

NO: R171

COUNCIL DATE: SEPTEMBER 29, 2014

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **September 22, 2014**

FROM: **City Solicitor
Fire Chief**

FILE: **3900-20-12508**

SUBJECT: **Amendment to "Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508"**

RECOMMENDATION

The Legal Services Division Department recommend that Council:

1. Receive this report as information;
2. Approve amendments to Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508, as amended (the "MTI By-law"), as documented in Appendix "I" of this report, which allow for the use of MTI tickets in the enforcement of Section 3(4) of Surrey Fireworks Regulation By-law, 1974, No. 4200; and
3. Authorize the City Clerk to bring forward the related amendment By-law for the required readings.

INTENT

The purpose of this report is to seek approval of amendments to the MTI By-law, which will allow for enforcement through MTI ticketing of Section 3(4) of Surrey Fireworks Regulation By-law, 1974, No. 4200 (the "Fireworks By-law").

BACKGROUND

Section 264 of the *Community Charter*, S.B.C. 2003, c. 26 (the "*Community Charter*"), gives the City the ability to enforce its regulatory by-laws by way of an information (a ticket) called a Municipal Ticket Information (an "MTI ticket"). Pursuant to this authority, the City has enacted the MTI By-law, which designates which of the City's regulatory by-laws, may be enforced by way of MTI tickets, specifies the persons who have the power to write the MTI tickets and sets a specified fine amount for each violation type.

When an MTI ticket is written, it is personally served on the individual who then has the option of paying the MTI or disputing the MTI. If the MTI is paid, it is considered a deemed conviction. If the MTI is disputed, a Court date is set and a trial is conducted by the Assistant City Solicitor acting as the prosecutor. If the defendant does not respond to the MTI after a specified period of time, the defendant is deemed to have pleaded guilty and the fine amount is immediately payable to the City.

DISCUSSION

The By-law Enforcement & Licensing Section intends to continue to increase its enforcement of the Fireworks By-law prior to this year's Halloween and the proposed amendments to the MTI By-law, if adopted, will assist staff in enforcing the Fireworks By-law. Current enforcement efforts have targeted the sale of fireworks, this amendment will allow for more broader enforcement.

Section 3(4) of the Fireworks By-law provides the following:

(4) No person shall sell, dispose of, give or otherwise distribute fireworks to another person unless the person is a Fireworks Supervisor.

Currently, offences related to Section 3(4) must be enforced by means of long form charges through the Court, which is a fairly time-consuming and costly process. The amendments to the MTI By-law, if adopted, will provide staff with an additional tool and greater latitude in relation to enforcement actions associated with the Fireworks By-law. The option of proceeding with long form charges through the Court will also remain an option where circumstances warrant such an approach.

SUSTAINABILITY CONSIDERATIONS

The recommendation of this report if adopted will assist in achieving the objectives of the City's Sustainability Charter by using the City's resources more efficiently.

CONCLUSION

Based on the above discussion, the Legal Services Division and Surrey Fire Service recommend that Council:

- Approve amendments to Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508, as amended (the "MTI By-law"), as documented in Appendix "I" of this report, which allow for the use of MTI tickets in the enforcement of Section 3(4) of Surrey Fireworks Regulation By-law, 1974, No. 4200; and
- Authorize the City Clerk to bring forward the related amendment By-law for the required readings.



CRAIG MacFARLANE
City Solicitor



LEN GARIS
Fire Chief

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cc: Manager, By-law Enforcement & Licensing Services

Appendix "I": Proposed Amendments to the Surrey Municipal Ticket Information Utilization By-law No. 12508

APPENDIX "I"

CITY OF SURREY

BY-LAW NO. _____

A by-law to amend the provisions of "Surrey Municipal Ticket Information Utilization By-law", 1994, No. 12508, as amended.
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The Council of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

1. "Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508" as amended is hereby further amended as follows:

- a) By renumbering existing Sections 3, 4, 5 and 6 of Schedule 19 to 4, 5, 6 and 7 respectively; and
- b) By adding a new Section 3 as follows:

"3. Sell/dispose/distribute fireworks 3(4) \$500.00"

2. This By-law shall be cited for all purposes as "Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508, Amendment By-law, 2014, No. ____."

PASSED FIRST READING on the ____ day of _____, 2014.

PASSED SECOND READING on the ____ day of _____, 2014.

PASSED THIRD READING on the ____ day of _____, 2014.

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

_____ MAYOR

_____ CLERK