



**CITY OF PORT ALBERNI**

**City of Port Alberni Building Standards, Bylaw No. 4975, 2018**

**(with amendments to March 25, 2019)**

**Consolidated for convenience only**

This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws of this subject.

This Bylaw has been consolidated for convenience only and includes amendments from:

**Bylaw No. 4975-1 – March 25, 2019**

CITY OF PORT ALBERNI

BYLAW NO. 4975

**Consolidated to Include Bylaw No. 4975-1**

**A Bylaw to regulate Building Standards**

**WHEREAS** Section 8(3)(l) of the *Community Charter* grants authority that a Council may, by bylaw, regulate, prohibit and impose requirements in relation to buildings and other structures;

**AND WHEREAS** the *Community Charter* authorizes officers, employees and agents of the municipality to enter at all reasonable times on any property to ascertain compliance with the municipality's bylaws;

**AND WHEREAS** Council deems it appropriate to require an owner of property to safeguard, secure and maintain buildings;

**NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF PORT ALBERNI IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:**

1. **TITLE**

This Bylaw may be cited as "**City of Port Alberni Building Standards, Bylaw No. 4975, 2018**".

2. **DEFINITIONS**

In this Bylaw:

"**Accumulation**" means a buildup, growth or collection, either scattered amassed or piled, existing at the time of inspection.

"**Building**" means any structure or construction for any use or occupancy.

"**Building Official**" includes The Building Official and Building Officials designated by the Corporation of the City of Port Alberni.

"**Bylaw Enforcement Officer**" means the persons duly appointed by Council as such, and shall include any peace officer.

"**City**" means the City of Port Alberni or the area within the municipal boundaries as the context may require.

"**Council**" means the Council of the City of Port Alberni.

**"Fire Chief"** means the person duly appointed by Council as the Fire Chief or otherwise authorized by the City of Port Alberni to act as a designate.

**"Hazard or Hazardous"** shall mean a physical condition created by neglect, a controlled substance property, fire, or flood damage and is considered unsafe for habitation or storage without remedial action. Hazardous conditions may arise in violations to City and Provincial Health and Safety regulations, bylaws, or as determined by a certified hygienist. Hazardous conditions could arise from:

- Substantial mold growth;
- Water damage which could contribute to mold or structural failure;
- Subsiding of foundations which could lead to water damage and structural failure;
- Incomplete construction (expired permit) which could deteriorate and lead to structural failure or hazards to adjacent properties and or general public;
- Incomplete demolition or standing water in excess of 24" in depth; and
- Electrical, plumbing, mechanical or a combination of which could adversely affect structural integrity.

**"Manager of Bylaw Services"** means the person duly appointed by Council as such or otherwise authorized by the City of Port Alberni to act as a designate.

**"Monitoring"** shall mean a periodic site review to ascertain whether the:

- Buildings that are the subject to complaints ;
- Buildings that are dilapidated;
- Buildings that are eyesores (nuisance);
- Buildings that are dangerous (hazard);
- Boarded buildings; and
- Buildings that have been vacant for extended periods of time.

**"Occupant"** includes:

- A person residing on or in the property;
- The person entitled to the possession of property if there is no person residing on or in the property; and
- A leaseholder, and shall include the agent of any such person.

**"Owner"** means the person(s) or organization listed as the title holder on a property's legal certificate of title.

**"Peace Officer"** has the same meaning as in the British Columbia Interpretation Act and includes a Bylaw Enforcement Officer.

**"Person"** includes a natural person, a company, corporation, partnership, firm, association, society, or party and the personal or other legal representatives of a person to whom the context can apply according to law.

**"Real Property"** means land, with or without improvements so affixed to the land as to make them in fact and in law a part of the real property, and includes, as the context requires, individual premises located on the real property.

**"Special Safety Inspection"** means a specific on-site review to ascertain the status of health, structural and life safety conditions of a building and may include the Building Official, the Fire Chief of the City, a member of the Royal Canadian Mounted Police of the City, a Provincial Health Inspector, a certified hygienist, BC Safety Authority Inspector or the deputy or designate of such a person.

**"Uboard"** shall mean a building whose doors and windows have been covered with plywood or other material for the purpose of preventing entry into the building by persons or animals. The boarding requirements are outlined in Schedule "B".

**"Vacant Building"** means a Building that is deemed by the Building Official or Bylaw Enforcement Officer as unoccupied or unsecured, displays some visible signs of deterioration, is or should be boarded up, may be considered a danger to life or property, does not hold a valid building permit or vacant building permit, and does not include a Building already approved for demolition.

### **3. GENERAL REGULATIONS**

- (1) Every owner or occupier of a real property that contains a Building shall maintain the Building in compliance with the standards set out in Schedule "A", attached hereto and forming part of this Bylaw.
- (2) Every owner of a real property that contains a residential, commercial or industrial Building in the City of Port Alberni shall maintain the Building in accordance with the requirements of this Bylaw.
- (3) If, at any time, the Bylaw Enforcement Officer, Building Official, or Fire Chief, or any combination of the three, determines that an immediate risk to health, safety, or welfare of the occupants or community exists, a "Do Not Occupy" order shall be posted on the premises and the Building shall be vacated and boarded in accordance with Schedule "B" of this Bylaw. Costs incurred by the City shall be recoverable as specified in the Fees & Charges Bylaw.
- (4) No person shall obstruct or interfere with a Bylaw Enforcement Officer or Building Official in the exercise of his duties.

**Bylaw #4975-1 adds new Section 4 and adjusting all subsequent numbered headings**

### **4. VACANT PREMISES**

For the purpose of Section 4, "Vacant Premises" includes any lot, building, or other structure in respect of which water or electricity services have been intentionally discontinued, other than for temporary maintenance, repair, or upgrading, so that the condition of the premises is not suitable for human habitation or other occupancy that is normally permitted.

- (1) The owner of a Vacant Premises must promptly act to ensure that, at all times:

- (a) The Vacant Premises is free from litter, debris, and accumulations of combustible or flammable materials; except where storage of combustible or flammable materials is in strict accordance with the BC Fire Code and City Bylaws; and
  - (b) All openings in the Vacant Premises are securely closed and fastened in a manner acceptable to the Manager of Bylaw Services or their designate, so as to prevent hazardous conditions or the entry of unauthorized persons.
- (2) Where an owner fails to secure a Vacant Premises as required by Section 4(1)(b), the Manager of Bylaw Services or their designate may, by written notice, order the owner to secure the Vacant Premises in accordance with this Bylaw.
- (3) The Manager of Bylaw Services or their designate shall serve notice as follows:
- (a) by hand-delivering it to the owner or occupant of the real property that is subject to the notice; or
  - (b) if the Manager of Bylaw Services is unable to effect notice pursuant to section 4(3)(a) above, by posting it in a conspicuous place on the real property that is the subject of the notice and the notice shall then be deemed to be validly and effectively served for the purposes of this Bylaw.
- (4) If the owner of a Vacant Premises fails to bring the property into compliance within twenty-four (24) hours of receiving a notice under Section 4(2) and 4(3), the Manager of Bylaw Services or their designate may order the Vacant Premises to be secured by City employees or agents, who shall board up or otherwise secure doors, windows, and other points of entry into the premise in order to prevent hazardous conditions or unauthorized entry, at the cost and expense of the owner.

## **5. VACANT BUILDING REGULATIONS**

- (1) No person shall allow a residential, commercial or industrial Building to stand vacant unless the owner or occupier has:
- (a) obtained a Vacant Building Registration (VBR) permit within thirty (30) days after receiving an order from a Bylaw Enforcement Officer or Building Official;
  - (b) maintained the Building in compliance with the standards set out in Schedule "A"; and
  - (c) secured the Building in accordance with the standards set out in Schedule "B", attached hereto and forming part of this Bylaw.
- (2) No owner or occupier shall allow a residential, commercial, or industrial use Building to stand vacant unless:
- (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; or

- (b) the building meets all applicable codes, is ready for occupancy and is actively being offered for sale, lease, or rent at fair market value.
- (3) In addition to 4(2)(a) and 4(2)(b), 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.
- (4) Vacant Building must ensure:
  - (a) that all combustible materials within a Vacant Building are removed to reduce any potential fire load;
  - (b) there is no illegal occupancy; and
  - (c) there is no existence of rodents or any health or safety risks to the community.

## **6. PERMITS AND INSPECTIONS**

Where a Bylaw Enforcement Officer reasonably believes the building or structures on a property are considered a Vacant Building, the Bylaw Enforcement Officer or Building Official shall notify the owner of the Vacant building in writing to:

- (1) apply for Vacant Building Registration Permit;
- (2) apply for and obtain a Building Permit prior to renovating a Building or structure to a state of safe occupancy as specified in this Bylaw; or
- (3) resolve all contraventions documented within a specified timed limitation.

## **7. INSPECTIONS OF EXTERIOR**

A Bylaw Enforcement Officer or Building Official may enter onto land without notice to, and without the consent of, the owner in order to monitor a Building that is boarded or appears to be vacant in order to determine whether:

- (1) the Building is a Vacant Building; or
- (2) the building complies with this Bylaw.

## **8. VACANT BUILDING REGISTRATION PERMIT**

- (1) In order to obtain a Vacant Building Registration (VBR) permit, an owner must:

- (a) apply to the Building Official for a special safety inspection within thirty (30) days of receiving an order and pay the fee hereby imposed for such special safety inspection as specified in of the City of Port Alberni Fees & Charges Bylaw;
  - (b) provide an address for service of notices and orders during the period that the permit is valid and thereafter, provide prompt notice of any change in the address given for service;
  - (c) pay any application or permit fee as established within the City of Port Alberni Fees & Charges Bylaw; and
  - (d) ensure that all combustible materials within a Vacant Building are removed to reduce any potential fire load, as determined by the Fire Chief.
- (2) Upon completion of the requirements in Section 7(1), the Owner may obtain from the City a Vacant Building Registration permit for a period of twelve (12) months from the date it was issued. The permit is automatically transferred to the next Owner of the property but for clarity it retains its original expiry date.
- (3) Owners shall display the permit in a prominent location as determined by the Building Official.

## **9. MONITORING INSPECTIONS**

- (1) Every owner with a VBR permit shall allow for entry into a Vacant Building by a Bylaw Enforcement Officer or designate no less than once within a thirty (30) day period for the purpose of ensuring:
- (a) the building is maintained as per Schedule "A" of this Bylaw;
  - (b) the building is secured against unauthorized entry as per Schedule "B" of this Bylaw;
  - (c) that all combustible materials within a Vacant Building are removed to reduce any potential fire load;
  - (d) there is no illegal occupancy; and
  - (e) there is no evidence of the existence of rodents or any other potential health or safety risks to the community.

## **10. PARTIAL REFUND OF PERMIT FEE**

- (1) The current owner of a VBR permit is entitled to a partial refund of the permit fee referred to in Section 7(1)(c) if the Building subject to the permit is remediated or demolished within six (6) months of registration. Any outstanding fees, utility charges, or penalties imposed on the Owner pursuant to this or another Bylaw are to be deducted from any refund paid.

**11. ADDITIONAL PERMIT**

- (1) Upon application by an Owner in possession of a valid VBR permit and payment of any outstanding fees or penalties, the Building Official may issue an additional VBR permit in respect of the Building that is effective upon the expiry of the original VBR permit.
- (2) In determining whether to approve an additional permit, the Building Official must take into account:
  - (a) Whether the Building creates a hazard or nuisance to adjacent Buildings, properties, and the surrounding neighbourhood;
  - (b) The viability and credibility of the Owner's plans to bring the Building into compliance and maintain it thereafter in compliance with this Bylaw and other City bylaws;
  - (c) The likelihood that the Building will be re-occupied or demolished in the future; and
  - (d) The Owner's record of compliance or non-compliance with this Bylaw and other Bylaws of the City at the subject property.
- (3) In approving the issuance of an additional VBR permit, the Building Official may impose any terms or conditions he or she considers reasonable. The permit will be valid for twelve (12) months and may be cancelled by the Building Official if he or she reasonably concludes that the conditions imposed on it have not been met or have been breached.
- (4) An additional permit issued under Section 10(2) is conditional upon payment as described in the City of Port Alberni Fees & Charges Bylaw, including payment for any additional inspections that any appropriate City staff have deemed necessary.

**12. ADDITIONAL COMPLIANCE ORDERS**

- (1) If an Owner of real property fails to comply with a requirement of this Bylaw, the Building Official or Bylaw Enforcement Officer may issue a written order requiring that the Owner bring the real property into compliance with the provisions of this Bylaw within fourteen (14) days of the date of delivery of the order.
- (2) Notice of an order issued under Section 11(1) of this Bylaw must state:
  - (a) the civic address of the subject real property;
  - (b) the legal description of the subject real property;
  - (c) the particulars of non-compliance with this Bylaw to be remediated;
  - (d) that the non-compliance with this Bylaw must be remediated within fourteen (14) days of the date of delivery of the order; and

- (e) that if the Owner or occupant fails to comply with the order, the City may, without further notice, proceed to carry out the work required, and the cost of such work will be added to the taxes of the real property, and the Owner or occupant, or both, may be subject to prosecution for an offence under this Bylaw.

**13. NOTICE BY THE CITY**

- (1) The Building Official or Bylaw Enforcement Officer may serve any notice or order under this Bylaw as follows:
  - (a) by registered mail addressed to the Owner as recorded in the property records of the City;
  - (b) by hand-delivering it to the Owner or occupant of the real property that is subject to the notice; or
  - (c) if the Building Official is unable to effect notice pursuant to either (a) or (b) above, by posting it in a conspicuous place on the real property that is the subject of the notice and the notice shall then be deemed to be validly and effectively served for the purposes of this Bylaw at the expiration of five (5) days immediately following the date the notice was posted.
- (2) Service of any notice or order under this Bylaw will be considered sufficient if a copy of the notice or order is provided as set out in Section 12(1) of this Bylaw. No liability or responsibility other than that set out in accordance with this Bylaw rests with the City to prove delivery of the notice.

**14. CITY MAY CARRY OUT WORK REQUIRED**

- (1) If an Owner fails to comply with a Building Official or Bylaw Enforcement Officer's compliance order within the time period specified in such notice, the City, by its workers or others, may at all reasonable times and in a reasonable manner, enter the real property and bring about such compliance at the cost of the owner. Such costs shall consist of all costs and expenses incurred by the City to achieve compliance with this Bylaw including, but not limited to:
  - (a) administrative costs;
  - (b) costs to attend property by City employees or its contractors; and
  - (c) costs for hazardous materials testing, removal, clean up, and disposal.
- (2) If an Owner defaults in paying the cost referred to in Section 13(1) to the City within thirty (30) days after receipt of a demand for payment from the City, the City may either recover from the Owner, in any court of competent jurisdictions, the cost as a debt to the City, or direct that the amount of the cost be added to the real property tax roll as a charge imposed in respect of work or service provided to the real property of the Owner and be collected in the same manner as property taxes.

**15. REMEDIAL ACTION REQUIREMENTS**

- (1) Without limiting the foregoing, if at any time Council determines that a Building or Vacant Building is a nuisance or creates a hazard, Council may impose a remedial action requirement in accordance with Division 12 of Part 3 of the *Community Charter*, which may include, in part, a requirement that the Owner demolish the Building or Vacant Building.
- (2) The Owner may seek reconsideration by Council of a remedial action requirement within fourteen (14) days of receiving the order by delivering written notice to the City.
- (3) Notice of a remedial action requirement must be provided in accordance with Section 77 of the *Community Charter*.

**16. RECOVERY OF CITY COSTS THROUGH SALE OF PROPERTY**

- (1) In accordance with Section 80 of the *Community Charter*, if remedial action requirements have not been satisfied by the date specified for compliance, the City may sell the matter or thing in relation to which the requirement was imposed or any part or material of it.

**17. OFFENCE**

- (1) Any person who contravenes or violates any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention of, or in violation of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, commits an offence and is liable to the penalties imposed.
- (2) Where the offence is continuous, each day the offence continues shall constitute and new and separate offence.

**18. Repeal**

That "Building Standards Bylaw No. 4826" is hereby repealed.

**READ A FIRST TIME THIS 13<sup>TH</sup> DAY OF NOVEMBER, 2018.**

**READ A SECOND TIME THIS 13<sup>TH</sup> DAY OF NOVEMBER, 2018.**

**READ A THIRD TIME THIS 13<sup>TH</sup> DAY OF NOVEMBER, 2018.**

**FINALLY ADOPTED THIS 26<sup>TH</sup> DAY OF NOVEMBER, 2018**

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Mayor

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Clerk

## **SCHEDULE "A"**

The Owner of a Building or Vacant Building must comply with the following maintenance standards of this Schedule.

### **PART 1: EXTERIOR WALLS**

- 1.1** 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.
- 1.2** Without restricting the general obligation set out in subsection 1.1:
- (a) all exterior surfaces must consist of materials that provide adequate protection from the weather;
  - (b) all exterior walls and their components, including casing 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;
  - (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, fit tightly within their frames when closed, and are locked so as to prevent entry.

### **PART 2: ROOFS**

- 2.1** Roofs must be constructed and maintained using standard roofing material 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.

**2.2** Without restricting the general obligation set out in subsection 2.1:

- (a) Roofs, including fascia boards, soffits, cornices, flashing, eaves troughs 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.

**2.3** 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.

**PART 3: FIRE ESCAPES, STAIRS, BALCONIES, AND PORCHES**

**3.1** Fire escapes, stairs, balconies, and porches shall be maintained:

- (a) In a safe and clean condition;
- (b) In good repair; and
- (c) Free from holes, cracks, excessive wear and warping, and hazardous obstructions.

**PART 4: WINDOWS**

**4.1** Existing windows and frames shall be in sound condition, shall be weathertight and shall operate to provide light and ventilation.

**4.2** Maintenance of window as referred to in subsection 4.1 may include painting, refitting, repairing or replacing damaged, decayed, or deteriorated window sashes, window frames, and casings.

**PART 5: PEST PREVENTION**

**5.1** An owner shall ensure that residential and commercial premises are kept free of rodents, vermin, and insects at all times, and appropriate extermination measures shall be taken, as necessary.

**PART 6: FLOORS**

6.1 Every floor shall be reasonably level, smooth, and maintained in good condition.

**PART 7: DOORS**

7.1 Existing doors and frames shall be maintained in good repair and weather tight.

7.2 At least one entrance door in every Building shall be capable of being locked from both inside and outside.

**PART 8: FIRE PROTECTION SYSTEMS**

8.1 Any fire protection system, including alarm and monitoring systems required by the BC Building Code and BC Fire Code, must be maintained in an operational condition.

## **SCHEDULE "B"**

The owner of a Vacant Building must comply with either **PART I** or **PART II** of this Schedule.

### **PART I**

- 1) In order to comply with PART I of this Schedule, the owner of a Vacant Building must ensure that the following requirements are met:
  - (a) all exterior doors to the building are operational, fit tightly within their frames when closed and are locked so as to prevent entry;
  - (b) all windows are permanently sealed or locked so as to prevent entry;
  - (c) all windows, doors, basement and attic hatchways and their frames are constructed and maintained to completely exclude rain and substantially exclude wind from entering the Building; and
  - (d) all windows are maintained in good repair and properly glazed.

### **PART II**

- 2) In order to comply with Part II of this Schedule, the owner of a Vacant Building 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 that is a minimum of 11 millimeters thick, secured with coated spikes at least 75 millimeters in length, and spaced not more than 150 millimeters on center.
  - (b) The principal entrance must be covered with a solid piece of plywood that is a minimum of 11 millimeters thick, adequately secured with screws at least 50 millimeters in length, and spaced not more than 150 millimeters on center.
  - (c) Windows, doors, and other openings at the second floor level must be covered with a solid piece of plywood that is a minimum of 8 millimeters thick, secured with coated spikes at least 75 millimeters in length, and spaced not more than 150 millimeters on center.
  - (d) Windows, doors, and other openings at the third floor level or higher must be:
    - (i) secured in accordance with Part I of this Schedule; or
    - (ii) covered with a solid piece of plywood that is a minimum of 8 millimeters thick, secured with coated spikes at least 75 millimeters in length, and spaced not more than 150 millimeters on center.

- (e) Windows, doors, and other openings at the third floor level or higher may be secured from inside the building, whereas plywood applied to all other openings must be secured from the exterior.
- (f) Plywood applied to all openings must be installed and maintained in a manner that is weather-tight and protected from the elements with at least two coats of white paint. 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.
- (h) Electricity, natural gas and water must not be cut off if they are necessary to maintain fire protection systems or fire alarms.
- (i) 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 a Building Official or Bylaw Enforcement Officer.