

CITY OF SURREY

BY-LAW NO. 13150

As amended by By-law No. 13624, 01/04/99; 15721, 05/02/05
SURREY COMMUNITY IMPROVEMENT AND UNSIGHTLY
PROPERTY BY-LAW, 1997

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THIS IS A CONSOLIDATED BY-LAW PREPARED BY THE CITY OF SURREY FOR CONVENIENCE ONLY. THE CITY DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BY-LAW PROVISIONS.

- (a) WHEREAS the property values and the general welfare of the community are founded, in part, upon the appearance and maintenance of property in the City;
- (b) AND WHEREAS unsightly conditions have been found to exist from place to place throughout the City;
- (c) AND WHEREAS the existence of such conditions is detrimental to the welfare of the residents of the City and contributes substantially and increasingly to the deterioration of neighbourhoods; and
- (d) AND WHEREAS the abatement of such conditions will improve the general welfare and image of the City.

Under its statutory powers, including Section 725 of the *Municipal Act*, R.S.B.C. 1996, c.323, the Council of the City of Surrey enacts the following provisions:

INTENT OF BY-LAW

- (a) to protect the community from unsightly, hazardous and blighting conditions that contribute to the deterioration of neighbourhoods; and
- (b) to provide for the abatement of such conditions.

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Part 1
Introductory Provisions

Title

1. This By-law may be cited as the "Surrey Community Improvement and Unsightly Property By-law, 1997, No. 13150."

Definitions

2. In this By-law,

"Discarded Materials"

means substances of little or no apparent economic value, which may be present in accumulations in excess of six inches in height and ten inches in diameter, including but not limited to deteriorated lumber, old newspapers, furniture parts, stoves, sinks, cabinets, household fixtures, refrigerators, car parts, abandoned, broken or neglected equipment, or the scattered remains of items.

"Engineer"

means the Manager of the Engineering Department for the City, or designates.

"Graffiti"

means one or more letters, initials, symbols, marks, slogans, designs or drawings, howsoever made, on any sidewalk, wall, building, fence, sign or any other structure or surface but does not include marks made accidentally, or any of the following:

- (a) a sign, public notice or traffic control mark authorized by the City Engineer;
- (b) a sign authorized pursuant to the City's applicable by-law provisions regulating signs;
- (c) a public notice authorized by a City by-law or by provincial or federal legislation; and
- (d) in the case of private property, a letter, symbol or mark authorized by the owner or occupant of the property on which the letter, symbol or mark appears.

"Inspector"

means the Managers of Building Division and Licensing & By-law Enforcement for the City, or designates;

"Litter"

means substances, excluding toxic, biomedical or hazardous materials, of no apparent economical value, that can be discarded into a standard household waste container or garbage bag or bags.

"Occupant"

includes:

- (a) a person residing on or in property;
- (b) the person entitled to the possession of property if there is no person residing on or in the property; and
- (c) a leaseholder;

and shall include the agent of any such person.

"Owner"

means a person who has any right, title, estate or interest in property, other than that of an occupant, and shall include the agent of any such person.

"Person"

includes natural persons of either sex, associations, corporations, bodies politic, co-partnerships, whether acting by themselves or by a servant, agent or employee, and the heirs, executors, administrators, successors and assigns or other legal representative of such persons.

"Property"

means all real property, including, but not limited to, frontyards, sideyards, backyards, driveways, walkways and sidewalks and shall include any building, structure or fence located on such real property.

"Rubbish"

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, yard clippings, wood, glass, bedding, mattresses, crates, rags, barrels, boxes, lumber not neatly piled, scrap iron, tin and other metal, scrap paving material, discarded appliances, discarded furniture, dry vegetation, weeds, dead trees and 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.

"Unsightly"

describes property having any one or more of the following characteristics:

- (a) the accumulation of filth, litter, discarded materials, rubbish or graffiti;
- (b) fences characterized by holes, breaks, rot, crumbling, cracking, peeling or rusting;
- (c) landscaping that is dead, characterized by uncontrolled growth or lack of maintenance, or is damaged;
- (d) a lowering in quality of the condition or appearance of a building or structure or parts thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay or neglect or excessive use or lack of maintenance; or
- (e) any other similar conditions of disrepair and deterioration regardless of the condition of other properties in the neighbourhood.

Part 2

Prohibition

Unsightliness

- 3. No owner or occupant of property within the City of Surrey shall permit or allow the property to become or remain unsightly.

Graffiti

- 4. No person shall place graffiti or cause graffiti to be placed on any sidewalk, wall, building, fence, sign or any other structure or surface on or adjacent to a public place within the City of Surrey.

Accumulation

- 5. No owner or occupant of property within the City of Surrey shall cause or permit water, rubbish or noxious, offensive or unwholesome matter to collect or accumulate around the property.

Rubbish

- 6. No person shall deposit or throw bottles, broken glass or other rubbish in any open place in the City of Surrey.

Insects

- 7. No owner or occupant of property within the City of Surrey shall permit or allow an infestation of the property by caterpillars or other noxious or destructive insects.

Part 3

Inspection and Notice

Inspector

- 8. The Council may, by by-law, from time to time, appoint an Inspector and one or more assistant Inspectors for the purposes of this By-law.

Inspection

9. An Inspector shall have the right to enter upon the property of any person at reasonable times and in a reasonable manner for the purposes of inspecting the property and declaring whether the property is unsightly or otherwise not in compliance with the provisions of this By-law.

Notice to Comply

10. Upon declaring property to be unsightly or otherwise not in compliance with the provisions of this By-law, an Inspector or Engineer shall serve on the owner or occupant of the property a notice to:
 - (a) remove unsightly accumulations of filth, discarded materials, rubbish or graffiti from the property;
 - (b) clear the property of brush, trees, noxious weeds or other growths;
 - (c) clear the property of caterpillars or other noxious or destructive insects; or
 - (d) clear the property of litter.

Contents of Notice

11. (1) The notice served by an Inspector pursuant to Section 10 (a), (b), or (c) shall state:
 - (a) the civic address of the property;
 - (b) the legal description of the property;
 - (c) the particulars of the unsightliness or non-compliance to be remedied;
 - (d) that the unsightliness or non-compliance must be remedied within 30 days of the date of service;
 - (e) that if the owner or occupant fails to comply with the notice, the City will proceed to carry out the work required, and the cost of such work will be added to the taxes of the property, and the owner or occupant may be subject to prosecution for an offence under this By-law.
- (2) The notice served by **the Engineer** pursuant to Section 10 (d) shall state:
 - (a) the civic address of the property;
 - (b) the particulars of the unsightliness or non-compliance to be remedied;
 - (c) that the unsightliness or non-compliance must be remedied within **48 hours** of the date of notice;
 - (d) that if the owner or occupant fails to comply with the notice, the City will proceed to carry out the work required, and the cost of such work will be added to the taxes of the property, and the owner or occupant may be subject to prosecution for an offence under this By-law.

Part 4

Non-Compliance

Remedy by City

12. If an owner or occupier fails to comply with a written notice of an Inspector or Engineer, the City, by its employees or other persons, at reasonable times and in a reasonable manner, may enter the property and effect the compliance at the expense of the owner or occupier who has failed to comply.

Costs Added to Taxes

13. In the event that the person who has failed to comply fails to pay the costs of compliance before the 31st day of December in the year that the compliance was effected, the costs shall be added to and form part of the taxes payable on the property as taxes in arrears.

Part 5
Offences and Penalties

Offences and Penalties

14. Any person who contravenes, suffers or permits any act or thing to be done in contravention of, or neglects to do or refrains from doing anything required to be done pursuant to any provision of this By-law or any notice issued pursuant hereto, commits an offence punishable on summary conviction, and shall be liable to a fine of not less than the sum of \$100.00, but not exceeding the sum of \$2,000.00.
15. Where an offence is a continuing offence, each day that the offence is continued shall constitute a separate and distinct offence.
16. Prosecution of a person pursuant to Section 14 of this By-law does not exempt the person from the remediation provisions of Sections 12 and 13 of this By-law.

Part 6
General Provisions

Repealment

17. "Regulation of Unsightly Premises By-law, 1990, No. 10691" as amended, is hereby repealed.

Commencement

18. This By-law shall come into force on the date of final adoption hereof.

PASSED THREE READINGS on the 16th day of May, 1997.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 23rd day of June, 1997.

_____"D. W. McCallum"_____
MAYOR

_____"D. B. Kenny"_____
CLERK