



City of Port Moody

Bylaw No. 3180

A Bylaw to designate the land, buildings, and structure (Johnston Residence) located at 2801 St. George Street as a protected heritage property.

WHEREAS the City may by Bylaw designate real property in whole or in part, as protected heritage property and conditions it considers appropriate, in accordance with the Local Government Act, R.S.B.C., 2015, c 1;

AND WHEREAS the registered owners of 2801 St. George Street have entered into a heritage revitalization agreement in relation to the Property as authorized by Heritage Revitalization Agreement Bylaw, 2019, No. 3179, and have requested that Council designate the lands, building and structure (Johnston Residence) as protected heritage property, and have released the City from any obligation to compensate the registered owners for the effect of such designation;

The Council of the City of Port Moody enacts as follows:

1. Citation

1.1 This Bylaw may be cited as “City of Port Moody Heritage Designation Bylaw, 2019, No. 3180 (2801 St. George Street)”.

2. Interpretation

2.1 In this Bylaw, the terms “heritage value”, “heritage character”, and “alter” have the corresponding meanings given to them in the *Local Government Act*.

3. Property Identification

3.1 The identified land, buildings, and structure (Johnston Residence) located at 2801 St. George Street in the City of Port Moody, British Columbia, more particularly described as:

2801 St. George Street and legally described as Lot 14, Block 25,
District Lot 201, Group 1, New Westminster District, Plan 72;

PID: 011-453-761;

(collectively, the “Property”)

are hereby designated in their entirety as protected heritage property under the provisions of the *Local Government Act* of British Columbia.

4. Prohibition

4.1 Except as expressly permitted by section 5 or as authorized by City Council, a Heritage Revitalization Agreement, or a heritage alteration permit issued by the City, no person shall undertake any of the following actions, nor cause or permit any of the following actions to be undertaken in relation to the Property (Johnston Residence) protected under this Bylaw:

- (a) alter the exterior façade of the building or structure;
- (b) make a structural change to the building or structure;
- (c) move a building or structure; or
- (d) alter, excavate, or build on land anywhere on the Property.

5. Exemptions

5.1 Despite section 4, the following actions may be undertaken in relation to the Property without first obtaining a heritage alteration permit from the City:

- (a) non-structural renovations or alterations to the interior of a building or structure that do not affect any protected interior feature or fixture and do not alter the exterior appearance of the building or structure; and
- (b) non-structural normal repairs and maintenance that do not alter the exterior appearance of the building or structure.

6. Definitions

6.1 For the purpose of section 5, “normal repairs” means the repair or replacement of elements, components, or finishing materials of a building, structure, or protected feature or fixture with elements, components, or finishing materials that are equivalent to those being replaced in terms of heritage character, material composition, colour, dimensions, and quality.

7. Maintenance

7.1 The property shall be maintained in good repair in accordance with City of Port Moody Heritage Maintenance Standards Bylaw, No. 2490 contained in Schedule “A” attached to and forming part of this Bylaw.

8. Heritage Alteration Permits

8.1 Where a heritage alteration permit is required under this Bylaw for a proposed action in relation to the Property, application shall be made to the City of Port Moody Planning and Development Department in the manner and on the form prescribed, and the applicant shall pay the fee imposed by the City for such a permit.

8.2 City Council, or its delegated authority, is hereby authorized to:

- (a) issue a heritage alteration permit for situations in which the proposed action would be consistent with the heritage protection provided for the Property under this Bylaw and the Heritage Revitalization Agreement;
- (b) withhold the issuance of a heritage alteration permit for an action which would not be consistent with the heritage protection provided for the Property under this Bylaw or the Heritage Revitalization Agreement;
- (c) establish and impose terms, requirements, and conditions on the issue of a heritage alteration permit that are considered to be consistent with the purpose of the heritage protection of the Property provided under this Bylaw and the Heritage Revitalization Agreement; and
- (d) determine whether the terms, requirements, and conditions of a heritage alteration permit have been met.

9. Reconsideration By Council

9.1 An applicant or owner whose application for a heritage alteration permit for alteration of the Property has been considered may apply for a reconsideration of the matter by Council, and such reconsideration shall be without charge to the applicant or owner.

Read a first time this 28th day of May, 2019.

Read a second time this 28th day of May, 2019.

Public Hearing held this 25th day of June, 2019.

Read a third time this 25th day of June, 2019.

Adopted this ____ day of _____, 2019.

M.P. Lahti
Acting Mayor

D. Shermer
Corporate Officer

I hereby certify that the above is a true copy of Bylaw No. 3180 of the City of Port Moody.

Dorothy Shermer
Corporate Officer

SCHEDULE "A"

CITY OF PORT MOODY

BYLAW NO. 2490

A bylaw under Section 970 of the *Local Government Act* to establish minimum standards of maintenance for real property designated as protected by a heritage designation bylaw or located within a heritage conservation area.

The Council of the City of Port Moody in open meeting assembled, enacts as follows:

TITLE

1. This Bylaw may be cited for all purposes as "Heritage Maintenance Standards Bylaw, 2001, No. 2490".

GENERAL REQUIREMENTS

2. The maintenance standards prescribed in this bylaw apply to real property designated as protected by a heritage designation bylaw under the *Local Government Act* or situate within a heritage conservation area designated under the *Local Government Act* and listed as protected heritage property in a schedule to the City of Port Moody's Official Community Plan Bylaw No. 2465.

OWNERS RESPONSIBILITY

3. Protected heritage properties require a reasonable level of maintenance to be effectively retained. The purpose of the standards is to ensure that significant deterioration does not jeopardize the life of the building.

The maintenance of a protected heritage property is the responsibility of the owner. The owner may need to obtain a heritage alteration permit, building permit or other approval from the City, depending upon the extent and type of work to be done.

GENERAL MAINTENANCE

4. Every owner of a protected heritage property referred to in Section 2 shall maintain the property so as to reasonably prevent, or effectively retard, damage from the elements. Original exterior features shall be retained, when possible. When replacement is necessary, new materials shall replicate the original in terms of design, colour and texture.

WEATHER AND INFESTATION

5. Every owner of a protected heritage property referred to in Section 2 shall maintain the property so as to reasonably prevent, or effectively retard, damage from the elements. This includes, but is not limited to, preventing water penetration and excessive damage to materials from the wind, sun and infestations.

PAINTING

6. Every owner of a protected heritage building referred to in Section 2 shall paint or stain the building as necessary and required to protect exterior finish materials. Painting of the buildings or structures, will not require a Heritage Alteration Permit as long as the proposed colour scheme is consistent with the guidelines relevant to the subject property.

STRUCTURAL INTEGRITY

7. Every owner of a protected heritage property referred to in Section 2 shall maintain every building and its structural members in good repair and in a manner that provides sufficient structural integrity so as to sustain safely its own weight.

HERITAGE CONSERVATION STANDARDS AND GUIDELINES

8. Every owner of a protected heritage property referred to in Section 2 shall undertake work in conformance to accepted heritage conservation principles, standards and guidelines. For the purposes of this bylaw the B.C. Heritage Trust Technical Paper Series 9: *Principles of Heritage Conservation*; Technical Paper Series 10: *Restoration Principles and Procedures*; and Technical Paper Series 11: *Rehabilitation Principles and Guidelines* will be used as the basis for the review of any proposed work on protected heritage properties. These will be superseded by the National Standards and Guidelines currently being prepared by the Federal Government as part of the National Historic Places Initiatives [anticipated adoption March, 2003].

EXTENDED PERIODS OF DISUSE

9. Where any protected heritage property referred to in Section 2 is to be left unoccupied for 15 days or longer, the owner shall secure the property to minimize the potential for vandalism and theft. At minimum this shall include:

- a) all points of entry to be secured; and
- b) posting a sign, available free of charge from the Planning and Development Services Department, that reads substantially as follows:

Protected Heritage Site
No Vandalism or Removal of Materials
Maximum individual penalty: \$50,000 and 2 years imprisonment.

In addition to the above, when a protected heritage building is to be left unoccupied for 45 days or longer, the owner shall ensure that windows are covered to prevent glass breakage and other acts of vandalism to the satisfaction of the Director of Planning and Development Services. Under certain circumstances where a prolonged vacancy is being considered, the Director of Planning and Development Services may require that the property owner install security and fire alarms.

ENFORCEMENT

10. Failure to comply with these Minimum Maintenance Standards may result in an application by the City to the Supreme Court for an order for compliance or restoration under Section 979 of the Local Government Act.

11. Every person who contravenes any provision of this bylaw or who suffers, permits or causes any act or thing to be done in contravention of any of the provisions of this bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, or fails to comply with an order, notice or direction given under this bylaw is guilty of an offence against this bylaw and is liable to a fine and penalty not exceeding \$ 2 000. Each day a violation is permitted to exist shall constitute a separate offence.

READ A FIRST TIME THE 26TH DAY OF FEBRUARY, 2002.

READ A SECOND TIME THE 26TH DAY OF FEBRUARY, 2002.

READ A THIRD TIME THE 26TH DAY OF FEBRUARY, 2002.

READ A THIRD TIME AS AMMENDED ON THE 23RD DAY OF JULY, 2002

ADOPTED THE 10TH DAY OF SEPTEMBER, 2002.

“G. Trasolini”

MAYOR

“G. van der Wolf”

CITY CLERK