

Property Standards and Nuisance Abatement Bylaw

RECOMMENDATION:

That Committee of Council recommend that Council adopt Property Standards and Nuisance Abatement Bylaw 4190.

REPORT SUMMARY

This report outlines a proposed new bylaw to replace the existing property maintenance bylaw. A nuisance abatement component has been added to the bylaw that enables the City to impose abatement fees allowing for cost recovery on recurring problem properties. The proposed bylaw provides more efficient and effective ways to gain compliance in property standards and address the issue of problem properties that require significant time and resources.

BACKGROUND

In recent years many municipalities (such as New Westminster, Maple Ridge, Kelowna, Nanaimo, Surrey and Kamloops) have adopted bylaws referred to as a Good Neighbour Bylaw or a Nuisance Abatement Bylaw. These bylaws set the framework for dealing with nuisance properties and set criteria for making sure that properties in Port Coquitlam are maintained to a specific standard. While most property owners maintain their properties to a high standard, a few do not. These bylaws help ensure that residents can enjoy their home and property without being negatively affected by neighbours. When a property becomes a chronic or significant problem, this Bylaw will add a process to address the issue.

Additionally, these types of bylaws typically replace existing property maintenance bylaws and often incorporate other items that may be considered nuisance activities such as noise, graffiti and lighting. These bylaws also often contain nuisance abatement fees that can be captured in cost recovery by attaching them to property taxes for recurring problem properties. While Port Coquitlam does not have the voluminous amount of problem properties that other municipality have, it is faced with a consistent handful of problem properties at any given time requiring considerable staff resources.

DISCUSSION

The proposed bylaw will repeal and replace the current Property Maintenance Bylaw No. 2945 by updating and expanding on current standards for property maintenance. For example, it provides more expansive and detailed stipulations for what can be kept on properties and specify where or how it can be kept. It regulates for general unsightliness and includes standards for yard maintenance, discarded materials, noxious weeds, dilapidated vehicles, buildings, and fences, accumulated pools of water and rubbish.

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The bylaw includes regulations for graffiti and its removal as well as the nuisance of lighting and the nuisance of noise. The nuisance of lighting is new and regulates lighting that is bothersome to others; however, it excludes street lights, vehicle lights, lights on playing fields and lights on school grounds.

The regulation of noise is intended to be specific to problem properties and recurring noise issues although it is not exclusive to problem properties. The proposed bylaw does not seek to replace the existing noise bylaw but rather to enhance the noise bylaw by providing another compliance tool. This can be managed by addressing common noises that result in police and bylaw attendance by increasing the fines and allowing abatement fees to be added.

Compliance orders

The proposed bylaw outlines a process for compliance orders that have been issued under the bylaw. This detailed process stipulates how a compliance order is issued, the appeal process and the timeline for appeals. It also details the City's authority to recover costs for cleanup or any remediation work. Compliance orders can be used for any property that is not in compliance including problem properties that have recurring issues.

In order for this process to follow procedural fairness an appeal is filed to the Bylaw Services Manager in written form 7 days before the expiration of the compliance date. The Bylaw Services Manager shall determine the appeal by confirming, amending, or rescinding the compliance order. The second and final step of an appeal against a compliance order is to Council. The property owner may appeal to Council in writing up to 72 hours prior to the expiration date given on the compliance order. The property owner may appear before Council or appeal in writing and Council shall determine the appeal by confirming, amending, or rescinding the compliance order.

Nuisance Service Calls

This Bylaw adds a new tool for addressing nuisance or problem properties by adding the definition of nuisance service calls and an abatement fee for repeated attendance by City Staff and RCMP. Nuisance service calls are defined in the bylaw as a response by a bylaw enforcement officer, building inspector, member of the fire department, or of the RCMP to, or abatement of, any activity, conduct or condition occurring on or near real property that is contrary to a provision within section 3, 4, 5, or 6 of this bylaw.

Repeat Nuisance Calls

In order for a property to fall under a repeat nuisance it must meet the following threshold:

- More than one (1) nuisance Service Call within a 24-hour period; or

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- More than (3) three Nuisance Service Calls within a 12-month period

If a property falls within the threshold outlined above, nuisance abatement fees will be applied to the property and if not paid within 30 days will be recoverable by attaching them to the property taxes on December 31 of the year that it is owing. Abatement fees are set at \$300.00 per attendance for the following:

Bylaw Enforcement Officers
Fire Inspectors
Building Inspectors
RCMP

The total fees if all individuals listed above were in attendance for the same incident would be \$1200 plus a 15% administration fee as outlined in the amendment to the Fees and Charges Bylaw (attachment 2). This is in addition to any fines that may be issued at the time of attendance.

The fees are calculated by multiplying the hourly rate, time spent, and equipment used. Other municipalities have either set fees at a flat fee with an average of \$250.00 while other municipalities list an hourly wage and charge by the hour. Most municipalities charge \$250.00 flat fee have not recently updated their abatement fees and may explain why the fee is slightly lower. Upon reviewing the abatement fees in other municipalities, it was determined that a flat fee is easier to task administratively.

Appeal Against Abatement Fees

As with compliance orders referred to in this bylaw, the appeal for abatement fees must also follow procedural fairness. The bylaw outlines an appeal process giving the property owner the right to appeal to Council within 14 days of a payment notice. The property owner must be given 72 hours notice of the meeting at which the appeal will be heard and may appeal in writing or in person. Council shall determine the appeal by confirming, amending, or rescinding the nuisance abatement Fees.

Fines

Fines in the Bylaw Notice Enforcement Bylaw and the ticket information Bylaw were established by reviewing fines in other Municipalities such as Coquitlam, New Westminster, Abbotsford, Maple Ridge and Pitt Meadows. The proposed fines summarized below are set higher than the fines in the existing Property Maintenance Bylaw No. 2945 and the existing Noise Bylaw No. 2891 which set out fines for offences at \$150.00 with a reduced fine amount of \$100.00 if paid within 14 days.

The proposed fines are summarized as follows and reflect the fine amount and a discounted amount if paid within 14 days:

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Nuisance at law	4.1	\$200.00	\$500.00
Act which unreasonably interferes	4.2	\$400.00	\$500.00
Offence under CDSA, CCC, LCLA	4.3	\$400.00	\$500.00
Lighting which creates nuisance	5.1	\$125.00	\$250.00
Storage of material	6.1(a)	\$200.00	\$250.00
Storage of vehicle	6.1(b)	\$200.00	\$250.00
Over height ground cover	6.1(c)	\$200.00	\$250.00
Dilapidated building	6.1(d)	\$200.00	\$250.00
Accumulated materials	6.1(e)	\$200.00	\$250.00
Dilapidated fence	6.1(f)	\$200.00	\$250.00
Noxious weeds	6.1(g)	\$200.00	\$250.00
Piles of natural material	6.1(h)	\$200.00	\$250.00
Graffiti	6.1(i)	\$200.00	\$250.00
Water collection	6.1(j)	\$200.00	\$250.00
Noise which disturbs	7.1	\$200.00	\$300.00
Noise from device which disturbs	7.2	\$200.00	\$300.00
Obstruct Officer	13.3	\$250.00	\$500.00
Provide false information to Officer	13.4	\$250.00	\$500.00

Staff recommends the following:

Property Maintenance Bylaw No. 2945 is repealed

Property Standards and Nuisance Abatement Bylaw No. 4190 (new)

Amendments to: Fees & Charges Bylaw No. 3892, Bylaw Notice Enforcement Bylaw No. 3814 & Ticket Information Bylaw 2743

FINANCIAL IMPLICATIONS

Revenue will likely be generated through fees and will go towards the City's general revenue.

OPTIONS (✓ = Staff Recommendation)

	#	Description
<input checked="" type="checkbox"/>	1	Recommend Council adopt the bylaw.
<input type="checkbox"/>	2	Request further information.

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	3	Take no action (maintain status quo).
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ATTACHMENTS

Att#1: Property Standards Nuisance Abatement Bylaw Draft

Att#2: Fees & Charges Amendment Draft

Att#3: Bylaw Notice Enforcement Bylaw Amendment draft

Att#4 Ticket Information Bylaw Amendment draft

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