



Corporate Report

NO: R102

COUNCIL DATE: MAY 14, 2007

REGULAR COUNCIL

TO: Mayor & Council DATE: May 9, 2007
FROM: City Solicitor FILE: 3900-20-16393
SUBJECT: Surrey Property Maintenance and Unsightly Premises By-law
and Abandoned Properties By-law

RECOMMENDATION

That Council:

1. Receive this report as information.
2. Authorize the City Clerk to bring forward the Surrey Property Maintenance and Unsightly Premises By-law, 2007, No. 16393, as contained in Appendix "A" to this report for the required readings.
3. Repeal the Surrey Community Improvement and Unsightly Property By-law, 1997, No. 13150 (the "Unsightly Property By-law").
4. Authorize the City Clerk to bring forward the Abandoned Properties By-law, 2007, No. 16394, as contained in Appendix "B" to this report for the required readings.
5. Authorize the City Clerk to bring forward an amending by-law to the Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508, as contained in Appendix "C" to this report for the required readings.

INTENT

The intent of the report is to update the existing Unsightly Property By-law to include new property maintenance standards that can be enforced on an expedited basis. The additional intent of this report is to introduce a new by-law that requires owners of unoccupied or abandoned properties to maintain, safeguard and secure them.

BACKGROUND

The City currently regulates buildings and lands under the following by-laws and statutory provisions:

1. Surrey Community Improvement and Unsightly Property By-law, 1997, No. 13150

This by-law requires owners to clean up "unsightly" property which is defined as having an accumulation of litter, discarded materials, neglected landscaping or deteriorated buildings. Owners have 30 days from the date of service of a notice to remediate unsightly conditions to comply with the notice. Failure to comply with the remediation notice may result in the City doing the work at the expense of the owner which cost is added to taxes if unpaid. This by-law also prohibits graffiti and requires its removal at the expense of the owner.

2. Prohibition of Nuisances By-law, 1996, No. 12883

This by-law levies fines on owners who are convicted of causing a nuisance at common law. Typically nuisances at law include air contamination and noxious or offensive businesses or manufacturing activities. To illustrate, Money's Mushrooms was successfully prosecuted by the City under this by-law and the operations were eventually relocated to Chilliwack.

3. *Community Charter and Local Government Act Remedial Action*

Under s. 72 of the *Community Charter*, S.B.C. 2003, c. 26 (the "*Charter*"), Council may impose remedial action requirements on owners, lessees or occupiers of land where there are hazardous conditions, nuisances in relation to structures or harm to drainage works and dikes. Hazardous or unsafe conditions typically include building by-law violations.

A 30-day notice of the remedial action requirement must be given to the owner or person affected who then has 14 days to notify the City to have Council reconsider the decision. Council has to allow the person affected by the remedial action an opportunity to be heard and make representations to Council. The 30 and 14 day notice periods may be shortened if Council considers there is a significant risk to health or safety.

If the person does not take the required remedial action, the City has the option of doing the work and billing the cost to the owner. If unpaid, the costs can be added to the property taxes.

Section 80 of the *Charter* permits the City to sell property the subject of a remedial action order to satisfy the costs incurred in rectifying unsafe and non-complying structures, or nuisances in relation to structures.

Legal Services also takes civil enforcement actions against owners who are in violation of Zoning By-law, 1993, No. 12000, as amended. A typical remedy is to obtain an injunction that requires the owner to cure or remove the zoning

infraction. The court may levy fines if the owner is in contempt of the injunction order.

Similarly, injunctive action may be taken against owners who do not comply with the terms and conditions of a development permit. For example, owners who substitute landscaping features can be ordered to correct the deficiency through a court process.

DISCUSSION:

The above-noted regulatory framework has shortcomings which the new by-laws propose to rectify as follows:

Lack of expeditious procedures to remediate badly maintained properties

The revised Unsightly Property By-law will leave the remediation notice period to the discretion of staff instead of the existing 30 day period. RCMP may now enforce this revised by-law.

Gaps in property maintenance standards and landscape conditions

The Unsightly Property By-law definition of "unsightly" is expanded and new property maintenance, landscaping, drainage and grading standards are introduced. The definition of "discarded materials" is changed so that it does not just apply to items of "no value". Owners have argued that their junk has value and is therefore exempt from this by-law. The revised by-law also applies to accessory buildings, enclosures, retaining walls, signs, buffering between properties and exterior building features.

Poorly maintained construction sites

The revised Unsightly Property By-law has a new s. 3.4 to include construction sites. The new Abandoned Properties By-law may also apply where construction has been halted and the site abandoned.

Vacant or abandoned properties

A new Abandoned Properties By-law requires owners to adequately secure their property within five days notice from the City. "Abandoned" means unoccupied for over 30 days within a consecutive 45 day period.

Dumping on abandoned properties

Where there is unauthorized occupation, illegal dumping or storage, the owner has five days to clean up and satisfy the City that the property is lawfully occupied.

Deterrence on abandoned properties

Fees are imposed on owners for the costs of inspection or any other staff time. Within 10 days of a notice to the owner of non-compliance the City can remediate at the cost of the owner.

CONCLUSION:

The Surrey Property Maintenance and Unsightly Premises By-law will provide a more expeditious enforcement of property maintenance standards and graffiti removal for residential, commercial and construction properties. The Abandoned Properties By-law provides new expeditious regulatory and enforcement coverage specifically aimed at abandoned or unoccupied property that are being held for future development. It is therefore recommended that Council:

- Repeal the Surrey Community Improvement and Unsightly Property By-law, 1997, No. 13150;
- Authorize the City Clerk to bring forward the Surrey Property Maintenance and Unsightly Premises By-law, 2007, No. 16393;
- Authorize the City Clerk to bring forward the Abandoned Properties By-law, 2007, No. 16394; and
- Authorize the City Clerk to bring forward an amending by-law to the Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508.

CRAIG MacFARLANE
City Solicitor

CM:mlg

c.c. General Manager, Engineering
Acting General Manager, Planning & Development
Fire Chief
Manager, By-laws & Licensing Services

Attachs.

Appendix "A" – Surrey Property Maintenance and Unsightly Premises By-law, 2007, No. 16393
Appendix "B" – Abandoned Properties By-law, 2007, No. 16394
Appendix "C" – Amendments to Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508

APPENDIX "A"

CITY OF SURREY

BY-LAW NO. 16393

SURREY PROPERTY MAINTENANCE AND UNSIGHTLY
PREMISES BY-LAW, 2007

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- (a) WHEREAS the property values and the general welfare of the community are founded, in part, upon the appearance and maintenance of property in the City;
- (b) AND WHEREAS unsightly conditions 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; and
- (d) AND WHEREAS the abatement of such conditions will improve the general welfare and image of the City.

Under its statutory powers, including Sections 7, 8, 12, 15, 16 and 17 of the *Community Charter*, S.B.C. 2003, c. 26, 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 provide for the abatement of such conditions; and
- (c) to prescribe standards for the maintenance of property.

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Part 1

Introductory Provisions

Title

- 1.1 This By-law may be cited as the "Surrey Property Maintenance and Unsightly Premises By-law, 2007, No. 16393."

Definitions

- 1.2 In this By-law,

"Discarded Materials"

means substances which may be present in accumulations in excess of six inches in height and ten inches in diameter, including but not limited to deteriorated lumber, old newspapers, furniture parts, stoves, sinks, cabinets, household fixtures, refrigerators, car parts, abandoned, broken or neglected equipment, or the scattered remains of items.

"Engineer"

means the Manager of the Engineering Department for the City, or designates.

"Graffiti"

means one or more letters, initials, symbols, marks, slogans, designs or drawings, howsoever made, on any sidewalk, wall, building, fence, sign or any other structure or surface but does not include marks made accidentally, or any of the following:

- (a) a sign, public notice or traffic control mark authorized by the Engineer;
- (b) a sign authorized pursuant to the City's applicable by-law provisions regulating signs;
- (c) a public notice authorized by a City by-law or by provincial or federal legislation; and
- (d) in the case of private property, a letter, symbol or mark authorized by the owner or occupant of the property on which the letter, symbol or mark appears.

"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.

"Litter"

means substances, excluding toxic, biomedical or hazardous materials, of no apparent economical value, that can be discarded into a standard household waste container or garbage bag or bags.

"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"

has the same meaning as owner under the *Community Charter*, S.B.C. 2003, c. 26.

"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, frontyards, sideyards, backyards, driveways, walkways, sidewalks and boulevards and shall include any building, structure or fence located on such real property.

"Property Maintenance Standards"

means all the property maintenance standards prescribed in Part 3 of this By-law.

"Rubbish"

means decaying or non-decaying solid and semi-solid wastes, including but not limited to both combustible and non-combustible wastes, such as paper, trash, refuse, cardboard, waste material, cans, yard clippings, wood, glass, bedding, mattresses, crates, rags, barrels, boxes, lumber not neatly piled, scrap iron, tin and other metal, scrap paving material, discarded appliances, discarded furniture, dry vegetation, weeds, dead trees and

branches, overgrown vegetation and trees which may harbor insect or rodent infestations or may become a fire hazard and piles of earth mixed with any of the above.

"Unsightly"

describes property having any one or more of the following characteristics:

- (a) the accumulation of junk, filth, litter, brush, discarded materials, refuse, rubbish, garbage or graffiti;
- (b) fences characterized by holes, breaks, rot, crumbling, cracking, peeling or rusting;
- (c) landscaping that is dead, characterized by uncontrolled growth or lack of maintenance, or is damaged;
- (d) a lowering in quality of the condition or appearance of a building or structure or parts thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay or neglect or excessive use or lack of maintenance; or
- (e) any other similar conditions of disrepair and deterioration regardless of the condition of other properties in the neighbourhood.

Part 2 Prohibition

Unsightliness

- 2.1 No owner or occupant of property within the City of Surrey shall permit or allow the property to become or remain unsightly.

Graffiti

- 2.2 No person shall place graffiti or cause graffiti to be placed on any sidewalk, wall, building, fence, sign or any other structure or surface.

Accumulation

- 2.3 No 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 the property.

Rubbish

- 2.4 No person shall deposit or throw bottles, broken glass or other rubbish in any open place in the City of Surrey.

Insects

- 2.5 No owner or occupant of property within the City of Surrey shall permit or allow an infestation of the property by caterpillars or other noxious or destructive insects.

Part 3 Property Standards

Maintenance of Property

- 3.1 Nothing in this Part shall be deemed to prevent the lawful storage and keeping of material in or on any non-residential property, if a lawful use requiring that material is conducted on the property and the materials are stored in a neat and orderly fashion.
- 3.2 All property shall be kept clean and free from accumulations of junk, rubbish, brush, refuse, litter, garbage and other debris, and any conditions that are health, fire or other hazards.
- 3.3 All property shall be kept clean and free from dilapidated, collapsed or unfinished structures.
- 3.4 All construction conducted on a property shall be carried out in a tidy and orderly fashion, and all construction materials and equipment shall be properly stored when not in use.
- 3.5 No mechanical equipment, vehicle, trailer or boat or a remnant or any part of them, or that is in a wrecked, discarded, dismantled or inoperative condition shall be parked, stored or left on property, unless it is lawfully permitted to use the property for this purpose.

Landscaping, Drainage and Grading

- 3.6 All property shall be graded and have suitable ground cover to prevent recurrent ponding of water, unstable soil conditions or erosion, and so as to direct the flow of surface water away from the walls of all buildings.
- 3.7 All property shall be landscaped, so as to prevent unstable soil conditions or erosion, with any combination of the following:
- (a) trees, shrubs, grass or flowers;
 - (b) decorative stonework, walkways or screening; and
 - (c) any other horticultural or landscape-architectural elements.
- 3.8 If paving is permitted as landscaping under the provisions of a zoning by-law, any hard surface paved area must be separated from adjacent driveways and walkways with a physical barrier, not less than 150 millimetres above grade.

- 3.9 Where grass forms part of the ground cover on property, it shall be maintained in a living condition and at a height of not more than 20 centimetres.
- 3.10 All lawns, shrubs and hedges on property shall be kept trimmed and not be overgrown.
- 3.11 All property shall be kept free of heavy undergrowth and weeds.
- 3.12. On all property trees or other plants, or limbs or branches of it, that are dead, diseased, decayed or damaged shall be removed from the property or otherwise pruned to remove the dead, diseased, dying or dangerous portions of the tree or plant.
- 3.13 On all property all hedges, shrubs, trees or other plants shall be planted and maintained in a manner that does not:
- (a) obstruct the safety of the public;
 - (b) affect the safety of vehicular or pedestrian traffic;
 - (c) constitute an obstruction of view for vehicular traffic;
 - (d) wholly or partially conceal or interfere with the use of any hydrant or water valves; or
 - (e) overhang or encroach upon any pavement, sidewalk or travelled portion of any street or highway.

Accessory Buildings

- 3.14 Every accessory building on property shall be constructed and maintained with suitable and uniform materials, kept in good repair, free from hazards, and protected by paint, preservatives or other weather-resistant material.

Enclosures

- 3.15 All fences, screens and other enclosures around or on a property shall be maintained in a structurally sound condition and plumb, unless specifically designed to be other than vertical, with a uniform construction, in good repair and free from hazards.

Retaining Walls

- 3.16 Retaining walls on property shall be structurally sound and plumb, unless specifically designed to be other than vertical, and shall be maintained in good repair and free from hazard.

Signs

- 3.17 On all property:
- (a) signs and any fastening or supporting members that are damaged, broken or excessively weathered or faded, or that have a worn, peeled or cracked finish,

shall be removed or refinished and put in a good state of repair so that the signs are free from defects or faded lettering;

- (b) signs and sign structures that are not used for the purpose intended, not cared for or discarded shall be removed from the property; and
- (c) signs shall be maintained so that the information conveyed by the sign by colour, form, graphic, illumination, symbol or writing is clearly legible.

Buffering

- 3.18 Property that, because of its use, occupancy or other reasons, creates a nuisance to other properties in the neighbourhood shall be buffered from these properties so as to minimize the effect of the nuisance by the provision and maintenance of:
- (a) a barrier or deflectors to prevent lighting and vehicle headlights from shining directly into a dwelling unit;
 - (b) a barrier to prevent wind-blown waste, wrappings, debris and similar things from littering or settling on adjacent properties;
 - (c) a visual screen or fence, of uniform construction and appropriate to the nature of the adjacent use, to minimize the visual impact of nuisances to persons at grade on adjacent properties or a public highway; and
 - (d) the provision and maintenance of a barrier of sufficient size and strength to prevent the dumping of debris or refuse in yards or vacant property.

Exterior Walls, Columns and Beams

- 3.19 On all property the following shall apply:
- (a) exterior columns, walls and their components shall be maintained in good repair, weather-tight and free from loose or unsecured objects and materials;
 - (b) the protective or decorative finishes of all exterior surfaces shall be maintained in good repair so as to prevent deterioration that affects the appearance of the building or structure;
 - (c) markings, stains, graffiti, painted slogans, smoke damage or other markings or defacement appearing on any exterior surface shall be removed, and, if necessary to maintain the exterior surface, the surface of these areas shall be restored, resurfaced and co-ordinated to the exterior finish of the building or structure; and
 - (d) all canopies, marquees, signs, awnings, screens, grilles, stairways, pipes, ducts, standpipes, air conditioners and all similar equipment, attachments and their supporting members shall be maintained in good repair, properly anchored and protected from the elements, so as to prevent decay and rust, by paint or other protective coating.

Garbage and Debris Storage and Disposal

- 3.20 On all property garbage and refuse shall be stored in receptacles and removed in accordance with other City by-laws.

Part 4 Inspection and Notice

Inspection

- 4.1 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 unsightly or otherwise not in compliance with the provisions of this By-law.

Notice to Comply

- 4.2 Upon declaring property to be unsightly or otherwise not in compliance with the provisions of this By-law, an Inspector shall serve on the owner or occupant of the property a notice to :
- (a) perform and comply with the property maintenance standards;
 - (b) remove unsightly accumulations of filth, discarded materials, rubbish or graffiti from the property;
 - (c) clear the property of brush, trees, noxious weeds or other growths;
 - (d) clear the property of caterpillars or other noxious or destructive insects; or
 - (e) clear the property of litter.

Contents of Notice

- 4.3 The notice served by an Inspector pursuant to Section 4.2 shall state:
- (a) the civic address of the property;
 - (b) the legal description of the property;
 - (c) the particulars of the unsightliness or non-compliance to be remedied;
 - (d) that the unsightliness or non-compliance must be remedied within the time prescribed in the notice; and
 - (e) that if the owner or occupant fails to comply with the notice, the City will proceed to carry out the work required, and the cost of such work will be added to the taxes of the property, and the owner or occupant may be subject to prosecution for an offence under this By-law.

Part 5 Non-Compliance

Remedy by City

- 5.1 If an owner or occupier fails to comply with a written notice of an Inspector or Engineer, the City, by its employees or other persons, at reasonable times and in a reasonable manner, may enter the property and effect the compliance at the expense of the owner or occupier who has failed to comply.

Costs Added to Taxes

5.2 In the event that the person who has failed to comply fails to pay the costs of compliance before the 31st day of December in the year that the compliance was effected, the costs shall be added to and form part of the taxes payable on the property as taxes in arrears.

**Part 6
Offences and Penalties**

Offences and Penalties

6.1 Any person who contravenes, suffers or permits any act or thing to be done in contravention of, or neglects to do or refrains from doing anything required to be done pursuant to any 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 the sum of \$100.00, but not exceeding the sum of \$10,000.00.

6.2 Where an offence is a continuing offence, each day that the offence is continued shall constitute a separate and distinct offence.

6.3 Prosecution of a person pursuant to Section 6.1 of this By-law does not exempt the person from the remediation provisions of Part 5 of this By-law.

**Part 7
General Provisions**

Repeal

7.1 "Surrey Community Improvement and Unsightly Property By-law, 1997, No. 13150" as amended, is hereby repealed.

Commencement

7.2 This By-law shall come into force on the date of final adoption hereof.

PASSED THREE READINGS on the _____ day of _____, 2007.

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

_____MAYOR

_____CLERK

APPENDIX "B"

CITY OF SURREY

BY-LAW NO. 16394

ABANDONED PROPERTIES BY-LAW, 2007
.....

- (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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- 2. Definitions
- 3. Duty of Owner
- 4. Inspection and Notice from Inspector
- 5. Fees for Attendance
- 6. City Work in Default
- 7. Offences and Penalties
- 8. Severability
- 9. Effective date

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 Schedule "A" of this By-law, 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 _____ day of _____, 2007.

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

_____ MAYOR

_____ CLERK

SCHEDULE "A"

Fee for initial investigation and inspection of Property, including attendance by any Inspector	Actual costs incurred by the City for all related labour, materials or equipment
Fee for initial building inspection	\$250.00
Fee to coordinate inspections of other authorities having jurisdiction	\$100.00 for each agency
Fee for building permit authorizing remediation	Fee for building permit as set out in the City's Building By-law
Fee to issue letter accepting final inspection of construction and authorization to re-occupy	\$250.00
Attendance by Fire Services at a fire incident	Actual costs incurred by the City for all related labour, materials and equipment

APPENDIX "C"

Proposed Amendments to Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508, as amended (the "By-law")

That the By-law be further amended as follows:

1. By revising Section 20 in Schedule "A" to read as follows:
 20. Surrey Property Maintenance and Unsightly Premises By-law, 2007, No. 16393
 - Manager, By-law & Licensing Services
 - Senior By-law Enforcement Officer
 - By-law Enforcement Officer
 - Member of the Royal Canadian Mounted Police
2. By inserting a new Schedule 21 as attached.

SCHEDULE 21 to BY-LAW NO. 12508

**SURREY PROPERTY MAINTENANCE
AND UNSIGHTLY PREMISES BY-LAW,
2007, NO. 16393**

	SECTION	FINE
1. Permit unsightly property	2.1	\$500.00
2. Place graffiti	2.2	\$250.00
3. Permit accumulation of rubbish	2.3	\$500.00