

CITY OF SURREY

BY-LAW NO. 16394

ABANDONED PROPERTIES BY-LAW, 2007

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As amended by By-law No: 18363, 01/12/15; 18595, 12/14/15; 18987, 12/19/16; 19433, 12/18/17

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 City of Surrey deems it necessary, for the health, safety and protection of persons and property, to regulate safeguarding and security requirements for abandoned or unoccupied buildings on properties within its jurisdiction;
- (b) AND WHEREAS the *Community Charter*, S.B.C. 2003, c. 26 authorizes a municipality to adopt, for the purpose of insuring the health, safety and protection of persons and property, by-laws which required that an owner of property take measures to safeguard abandoned or unoccupied buildings;
- (c) AND WHEREAS the *Community Charter* authorizes officers, employees and agents of the municipality to enter at all reasonable times on any property to ascertain compliance with the municipality's by-laws;
- (d) AND WHEREAS Council deems it appropriate to require an owner of property to safeguard, secure and protect abandoned or unoccupied buildings from property damage, unauthorized entry or occupation for the protection of persons and property;

NOW THEREFORE the Council of the City of Surrey, in open meeting assembled and enacts as follows:

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1. Title

1.1 This By-law may be cited as the "Abandoned Properties By-law, 2007, No. 16394".

2. Definitions

2.1 In this By-law:

"Abandoned Property"

means any building, structure or improvement which is unoccupied by the owner or any tenant or occupier lawfully entitled to occupy the building, structure or improvement for a continuous period of over thirty (30) days within a consecutive forty-five (45) day period.

"Building Inspector"

means the person to whom the City has assigned the responsibility for administering its building regulation by-laws and his or her deputy or designate.

"Inspector" includes:

- (a) a peace officer;
- (b) a by-law enforcement officer;
- (c) a local assistant to the Fire Commissioner;
- (d) a representative of the Fraser Health Authority;
- (e) a British Columbia Gas and Electrical Inspector;
- (f) a Building Inspector, or his or her designate;
- (g) any officer, employee or a representative of the City appointed under this By-law;
and
- (h) a representative of any other governmental agency having jurisdiction in building and structure safety or the health and protection of persons and property.

"City"

means the City of Surrey.

"Owner"

has the same meaning as defined in the *Community Charter*, S.B.C. 2003, s. 26.

"Property"

means real property upon which Abandoned Property is or may be situated.

3. Duty of Owner

3.1 The Owner of a Property that contains an Abandoned Property will ensure the Abandoned Property is made secure against unauthorized entry or occupation, vandalism or other intentional damage or fire hazard by one or more of the following methods:

- (a) affixing structural barriers to windows and other points of ingress using materials and installation effective to preclude easy entry;
- (b) installing security fencing or other perimeter barriers;
- (c) installing a security lighting systems long as the lighting does not impact any neighboring properties;
- (d) installing a security alarm system if permitted under the City's by-laws;
- (e) employing security or guard patrols on a frequent and periodic basis; or
- (f) utilizing or installing such other security measures or devices as may be satisfactory to the Inspector.

3.2 The Owner of an Abandoned Property where:

- (a) unauthorized entry or occupation has occurred; or
- (b) filth, refuse, garbage or other miscellaneous materials have been dumped or stored,

will within five (5) days of receiving notice from the Inspector or any other authorized person, effect such repairs or take such action as may be required by the Inspector, and install or take such security measures as may be required by the Inspector, to secure the Abandoned Property against such further unauthorized entry, occupation, dumping or storage, and to protect the health and safety of the neighborhood surrounding the Abandoned Property.

4. INSPECTION AND NOTICE FROM INSPECTOR

4.1 An Inspector may enter upon any Property or Abandoned Property at any reasonable time and in a reasonable manner for the purpose of inspecting the Property to determine whether the Property is an Abandoned Property and if so, to determine whether the Abandoned Property has been or is being secured in accordance with this By-law.

4.2 If, in an Inspector's opinion the Property is an Abandoned Property that has not been or is not being secured in accordance with this By-law, the Inspector may provide notice to the Owner to secure the Abandoned Property in accordance with this By-law.

4.3 Within five (5) days of receipt of a notice from the Inspector pursuant to Section 4.2, the Owner will secure the Abandoned Property in accordance with the requirements of this By-law or as otherwise determined by the Inspector.

5. FEES FOR ATTENDANCE

- 5.1 As in accordance with *Surrey Fee-Setting By-law, 2001, No. 14577*, the Owner will be responsible for paying, immediately upon receipt of an invoice from the City, all costs of attendance of the Building Inspector, Inspectors, RCMP, fire services personnel, or other City personnel at the Property howsoever or whensoever incurred if the Abandoned Property has not been secured in accordance with this By-law.
- 5.2 Any costs not paid by the Owner pursuant to an invoice under Section 5.1 will, if unpaid as at December 31 in any year, be added to the property taxes for the Property and collected in the same manner as property taxes within the City.

6. CITY WORK IN DEFAULT

- 6.1 If the Owner fails within ten (10) days to secure the Abandoned Property in compliance with a notice received from the Inspector pursuant to Section 3.2 or Section 4.2, then the City, or its contractors, employees or agents, may enter onto the Property and perform the required work to secure the Abandoned Property in accordance with this By-law.
- 6.2 If the Owner is unable to protect the health and safety of persons and property with respect to Abandoned Property, then the City may order the Owner to remove the Abandoned Property on thirty (30) days notice by the City. If the Owner does not remove the Abandoned Property within thirty (30) days of receiving the order, the City or its contractors, employees or agents may enter onto the Property and perform the required work to remove the Abandoned Property and the cost of such removal may be added to the property taxes for the Property. The Owner may seek a reconsideration by Council of the order requiring the removal of the Abandoned Property within thirty (30) days of receiving the order by delivering written notice to the City Clerk.
- 6.3 The Owner will reimburse the City for any expenses incurred by the City as a result of the work performed pursuant to Section 6.1 and 6.2 immediately upon receipt of an invoice from the City. Any amounts due from the Owner under such an invoice remaining unpaid as at December 31 in any year will be added to the property taxes for the Property and collected in the same manner as property taxes within the City.

7. OFFENCES AND PENALTIES

- 7.1 Any person who breaches Section 3.1, 3.2 or 4.3 of this By-law commits an offence punishable on summary conviction, and will be liable to a fine of not less than the sum of \$2,000.00 for the first offence and a fine of not less than \$3,000.00 for each subsequent offence.
- 7.2 Each day that an offence under this By-law is continued will constitute a separate and distinct offence.
- 7.3 Prosecution of a person under this Section 7 does not relieve or exempt a person from the requirements of Sections 3 through 6 of this By-law.
- 7.4 Nothing in this By-law will prejudice, abrogate or affect the rights, powers and obligations of the Fire Chief and officers and members of the Fire Department under *Surrey Fire Service By-law, 1990, No. 10771* or the *British Columbia Fire Code*.

8. SEVERABILITY

8.1 If any provision of this By-law is found or determined by a court of competent jurisdiction to be illegal, invalid or unenforceable, such provision or portion thereof will be severable from this By-law and the balance of this By-law will continue in full force and effect.

9. EFFECTIVE DATE

9.1 This By-law shall come in force on the date of final adoption.

PASSED THREE READINGS on the 14th day of May, 2007.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 28th day of May, 2007.

_____ MAYOR

_____ CLERK