

NO: R072

COUNCIL DATE: May 15, 2023

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **May 11, 2023**

FROM: **General Manager, Corporate Services**

FILE: **3900-01**

SUBJECT: **Penalty Provision Amendments to City of Surrey Bylaws Update**

RECOMMENDATION

The Corporate Services Department recommends that Council:

1. Receive this report for information;
2. Authorize the City Clerk to bring forward the amendments to the *Business License By-law, 1999, No. 13680* (the “Business License By-law”) for final adoption;
3. Authorize the City Clerk to bring forward the amendments to the *Zoning By-law, 1993, No. 12000* (the “Zoning By-law”) for final adoption;
4. Authorize the City Clerk to bring forward the amendments to the *Highway and Traffic By-law, 1997, No. 13007* (the “Highway By-law”) for final adoption; and
5. Authorize the City Clerk to bring forward the amendments to the *Surrey Parks, Recreation and Cultural Facilities Regulation By-law, 1998, No. 13480* (the “Parks By-law”) for final adoption.

INTENT

The purpose of this report is to provide Council with an update regarding the opportunity for written representations by the public on the proposed amendments to the Business License By-law and to seek Council authorization to bring forward the proposed amendments to the Business License By-law, Zoning By-law, Highway By-law and Parks By-law for final adoption.

BACKGROUND

At the April 17, 2023 Council Meeting, Council approved the recommendations in Corporate Report No. R045; 2023 Penalty Provision Amendments to City of Surrey Bylaws, which is attached to this report as Appendix “I”.

The *Community Charter* requires that, before adopting bylaws regulating business matters, such as the proposed amendments to the Business License By-law, Council must give notice of its intention and provide an opportunity for persons who consider they are affected by the bylaw to make representations to Council.

Corporate Report No. Ro45; 2023 also proposed amendments to other bylaws, specifically the Zoning By-law, Highway By-law and Parks By-law. The *Community Charter* does not require public notice for amendments to these bylaws.

Pursuant to Council direction and the requirements of the *Community Charter*, notice was provided:

- At the City's Public Notice Posting Place, including the City's website and bulletin board; and
- In the Surrey Now Leader, Peace Arch News, and Cloverdale Reporter on Thursday, April 20, 2023 and Thursday, April 27, 2023.

The notice advised members of the public of the opportunity to provide submissions to Council in writing to the City Clerk by April 28, 2023.

DISCUSSION

No written submissions were received by the City in response to the notice by April 28, 2023.

Legal Services Review

This report has been reviewed by Legal Services.

CONCLUSION

Based on the above information, it is recommended that Council authorize the City Clerk to bring forward the proposed amendments to the Business License By-law, Zoning By-law, Highway By-law and Parks By-law for final adoption.

FOR Rob Costanzo
General Manager, Corporate Services

Appendix "I": Corporate Report No. Ro45; 2023 Penalty Provision Amendments to City of Surrey Bylaws

CORPORATE REPORT

NO: R045

COUNCIL DATE: April 17, 2023

REGULAR COUNCIL

TO: Mayor & Council

DATE: April 13, 2023

FROM: General Manager, Corporate Services

FILE: 3900-01

SUBJECT: Penalty Provision Amendments to City of Surrey Bylaws

RECOMMENDATION

The Corporate Services Department recommends that Council:

1. Receive this report for information;
2. Approve the proposed amendments to the *Surrey Zoning By-law, 1993, No. 12000* (the "Zoning By-law"), as summarized and reflected in Appendix "I" of this report;
3. Approve the proposed amendments to the *Surrey Business License By-law, 1999, No. 13680* (the "Business License By-law"), as summarized and reflected in Appendix "II" of this report;
4. Approve the proposed amendments to the *Surrey Highway and Traffic By-law, 1997, No. 13007* (the "Highway By-law"), as summarized and reflected in Appendix "III" of this report;
5. Approve the proposed amendments to the *Surrey Parks, Recreation and Cultural Facilities Regulation By-law, 1998, No. 13480* (the "Parks By-law"), as summarized and reflected in Appendix "IV" of this report;
6. Direct the City Clerk to give public notice in accordance with Section 94 of the *Community Charter* of the proposed amendments to the Business License By-law, as documented in Appendix "II" and to provide an opportunity to persons who consider they are affected by the Business License By-law amendments to make written representations to Council;
7. Direct staff to report back to Council on any written representations received prior to Council considering the final adoption of the Business License By-law amendments; and
8. Authorize the City Clerk to bring forward the proposed amendments to the Zoning By-law, Business License By-law, Highway By-law and Parks By-law for the required readings.

INTENT

The purpose of this report is to obtain Council's approval to adopt the proposed amendments (the "Amendments") to the Zoning By-law, Business License By-law, Highway By-law and Parks By-law (collectively the "Subject Bylaws").

BACKGROUND

The Subject Bylaws were originally passed in the 1990's. Except for the Zoning By-law, the maximum fine amount of the Subject Bylaws has not been amended, remaining at \$2,000, despite the maximum fine amount permitted under the *Community Charter* increasing to \$50,000 in 2020. The minimum fine amount in the Subject Bylaws has also not been amended, remaining at either \$50 or \$100.

DISCUSSION

Accordingly, the proposed Amendments seek to:

- Increase the maximum fine amount of the Subject Bylaws from the current amount of \$2,000 to the maximum amount of \$50,000 as permitted under the *Community Charter* and bringing them in line with the maximum fine amount of the Zoning By-law;
- Increase the minimum fine of the Subject Bylaws from the current amounts of \$50 or \$100 to the new minimum fine amount of \$200; and
- Remove the term of imprisonment that is referenced in the Zoning By-law and Parks By-law, to provide administrative flexibility and efficiency in the Court system and consistency between the Subject Bylaws, which is further described in Appendix "V" to this report.

Further information regarding the purpose and benefits of the Amendments are referenced in Appendix "V" to this report.

Legal Services Review

This report has been reviewed by Legal Services.

CONCLUSION

Based on the above information, it is recommended that Council approve the Amendments to the Subject Bylaws.



Rob Costanzo
General Manager, Corporate Services

Note: Appendices available upon request.

- Appendix "I": Summary and Proposed Amendments to the Surrey Zoning By-law
- Appendix "II": Summary and Proposed Amendments to the Business License By-law
- Appendix "III": Summary and Proposed Amendments to the Highway By-law
- Appendix "IV": Summary and Proposed Amendments to the Parks By-law
- Appendix "V": Further Discussion on Proposed Amendments to the Subject Bylaws