

CITY OF
LANGLEY



ABANDONED PROPERTIES BYLAW, 2014

BYLAW NO. 2922

A Bylaw for the regulation of abandoned buildings within the City of Langley.

WHEREAS the City of Langley deems it necessary, for health, safety and protection of persons and property, to require safeguarding and security for abandoned and unoccupied buildings;

WHEREAS Sections 8(3)(g) and (h) and Sections 63 and 64 of the *Community Charter* authorize a municipality to adopt regulations in relation to nuisances and any matter within the scope of the *Fire Services Act*;

WHEREAS Section 16 of 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 Langley City Council deems it appropriate to require an owner of property, for the protection of persons and property, to safeguard, secure and protect abandoned or unoccupied buildings from property damage including damage from fire, unauthorized entry or unauthorized occupation;

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

1. Title

- (1) This bylaw shall be cited as the "City of Langley Abandoned Properties Bylaw, 2014, No. 2922".

2. Definitions

In this bylaw:

- (1) "Abandoned Property" means any building, structure or improvement which has remained unoccupied by the Owner or any tenant or other occupier lawfully entitled to occupy the building, structure or improvement for a continuous period of over thirty (30) days;

- (2) “Assistant Inspector” includes but is not limited to the Fire Chief, the Fire Prevention Officer, and his or her designates;
- (3) “Building Official” means the Inspector to whom the City has assigned the responsibility of administering its building regulation bylaws, his or her designates, and Assistant Inspectors designated by Council;
- (4) “City” means the City of Langley;
- (5) “Council” means the Council for the City of Langley;
- (6) “Fees and Charges Bylaw” means the City’s Fees and Charges Bylaw in force and effect at the time a fee or charge becomes payable under this bylaw.
- (7) “Inspector” includes;
 - (a) a bylaw enforcement officer;
 - (b) a local assistant to the Fire Commissioner;
 - (c) a Building Official, or his or her designate; and
 - (d) any officer, employee or representative of the City, appointed to administer this Bylaw;
- (8) “Owner” has the same meaning as defined in the *Community Charter*, R.S.B.C. 2003, c.26; and
- (9) “Property” means all real property including but not limited to buildings, structures and improvements on real property.

3. Duty of Owner

- (1) The Owner of an Abandoned Property must ensure that the Property has been made secure against unauthorized entry or occupation, vandalism and other intentional damage and fire hazard by one or more of the following methods, obtaining any required City permits as necessary:
 - (a) affixing solid barriers to windows and other points of ingress using materials and installation effective to preclude easy entry;
 - (b) installing security fencing or other perimeter barriers;
 - (c) installing a security alarm system complying with City bylaws;

- (d) employing security patrols on a frequent and periodic basis;
 - (e) utilizing or installing such other security measures or devices as may be satisfactory to the Inspector, including without limitation the installation of exterior lighting in such a manner as not to shed direct light on any neighbouring property; or
 - (f) demolishing the building or structure and disposing of all demolition debris in accordance with all applicable laws.
- (2) The Owner of an Abandoned Property that has been damaged because of unauthorized entry or occupation must, within five (5) days of receiving notice from the Building Official or any other person of the damage, effect such repairs as may be necessary or required by the Building Official to prevent unauthorized entry or occupation, and install or take such security measures as may be required by the Building Official to secure the property against further unauthorized entry or occupation.

4. Inspection

- (1) An Inspector may enter upon any Property in accordance with s. 16 of the *Community Charter* for the purpose of inspecting the Property to determine whether the Property is an Abandoned Property and, if so, to determine whether the Abandoned Property has been or is being secured in accordance with this Bylaw.

5. Notice from Inspector

- (1) If an Inspector determines that a Property has become an Abandoned Property, which the Inspector determines has not or is not being secured in accordance with this Bylaw, the Inspector may provide notice to the Owner to secure the Property in accordance with this bylaw, by registered mail, express post requiring acknowledgement of receipt, or personal service.
- (2) Within five (5) days of receipt of notice from the Inspector pursuant to Section 5.1, the Owner must secure the Abandoned Property in accordance with the requirements of this Bylaw including any particular requirements specified by the Inspector in the notice.

6. Fees for Attendance

- (1) Immediately upon receipt of an invoice from the City, the Owner shall be liable for the applicable fees set out in the Fees and Charges Bylaw, in respect of all costs of attendance of any Inspector at the Property, howsoever and whensoever incurred, if the Property is an Abandoned Property and has not been secured in accordance with this Bylaw.

- (2) Any fees not paid by the Owner under such an invoice shall, if unpaid as of 31 December in any year, be added to and collected in the same manner as property taxes.

7. Municipal Work in Default

- (1) If the Owner fails within five (5) days to secure the Abandoned Property in compliance with a notice received from the Inspector pursuant to Section 4, then the City or its contractors, employees or agents, may enter onto the Property and perform the required work to secure the Property in accordance with the notice, at the expense of the Owner.
- (2) If an Inspector considers that that an Abandoned Property constitutes an immediate risk to the safety of members of the public, Section 7(1) applies if the Owner fails to secure the Abandoned Property within 24 hours of receiving the notice and the notice informed the Owner that the City may take action under this Section 7(2).
- (3) The Owner shall reimburse the City for any expenses incurred by the City as a result of the work performed pursuant to Section 7(1) or 7(2) immediately upon receipt of an invoice from the City.
- (4) Any expenses not paid by the Owner under such an invoice shall, if unpaid as of 31 December in any year, be added to and collected in the same manner as property taxes.

8. Penalties and Enforcement

- (1) Any person who breaches Section 3 of this Bylaw commits an offence punishable on summary conviction, and shall be liable to a fine of not less than \$2,000.00 for the first offence and a fine of not less than \$3,000.00 for each subsequent offence.
- (2) Each day on which a violation, contravention or breach of this Bylaw continues will constitute a separate and distinct offence subject to the penalties set out in this Section 8..
- (3) Prosecution of a person under this Section 8 does not relieve or exempt the person from the requirements of Sections 3 through 7.

9. Severability

- (1) The provisions of this Bylaw are severable and the invalidity of any part of this Bylaw shall not affect the validity of the remainder of this Bylaw.

READ A FIRST, SECOND AND THIRD TIME on this twenty seventh day of January, 2014.

ADOPTED on the third day of February, 2014.

MAYOR

CORPORATE OFFICER