
TO: CITY MANAGER **DATE:** 2009 August 26

FROM: DIRECTOR FINANCE

SUBJECT: BURNABY UNSIGHTLY PREMISES BYLAW

PURPOSE: To seek Council approval to amend the Burnaby Unsightly Premise Bylaw to include Derelict Vehicles.

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RECOMMENDATION:

1. **THAT** Council amend the Burnaby Unsightly Premises Bylaw to specifically include "Derelict Vehicles" as items which contribute to unsightly premises.

REPORT

As a result of a number of complaints received regarding vehicles either parked or stored on private properties, staff from both the Planning Department and the Licence Office are presently examining measures to effectively deal with these complaints. At issue are:

1. the storage or long term parking of vehicles (including recreational vehicles) that are not registered to a resident of the property on which they are located,
2. the number of uninsured yet intact vehicles stored on a given property,
3. vehicles that are considered to be wrecked or dismantled and are stored or parked, on private properties.

This report addresses those vehicles which are wrecked or dismantled.

The standard practice for Licence Office staff when receiving an unsightly premises complaint is to work closely with the property owners to achieve voluntary compliance. The vast majority of complaints are successfully concluded through this process. However, there are instances when the property owner fails to adequately clean up the property and staff are required to seek Council authority to have City crews enter on to the property and remove the unsightly items. A problem arises when a wrecked or dismantled vehicle(s) is the basis for, or forms part of, the unsightly premises complaint.

Section 3 of the Unsightly Premises Bylaw authorizes Council to enact "self help" measures and order a clean up on private property and charge the property owners with any related costs. By contrast the Zoning Bylaw does not contain a similar self help provision. Currently, wrecked or dismantled vehicle(s) are only addressed in section 6.17 (c) of the Zoning Bylaw, which permits for a single wrecked or dismantled vehicle to be stored on residential lots for a period of not more than 30 days.

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Since the Zoning Bylaw makes specific mention of wrecked or dismantled vehicle(s) and the Unsightly Premises Bylaw does not, any wrecked or dismantled vehicle(s) cannot be included in a clean up authorized by Council. The only method available to staff to deal with these types of unresolved complaints is through the courts and the forthcoming ticket adjudication system.

A more cost effective and timely means for dealing with these complaints would be to expressly include "Derelict Motor Vehicles" within the Unsightly Premises Bylaw itself. This is the practice currently undertaken by the cities of Coquitlam, North Vancouver and Kelowna in their Unsightly Premises Bylaws.

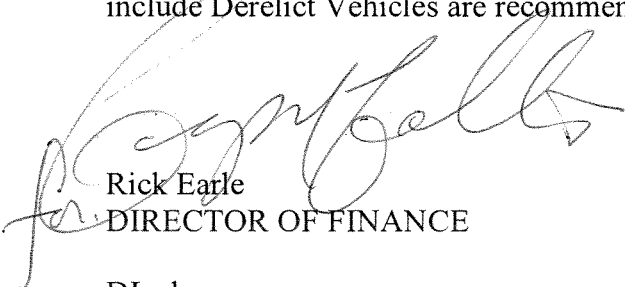
Staff propose adopting a threefold standard as a means of determining if a vehicle is in fact derelict, similar to that in use by the City of Kelowna,

'Derelict Vehicle' means any vehicle or part thereof, propelled otherwise than by muscle power which:

- (a) is physically wrecked, disabled or dismantled;
- (b) not capable of operating under its own power; and
- (c) does not have attached number plates for the current year pursuant to the regulations of the *Motor Vehicle Act* of the Province of British Columbia.

The proposed inclusion of Derelict Vehicles in the Unsightly Premises Bylaw would require Council authorization to have the vehicles removed, which is consistent with the current unsightly premises process. Vehicles which are complete and operational would not be subject to the proposed changes, however, these vehicles would be subject to the storage and parking provisions of the Zoning Bylaw.

As a result of the current ineffective remedies for complaints regarding wrecked or dismantled vehicles on residentially zoned properties, amendments to the Unsightly Premises Bylaw 1969 to include Derelict Vehicles are recommended.



Rick Earle
DIRECTOR OF FINANCE

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Copied to: Director Planning and Building
City Solicitor