

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

HERITAGE PROPERTY MAINTENANCE STANDARDS BYLAW 2018 NO. 5376

EXPLANATORY NOTE

Bylaw 2018 No. 5376 establishes minimum standards of maintenance for protected heritage property that is designated as protected by a heritage designation bylaw or is within a heritage conservation area.

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

HERITAGE PROPERTY MAINTENANCE STANDARDS BYLAW 2018 NO. 5376

WHEREAS, pursuant to Section 616 of the *Local Government Act*, Council may establish minimum standards for the maintenance of real property that is designated as protected by a heritage designation bylaw or within a heritage conservation area;

AND WHEREAS Council deems it necessary and desirable to ensure that real property that is protected by a heritage designation bylaw or within a heritage conservation area is preserved for future generations and does not deteriorate and become derelict due to lack of repair, maintenance and conservation;

NOW THEREFORE, the Municipal Council of the Corporation of the Township of Langley, in Open Meeting Assembled, ENACTS AS FOLLOWS:

1. Title

This bylaw may be cited for all purposes as “Heritage Property Maintenance Standards Bylaw 2018 No. 5376”.

2. Definitions

For the purposes of this bylaw, the following words have the following meanings:

“accepted heritage conservation principles, standards and guidelines,” means those principles, standards and guidelines established by Parks Canada as set out in the latest edition of the *Standards and Guidelines for the Conservation of Historic Places in Canada*.

“accessory building” means a building, outbuilding, or structure on a property where the use or intended use is ancillary to that of the principal building or a use located on the same property, and includes but is not limited to garages, barns, gazebos, carriage houses, milk houses, and converted heritage buildings not considered to be the principal building.

“architectural features” means siding, wall facings, corner boards, brackets, columns, pilasters, windows, doors, window and door surrounds or architraves, projections, cornices, pediments, balustrades, railings and their architectural hardware, and all other similar exterior features.

“building” means any structure used or intended for supporting or sheltering any use or occupancy, including accessory buildings.

“Building Permit” means a building permit issued under the Langley Building Bylaw 2008 No. 4642 as amended or replaced from time to time.

“Heritage Alteration Permit” means a permit issued under Section 617 of the *Local Government Act* to allow changes to be made to protected heritage property.

“heritage conservation area” means an area designated for heritage purposes under Section 614 (1) of the *Local Government Act* in an official community plan.

“General Manager of Engineering and Community Development” means the individual appointed to carry out administration of planning and development, engineering and emergency matters, and includes the authorized representatives and the authorized delegates of the General Manager of Engineering and Community Development.

“good condition and repair” means free of defects, undamaged, and fit for its intended purpose.

“grounds” means all areas of a property on which buildings and structures are not located.

“fence” means any structure, including but not limited to, a barrier, wall or railing, for the purpose of defining boundaries of property, separating open space, restricting ingress or egress from property, providing security or protection to property, or acting as a visual or acoustic screen, but does not include a building.

“landscape features” means any fence, retaining wall, statuary, patio, terrace or other similar features located on a property and outside of the exterior walls of a building.

“Municipality” means the Corporation of the Township of Langley.

“occupier” means an owner, tenant, lessee, agent and any other person who has the right of access to, and control of, a building or premises to which this bylaw applies, and in relation to common property and common facilities in a strata plan, includes without limitation, a strata corporation.

“owner” means a person who has ownership, control or possession of real property, and includes without limitation: the registered owner of an estate in fee simple; the tenant for life under a registered life estate; the registered holder of the last registered agreement for sale; and in relation to common property and common facilities in a strata plan, the strata corporation.

“property” includes the whole or any part of a lot of real property and any buildings, structures or improvements affixed to the land.

“protected heritage property” means property that is

- a) designated as protected by a heritage designation bylaw, or
- b) located within a heritage conservation area, and is of the types and classes of property as follows:

- i. for the Murrayville Heritage Conservation Area, those properties having heritage value or heritage character including Scheduled Heritage Properties and those properties that are recognized on the Community Heritage Register or the Municipality's Heritage Inventory that are eligible for heritage protection under the Murrayville Heritage Conservation Area, or
- ii. for the Fort Langley Heritage Conservation Area, those properties having heritage value or heritage character including those properties that are subject to a heritage designation bylaw, subject to a heritage revitalization agreement, subject to a heritage conservation covenant, or recognized on the Community Heritage Register or the Municipality's Heritage Inventory and located within the Fort Langley Heritage Conservation Area,

and includes all buildings, structures and other improvements affixed to the land.

“routine building maintenance” means the routine, cyclical, non-destructive actions necessary to slow the deterioration of a building and includes but is not limited to periodic inspection, routine cyclical non-destructive cleaning, minor repair and refinishing operations, and the replacement of damaged or deteriorated materials that are impractical to save, but does not include removal or replacement of anything that results in a change in the design, materials, or appearance of any building, structure, architectural feature, or landscape feature.

“routine grounds maintenance” means the routine, cyclical maintenance of the grounds of a property and includes but is not limited to planting, weeding, mowing lawns and the seasonal pruning of shrubs and trees, and applies to all protected heritage property whether occupied or vacant, but does not include removal or replacement of anything that results in a change in the design, materials, or appearance of any building, structure, architectural feature, or landscape feature.

“structure” means a construction or portion thereof of any kind, whether fixed to, supported by, sunk into or located in, land, water or airspace or attached to a building, and includes, but is not limited to, foundations or supporting framework for exterior signs, equipment and machinery, and paving.

3. Application Of Standards

Except as otherwise set out in this bylaw, the standards and requirements for property prescribed in this bylaw apply to all protected heritage property. An owner or occupier of any property not complying with all standards and requirements for such property prescribed in this bylaw, at the date of this bylaw's enactment, must bring the property into compliance with all of the applicable standards and requirements prescribed in this bylaw within three (3) months of the enactment of this bylaw.

4. Severability

If any part, section, sub-section, clause or sub-clause of this bylaw is, for any reason, held to be invalid by the decision of a Court of competent jurisdiction, it shall be severed and the validity of the remaining provisions of this bylaw shall not be affected.

5. General Maintenance of Protected Heritage Property

An owner or occupier of protected heritage property must maintain all buildings, structures, architectural features, landscape features and grounds:

- a) in good condition and repair; and
- b) in accordance with this bylaw and all other applicable bylaws.

6. Repair and Maintenance Standards

An owner or occupier of protected heritage property must carry out all repairs and maintenance in accordance with accepted heritage conservation principles, standards and guidelines.

7. Heritage Alteration Permits

An owner or occupier of protected heritage property must not cause, permit or allow any act with respect to the protected heritage property for which a Heritage Alteration Permit is required without having first obtained a Heritage Alteration Permit.

8. Routine Maintenance and Permitting

An owner or occupier of protected heritage property must carry out routine building maintenance and routine grounds maintenance on a regular basis whether the property is occupied or vacant, subject to the following:

- a) an owner or occupier of protected heritage property or property within a heritage conservation area may carry out routine building maintenance and routine grounds maintenance without a Heritage Alteration Permit, subject to c) below;
- b) where material has deteriorated to the point that it can no longer serve its intended purpose, and replacement of the deteriorated material is therefore necessary, the owner or occupier must replace that material with the same material, or where such material is not reasonably available, then such material that is substantially similar to the original material in type, form, dimension, texture, colour, and method of installation, in accordance with accepted heritage conservation principles, standards and guidelines; and
- c) depending on the extent and type of work to be undertaken, as determined by the Municipality, in its full discretion, the owner or occupier may be required to obtain a Heritage Alteration Permit, Building Permit or other approvals from the Municipality, before commencing such work.

9. Weather and Infestation

An owner or occupier of protected heritage property must repair and maintain all buildings, structures, architectural features, landscape features and grounds so as to reasonably prevent or effectively delay damage from the elements, weather, and infestation. This maintenance includes, but is not limited to:

- a) preventing water penetration and excessive damage to materials from sun, wind, snow, frost, moisture, rot, decay or similar causes;
- b) preventing entry or infestation of lands or buildings by rodents, pests or vermin; and
- c) preventing and repairing all damage resulting from, or related to, the items or causes set out in this section.

10. Structural Integrity

An owner or occupier of protected heritage property must maintain the structure and all structural supports for all buildings and structures:

- a) in good condition and repair; and
- b) in a manner that provides sufficient structural integrity so as to safely sustain its own weight and any additional loads and influences to which it may be subjected.

11. Drainage Systems

An owner or occupier of protected heritage property must manage site conditions to keep buildings and structures free of seepage and flooding. This includes but is not limited to:

- a) maintaining proper site grading that slopes away from the building or structure;
- b) managing storm water in a manner acceptable to the Municipality that prevents ponding near building or structure entries and foundations; and
- c) keeping building and structure drainage systems in good condition and repair.

12. Vegetation

An owner or occupier of protected heritage property must:

- a) prevent the growth of vegetation that is damaging or could reasonably be expected to cause damage to the exterior of a building's or structure's foundation, walls or roof; and
- b) repair all damage resulting from such causes.

13. Unsafe and Unsightly Conditions

An owner or occupier of protected heritage property must maintain buildings, structures, architectural features, landscape features and grounds:

- a) clear of the accumulation of rubbish, garbage, waste, litter, debris and other noxious or offensive materials or substances that may cause a fire hazard, may act as a breeding place for vermin or insects, or may present or cause conditions that may be harmful to neighbouring properties;

- b) free from graffiti, defacement, vandalism, misuse, or any unsafe or unsightly condition; and
- c) in repair from all damage resulting from, or related to, the items or causes set out in this section.

14. Fences, Retaining Walls and Landscape Features

An owner or occupier of protected heritage property must maintain fences, retaining walls and landscape features:

- a) in good condition and repair;
- b) free of any hazards, including but not limited to, those posed by razor wire, barbed wire and other perils; and
- c) unless already resistant to deterioration, finished with a protective coating of paint or equivalent water-resistant material.

15. Foundations

An owner or occupier of protected heritage property must maintain the foundation walls of a building or structure:

- a) in good condition and repair;
- b) weather tight and free from cracks, leaks and decay; and
- c) in a state of maintenance and repair to prevent the entry of moisture into the building or structure.

16. Exterior Walls

An owner or occupier of protected heritage property must maintain the exterior walls and parapet walls of all buildings and structures, including but not limited to the building's or structure's components:

- a) in good condition and repair;
- b) weather tight and free from cracks, leaks or decay;
- c) free from loose or unsecured objects and materials; and
- d) in a state of maintenance and repair sufficient to prevent or delay deterioration due to weather or infestation.

17. Exterior Windows and Doors

An owner or occupier of protected heritage property must maintain exterior doors, windows, skylights, and other entries into a building, and their components:

- a) in good condition and repair;
- b) weather tight and free from cracks, leaks or decay;
- c) free from loose or unsecured objects and materials; and
- d) in a state of maintenance and repair sufficient to prevent or delay deterioration due to weather or infestation.

18. Roofs

An owner or occupier of protected heritage property must keep the roof of a building or structure and its flashing:

- a) in good condition and repair;
- b) weather-tight and free from leaks; and
- c) free from loose or unsecured objects and materials.

19. Gutters and Downspouts

An owner or occupier of protected heritage property must maintain gutters and downspouts that are attached to a building, structure or accessory building:

- a) in good condition and repair;
- b) water-tight and free from leaks; and
- c) in such a manner to prevent rainwater from penetrating the buildings or emptying in an uncontrolled manner upon sidewalks, driveways, stairways or landings.

20. Porches and Landings, Balconies, Stairways and Fire Escapes

An owner or occupier of protected heritage property must maintain porches and landings, balconies, stairways, fire escapes, and all components in, on, or attached to a building or structure:

- a) in good condition and repair;
- b) properly and safely anchored; and
- c) free from rust, holes, cracks, excessive wear and warping, and hazardous obstructions.

21. Architectural Features

An owner or occupier of protected heritage property must maintain the exterior architectural features of a building or structure:

- a) in good condition and repair;

- b) properly and safely anchored; and
- c) in a manner that fully protects against deterioration and decay of materials through the use of coatings, paint or other protective treatments, as appropriate for the building or structure.

22. Exterior Finishes and Painting

An owner or occupier of protected heritage property must maintain the exterior finishes of all buildings and structures on the property as necessary to protect their integrity, including but not limited to the following:

- a) paint shall be applied where appropriate to protect exterior finish materials; and
- b) new finishes or exterior paint colours must reflect the general period and style of a building or structure, and be generally in keeping with the Benjamin Moore “Historical True Colours for Western Canada” palette and local area guidelines, as may be amended or replaced.

23. Building Attachments

An owner or occupier of protected heritage property must maintain fixtures and attachments to a building or structure, including but not limited to signage, lighting, canopies and awnings, marquees, screens, grills, pipes, ducts air conditioners, and all other similar equipment, attachments, and extensions and their supporting members:

- a) in good condition and repair;
- b) properly and safely anchored; and
- c) in a manner that fully protects against deterioration and decay of materials through the use of coatings, paint or other protective treatments, as appropriate for the building or structure.

24. Extended Periods of Disuse

Every owner or occupier of protected heritage property that is unoccupied must, in addition to complying with the other requirements of this bylaw, maintain and repair unoccupied property as necessary to protect and prevent deterioration, including but not limited to, the property’s heritage character and heritage value.

Every owner or occupier of a building on protected heritage property that is left or will be left unoccupied for longer than thirty (30) consecutive days, must:

- a) ensure the property is made and kept secure against such acts, including but not limited to unauthorized entry or occupation, vandalism, fire hazard, or other intentional damage, by implementing one or more of the following measures for the protection of the protected heritage property:
 - i. securing all entries;

- ii. boarding up all windows to a standard that minimizes the potential for unauthorized entry in a manner that does not denigrate public views into the property from adjacent streets and public spaces, as follows:
 - all boards used in the covering of windows shall be installed from the exterior and shall be properly fitted in a watertight manner within the side jams, head jamb, and the exterior bottom sill of the door or window so that any exterior trim remains uncovered by the boarding;
 - all boards shall be at minimum 12.7mm (0.5 inch) exterior grade sheet plywood secured with nails or screws spaced not greater than 304.8mm (12 inches) on centre;
 - all boards shall be painted or otherwise treated so that the colour of the plywood blends with the exterior of the building or structure; and
 - all boards shall be installed and maintained in good condition and repair.
 - iii. maintaining appropriate ventilation in boarding up to prevent damage caused by humidity;
 - iv. maintaining connections to appropriate utilities serving the building to provide, maintain, and monitor proper heating to facilitate building conservation;
 - v. posting signage to the specifications of the municipality that states “Protected Heritage Site, or Protected Heritage Conservation Area Site – No Vandalism or Removal of Materials”;
 - vi. installing security lighting on the exterior of the building or structure that does not negatively impact neighbouring properties;
 - vii. installing security fencing or other perimeter barriers to the specifications of the Municipality;
 - viii. installing a fire alarm system in accordance with the Municipality’s bylaws;
 - ix. employing security or guard patrols on such basis as required by the Municipality.
- b) notify the General Manager of Engineering and Community Development of the measures noted in sections i) through ix) above that the owner or occupier intends to implement, which notice must be made at least fourteen (14) days’ prior to the commencement of the period of time during which the building will be left unoccupied; and
- c) implement all further measures as the General Manager of Engineering and Community Development may determine to be necessary to ensure the property is made and kept secure, which determination is at the sole discretion of the General Manager of Engineering and Community Development.

Where an owner or occupier satisfies the Municipality that an unoccupied protected heritage property will not remain unoccupied for a period exceeding ninety (90) consecutive days, the General Manager of Engineering and Community Development may exempt an owner or occupier from complying with particular requirements, in order to allow the owner or occupier an opportunity to take alternative measures for the protection of the protected heritage property beyond those noted in sections 24(a)(i) through 24(a)(ix) above. Where such an exemption or approval has been granted in writing for the application of alternative measures, such exemption or approval may be withdrawn at any time by the General Manager of Engineering and Community Development upon ten (10) days' notice to the owner or occupier if, in the opinion of the General Manager of Engineering and Community Development, in his or her full discretion, the property is not being adequately protected under the measures proposed or taken by the owner or occupier.

In the case of property located in a heritage conservation area, including but not limited to protected heritage property, where it is necessary for any reason, including but not limited to reasons provided for under this bylaw, to board up windows, 6.35mm (0.25 inch) polycarbonate clear boarding shall be used in place of plywood, and shall be installed to a standard acceptable to the Municipality, in order to protect the heritage character and heritage value of the heritage conservation area.

25. Power of Entry by the Municipality

The General Manager of Engineering and Community Development is authorized to enter onto the land or premises at any reasonable time in a reasonable manner for the purpose of inspecting the property to determine compliance with this bylaw.

26. Fees for Attendance

An owner or occupier is:

- a) responsible for paying, immediately upon receipt of an invoice from the Municipality, all costs incurred or charged by the Municipality to obtain compliance with this bylaw, including but not limited to, the attendance of a building inspector, Royal Canadian Mounted Police, fire department personnel, or any other persons from or on behalf of the Municipality, at a property subject to this bylaw; and
- b) any costs not immediately paid by an owner or occupier pursuant to an invoice delivered under this section may, if unpaid as at December 31 in any year, be added to and collected in the same manner as property taxes within the Municipality.

27. Notices and Orders

The General Manager of Engineering and Community Development has the authority to serve an order, direction or give notice or order a person:

- a) to discontinue or refrain from proceeding with any work or using or occupying any land or buildings or doing anything that contravenes this bylaw; or

- b) to carry out any work or do anything to bring any land or building into conformity with this bylaw within the time specified in such notice or order.

28. Service of Notice

The General Manager of Engineering and Community Development has the authority to serve an order, direction or notice under this bylaw by:

- a) mailing it by registered post to the owner of the protected heritage property at the address shown on the real property tax assessment roll;
- b) mailing it by registered post to the person who is the addressee of the notice;
- c) handing it to the person who is the addressee of the notice; or
- d) posting the notice on the property.

29. Offence under Bylaw

It is an offence, with liability for the penalties imposed under this bylaw, for any person to:

- a) violate or contravene any provision of this bylaw, or do any act or thing which contravenes any provision of this bylaw;
- b) neglect to do or refrain from doing anything required to be done by any provision of this bylaw; or
- c) fail to comply with an order, direction or notice given under any provision of this bylaw, or cause or permit any other person to fail to comply with an order, direction or notice given under any provision of this bylaw.

30. Offences and Penalties

Any person who commits an offence against this bylaw may, in addition to being subject to any other remedies or penalties available to the Municipality, under provincial law or otherwise, including a bylaw notice issued pursuant to the Bylaw Notice Enforcement Bylaw 2008 No. 4703, as may be amended or replaced from time to time, be subject to prosecution, and upon summary conviction, liable to penalty of not less than \$500 and not more than \$10,000, for each offence, plus the cost of prosecution, or a term of imprisonment not exceeding six (6) months, or both. Where a violation is a continuing one, each day that a violation of the bylaw occurs, or is allowed to continue, constitutes a separate offence.

31. Failure to Comply with Order or Notice

Failure by an owner or occupier to comply with these minimum maintenance standards for protected heritage property may result in an application by the Municipality to the Supreme Court of British Columbia for compliance or restoration under the *Local Government Act*, as amended or replaced.

If an owner or occupier fails to meet the requirements of this bylaw, the Municipality, and its appointed agents and contractors, may and is authorized to:

- a) enter onto the property to carry out the work necessary to comply with the order or notice, all at the expense of the owner or occupier;
- b) be at liberty to recover the costs in a like manner as Municipal property taxes on the lands; and
- c) recover its costs equally from the lots so created, if the property has been subdivided.

32. Conflict with Other Applicable Heritage Bylaws

If there is a conflict between this bylaw and an applicable bylaw, including a relevant heritage designation bylaw or heritage conservation area bylaw, this bylaw shall take precedence to the extent that it provides for the maintenance and preservation of protected heritage property.

33. Force and Effect

This bylaw is to come into force and take effect on the date of its enactment.

READ A FIRST TIME the _____ day of _____, 2018.
 READ A SECOND TIME the _____ day of _____, 2018.
 READ A THIRD TIME the _____ day of _____, 2018.
 RECONSIDERED AND ADOPTED the _____ day of _____, 2018.

_____ Mayor _____ Township Clerk