

CITY OF SURREY

BYLAW NO. 18168

A Bylaw to amend the provisions of "Prohibition of Nuisances By-law, 1996, No. 12883",
as amended.

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The Council of the City of Surrey, ENACTS AS FOLLOWS:

1. "Prohibition of Nuisances By-law, 1996, No. 12883", as amended, is hereby further amended as follows:
 - a. Section 1 – Definitions be amended by adding the following new definition of "CITY" before the definition of "INSPECTOR":
 - (a) "CITY" means the City of Surrey.
 - b. Section 1 – Definitions be amended by deleting the existing definition "INSPECTOR" in its entirety and adding the following new definition of "INSPECTOR":
 - (b) "INSPECTOR" means a Bylaw Enforcement Officer, a Senior Bylaw Enforcement Officer, the Manager, Bylaws & Licensing Services for the City, or designate and shall include any members of the Surrey Fire Department or the Royal Canadian Mounted Police.
 - c. Section 1 – Definitions be amended by adding the following new definition of "NUISANCE ABATEMENT FEES " after the definition of "INSPECTOR":
 - (c) "NUISANCE ABATEMENT FEES" includes the nuisance service call response fee plus the administration and overhead fee and any applicable taxes, as prescribed in Schedule "A" of this Bylaw.
 - d. Section 1 - Definitions be amended by adding the following new definition of " NUISANCE SERVICE CALL RESPONSE " after the definition of "NUISANCE ABATEMENT FEES":

- (d) "NUISANCE SERVICE CALL RESPONSE" means an inspector's response to or abatement of a prohibited nuisance, as defined in Section 2 of this Bylaw.
- e. Section 1 - Definitions be amended by deleting the existing definition of "OWNER" in its entirety and adding the following new definition of "OWNER":
- (e) "OWNER" shall, in addition to any other meaning, include:
- (i) the registered owner of the land, premises or property;
 - (ii) any person residing on or in land, premises or property;
 - (iii) the person entitled to the possession of land, premises or property if there is no person residing on or in the land, premises or property; and
 - (iv) a leaseholder;
- and shall include the agent of any such person.
- f. Section 1 - Definitions be amended by renumbering the existing subsection (c) to (f).
- g. Section 1 - Definitions be amended by adding the following new definition of "PROPERTY" after the existing definition of "PERSON":
- (g) "PROPERTY" means all real property, including but not limited to frontyards, sideyards, backyards, driveways, walkways, sidewalks and boulevards and shall include any building or structure located on such real property.
- h. By adding a new Section 2(f) immediately after the existing Section 2(e) as follows:
- (f) Without limiting the generality of this Section 2, no person or owner shall cause or permit any act which unreasonably interferes with another person or owner's use and enjoyment of their property or of a public area.

- i. By deleting existing Section 5 in its entirety.
- j. By renumbering existing Sections 3 and 4 to Sections 4 and 5 respectively.
- k. By adding a new Section 3 immediately after the existing Section 2(f) as follows:
 3. Repeat Nuisance Service Calls:
 - (a) Where there are three (3) or more nuisance service call responses at the same property within a twelve (12) month period, the City may impose upon the owner of that property the nuisance abatement fees for each additional nuisance service call response within the twenty-four (24) month period following the date the nuisance must cease or non-compliance must be remedied as set out in the City's notice, issued pursuant to Sections 3(b) and (c) of this By-law;
 - (b) The City's notice referred to in Section 3(a) of this Bylaw shall state:
 - (i) the particulars of the nuisance;
 - (ii) that the nuisance must cease or non-compliance must be remedied within 30 days, or within the time prescribed in the City's notice;
 - (iii) that if the owner fails to comply with the City's notice, the City will impose the nuisance abatement fees for each additional nuisance service call response at the same property within the twenty-four (24) month period following the date the nuisance must cease or non-compliance must be remedied as set out in the City's notice; and
 - (iv) that the imposition of the nuisance abatement fees are in addition to the City's right to seek other legal remedies or actions for abatement of the nuisance.
 - (c) Service of the City's notice pursuant to Sections 3(a) and (b) of this Bylaw will be sufficient if the City's notice:

- (i) in the case of service on an individual, is served personally or mailed by registered mail to an address of the owner;
 - (ii) in the case of service on a corporation, is served personally on a director, officer or manager of the corporation or by leaving it at or mailing it by registered mail to the registered office or other address of the corporation.
 - (d) If any fees imposed pursuant to this Bylaw are unpaid as of December 31st in the year that they are imposed, they shall be added to and form part of the taxes payable on the property to which the fees apply as taxes in arrears.
 - (e) Nuisance abatement fees may be imposed by the City even if no person has been charged with an offence relating to a nuisance, a person charged with an offence relating to a nuisance was acquitted of all charges before a court or the charges are withdrawn, stayed or otherwise do not proceed.
 - (f) Nothing in Sections 3(a) to (e) of this By-law shall be construed to limit the City's other available remedies for violation of this or any other City bylaw.
- l. By renaming existing "Section 6" to "Section 9".
- m. By adding a new Section 6 immediately after the new Section 5 as follows:
- 6. Any person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention of or neglects to do or refrains from doing any act or thing required to be done pursuant to any provision of this Bylaw or any notice issued pursuant hereto, commits an offence and shall be liable to the penalties hereby imposed and each day that such violation is permitted to exist shall constitute a separate offence."

- n. By adding a new Section 7 immediately after the new Section 6 as follows:
 - 7. Any person who violates any of the provisions of this Bylaw shall, upon summary conviction thereof, be liable to a penalty of not less than \$100.00 and not more than \$10,000.00 plus the cost of the prosecution, or to a term of imprisonment not exceeding 30 days, or both.

 - o. By adding a new Section 8 immediately after the new Section 7 as follows:
 - 8. If a portion of this Bylaw is found invalid by a court, it will be severed and the remainder of the Bylaw will remain in effect.

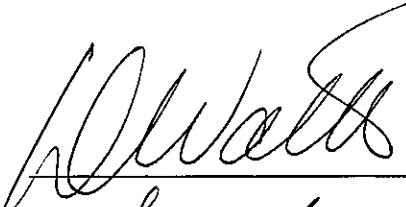
 - p. By inserting a new Schedule "A" attached hereto.
2. This Bylaw may be cited for all purposes as the "Prohibition of Nuisances Bylaw, 1996, No. 12883, Amendment Bylaw 2014, No. 18168".

PASSED FIRST READING on the 24th day of February, 2014.

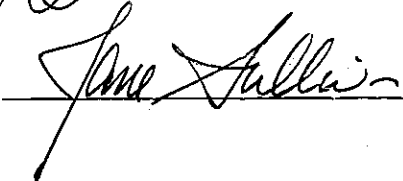
PASSED SECOND READING on the 24th day of February, 2014.

PASSED THIRD READING on the 24th day of February, 2014.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 10th day of March, 2014.



MAYOR



CLERK

SCHEDULE "A"

NUISANCE ABATEMENT FEES

1. Nuisance service call response fee.....\$682.00 per response
2. Administration and overhead fee\$364.00 per response

All fees are subject to applicable taxes.