

CITY OF SURREY

BY-LAW NO. 15144

As amended by By-laws: 15172, 11/17/03

Surrey Community Improvement and
Noxious or Offensive Trade By-law, 2003, No. 15144

.....

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 and the prohibition of noxious or offensive trade in the City;
- (b) AND WHEREAS unsightly conditions and noxious or offensive trade 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;
- (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 Section 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 noxious or offensive trade on or within properties within the City of Surrey; and,
- (c) to provide for the prevention and abatement of such nuisances and the recovery of the cost of such abatement.

CONTENTS

Part 1 Introductory Provisions

1. Title
2. Definitions

Part 2 Prohibition

3. Use
4. Accumulation

Part 3 Inspection and Notice

5. Inspection

Part 4 Non-Compliance and Remediation

- 6.-7. Remedy by City
8. Costs Added to Taxes

Part 5 Offences and Penalties

- 9.-11. Offences and Penalties

Part 6 General Provisions

12. Repeal of previous By-law
13. Commencement

Part 1 Introductory Provisions

Title

1. This By-law may be cited as "Surrey Community Improvement and Noxious or Offensive Trade By-law, 2003, No. 15144".

Definitions

2. In this By law:

"Inspector"

means the Manager of the By laws & Licensing for the City of Surrey, or designate, and all members of the Surrey Fire Department.

"Noxious or offensive trade"

means the production, use, transfer, storage and disposal of substances on or within properties within the City of Surrey that emit offensive odours, fumes, particulate matter or noises into or onto surrounding properties, but does not include the production, use, transfer, storage and disposal of substances that emit offensive odours, fumes, particulate matter or noises into or onto surrounding properties where those emissions are permitted under federal or provincial legislation or the by laws of the City of Surrey.

"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, front yards, side yards, back yards, driveways, walkways and sidewalks and shall include the exterior surfaces and interior rooms, areas and spaces in any building, structure or fence located on such real property.

Part 2 Prohibition

Use

3. No person, owner or occupant of property within the City of Surrey shall permit or allow the property to be used for noxious or offensive trade.

Accumulation

4. 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 that property.

Part 3 Inspection and Notice

Inspection

5. 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 noxious or offensive trade or otherwise not in compliance with the provisions of this By law.

Part 4 Non-Compliance and Remediation

Remedy by City

6. 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 remediate the property at the expense of the owner or occupant who has failed to comply.
7. Where an Inspector enters a property under Section 6 of this By law, the costs of remediation of the property shall be at the expense of the owner or occupant who has failed to comply.
8. If an Inspector or a member of the Royal Canadian Mounted Police enters the property pursuant to a legal search of the property and in doing so effects 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

9. In the event that the person who has failed to comply does not pay the costs of compliance before the 31st day of

December in the year that the remediation 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

10. 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 \$100.00, but not exceeding \$5,000.00.
11. Where an offence is a continuing offence, each day that the offence is continued shall constitute a separate and distinct offence.
12. Prosecution of a person pursuant to Section 10 of this By law does not exempt the person from the remediation provisions of Sections 6, 7, 8 and 9 of this By law.

Part 6

General Provisions

Repeal

13. The Surrey Community Improvement and Controlled Substances Manufacture By-law, 2001, By Law No. 14422, is repealed.

Commencement

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

PASSED THREE READINGS on the 6th day of October, 2003.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk and sealed with the corporate seal on the 27th day of October, 2003.

_____ MAYOR

_____ CLERK