



Corporate *NO: R015*

Report *COUNCIL DATE: January 22, 2001*

REGULAR COUNCIL			
TO:	Mayor & Council	DATE:	January 15, 2001
FROM:	General Manager, Planning & Development	FILE:	5591-056
SUBJECT:	Amendments to Municipal Ticket Information Utilization By-law, 1994, No. 12508 to Address the Sign By-law		

RECOMMENDATION

It is recommended that Council:

1. Approve amendments to the Surrey Municipal Ticket Information Utilization By-law, No. 12508 (the "MTI By-law") as documented in Appendix I to this report which will provide authority to issue MTI tickets to enforce the provisions in the Surrey Sign By-law, No. 13656; and
2. Instruct the City Clerk to introduce the necessary amending by-law for the required readings.

INTENT

The intent of this report is to seek Council approval of amendments to the MTI By-law to allow for the issuance of MTI tickets for violations of the provisions of the Sign By-law, 1999, No. 13656 as amended, which is considered to be a more efficient and expedient method of enforcement related to this By-law than the methods currently available.

BACKGROUND

Section 272 of the Local Government Act (the "Act") gives the City authority to enforce certain of its regulatory by-laws by way of a short form of information otherwise referred to as a Municipal Ticket Information ("MTI ticket"). Pursuant to this authority, the City has enacted the MTI By-law which designates by-laws that may be enforced by way of the issuance of an MTI ticket, specifies the persons who have the power to issue MTI tickets and sets a maximum fine amount for each type of violation for each by-law.

The City can pursue charges related to a violation of any by-law regulation in one of two ways, either the short form (MTI ticket) or the long form information process. The short form information process is only available if Council adopts an appropriate by-law which includes approval from the Chief Judge for the amount of the fine for each type of violation. The long form information process involves the preparation of a case, the swearing of the long form information by a By-law Enforcement Officer before a justice of the peace, personal serving of a summons by an officer on the accused to appear in court, and several court appearances. The use of the MTI ticketing approach enables laying of a criminal charge without having to swear a long form information before a justice of the peace. Once a MTI ticket is issued, it is personally served on the owner of the property upon which the by-law violation is found, who then has the option of paying the ticket or disputing the ticket. If the ticket is paid, it is considered a deemed conviction. If the ticket is disputed, a court date is set and a trial is conducted with the Assistant City Solicitor acting as Crown Counsel. If the accused fails to respond to the ticket, a deemed conviction is entered with the Court after a specified period of time.

Fine amounts prescribed in the MTI By-law must be approved by the Chief Judge of the Provincial Court of British Columbia based on the seriousness of the different types of violations covered by the MTI By-law. The City retains the fines paid in relation to MTI tickets.

DISCUSSION

Sign regulations, which were originally part of Zoning By-law No. 12000, were consolidated into a stand alone Sign By-law adopted by Council on March 22, 1999. To allow for a more efficient method of enforcing the Sign By-law, amendments to the MTI By-law are recommended. A new Section 22 is proposed to be added to Schedule "A" of the MTI By-law to authorize By-law Enforcement personnel and Licensing and Building Inspectors to issue MTI tickets for violations of the Sign By-law. In addition, a new schedule is being added, Schedule 23, that lists the different types of violations of the Sign By-law for which tickets may be issued and lists the fine amount which will be attached to each type of violation. The fine amounts listed on Schedule 23 (Appendix I) for the Sign By-law will be submitted to the Chief Judge for approval after the proposed MTI amendment by-law (to include the Sign By-law in the MTI By-law) receives Third Reading. A fine of \$100 is recommended in all cases, which is consistent with the fine amounts previously approved by the Chief Judge for MTI tickets for these types of violations.

CONCLUSION

This report recommends amendments to the MTI By-law which will authorize the use of MTI tickets for the enforcement of violations of the Sign By-law. Council has the authority to adopt the recommended changes under Section 272 of the Local Government Act, RSBC, 1996, c.323. The MTI ticket process is an efficient means by which to enforce the provisions of the Sign By-law. The recommended amendments have been reviewed by the Legal Services Division and are acceptable from a legal perspective.

Murray D. Dinwoodie
General Manager
Planning & Development Department

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Attachments: Proposed Amendments to the Municipal Ticket Information Utilization By-law, 1994, No. 12508

c.c. - Kelly Rayter, Assistant City Solicitor

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