RECOMMENDATION(S):

1. THA\tthat the staff report be received.

2. THAT Council supports the general direction and concepts outlined in this report regarding the proposed Property Maintenance Bylaw which shall replace the existing City of Prince George Maintenance Bylaw No. 3302.

PURPOSE:

This report provides the Council with a broad overview of the proposed Property Maintenance Bylaw and the significant changes from the existing Maintenance Bylaw No. 3302 (Maintenance Bylaw No. 3302 will be repealed once the new Property Maintenance Bylaw is enacted). Staff are also seeking Council’s support for the proposed bylaw.

POLICY / REGULATORY ANALYSIS:

In November 2009, Council approved the Downtown Partnership recommendation that the City of Prince George establish standards of maintenance for buildings. Council later supported the Downtown Partnership recommendation that the City instead assemble an integrated team consisting of fire, police, building inspection, bylaw, health and social services to attend downtown rental properties where the health and safety of tenants is reported to be at risk. This approach was thought to better address the conditions that exist in the downtown regarding residential properties. Council at that time expressed an interest in understanding available tools for the regulation of building maintenance, both for residential and non-residential properties. The request for additional information to further Council’s understanding resulted in splitting the tools available for building maintenance regulation into two components: Standards of Maintenance for the interior of Buildings (generally targeted towards residential rental properties); and, the exterior of buildings (which is the subject this report and the proposed bylaw).

STRATEGIC PRIORITIES:

The proposed Property Maintenance Bylaw furthers the 2012 – 2014 Council Priorities of “Effective Governance” and “Civic Pride” by improving the City’s ability to respond to maintenance issues on property, which should result in an increase of civic pride by improving the appearance of these properties in the city. Approval of the proposed bylaw shall also further the “Implementation of the Downtown Partnership Work Plan” in Council’s 2012 – 2013 Work Plan.
FINANCIAL CONSIDERATIONS:

Staff anticipates some cost to have an external legal review of the proposed bylaw and that this cost will be covered within the 2012 Operating Budget.

Staff do not anticipate any other significant costs with the proposed bylaw; unless the predications outlined below prove to be inaccurate and the demand for services (particularly Building Inspection and Fire Inspection services) is beyond the operational capacity of existing staff.

OTHER CONSIDERATIONS:

Background

A draft Property Maintenance Bylaw has been prepared to replace the City’s existing Maintenance Bylaw. On April 10, 2012 staff presented a similar report to the Downtown Partnership regarding the general concept of the proposed bylaw. The Downtown Partnership was supportive of the proposed bylaw.

General Overview

In simplified terms the proposed Property Maintenance Bylaw shall regulate the appearance of all portions of private land, including buildings and structures, which are visible from the public domain or another parcel of private land. Provisions to be carried forward from the existing Maintenance Bylaw and in most cases updated and enhanced include:

- Rubbish & Litter Control, Untidy Premises;
  - Typical issues dealt with include outdoor storage/hoarding, wrecked dismantled vehicles, other related issues with the land.
- Offensive Growth;
  - Typical issues dealt with include clearing properties of noxious weeds, mowing lawns as well as trimming/pruning trees, bushes and other growths (with the exception of noxious weeds the requirement is typically to a standard that prevails in the neighbourhood).
- Fence Maintenance; and
- Demolition sites
  - Ability to require the removal of debris & material from building demolitions and to require excavations be filled in.

New provisions of the bylaw provide staff better authority to respond to:

- maintenance issues with building exteriors and other structures;
  - typical issues dealt with include maintenance of accessory buildings (garden sheds, etc.), exterior walls, windows, doors, skylights and fire escapes, exterior stairs, balconies, porches and decks.
- vacant buildings;
  - ability to respond more quickly to board-up unsecure vacant buildings and seek cost recovery from the property owner.
- Bear aware regulations regarding wildlife attractants; and
  - ability for provincial Conservation Officers to respond to property owners that are not adequately managing wildlife attractants on their property.
- Fire damaged buildings or buildings in a ruinous or dilapidated condition.
  - ability to clearly initiate a process to rectify issues with these buildings and a process that will also support the Remedial Action through Council, should that process be necessary.

The enforcement and “Defaulter’s Expense” provisions of the bylaw have been updated and should improve the City’s ability to take effective and appropriate action to gain compliance.
Impact of Repealing Maintenance Bylaw No. 3302

Should Council enact this proposed bylaw, the existing Maintenance Bylaw would be repealed. The property maintenance provisions of the existing Maintenance Bylaw No. 3302 have been incorporated into the proposed Property Maintenance bylaw (eg. Rubbish & Litter control, Untidy Premises, Offensive Growth, Fence maintenance, and Demolition sites). A majority of the other provisions of Maintenance Bylaw No. 3302 are included in other bylaws (eg: Sidewalk Clearing, Roof Snow Removal, Private Highways, Boulevards, Street Signs, House Numbering, Noise, Noise Making Devices and Noisy Dogs) and, as such, these provisions are not included in the proposed bylaw.

Enforcement

Generally the proposed bylaw will be enforced by Bylaw Services staff, with occasional assistance/opinion provided by the Fire Prevention and Building Inspection staff, when necessary. At this time, staff anticipate minimal resources required from Fire Prevention and Building Inspection staff to enforce compliance with the bylaw; which should not impact existing staff resources. However, if demand for assistance increases beyond the anticipated minimum levels then additional staff resources shall be required.

Bylaw Services anticipate that the bylaw regulations carried forward from the existing Maintenance Bylaw (eg. Rubbish & Litter control, Untidy Premises, Offensive Growth, Fence maintenance, and Demolition sites) should not result in a need for additional resources as these issues are currently being dealt with by enforcement staff (i.e. responding to complaints).

With regards to the following new provisions of the proposed bylaw (vacant buildings, fire damaged buildings or buildings in a ruinous or dilapidated condition), Bylaw Services do not anticipate a need for additional resources to respond to these issues as staff currently respond to complaints about a limited number of these properties each year. However, should there be an increase in the number of properties subjected to the aforementioned conditions then either additional staff resources will be required or Bylaw Enforcement service levels will need to be adjusted.

With respect to the new bylaw regulations (maintenance issues with building exteriors and other structures, as well as wildlife attractant restrictions) staff will be seeking legal comments on an enforcement strategy to limit or prioritize public complaints (calls for service) on these issues and the related response to the complaint by Bylaw Enforcement staff. If such a strategy is not implemented Bylaw Services staff are concerned that the demand on staff resources could be excessive and unmanageable (for example, in 2010 the Northern Bear Awareness Society reported that in Prince George and the surrounding area there were approximately 1850 calls for service regarding bears and wildlife attractants).

Should a percentage of these wildlife attractant complaints be directed to Bylaw Services on an annual basis then Bylaw Services service levels for other complaints shall be negatively impacted. Typically calls for service regarding wildlife and wildlife attractants have been directed to the provincial Conservation Office and staff anticipate that based on the draft Letter of Agreement with the Conservation Office these complaints shall continue to be directed to and dealt with by the Conservation Officers. The proposed bylaw contains provisions that assign provincial Conservation Officers limited enforcement ability regarding the Wildlife Attractant bylaw regulations. Staff do not have an estimate for the number of public complaints that might be received regarding building maintenance issues.

Bylaw Services staff anticipate primarily using the building maintenance regulations as a new staff tool to better respond to and resolve significant issues concerning problem properties (eg. controlled substance properties, crack shacks/flop houses, and properties that are a concern for Council). Bylaw Services staff feel this tool is necessary as these buildings are usually the least maintained building on a particular block and staff currently do not have any authority to require the structure to be brought up to a minimum standard (eg. painted, re-glaze broken windows, etc.). This authority should impress upon the property owners (or landlords, as many of these properties are rental properties) the need to maintain and properly manage the rental business. In time, the result of applying this authority to these buildings could be the general improvement of a street’s appearance.
SUMMARY AND CONCLUSION:

Staff have provided the overview of the proposed Property Maintenance Bylaw to demonstrate how the new bylaw will aid Bylaw Enforcement staff to continue to resolve issues that concern residents and Council regarding private land in their community; as well as providing Bylaw Enforcement staff a new tool to better address the appearance of buildings and other structures that are typically situated on properties that have been disruptive or problematic for residents or city’s protective services. As such, staff are requesting Council support the proposed bylaw based on the general direction and concept provided in this report.

Respectfully submitted:

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To: Mayor and Council