

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 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