

CITY OF SURREY

BY-LAW NO. 12883

A by-law for the purpose of preventing, abating and prohibiting nuisances.

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Amendments: BL 13005, 06/23/97; BL 14814, 02/17/03; BL 18168, 03/10/14; 18365, 01/12/15; 18597, 12/14/15; 18989, 12/19/16; 19435, 12/18/17; 19550, 04/23/18

THIS IS A CONSOLIDATED BYLAW 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 BYLAW PROVISIONS.

Pursuant to Section 932 of the Municipal Act, R.S.B.C. 1979, c. 290, as amended, the Council of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

1. Definitions:

As used in this By-law, the following terms shall have the meanings indicated, unless the context otherwise requires:

- (a) "CITY" means the City of Surrey.
- (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) "NUISANCE ABATEMENT FEES" includes the nuisance service call response fee plus the administration and overhead fee and any applicable taxes, as prescribed in *Surrey Fee-Setting By-law, 2001, No. 14577*.

- (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) "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) "PERSON" shall include 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.

- (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.

2. Nuisances Prohibited:

- (a) No owner shall do any act, or cause or permit any act to be done which constitutes a nuisance at law.
- (b) Without limiting the generality of this section 2 no owner shall foul or contaminate the atmosphere through the emission of smoke, dust, gas, sparks, ash soot, cinders, fumes or other effluvia.
- (c) Without limiting the generality of this section 2 no owner shall carry on a noxious or offensive trade, business or manufacture.
- (d) Without limiting the generality of this Section 2, no owner shall engage in, cause or permit vice, drunkenness, profane swearing or indecent, obscene, blasphemous or grossly insulting language on the owner's land, premises or property.

- (e) Without limiting the generality of this Section 2, no person shall deposit or throw bottles, broken glass or other rubbish in any open place, and no owner shall cause or permit any such acts to be engaged in from the owner's land, premises or property.
- (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.

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.
4. 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.
5. It shall be the duty of the Inspector or any assistant Inspector or any assistant Inspector appointed to ascertain whether the provisions of this By-law are being complied with, and any of the said Inspectors shall have the right to enter upon the premises of any person at all reasonable times for the purpose of inspecting the said premises.
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.

7. Any person who violates any of the provisions of this By-law 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.
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.
9. This By-law may be cited for all purposes as the "Prohibition of Nuisances By-law, 1996, No. 12883."

PASSED THREE READINGS by the City Council on the 22nd day of July, 1996.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 29th day of July, 1996.

"R.J. BOSE" MAYOR

"D.B. KENNY" CLERK