

CITY OF SURREY

BY-LAW NO. 14422

Surrey Community Improvement and Controlled Substance Manufacture By-law, 2001.

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- (a) WHEREAS the property values and the general welfare of the community are founded, in part, upon the appearance and maintenance of property and the prohibition of noxious or offensive trade and manufacture of controlled substances in the City;
- (b) AND WHEREAS unsightly conditions, the noxious or offensive trade and manufacture of controlled substances have been found to exist from place to place throughout the City;
- (c) AND WHEREAS the existence of such conditions and manufacture is detrimental to the welfare of the residents of the City and contributes substantially and increasingly to the deterioration of neighbourhoods;
- (d) AND WHEREAS the prevention and abatement of such nuisance conditions will improve the general welfare and image of the City;
- (e) AND WHEREAS the City may recover the cost of abatement of nuisances from the person causing the nuisance or other persons described in the By-law.

Under its statutory powers, including Sections 725 of the *Local Government 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;
- (b) to prevent the manufacture of, noxious or offensive trade in, controlled substances in buildings or structures;
- (c) to provide for the prevention and abatement of such nuisances and the recovery of the cost of such abatement.

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Part 1
Introductory Provisions

Title

1. This By-law may be cited as "Surrey Community Improvement and Controlled Substance Manufacture By-law, 2001, No. 14422."

Definitions

2. In this By-law:

"Controlled Substance"

means a "controlled substance" as defined and described in Schedules I, II and III of the *Controlled Drugs and Substances Act*, 1996, c. 19, as may be amended from time to time, but does not include the trade or manufacture of a controlled substance that is permitted under that Act or otherwise lawfully licensed under the City's Business License By-law.

"Inspector"

means the Manager of the Licensing & By-law Enforcement for the City, or designate and shall include any members of the Surrey Fire Department or the Royal Canadian Mounted Police.

"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.

Part 2

Prohibition

Prohibition of Controlled Substance Manufacture

3. No Person, Owner or Occupant of Property within the City of Surrey shall permit or allow the Property to become or remain a place for the trade, business or manufacture of a Controlled Substance.

USE

4. No Person, Owner or Occupant shall allow Property to be used in a noxious, offensive or unwholesome manner through the trade or manufacture of a Controlled Substance.

ACCUMULATION

5. No Person, 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 in connection with the manufacture or trade in a Controlled Substance.

Part 3

Inspection and Notice

Inspector

6. 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 and any member of the Surrey Fire Department or the Royal Canadian Mounted Police shall be deemed to be an Inspector for the purposes of this By-law.

Inspection

7. 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 being used for a noxious or offensive drug trade or manufacture or otherwise not in compliance with the provisions of this By-law.

Part 4

Non-Compliance

Remedy by City

8. If an Owner or Occupant fails to comply with a written notice of an Inspector, 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 Occupant who has failed to comply.

9. If an Inspector enters the Property pursuant to a legal search of the Property and has to effect compliance with this By-law, the costs of compliance shall be at the expense of the Owner or Occupant who has failed to comply.

COSTS ADDED TO TAXES

10. 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

11. Any Person who contravenes, suffers or permits any act or thing to be done in contravention of, or neglects to do so refrains from doing anything required to be done pursuant to the 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 \$5,000.00.

12. Where an offence is a continuing offence, each day that the offence is continued shall constitute a separate and distinct offence.

13. Prosecution of a Person pursuant to Section 11 of this By-law does not exempt the Person from the remediation provisions of Sections 8, 9 and 10 of this By-law.

Part 6

General Provisions

Commencement

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

PASSED THREE READINGS on the 4th day of June, 2001.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk and sealed with the corporate seal on the 18th day of June, 2001.

_____MAYOR

_____CLERK