



# City of Richmond

## Report to Committee

**To:** General Purposes Committee **Date:** April 11, 2019  
**From:** Cecilia Achiam **File:** 12-8060-02-01/2019-Vol 01  
General Manager, Community Safety  
**Re:** **Strengthening the Unsightly Premises Regulation Bylaw Related to Vacant Homes**

### Staff Recommendation

1. That Unsightly Premises Regulation Bylaw No. 7162, Amendment Bylaw No. 9819, to strengthen the City's approach to unsightly properties and vacant homes, be introduced and given first, second and third readings;
2. That Municipal Ticket Information Authorization Bylaw No. 7321, Amendment Bylaw No. 9820, to increase fines for unsightly properties, be introduced and given first, second and third readings; and
3. That Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 9821, to add additional ticketing authority, be introduced and given first, second and third readings.

Cecilia Achiam  
General Manager,  
Community Safety  
(604-276-4122)

REPORT CONCURRENCE	
<b>ROUTED TO:</b>	<b>CONCURRENCE</b>
Law	<input checked="" type="checkbox"/>
Fire Rescue	<input checked="" type="checkbox"/>
<b>REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE</b>	<b>INITIALS:</b> 
<b>APPROVED BY CAO</b> 	

## Staff Report

### Origin

The City of Richmond is receiving an increasing number of complaints and is devoting significant resources to manage nuisance properties left unattended and vacant. Enforcement staff currently rely on the Fire Protection and Life Safety Bylaw No. 8306 (“Fire Bylaw”) and the Unsightly Premises Regulation Bylaw No. 7162 (“Unsightly Bylaw”) but have identified several opportunities to strengthen bylaw provisions and increase penalties for non-compliance related to nuisance properties.

### Analysis

#### Current Enforcement Statistics

The Fire Bylaw gives fire inspectors the authority to order the owner of a vacant building to board up or otherwise secure doors, windows and other points of entry in order to prevent fires and unauthorized entry. Table 1 shows the number of structures that are boarded up as well as the number of inspections undertaken by Richmond Fire Rescue (“RFR”) in order to manage vacant properties. Many of the structures boarded up in one year, remain boarded up in the following years and so continue to be managed by RFR staff. The numbers in table 1 represent all files managed and some are likely to be counted in subsequent years.

Table 1 – Vacant Structures Boarded Up by RFR

<b>Year</b>	<b># of Properties</b>	<b># of Inspections</b>
2016	379	654
2017	423	687
2018	333	544

In addition to the work from fire inspectors, staff from Community Bylaws also regularly attend to complaints related to unsightly properties, especially for garbage, long grass, derelict vehicles, graffiti and discarded items. Many of these unsightly properties also contain a vacant home. Table 2 shows the number of complaints related to unsightly premises attended by inspectors to over the last five years.

Table 2 – Number of Complaints of Unsightly Properties

<b>Year</b>	<b># of Complaints of Unsightly Properties</b>
2016	572
2017	559
2018	606

#### Strengthening Unsightly Premises Regulation

The Unsightly Bylaw regulates the appearance and maintenance of properties. It targets mostly issues related to garbage, debris and unsightly vegetation. Pursuant to this bylaw, enforcement officers may serve residents with an Order to Comply if the owner or occupier of the property:

- a. permits property to become unsightly (grass longer than 20 cm, or unsightly brush, trees, weeds, or other growth); or
- b. permits offending material (rubbish, noxious, offensive or unwholesome matter, filth, discarded materials, or graffiti) to accumulate.

Following an Order to Comply owners/occupants of the property have 14 days to remove or clear the offending material. If the owner/occupants fail to remove the offending property the City may complete the work at the owner's expense. Any unpaid costs can be added to the owner's property taxes.

There are several opportunities to strengthen the enforcement powers in this bylaw and expand the definition of what is considered unsightly to cover additional objectionable conditions. Table 3 is a summary of the proposed changes.

Table 3 – Comparison of Current and Proposed Changes to Unsightly Bylaw

<b>Provision</b>	<b>Current</b>	<b>Proposed change</b>
Time given to comply	14 days	10 days
Minimum fine on prosecution	No minimum	\$1,000 minimum
Provision related to public property	No provision	A person must not cause or permit materials to accumulate on public property
Noxious weeds	No definition	Add definition to bylaw to align with Provincial Regulations
Derelict Vehicles	No definition	Add definition related to vehicles not insured or not capable of operating
Abandoned Construction Materials	No definition	Add definition for construction material while there is no actual or apparent construction occurring
Derelict Fence	No definition	Add definition for fences with significant physical decay or lack of reasonable maintenance

As shown in Table 3, it is recommended that a minimum fine is added to the bylaw in the event that an offence of the Unsightly Bylaw is taken to Provincial Court. Taking an offence to Provincial court is typically described as a "long form prosecution". Long form prosecution is a separate process from ticketing and the fine amounts for this process are set by the court. While there is no minimum fine prescribed by the bylaw, there is a maximum which can be up to \$10,000. This report proposes setting a minimum fine amount of \$1,000 for long form

prosecutions. Setting the minimum court fine at \$1,000 gives enforcement staff an avenue to seek escalating penalties beyond tickets which range from \$200 to 1,000 (maximum ticket amount as permitted by senior government legislation).

#### Enforcement Provisions (Ticketing)

There are two bylaws that give the City the authority to issue tickets for bylaw violations. Municipal Ticket Information Authorization Bylaw No. 7321 (“MTI Bylaw”) and Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122 (“BVN Bylaw”), which specify the specific bylaw provisions that can be used to issue a ticket. The difference between tickets issued under these two bylaws is summarized in Table 3.

There are currently only two offences related to unsightly premises and those are both contained in the MTI Bylaw. Staff recommend that the number of violations subject to ticketing be expanded and the fines increased, in some cases to \$1,000 (the maximum allowed under governing Provincial legislation). It is also recommended that ticketing provisions be added to the BVN Bylaw. There are currently no ticketing provisions in this bylaw that relate to unsightly premises. The table of offences to be added to each bylaw is shown in the bylaw amendments.

Table 3 – Comparison of Ticketing Bylaws

	Municipal Ticket Information Authorization Bylaw No. 7321 (“MTI”)	Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122 (“BVN”)
Ticket amount	Maximum of \$1,000	Maximum of \$500
Serving tickets	Must be served to the person committing the offence or acting on their behalf	Can be mailed or left on a car (i.e. parking tickets)
Dispute Mechanism	Trial in Provincial Court	Non-judicial adjudication without legal counsel.

#### **Financial Impact**

The proposed amendments to the Unsightly Bylaw will not increase costs of enforcement. Clarifying language around what is unsightly will help property owners understand the regulations and increased fines while ticketing provisions will give enforcement staff more means to gain compliance in a timely manner. This is expected to make enforcement more efficient, allowing enforcement staff to handle more files for the same cost.

Enforcement staff are instructed that compliance, and not number of tickets, is the primary goal in bylaw enforcement. However increased ticketing provisions, along with increased fine amounts should increase revenue by a modest amount. Any increase in revenue will be used to offset the associated administrative and legal costs of issuing and adjudicating the tickets.

### **Conclusion**

The bylaw amendments proposed in this report will strengthen the City's approach and add new enforcement tools to resolve complaints of unsightly premises in a more timely manner while recovering more of the associated enforcement costs.



Carli Williams, P.Eng.  
Manager, Community Bylaws and Licencing  
(604-276-4136)



**Unsightly Premises Regulation Bylaw No. 7162,  
Amendment Bylaw No. 9819**

The Council of the City of Richmond enacts as follows:

1. *Unsightly Premises Regulation Bylaw No. 7162*, as amended, is further amended by deleting Sections 1.1 and 1.2 and replacing them with the following:

**“1.1 Property Owner or Occupier Prohibitions**

1.1.1 An owner or occupier of real property must not:

- (a) allow such property to become or remain **unsightly**; or,
- (b) cause or permit **rubbish**, filth, **discarded materials**, or noxious, offensive or unwholesome matter or substances to collect or to accumulate on or around such property.

**1.2 Property Owner or Occupier Obligations**

1.2.1 The owner or occupier of real property, or their agents, must:

- (a) remove or cause to be removed from the real property, any **rubbish**, or noxious, offensive or unwholesome matter or substance, or any **unsightly** accumulation of **rubbish**, filth, **discarded materials**, or **graffiti**;
- (b) clear or cause such property to be cleared of **unsightly** brush, trees, weeds, or other growth;
- (c) clear or cause such property to be cleared of **noxious weeds**; and
- (d) keep grass trimmed to a height of not more than 20 centimetres.”

2. *Unsightly Premises Regulation Bylaw No. 7162*, as amended, is further amended by inserting the following as new section 1.4:

**“1.4 Public Property Prohibition**

- 1.4.1 A person must not cause or permit **rubbish**, filth, **discarded materials**, or noxious, offensive or unwholesome matter or substance to collect or to accumulate on or around **public property**.”.

3. *Unsightly Premises Regulation Bylaw No. 7162*, as amended, is further amended at Sections 2.1.1 and 2.1.2 by deleting the words and numbers “14 days” and replacing them with “10 days”.
4. *Unsightly Premises Regulation Bylaw No. 7162*, as amended, is further amended at Section 3.1 by inserting the following as new definitions in alphabetical order:

**““Abandoned Construction Materials”** means an accumulation of construction materials, including but not limited to lumber, siding, insulation, windows, doors, and piping, where there is no apparent or actual construction activity occurring on or in the real property.

**“Derelict Fence”** means any fence characterized by significant holes, breaks, rot, crumbling, crackling or peeling finish, or rust or any other condition indicating physical decay, neglect, or lack of reasonable maintenance;

**“Derelict Vehicle”** means any **vehicle** which:

- (a) is not validly insured and/or licenced, if such **vehicle** would be required to be insured, and/or licenced with current validation, to be operated on public roads and/or waterways; or
- (b) is not capable of being moved by its own motive power or is missing parts, including, but not limited to engines, doors, hood, trunk, tires, lights, or windows,

but excludes one such **vehicle** on a piece of real property, which **vehicle** may only be parked or stored on hard surfacing on such property

For the purposes of this definition, a **vehicle** that is not validly insured and/or licensed, as described above, shall be deemed to be not capable of operating under its own motive power unless the owner or occupier of the real property on which it is located is able to demonstrate to the **Manager of Community Bylaws** or a **Bylaw Enforcement Officer** that the **vehicle** is capable of operating under its own motive power.

**“Discarded Materials”** means discarded materials and substances, including but not limited to **abandoned construction materials**, deteriorated lumber, furniture (not specifically designed for outdoor use), furniture parts, bedding, mattresses, sinks, cabinets, household fixtures, small or large appliances (including but not limited to stoves, refrigerators, and freezers), old newspapers, discarded bottles, **vehicle** parts, tires, wire, rope, abandoned, broken or neglected equipment, and the scattered remains of any such items.

- “Noxious Weed”** means a weed designated to be a noxious weed under the *Weed Control Regulation* BC. Reg. 66/85, as may be amended or replaced from time to time, and includes the seeds of the **noxious weed**.
- “Public Property”** means any real property owned or lease by the **City** and ordinarily accessible to the public, including but not limited to parks, roads, boulevards, sidewalks, and dikes.
- “Unsightly”** means, in addition to its common dictionary meaning and regardless of the condition of other properties in the neighbourhood, real property having any one or more of the following characteristics:
- (a) the accumulation of junk, filth, litter, brush, **discarded materials**, refuse, **rubbish**, garbage, graffiti, and/or **derelict vehicles**;
  - (b) **derelict fence(s)**;
  - (c) landscaping that is dead, characterized by uncontrolled growth or significant lack of maintenance, or is significantly damaged;
  - (d) uncontrolled growth of **noxious weeds**;
  - (e) the condition or appearance of a structure, building, or of real property, or parts thereof, that is characterized by graffiti, holes, breaks, rot, crumbling, cracking, peeling, rusting, or any other evidence of physical decay or neglect or excessive use, or excessive lack of maintenance; or
  - (f) any other similar conditions of disrepair, dilapidation, and deterioration.
- “Vehicle”** means any vehicle propelled otherwise than by muscle power and includes an automobile, truck or other motor vehicle, including a farm implement or equipment, motor home, motorized construction equipment, motorcycle, snowmobile, boat, recreational vehicle, aeroplane, trailer, and any other device which is capable of being driven or drawn.
- “Waste”** means decaying or non-decaying solid and semi-solid wastes, including but not limited to both combustible and non-combustible wastes, such as paper, trash, refuse, cardboard, waste material, cans, wood, glass, broken glass, crates, rags, barrels, boxes, plastic containers, scrap wire, scrap iron, tin and other metal, scrap paving material, discarded appliances, dead animals, yard clippings, dry vegetation, weeds, dead trees, accumulated branches, overgrown vegetation and trees which may harbor insect or rodent infestations

or may become a fire hazard, and piles of earth mixed with any of the above.”.

5. *Unsightly Premises Regulation Bylaw No. 7162*, as amended, is further amended at section 3.1 by deleting the definition of Rubbish and replacing it with the following:

“**“Rubbish”** includes, but is not limited to, **waste**, any **derelict fence**, and any **derelict vehicle**.”.

6. *Unsightly Premises Regulation Bylaw No. 7162*, as amended, is further amended by deleting the last paragraph from Section 4.1 and replacing it with the following:

commits an offence and upon conviction shall be liable to a fine of not less than one thousand dollars (\$1,000.00) and not more than Ten Thousand Dollars (\$10,000.00), in addition to the costs of the prosecution, and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.

7. *Unsightly Premises Regulation Bylaw No. 7162*, as amended, is further amended by inserting the following as new section 4.2:

“4.2(a) A violation of any of the provisions identified in this bylaw shall result in liability for penalties and late payment amounts established in Schedule A of the *Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122*, as amended and replaced from time to time; and

(b) A violation of any of the provisions identified in this bylaw shall be subject to the procedures, restrictions, limits, obligations and rights established in the *Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122*, as amended and replaced from time to time, in accordance with the *Local Government Bylaw Notice Enforcement Act*, SBC 2003, c. 60, as amended and replaced from time to time.”.

8. This Bylaw is cited as **“Unsightly Premises Regulation Bylaw No. 7162, Amendment Bylaw No. 9819”**.

FIRST READING


SECOND READING

THIRD READING

ADOPTED

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

CITY OF RICHMOND
APPROVED for content by originating dept.

APPROVED for legality by Solicitor




**Municipal Ticket Information Authorization Bylaw No. 7321,  
Amendment Bylaw No. 9820**

The Council of the City of Richmond enacts as follows:

1. **Municipal Ticket Information Authorization Bylaw No. 7321**, as amended, is further amended by deleting schedule B14 and replacing it with Schedule A attached hereto.
2. This Bylaw is cited as “**Municipal Ticket Information Authorization Bylaw No. 7321, Amendment Bylaw No. 9820**”.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

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CITY OF RICHMOND
APPROVED for content by originating dept. <i>[Signature]</i>
APPROVED for legality by Solicitor <i>[Signature]</i>

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

**SCHEDULE B 14****UNSIGHTLY PREMISES REGULATION BYLAW NO. 7162**

Column 1	Column 2	Column 3
<b>Offence</b>	<b>Bylaw Section</b>	<b>Fine</b>
Allow property to become or remain unsightly	1.1.1 (a)	\$1,000
Cause or permit rubbish, filth , discarded materials, or noxious, offensive or unwholesome matter or substance to collect or to accumulate on or around owner's property	1.1.1(b)	\$1,000
Failure to remove or cause to be removed from the real property, any rubbish, or noxious, offensive or unwholesome matter or substance, or any unsightly accumulation of rubbish, filth, discarded materials or graffiti	1.2.1(a)	\$1,000
Failure to clear or cause such property to be cleared of unsightly brush, trees, weeds or other growth	1.2.1(b)	\$500
Failure to clear or cause such property to be cleared of noxious weeds	1.2.1(c)	\$500
Failure to keep grass trimmed to a height of not more than 20 centimetres	1.2.1(d)	\$500
Placing graffiti on walls, fences or elsewhere on or adjacent to a public place	1.3.1	\$1,000
Cause or permit rubbish, filth, discarded materials, or noxious, offensive or unwholesome matter or substance to collect or to accumulate on or around public property	1.4.1	\$1,000
Failure to meet the conditions and/or deadlines specified in an Order to Comply	2.1	\$1,000



**Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122,  
Amendment Bylaw No. 9821**

The Council of the City of Richmond enacts as follows:

1. Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, as amended, is further amended at Part One – Application by adding the following to section 1.1 in alphabetical order:

“Unsightly Premises Regulation Bylaw No. 7162, as amended;”

2. Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, as amended, is further amended by adding the content of the table in Schedule A attached to and forming part of this bylaw as “Schedule - Unsightly Premises Regulation Bylaw No. 7162” to Schedule A of Bylaw No. 8122.
3. This Bylaw is cited as “**Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 9821**”.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

CITY OF RICHMOND
APPROVED for content by originating Division 
APPROVED for legality by Solicitor 

**SCHEDULE A to BYLAW NO. 9821**

<b>Schedule - Unightly Premises Regulation Bylaw No. 7162</b>							
<b>Designated Bylaw Contraventions and Corresponding Penalties</b>							
<b>A1 Bylaw</b>	<b>A2 Description of Contravention</b>	<b>A3 Section</b>	<b>A4 Compliance Agreement Available</b>	<b>A5 Penalty</b>	<b>A6 Early Payment Option</b>	<b>A7 Late Payment Amount</b>	<b>A8 Compliance Agreement Discount</b>
<b>Unightly Premises Regulation Bylaw No. 7162</b>	Period of Time from Receipt (inclusive)		n/a	29 to 60 days	1 to 28 days	61 days or more	n/a
	Allow property to become or remain unsightly	1.1.1(a)	No	\$ 450.00	\$ 300.00	\$ 500.00	n/a
	Cause or permit rubbish, filth, discarded materials, or noxious, offensive or unwholesome matter or substances to collect or to accumulate on or around owner's property	1.1.1(b)	No	\$ 450.00	\$ 300.00	\$ 500.00	n/a
	Failure to remove or cause to be removed from the real property, any rubbish, or noxious, offensive or unwholesome matter or substance, or any unsightly accumulation of rubbish, filth, discarded materials or graffiti	1.2.1(a)	No	\$ 450.00	\$ 300.00	\$ 500.00	n/a
	Failure to clear or cause such property to be cleared of unsightly brush, trees, weeds or other growth	1.2.1(b)	No	\$ 150.00	\$ 100.00	\$ 200.00	n/a
	Failure to clear or cause such property to be cleared of noxious weeds	1.2.1(c)	No	\$ 150.00	\$ 100.00	\$ 200.00	n/a
	Failure to keep grass trimmed to a height of not more than 20 centimetres	1.2.1(d)	No	\$ 150.00	\$ 100.00	\$ 200.00	n/a
	Placing graffiti on walls, fences, or elsewhere on or adjacent to a public place.	1.3.1	No	\$ 450.00	\$ 300.00	\$ 500.00	n/a

## Schedule - Unsightly Premises Regulation Bylaw No. 7162

### Designated Bylaw Contraventions and Corresponding Penalties

A1 Bylaw	A2 Description of Contravention	A3 Section	A4 Compliance Agreement Available	A5 Penalty	A6 Early Payment Option	A7 Late Payment Amount	A8 Compliance Agreement Discount
	Cause or permit rubbish, filth, discarded materials, or noxious, offensive or unwholesome matter or substance to collect or to accumulate on or around public property	1.4.1	No	\$ 450.00	\$ 300.00	\$ 500.00	n/a
	Failure to meet the conditions and/or deadlines specified in an Order to Comply	2.1	No	\$ 450.00	\$ 300.00	\$ 500.00	n/a