proceed with the changes as outlined in the report and bring the proposed Building Standards Bylaw to Council's next regular meeting for consideration of introduction and three readings.*

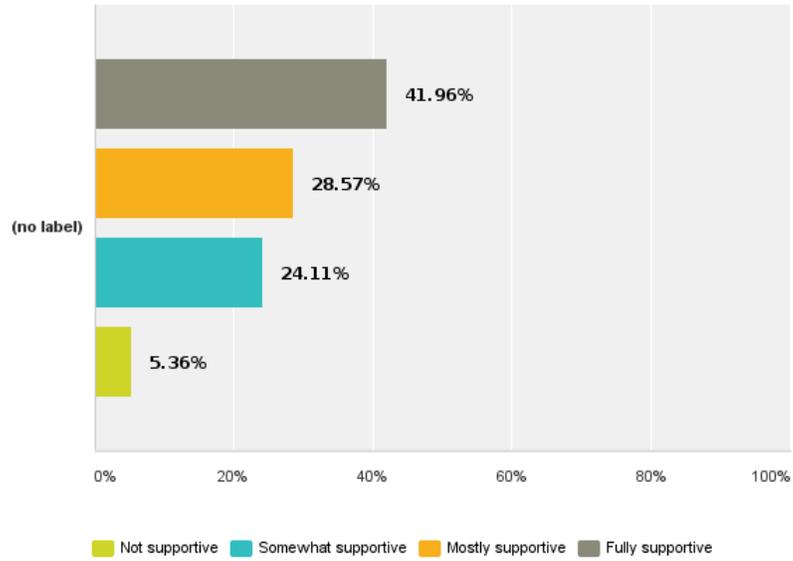
Respectfully submitted,

A handwritten signature in black ink, appearing to be the name 'Scott Smith', written in a cursive style.

Scott Smith, MCIP
City Planner

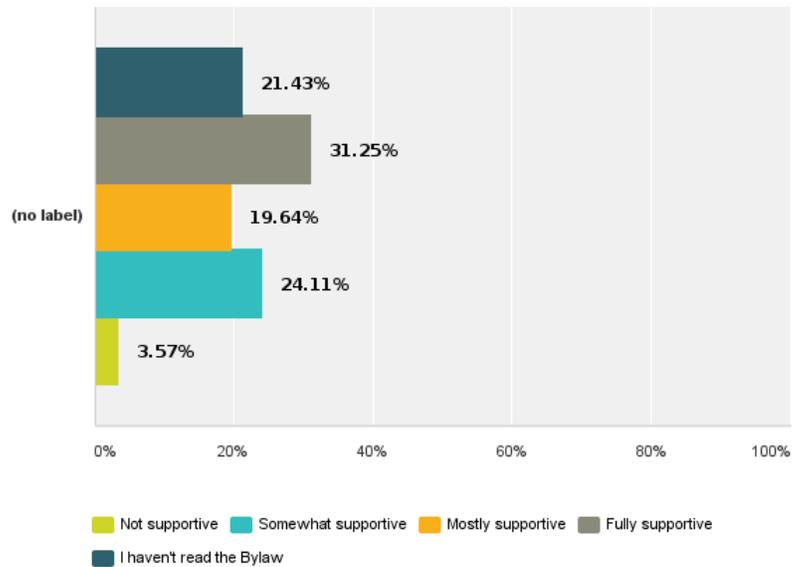
Q3 What is your level of support for implementing a building standards bylaw for Port Alberni?

Answered: 112 Skipped: 41



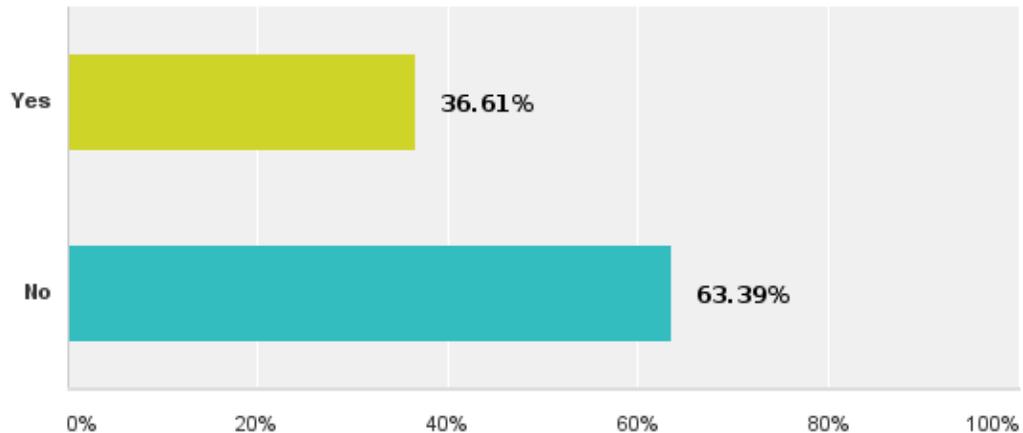
Q4 What is your level of support for the actual standards of maintenance proposed in the draft Bylaw?

Answered: 112 Skipped: 41



Q5 In your opinion, are there any other exterior standards of maintenance that should be considered?

Answered: 112 Skipped: 41



Q.5 - Comments

- Replace missing siding and large swaths of chipped paint and fix, mold and moss off of awnings, black mold dealt with, business take care of sidewalk snow removal in front of their business's, Proper window coverings.
- spend dollars to, repair more roads,sidewalks, and drop the idea on a boardwalk across town. I would like to see a public form when you come to that idea...
- there should be a theme so that the colours complement the buildings around it.... like other cities ... such as Qualicum & Parksville.. eye appealing not like we have now.
- shouldn't be broke down looking on the outfront of business. Quality not quantity
- As a owner one should be made to keep the exterior standards up to the standards of their neighborhoods. Lawn mowed, Trash picked up. Broken windows fixed.
- City of Port Alberni being responsible to check curbs on streets for quality and/or plant growth. More sidewalks available.
- In a word, neat and tidy. The exterior must be finished (paint, stain, etc).
- paint in certain pallets
- I would like to see buildings maintained, if empty. However I'm on the fence. If a "jack purdy" type owner was going to leave vacant buildings... he should be subject to a fee as his places could be rented, however he is not very giving. On the other hand, a large empty building like Zellers or the old Postal building should maintain some sort of appearance, yet is it fair to charge them because we have not been able to find interest in such large and costly buildings??
- Any building in town and along the highways that look ready to be torn down.
- I don't know
- Safety! If building are vacant they need to be safe to be still standing for example: earthquake sound, etc.
- Environment,area,traffic etc
- Neat and tidy exterior... No salvage cars visable in the front yard! Back is ok.
- Hedges and trees over side walks trimmed
- buildings and grounds should be kept clean! Absentee landlords should be accountable for building maintenance, no peeling paint, cracked stucco, unsightly grounds.

- Buildings should be as fireproof as possible.
- Is there, or could there be, a provision for removal of weeds and grass growing in the cracks of the building foundation and sidewalks?

What about snow removal from the entrance to the building and surrounding sidewalks?

Would it be possible to build in an additional annual fee to have the city maintain the weeds, snow and litter/trash removal ?

- Tidy and well kept
- If a building or a property is truly a hazard, it should be dealt with. ie: safety fence
- Landscape kept clear to help keep rodents away from unoccupied buildings.
- Schedule "B" Part ii Exterior

Please consider a time limit for a building to remain unoccupied and boarded up (2 years?) subject to fines with rising fine levels over time!

Is a forced court ordered sale of an unoccupied building legally possible after significant time sitting empty?

- Removing mildew and moss
- Keeping the properties clean and free of weeds, grass, garbage and making sure that the empty buildings are secure!
- Painting and general maintenance
- I believe as usual the city will abuse this bylaw as they do so many others. The people in this town are under enough pressure to make a living and pay bills they don't need some guy/girl from the city coming around and telling them they are going to be fined because they have a dirty yard. Out of town owners and absentee owners should be made to upkeep their buildings but not the residents of this town. Also, the city needs to find other ways to get their books in order besides blaming the fire department and passing extra taxes to the residents...START FIXING THE BLOATED CITY HALL FIRST!!!!
- The town in area's looks like ghetto. Our last child is in High School. The way things are looking we will be leaving either the Valley or the City Limits when he is done.
- Buildings should be kept up so that they are safe, and only enterable via a door with a key.
- Hedges growing out on to sidewalks and obstructing half the sidewalk.

Blackberry bushes growing out on to sidewalks from hedges eg.(Wallace st. across from Wood School, Anderson between Redford and Morton)

Houses and buildings in bad need of paint.

Excessive rubbish in yards.

Houses deemed uninhabitable taken down.

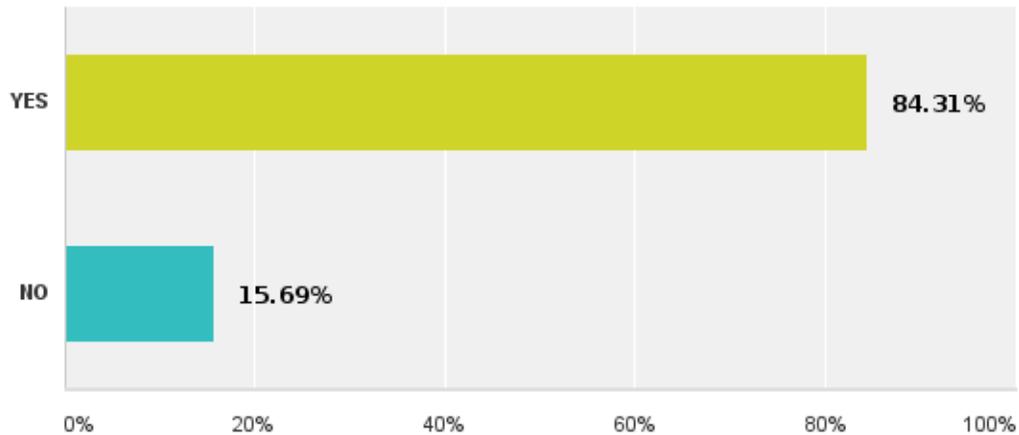
Doors that swing out at the 10th Ave. Mall because people leaving can't see people coming along the sidewalk and someone is going to get hurt. (Doors should open inward.)

- I don't like run down looking buildings especially in the uptown core the racquet club the zellers building the back of that grey building on 4th that is visible from third ave these are what contribute to a "SEEDY" look that defines what this area is
- yard
- Yards and homes/buildings should be kept tidy (no garbage, no broken windows, yard kept up). I wish the City of Port Alberni would put bylaws in place like in Anaheim California, were owners of property are responsible for the overall tidiness of the area in front of their property, including the sidewalk, street and gutters.

-
- Visual mess, be it either vehicles/parts of vehicles or any nonessential material, garbage, furniture, household items, should be hidden from view of the front street.
 - Should be safe and by rules that accommodate
 - Peeling paint, missing siding needs prompt repairs in a timely manner. Cohesive heritage colors should be used, and no bright colors of Crayola colors should be allowed such as neon pinks, school bus yellows, lime greens etc. Colors should go through a committee to ok. Bars on windows should be decorative. No flags or drug symbols should be allowed hanging in windows and window coverings need to be maintained. Weeds and snow removal on sidewalks should be the responsibility of business owners.
 - Brush, Hedges, and other foliage growing freely immediately next to public streets and respective structures should also be considered to be 'included in maintenance of said building standards' along with direct repairs/renovations to structure(s) forthwith.
 - Painting the exterior of buildings and adding window displays to empty storefronts Maybe the city could start a grant for painting instead of a break on property tax Cheaper in the long run and could create jobs for unemployed.

Q6 Are you in favour of issuing tickets for non-compliance?

Answered: 102 Skipped: 51



Q.6 - Comments

- no one likes getting tickets, just do what you're supposed to and no ticket
- unless the homeowner can show just hardship for non-compliance, each ticket should be increased with length of non-compliance.
- Failure to act requires consequences.
- A non-compliant house will bring down the property value of those surrounding it.
- Sometimes this is the only way to make people understand.
- If they cannot maintain upkeep - they should be fined - or sell if they are unable to afford the upkeep.
- People need to be accountable for their properties. Our city needs to work towards a better reputation that includes having pride for our city and our buildings/homes.
- Yes, but only after numerous warnings. And what will this money go towards?
- We need record, also limited ways to "enforce".
- I'm not sure of another way to enforce compliance.
- There will be no compliance without enforcement.
- Tickets may be the way to go, however, we must be cognizant of residential home owners who may not have the physical or monetary means required to maintain their properties. The City should be prepared to meet them halfway. Otherwise, provided we have measurable criteria that is not subjective in any way then tickets would be fine, three warning and then the City should correct the problem and add the cost for same to the property taxes.
- unless under extenuating circumstances (such as major illness)
- There are too many vacant landlords and tenants.
- You already bleed us dry on every turn of the page. Live within the taxes that you already collect and quit trying to steal more.
- You do not have to be rich in order to keep your property clean and tidy
- How else can we enforce it ?

From what I understand the "vacant lot" bylaw does not allow for issuing tickets and it is difficult to get the owners to comply voluntarily. I know at least one absentee land owner who only has the grass cut when the bylaw officer contacts him. Better to assign a fee

schedule in my opinion.

- why bother with bylaws if they are not to be upheld? Not saying the ticket needs to have penalties attached, just a method of monitoring standards and responses to requests for improvement.
- How else can you get people to comply.
- money grab! The money would be used to line the pockets of the city managers, not to help the people who have a problem property.
- Sick of money grabs that aren't really meant to benefit the people.
- Too many taxes and hidden costs in life .

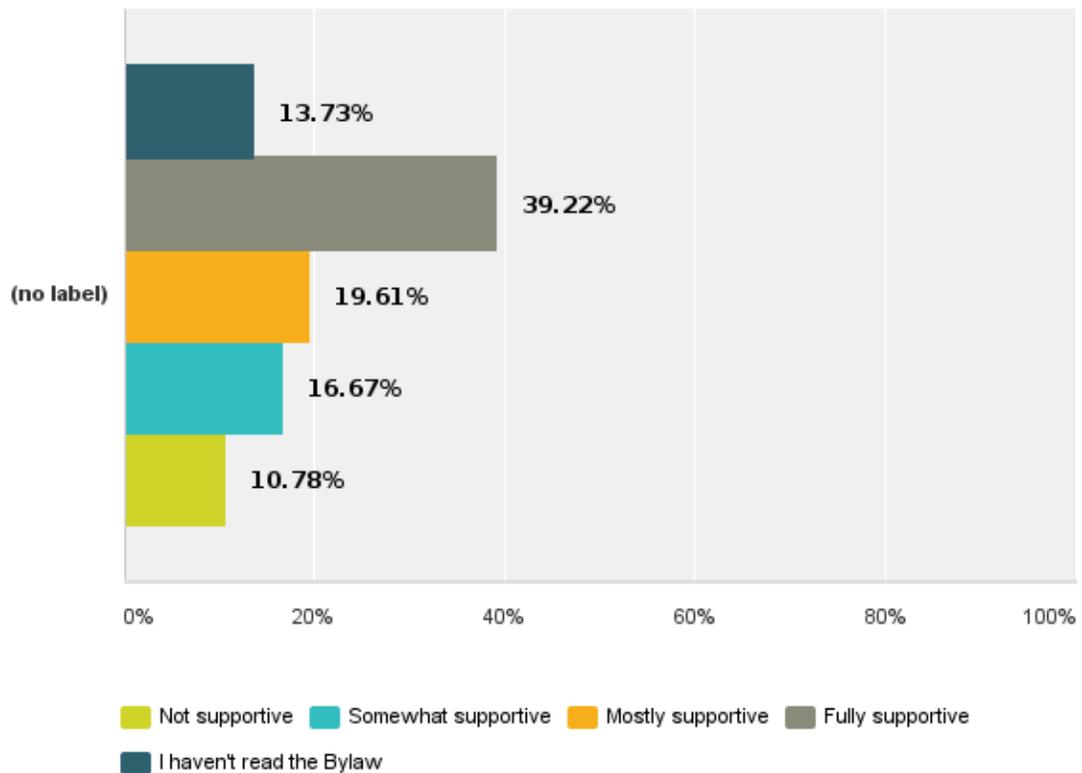
If a person is non-compliant then get people in the community that have been in trouble with the law do community service

- Bylaw is too vague. Must be painted? Etc. sounds as though a child wrote it. It would be possible to ticket almost every house in the city under this rubbish
- Deters absentee landlords from non-action!
- Yes, but I think as well as tickets a list of companies that can help with maintenance would also help other businesses proper.
- People should just mind their own backyards, so to speak. If I can't afford or don't have the time to make my property aesthetically pleasing to my neighbour, sorry about their luck.
- Of course, we have to rid ourselves of non-compliant owners like Jack Purdy!
- Because if they can't follow a few rules they should give up their ownership of said premises
- Only in extreme situations. I've already seen the city abusing their power by telling neighbors of mine that they have to move a wood pile or a trailer they have parked alongside their own houses. Not because anyone complained but because some damn councillor "CINDY SOLDA" drove by and thought she had a duty to make a beef about something that doesn't affect her at all.
- YOU NEED A DETERRENT OR CONSEQUENCE IF YOU WANT THINGS TO CHANGE
- as long as there are bylaw enforcement officers with time to follow through with the tickets
- You want me to pay for another over paid City Worker to hand out tickets!
- It should be built properly to start with. If it was there would be no need for tickets
- Yes, think that ticketing people for noncompliance would be a good idea the ticket needs to be at a level that the system supports itself and has some bite to it. There is no point to a \$30 ticket, it will be just ignored.
- A written warning prior to issuing a ticket (fine) it's everyone's community and standards absolutely need to be enforced. The majority of Port Alberni citizens want and need to have pride of their community not to look at it as an embarrassment. People travelling through or into our city need to say what a beautiful community Port Alberni is so us locals can walk with our heads up wearing a smile. Not looking at the ground and shaking our heads in embarrassment. Give PA some pride not embarrassment, if you need to step on some toes to clean-up the town so be it!!!
- Most of the owners and property managers live out of town which makes it very difficult to gain and hold their attention. Maintaining their Port Alberni properties seems to be low on the priority list of most so it's a necessity that there be some sort of penalty for them to prioritize the building maintenance.
- It gives the owner a head's up that the city means business in making sure that the owner complies.
- Yes and No but it would be nice to have a tool to force slumlords to maintain their investments rather than just let them sit in the hopes they will be worth something one day

- There should be consequences for the exterior of buildings looking run down and old
- Property owners are contributing to non-business development in certain areas of town because of the lack of maintenance. There is a reason why people avoid areas of town. Ugliness is a part of that and the lack of care and pride is a contributor to holding back revitalizations
- It's the only way to get the message across.
- We live in a society with a mixed bag of 'intrinsic' and 'extrinsic' value systems. If only some will voluntarily comply with any adopted standards of living while others do what they please, of course chaos reigns. Define boundaries and stick to them... Quid pro quo.
- Any fine will be avoided so it generates changes in behavior

Q7 What is your level of support for the penalties proposed in the draft bylaw?

Answered: 102 Skipped: 51

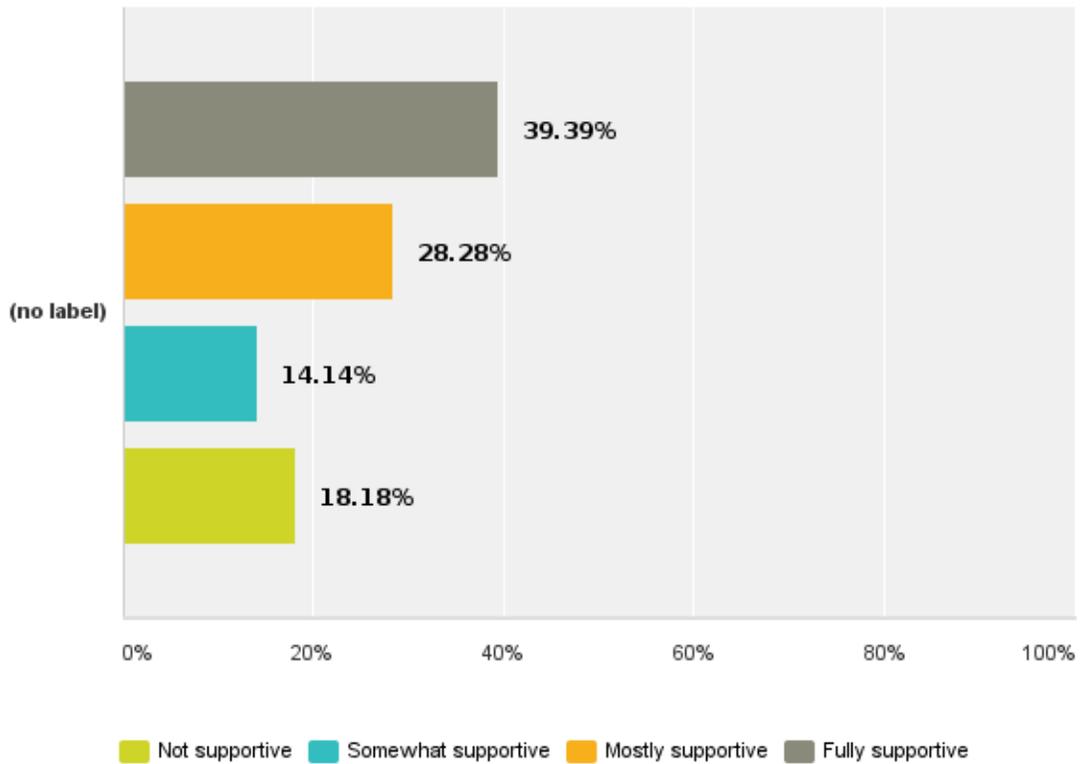


Q.7 - Comments

- Increase the fines
- We have a vacant house on our block that is chock - a - block full of old newspapers....a definite fire hazard.
- It's a great start and it will be interesting to see how effective it is when administered. It will be an additional work load for the Bylaws Officer and City Planner. Hopefully the revenue generated will be enough to hire at least a part time assistant.

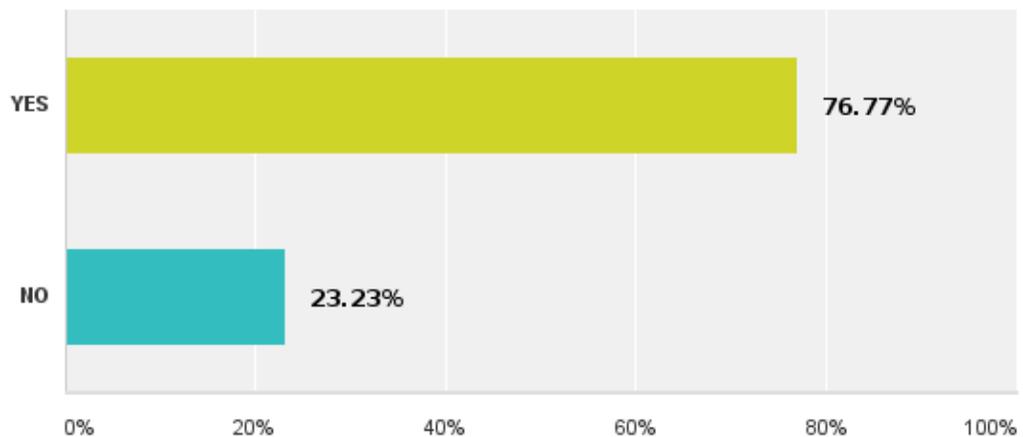
Q8 What is your level of support for implementing a "Vacant Building Registration Permit" process?

Answered: 99 Skipped: 54



Q9 Do you support the "Vacant Building Registration Permit" process as drafted in the Bylaw?

Answered: 99 Skipped: 54



Q.9 - Comments

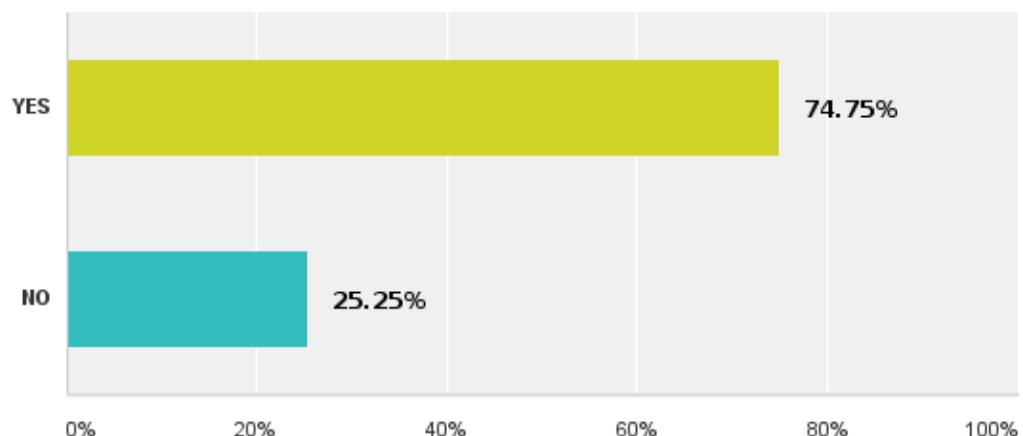
- The concept of charging an owner to NOT live / occupy their building is ridiculous.
- I feel there should be a registration - but no fee.

Inspections could be done - but monthly could get costly.

- So long as the building is meeting codes set out for occupied buildings, I don't see why a permit should be required.
- What is the time Frame used to consider I building vacant. I would think I would need to be move than 3 months
- Leave peoples property alone unless it is obviously derelict. If it is derelict tear it down and send them a bill.If it's just vacant mind your own business.
- what if someone is away on an extended vacation?
- Having to deal with a Vacant building is expensive enough to just keep it insured!
- I'm saying no because I don't know what it means and I think that there will be more punishment, rather than a support, which is what is more needed
- Don't we have anything more important to worry about? Like, say, affordable housing for low income people, not just families. Just because somebody is single & low income it doesn't mean they shouldn't be helped too.
- I haven't read this so I don't no my level of support.
- did not read the bylaw, only heard highlights on the peak news, so no comment,
- I haven't read the permit process.
- I'm sorry to say but I have not seen the permit, I wish I had but I don't know where to view it. It is my understanding that vacant buildings are possibly issued permits to allow inspections of the facility due to the fact of vagarants moving in and or possibly conditions of the structure considered unsafe. If this is the case I then fully support it and as written earlier dismantled if considered unsafe.
- how about not letting store fronts on third ave. be used for warehousing like u allow merit furniture to do ?? this only adds to the non funtionality of the third ave strip

Q10 Do you support the implementation of monthly inspections of vacant buildings?

Answered: 99 Skipped: 54



Q.11 - Please provide any other comments or concerns you have about the proposed bylaw:

- My concern is that too much time is given before action is taken with this bylaw even the current laws.
- A waste of time, and money.
- none at present
- was just wondering is this another way of getting our money we do have
- Finally a step forward in the right direction! Thank you for all your hard work towards this goal.
- its about time. badly needed.
- Its time to clean the city! Easier to maintain buildings that are new then to get current one to improve
- Inspect vacant buildings frequently to avoid squatters
- High time landowners were held to account for their derelict properties. I'd like to take pride in my town again.
- I will have to read the bylaw.
- One concern I have is that this bylaw may create further challenges for responsible building owners who simply cannot rent or lease their building due to the economic circumstances of this City. Charging them an annual fee seems like it could be just a slap in the face to those who are diligently working to operate their business of property management/ownership. That being said, there appears to be many of the opposite kind in our city so a fee is supported by me to encourage these folks to either shape up or ship out.
- its about time!
- Thank you. This has been a long time coming.
- Mind your own business and start giving residents proper representation. Spend our tax dollars more prudently. Maybe trim city works a bit and look at alternative ways of fire protection. Too many people in this town don't make \$100,000.00 a year. It pisses us off that too many of you in our city trough do.
- All depends on the cost of implementing.
- From what I understand it will apply to all of Port Alberni city proper but I believe the Facebook posting mentioned it would be reviewed by the Chamber and the Uptown Merchants. Would be good if it could be represented to Lower Johnston group to review.
- Have at it! Needed this for a long time.
- Does vacant buildings apply to residential property?
- I am so Truly Happy that the City of Port Alberni is doing this. It is very sad when you have out of town Guests and you want to show them the Town and Buildings are Burnt to the Ground. It is Very Embarrassing.
- The city did a bad enough job dealing with the Golden street and the old Tidebrook properties. They showed no compassion or intellect in dealing with either property to show warrant enough for further dealing with problem properties!
- There r a lot of vacant building buildings. Because of unemployment status ...
- Long overdue!!!
- Be the change you want to see in this world, not the assholes who make it harder.
- Lets spend our city's money on providing lesser fortunate people with meals and needed school supplies, clothing, health care, affordable housing, crisis services, drug counselling, etc, etc
- If an owner cannot or will not keep their property clean and safe then they should have their property sold to someone who would take care of it. Owners like jack Purdy have to go!
- I think most will comply if it is made mandatory
- There are many issues in this town I believe the council needs to look at the bigger issues on the table.
- I'm not happy with the current follow up existing bylaw's.

-
- As a business owner, I realize that at times it can be hard to find the right tenant for a building. Penalizing a business owner for being choosy or having a hard time finding a tenant due to the economic conditions would not be conducive to helping business in Port Alberni.

If Council wants to go ahead with this program they must be very careful in how it is implemented, monitored and enforced.

- Just clean up our town and give PA pride in our community and make it a beautiful place to live. We already have beautiful forests, lakes and a cannal lets work on the town.
- Very pleased to see this being proposed and hopefully implemented.
- The \$1000 permit. Will it be implemented 100% across the board or will there be any exclusions for reasonable vacancies? Just wondering.
- The process we have works and gives the owner plenty of chances to fix the problem
- Excellent Bylaw and Process.
- Our town is dangerously close to looking like a ghost town. If we all know and fear this, we should have no problems working together to 'address this issue collectively.