

Hearing Order OH-001-2014
Trans Mountain Pipeline ULC
Application for the Trans Mountain Expansion Project



City of Burnaby

Assumptions of Trans Mountain Pipeline ULC for
the Trans Mountain Expansion Project in
the City of Burnaby

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1. Introduction

Trans Mountain Pipeline ULC (Trans Mountain) has made a number of assumptions in its application to the National Energy Board (NEB or the Board) for the Trans Mountain Expansion Project (TMEP or the Project) about the services and assistance that the City of Burnaby (Burnaby) is able and willing to provide to support the TMEP. This report is prepared on behalf of Burnaby. It sets out the assumptions that Trans Mountain has made in its application and in its responses to the information requests of Burnaby, and the likelihood, or lack thereof, of those assumptions being correct or applicable within Burnaby. It further sets out the existing Burnaby bylaws that Trans Mountain's application, as proposed, may contravene, and the responses of Burnaby to those potential contraventions.

The NEB has a duty to consider the scenarios and assumptions described in the TMEP application, and whether those assumptions should be reasonably accepted, and to do so in the face of the best evidence available. This report raises evidence that some assumptions and scenarios, within Burnaby, as set out in the TMEP application are either wrong or unlikely.

Burnaby Council must act in the best interests of its citizens, must ensure the safety of its service providers, and do whatever is necessary to protect the environment within the City and its surrounding waters and air. While the NEB may make determinations of the national interest, this does not mean that a Project will be determined to be in the best interests of Burnaby or its citizens, or will have the necessary social licence to operate in Burnaby, and thus that the NEB can require Burnaby to provide optional services, to waive bylaw enforcement or to co-operate in a Project which is not supported under Burnaby laws or by its citizens.

Burnaby Council has determined, along with other municipalities, that the process followed to date by the NEB is deeply flawed from the perspective of municipal interests and inadequate to assess the health and safety risks of a proposed pipeline and facility expansion through a major metropolitan area.

Should Council make the determination that the proposed TMEP is not in the interest of Burnaby citizens and does not have social licence, it would not be reasonable to ask the municipality to take on additional costs or to risk its staff or resources in assisting this Project. TMEP cannot unilaterally demand additional services, resources or staff assistance other than required by law, and the NEB has no jurisdiction over the provision of municipal services or co-operation. TMEP has, to date, not made formal or informal arrangements with Burnaby for many of the necessary services, resources and planning initiatives that it contemplates in its application will be available. In those circumstances, many of the assumptions that Trans Mountain makes concerning emergency services, emergency planning, evacuation, availability of external resources, fire services, police services, traffic management, planning and development, land use, access to water, noise and compensation, are either incorrect or unsupported by commitments from Burnaby. Further, a number of the assumptions Trans Mountain makes are contrary to existing Burnaby bylaws that have been enacted in the public interest and that Burnaby has an obligation to and intends to enforce. This report is provided to allow the NEB to assess the true risks of the TMEP and to require appropriate evidence from Trans Mountain as to its alternative plans in the event these assumptions are incorrect.

2. Assumptions of Trans Mountain

2.1 Social Licence

Trans Mountain generally assumes in its application and in its responses to information requests of Burnaby that Burnaby will provide all municipal services to facilitate the construction and operation of the TMEP that they would offer to any citizen of Burnaby.¹ Trans Mountain repeats in a substantial number of IR's requesting answers to various issues that "KMC is not aware of any circumstance where a municipality has withheld municipal services to a tax-payer".² That non-answer does not assist in determining the outcome where such services are optional or require active municipal co-operation. The TMEP involves substantial impacts to Burnaby and its citizens, and would require Burnaby and its citizens to live with significant new risks and costs for an indefinite duration. In the absence of what is sometimes called 'social licence', the democratically elected Council of the City of Burnaby must act in the interests of its citizens. In the absence of formal agreements with the City, it cannot be assumed that voluntary services, additional resources or extra staff co-ordination will be extended to a Project that its citizens continue to oppose in great numbers. It cannot be assumed that Burnaby will take on additional cost for a Project opposed by its citizens.

As such, the assumption of Trans Mountain that it can rely on the provision of such municipal services by Burnaby is generally incorrect.

2.2 Emergency Services

Trans Mountain assumes in numerous places in its application and in its responses to information requests of Burnaby that Burnaby would provide emergency services in the event of an emergency associated with the TMEP.³ For example, Trans Mountain acknowledges that:

in the event of a large spill, demands are likely to be placed on local, municipal, regional and independent emergency responders (fire, police, ambulance, disaster agencies), hospitals, clinics, social service and relief organizations, and local, municipal, regional and federal government officials and staff. [...]⁴

The emergency management or emergency response plans of Trans Mountain assume that municipal emergency services, including fire services, would be available in the event of an

¹ A4H8A1, Trans Mountain Response to City Burnaby IR No. 2, IR No. 2.132e, PDF Page 372 to 374 of 456
A55987, Application Volume 1, s. 1.0, Application and General Information, p. 1-1 to 1-11

A3Y2E6, Trans Mountain Response to City Burnaby IR No. 1, IR No. 1.01.03a, PDF Page 4 of 754

² A3Y2E6, Trans Mountain Response to City Burnaby IR No. 1, IR No. 1.01.04d, PDF Page 6 of 754

³ A3Y2E6, Trans Mountain Response to City Burnaby IR No. 1, IR No. 1.01.04a, PDF Page 6 of 754

A56013, Application Volume 6B, s. 1.2.3, Emergency Response Plans, p. 1-10

A3Y2E6, Trans Mountain Response to City Burnaby IR No. 1, IR No. 1.07.09d, PDF Page 157 of 754

A56025, Application Volume 7, s. 4.3.1, Incident Command System, p. 7-28

A56025, Application Volume 7, s. 4.1, General, p. 7-21

A56025, Application Volume 7, s. 4.61, Training and Exercise Programs, p. 7-35

A3Y2E6, Trans Mountain Response to City Burnaby IR No. 1, IR No. 1.07.17h, PDF Page 178 of 754

A56025, Application Volume 7, s. 4.3.1, Incident Command System, p. 7-27

⁴ A56025, Application Volume 7, s. 6.3.3.3, Local Infrastructure and Services, p. 7-91

emergency, even one wholly contained within the Trans Mountain facilities.⁵ However, Trans Mountain has not secured the availability of emergency responders, or entered into any contract with Burnaby for the provision of those responders.

Burnaby will provide those services required by law, and will protect the health and safety of its citizens, but may not be in a position to respond inside Trans Mountain facilities, particularly in the absence of voluntary agreement to do so. In other evidence to be provided, Burnaby has determined that it may not currently have the resources to safely provide the emergency services that Trans Mountain assumes in its application to be available. In the absence of any evidence those services will be provided, it is Burnaby's position that the NEB should not accept Trans Mountain's assumptions.

In the absence of consent or social licence for the Project, Burnaby is not willing to commit additional services its citizens must pay for, where the risk or cost of such services is higher than the City considers safe or appropriate. As such, the assumption of the provision of emergency services by Burnaby in the event of an accident or malfunction associated with the TMEP is incorrect.

It is the expectation of Burnaby that the fire services would limit their involvement in relation to any emergency resulting from the TMEP to the protection of citizens outside the fence-line of the Burnaby Mountain Terminal and Westridge Marine Terminal, and adjacent to the pipeline.

Where facilities constitute an unusually 'high risk' of emergency, and such facilities do not have municipal approval, it would not be appropriate to assume the municipality would allow its service providers to risk their lives, or provide funds for additional resources on a non-sanctioned high risk facility.

Burnaby also funds the provision of police services. The RCMP obviously must ensure public safety at all times, but in the absence of a formal agreement, it should not be assumed that the City would request that the RCMP provide additional services resulting from an emergency associated with the TMEP.

2.3 Emergency Planning

Trans Mountain assumes in its application and in its responses to information requests of Burnaby that Burnaby would coordinate with Trans Mountain through the Incident Command System in the event of an emergency.⁶ Under the Incident Command System, Trans Mountain notes that "KMC works with local authorities in the event of an emergency to coordinate

⁵ A4D3E9, Attachment 1 EMP Documents TMPL, PDF Page 1 of 5
A4F9H5, Response to Province of British Columbia Notice of Motion dated December 5, 2014, PDF Page 9 of 11
A4H8A1, Trans Mountain Response to City Burnaby IR No. 2, IR No. 2.001i, PDF Page 5 of 456

⁶ A56025, Application Volume 7, s. 4.3.1, Incident Command System, p. 7-27
A3Y2E6, Trans Mountain Response to City Burnaby IR No. 1, IR No. 1.07.23d, PDF Page 188 of 754
A3Y2E6, Trans Mountain Response to City Burnaby IR No. 1, PDF Page 68 to 70 of 754
A4H8A1, Trans Mountain Response to City Burnaby IR No. 2, IR No. 2.024a, PDF Page 87 of 456

response, including immediate notifications as required.”⁷ Trans Mountain does not have any arrangement with Burnaby to coordinate a response to an emergency from the TMEP.

As currently contemplated, Burnaby staff will not be authorized to participate in the Incident Command System for emergencies arising from the TMEP, and will not be assisting Trans Mountain in any notifications. This assumption is, therefore, incorrect. Trans Mountain would need to provide its own emergency response coordination and notification system, without Burnaby’s assistance.

Burnaby requests that the NEB consider what system of Incident Command and co-ordination will be provided by TMEP without the assistance of municipal staff and resources, and whether such an alternative system, if any, will provide adequate guarantees of public safety.

2.4 Evacuation

Trans Mountain assumes in its application and in its responses to information requests of Burnaby that Burnaby would have the capacity and resources to coordinate evacuation resulting from an emergency arising from the TMEP or otherwise.⁸ Trans Mountain notes that “the decision as to the best course of action and subsequent actions taken to evacuate residents are the responsibility of local emergency services. KMC does not have the legislative authority to undertake evacuations.”⁹

Trans Mountain does not have any agreement or commitment to a plan for evacuation with Burnaby for emergencies associated with the TMEP. It, thus, cannot be assumed that Burnaby would have the capacity or resources to evacuate citizens as a result of an accident or malfunction associated with the Project. There is no evidence before the NEB that supports the assumption that Burnaby has the resources to conduct a full evacuation arising from an emergency at the TMEP.

2.5 Availability of External and Regional Resources

Trans Mountain assumes in its application and in its responses to information requests of Burnaby that Burnaby would find suitable alternative resources to respond to an emergency, if it does not have the present resources and capacity to respond to the emergency and effectively resolve it.¹⁰ Trans Mountain notes that “[i]f Burnaby emergency responders are not available due to other emergencies, it would be expected that Burnaby Fire Department would call on mutual

⁷ A3Y2E6, Trans Mountain Response to City Burnaby IR No. 1, IR No. 1.07.23d, PDF Page 188 of 754

⁸ A56025, Application Volume 7, s. 4.3.1, Incident Command System, p. 7-27

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A4H8A1, Trans Mountain Response to City Burnaby IR No. 2, IR No. 2.024a, PDF Page 87 of 456

A56004, Application Volume 5A, s. 7.10.4, Significance Evaluation of Potential Residual Effects, p. 7-536

A3Y2E6, Trans Mountain Response to City Burnaby IR No. 1, IR No. 1.33.34f, PDF Page 570 of 754

⁹ A4H8A1, Trans Mountain Response to City Burnaby IR No. 2, IR No. 2.024a, PDF Page 87 of 456

¹⁰ A56025, Application Volume 7, s. 11.0, Appendix E, Facility Integrity Hazards – Piping, p. E-4

A3Y2E6, Trans Mountain Response to City Burnaby IR No. 1, IR No. 1.07.29z, PDF Page 201 of 754

aid, the RCMP would contact other detachments and the BC Ambulance Service would provide provincial resources as per their routine practice.”¹¹

There is no evidence provided to support the stated ‘expectation’. Burnaby does not agree at this time that it will procure additional resources from other jurisdictions or undertake additional expenses to provide emergency response to emergencies associated with the TMEP. Burnaby asks that the NEB demand evidence of alternative arrangements from TMEP for additional regional resources.

In most cases, the request for additional resources from its neighbors or from regional service providers requires a prior mutual aid agreement. Under the terms of such agreements, the City would normally have to agree to pay for such services, ie. to take on additional costs which it would pass on to its citizens and taxpayers.

The provision of extra-jurisdictional resources also requires in most cases that those resources must be specifically requested by the City service provider. For example, under the Mutual Aid Agreement for Fire Services, the Burnaby Fire Chief would have to request the additional resources from surrounding jurisdictions and then Burnaby would be responsible for paying for those resources.¹² The Mutual Aid Agreement provides that:

2. The procedure to be followed in requesting and rendering aid under this Agreement shall be governed by the following principles, namely:

a) A Fire Chief will attempt to fully utilize the emergency resources of his bordering Parties before requesting emergency resources from more distance Parties except where special equipment is not available from the bordering Parties.

b) Where a Fire Chief determines that an emergency exists, he shall request emergency resources from the appropriate Party.

c) A Fire Chief who receives a request for emergency resources from another Party may determine the extent of and duration for which the emergency resources are available and thereupon such emergency resources, if any are available, shall be dispatched and utilized to control the emergency; but nothing in this Agreement shall be construed to require a Fire Chief to dispatch emergency resources.

d) The Officer-in-Charge of emergency resources sent to assist in an emergency shall remain in charge of those resources and control and direct those resources inco-operation with the requesting Fire Chief.

And that:

4. When a Party provides emergency resources:

a) the Party providing emergency resources may, within sixty days after so doing, render to the Party that requested emergency resources a correct account of the

¹¹ A3Y2E6, Trans Mountain Response to City Burnaby IR No. 1, IR No. 1.07.29z, PDF Page 201 of 754

¹² Mutual Aid Agreement for Emergencies (October 13, 1995), ss. 2 and 4

firefighters and the cost of the service in accordance with the table of costs set out in Schedule "A" hereto;

b) the Party that requested emergency resources shall pay the account within thirty days after receiving it.

Given that Burnaby would have to authorize additional expenses for any extra-jurisdictional emergency responders, it is not reasonable to assume, in the absence of an agreement with Burnaby, that those resources would be available for the TMEP. It is not reasonable to impose on the citizens of Burnaby, for a Project against their will, an additional financial burden, which would amount to subsidy to TMEP against the wishes of Burnaby citizens.

Further, given that regional resources must come, under the terms of such agreements, at the request of senior Burnaby personnel, and that, as noted above, such senior personnel may not be participating in emergency planning or command structures, then there is no demonstrated mechanism for the regional request. TMEP has no current arrangements with regional service providers to provide such services. Further, as most such agreements require a mutual aid provision that TMEP has no capacity to offer, it appears that such agreements are highly unlikely.

As such, the assumption by Trans Mountain that extra-jurisdictional resources would be available to respond to emergencies associated with the TMEP is incorrect.

2.6 Fire Services

2.6.1 Fire Personnel and Planning

Trans Mountain assumes in its application and in its responses to information requests of Burnaby that Burnaby Fire Department would respond to fires emanating out of the TMEP and that the Burnaby Fire Department would participate in the Unified Command for the TMEP.¹³ Trans Mountain acknowledges in the application that it does not maintain a fire brigade.¹⁴ It is the expectation of Burnaby that the Burnaby Fire Department may be required to limit their involvement in relation to any emergency resulting from the TMEP to the priority protection of citizens outside the fence-line of the Burnaby Mountain Terminal and Westridge Marine Terminal, or adjacent to the pipeline rupture. Partly resulting from its proposed redesign and reduced spacing, which the Burnaby Fire Department believes may put lives at risk, or where the Burnaby Fire Department does not have the resources or the capacity to respond to a fire at the Burnaby Mountain Terminal, the Fire Department will focus on protecting the citizens and adjacent neighborhoods within Burnaby.

¹³ A56004, Application Volume 5B, s. 5.5.6.1, Emergency and Protective Services, p. 5-160

A56013, Application Volume 6A, s. 8.3, Environmental Emergency Response, p. 8-1

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A3Y2E6, Trans Mountain Response to City Burnaby IR No. 1, IR No. 1.07.29y, PDF Page 201 of 754

¹⁴ A56025, Application Volume 7, s. 4.4, Emergency Response Manuals and Reference Materials

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Trans Mountain has not confirmed with the Burnaby Fire Department that they have the necessary capacity and resources to respond to a fire from the Project. As such, the assumption that Burnaby Fire personnel would be available to respond to fires within the TMEP facilities and to participate in the Unified Command is unsupported.

2.6.2 Fire Equipment

Trans Mountain assumes in its application and in its responses to information requests of Burnaby that the Burnaby Fire Department has the equipment, including personal protective equipment, and resources to respond to a fire at the TMEP facilities and pipelines within Burnaby.¹⁵ Trans Mountain has not confirmed with the Burnaby Fire Department that it has the specialized hydrocarbon equipment and resources to be able to respond to a fire at the expanded facilities and pipelines within Burnaby as a result of the TMEP. As such, the assumption that the Burnaby Fire Department has the necessary specialized equipment and resources is not reasonable or correct.

Burnaby has no present plans, and should not be required to make additional expenditures for fire-fighting equipment and resources required because of expanded TMEP facilities.

2.6.3 Fire Boats

Trans Mountain assumes in its application and in its responses to information requests of Burnaby that Burnaby would be able to respond to fires associated with the TMEP with fire boats.¹⁶ Burnaby Fire Department does not have fire boats. This assumption is, therefore, incorrect.

2.7 Police Services

Trans Mountain assumes in its application and in its responses to information requests of Burnaby that the local RCMP in Burnaby would respond to security incidents at the expanded facilities and pipelines for the TMEP.¹⁷ Burnaby cannot assure the NEB that it will request the RCMP attend an emergency associated with the TMEP or will authorize additional expenses for the RCMP to attend an emergency associated with the TMEP.

¹⁵ A56004, Application Volume 5B, s. 5.5.6.1, Emergency and Protective Services, p. 5-160

A56013, Application Volume 6A, s. 8.3, Environmental Emergency Response, p. 8-1

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¹⁶ A56011, Application Volume 5D2, s. 8.6.7, Emergency and Protective – Metro Vancouver

Region, Table 8.6-6 *Firefighting and Protective Services for Communities Along the Proposed Pipeline Corridor of the Metro Vancouver Region*, p. 8-69

A56023, Application Volume 8C, s. 3.4.2, Westridge Safety & Monitoring, p. 24-26

A3Y2E6, Trans Mountain Response to City Burnaby IR No. 1, IR No. 1.25.02c, PDF Page 426 of 754

¹⁷ A56025, Application Volume 7, s. 11.0, Appendix E, Facility Integrity Hazards – Piping, p. E-4

A3Y2E6, Trans Mountain Response to City Burnaby IR No. 1, IR No. 1.07.29, Page 199 to 201 of 754

2.8 Traffic

2.8.1 Traffic Control Plan and Permits

Trans Mountain assumes in its application and in its responses to information requests of Burnaby that Burnaby would agree to a traffic control plan and issue permits for the alteration of traffic for the construction of the TMEP.¹⁸ Burnaby has no existing plan with Trans Mountain in relation to traffic management for the TMEP and has no current intent to enter into one. Burnaby will consider any permits applied for on their merits, but does not guarantee that traffic patterns will be altered to facilitate the TMEP. These assumptions are, therefore, incorrect and unreasonable, in the absence of an agreement with Burnaby.

2.8.2 Traffic Notification

Trans Mountain assumes in its application and in its responses to information requests of Burnaby that Burnaby would participate in the public information plan to ensure that the public is notified of any changes to traffic patterns. Burnaby has no existing plan with Trans Mountain in relation to traffic management for the TMEP and has no current intent to participate in the public information plan. This assumption is, therefore, incorrect. Trans Mountain would be responsible for notifying stakeholders, including regulatory agencies, emergency response services, the travelling public, and other groups potentially impacted by traffic alterations for the Project. In many cases, this may not be reasonably possible. Before any approval of this Project, it is Burnaby's position that the NEB should require Trans Mountain to provide evidence of traffic management plans that do not assume the participation of Burnaby staff.

2.8.3 Access Points to the Burnaby Terminal

Trans Mountain assumes in its application and in its responses to information requests of Burnaby that Burnaby would provide an additional access point to the Burnaby Mountain Terminal to accommodate the TMEP.¹⁹ Burnaby currently has no plans to agree to an additional access point to the Burnaby Mountain Terminal to accommodate the expansion, given the risks and impacts that the Project would pose to the surrounding neighbourhoods. Given the lack of social licence for the Project, it may also be unlikely that Burnaby would assume additional expense or inconvenience its citizens simply to assist in such a Project. Trans Mountain's assumption is, therefore, incorrect. The feasibility of the construction and operation of the TMEP must be assessed within the existing access points.

2.8.4 Emergency Traffic Management

Trans Mountain assumes in its application and in its responses to information requests of Burnaby that Burnaby will manage traffic alterations in the event of an emergency arising from

¹⁸ A56004, Application Volume 4B, s. 3.4.3, Access, p. 4B-15

A56004, Application Volume 4B, s. 7.0, Appendix A - Tables, Table 7.1.6, Existing Primary Access, p. A-23 to A-24

¹⁹ A3S0Y8, Volume 4A Section 3.4.3.1 Burnaby Terminal Overview, PDF page 96 of 110

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the TMEP.²⁰ Trans Mountain has no agreement with Burnaby to manage traffic in the event an emergency arising from the TMEP. Burnaby does not expect to be participating in the Incident Command System for the TMEP or coordinating emergency response efforts with Trans Mountain. This assumption is, therefore, potentially incorrect.

2.9 Burnaby Planning and Development

Trans Mountain assumes in its application and in its responses to information requests of Burnaby that Burnaby will modify its municipal development plans to comply with Trans Mountain's design and construction of the TMEP.²¹ Burnaby is a developing City and has many ongoing and proposed plans for development and improvement of infrastructure. Burnaby further needs access to maintain any existing infrastructure. It is not fair to require Burnaby to agree to alter those plans and maintenance to accommodate the construction of the TMEP. The assumption that any conflicting development plans or infrastructure will be altered to accommodate the TMEP is not justified. It is Burnaby's position that Trans Mountain must accommodate Burnaby's obligation to provide services and infrastructure improvements to its citizens in its design and construction plans for the TMEP.

2.10 Other Resources

2.10.1 Water

2.10.1.1 Water Connection

Trans Mountain assumes in its application and in its responses to information requests of Burnaby that Burnaby will provide a new make-up water connection in order to provide reliable supplementary fire-water to the expanded Burnaby Mountain Terminal.²² There is no agreement with Burnaby that Trans Mountain would be able to obtain a make-up water connection. Trans Mountain has not requested a make-up water connection from Burnaby. Given the lack of social licence for the Project, and the opposition of the majority of its citizens, Burnaby Council is unlikely to approve the expenditure or use of additional municipal resources to facilitate the Project. This assumption is, therefore, incorrect. Trans Mountain must provide evidence of an alternative to provide its own source of water.

2.10.1.2 Withdrawal of Water from Streams

Trans Mountain assumes in its application and in its responses to information requests of Burnaby that Burnaby would provide access for Trans Mountain to withdraw water from streams for construction of temporary vehicle crossings of watercourses.²³ Burnaby does not intend to

²⁰ A56004, Application Volume 5A, s. 7.9.3, Accidents and Malfunctions - Potential Effects and Mitigation Measures, p. 7-515

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²¹ A55999, Application Volume 4A, s. 5.0, Appendix E - Route Maps, Drawing 19731-8013-0038, Sheet 54 of 54

A3Y2E6, Trans Mountain Response to City Burnaby IR No. 1, IR No. 1.43.04a, PDF Page 716 of 754

²² A55999, Application Volume 4A, s. 3.4.3, Burnaby Terminal, p. 4A-66

A3Y2E6, Trans Mountain Response to City Burnaby IR No. 1, IR No. 1.08.05e, PDF Page 213 of 754

²³ A56013, Volume 6C, s. 8.1, Clearing and Disposal, Temporary Vehicle Crossing Structures, Item 36, p. 8-4

provide access to the streams or watercourses within Burnaby for the construction or operation of the TMEP. This assumption is, therefore, incorrect. Trans Mountain must provide its own source of water.

2.10.1.3 Purchase of Water for Hydrostatic Testing and Fire-water Reservoir

Trans Mountain assumes in its application and in its responses to information requests of Burnaby that Burnaby would sell Trans Mountain water to undertake hydrostatic testing and to fill the fire-water reservoir.²⁴ Burnaby does not intend to sell Trans Mountain water for the construction or operation of the TMEP. Trans Mountain does not have an agreement with Burnaby for the provision of water. Trans Mountain will have to operate under existing laws, and sources of supply. This assumption is, therefore, incorrect. Trans Mountain must provide its own source of water for the hydrostatic testing and to fill the fire-water reservoir.

2.10.1.4 Discharge Dewatered Liquid from Hydrostatic Testing

Trans Mountain assumes in its application and in its responses to information requests of Burnaby that Burnaby would allow the discharge of dewatered liquid from hydrostatic testing into a bar ditch or onto non-arable lands. Trans Mountain does not have an agreement or permit with Burnaby to be able to discharge the dewatered liquid onto municipal lands. As such, any assumption that this dewatered liquid would be able to be discharged is unreasonable.

2.10.1.5 Construction of Dewatering Wells

Trans Mountain assumes in its application and in its responses to information requests of Burnaby that Burnaby would allow Trans Mountain to construct dewatering wells along the North side of Barnet Highway along the public trail in the vicinity of the Westridge Marine Terminal.²⁵ Burnaby does not have an agreement with Trans Mountain for the construction of the dewatering wells. As such, it is not reasonable to assume that these dewatering wells would be authorized. Any activity that is proposed within park land will be subject to park bylaws, which will be strictly enforced. Burnaby will not authorize activity that is contrary to its bylaws.

2.10.2 Parks and Conservation Areas

Trans Mountain assumes in its application and in its responses to information requests of Burnaby that either pipeline construction and operation is fully compatible with park use, or that Burnaby will authorize a violation of its bylaws that protect park lands to permit the construction of the TMEP.²⁶ Burnaby will not authorize any access to its protected parkland for the

A3Y2E6, Trans Mountain Response to City Burnaby IR No. 1, IR No. 1.34.07c, PDF Page 596 of 754

²⁴ A3Y2E6, Trans Mountain Response to City Burnaby IR No. 1, IR No. 1.12.01c, PDF Page 255 of 754

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A4H8A1, Trans Mountain Response to City Burnaby IR No. 2, IR No. 2.071a-c, PDF Page 231 of 456

²⁵ A4F5D8, Part 1 Westridge Delivery Line Appendix A Feasibility Report Part 3, PDF Pages 2 to 7 of 21

A4H8A1, Trans Mountain Response to City Burnaby IR No. 2, IR No. 2.059bi, PDF Page 189 of 456

²⁶ A55987, Application Volume 2, Part 5, s. 5.4.1, Process, p. 2-66

A3Y2E6, Trans Mountain Response to City Burnaby IR No. 1, IR No. 1.06.02d, Page 116 of 754

construction of the TMEP that is contrary to its bylaws, which have been enacted in the public interest. Burnaby bylaws will be strictly enforced and Trans Mountain does not have the authority to override Burnaby bylaws. This assumption is, therefore, incorrect and access to the Burnaby Mountain Conservation Area and other protected areas cannot be assumed.

2.10.3 Land for Staging Areas and Temporary Construction Facilities

Trans Mountain assumes in its application and in its responses to information requests of Burnaby that Burnaby will provide land for Trans Mountain's temporary construction facilities and staging areas. Given the lack of social licence for the Project, Burnaby has no current intention of allowing Trans Mountain to access or use Burnaby land to facilitate the construction of the TMEP. This assumption is, therefore, incorrect and Trans Mountain must provide evidence of a suitable plan to find alternate land to locate its construction facilities and staging areas.

2.11 Noise

Trans Mountain assumes in its application and in its responses to information requests of Burnaby that Burnaby will issue a variance to its Noise and Abatement Bylaw to allow Trans Mountain to exceed permitted dBA levels and to exceed permitted construction hours. Trans Mountain does not have the authority to override Burnaby's bylaws and Burnaby will not authorize activity that contravenes its bylaws. Burnaby does not have an agreement with Trans Mountain that it will issue a variance to any bylaws. As such, it is unreasonable to assume that any variance will be issued by Burnaby.

2.12 Compensation

2.12.1 Compensation for Burnaby Infrastructure Damage

Trans Mountain assumes in its application and in its responses to information requests of Burnaby that Burnaby will enter into a voluntary agreement outlining Trans Mountain's responsibilities for municipal infrastructure costs and reimbursements.²⁷ Burnaby has not and has no current plans to voluntarily enter into any such agreement. The assumption that damage to Burnaby infrastructure will be addressed through an agreement with Trans Mountain is, therefore, incorrect.

A3Y2E6, Trans Mountain Response to City Burnaby IR No. 1, IR No. 1.18.18a, PDF Page 373 of 754

A4H8A1, Trans Mountain Response to City Burnaby IR No. 2, IR No. 2.074d, PDF Page 241 of 456

A4F5D5, Westridge Delivery Line Routing Update, PDF Page 1 to 96 of 96

A3X9S2, Trans Mountain Response to NEB Routing IR (June 3), Table b.1-1 Scope and Timing of Outstanding Studies for Preferred, PDF Page 1 to 10 of 10

A4F5D6, Appendix A Part 1, Burnaby Mountain Tunnel and Trenchless Feasibility Report, PDF Page 3 of 64

A4F5D6, Appendix A, Part 1, 2.2 Geotechnical/Geophysical Site Investigation, PDF page 7 of 64

A4H8A1, Trans Mountain Response to City Burnaby IR No. 2, IR No. 2.097m, PDF Page 284 of 456

Revised Trans Mountain Expansion Project Corridor Route Map; Project Overview Burnaby Proposed Trans Mountain Expansion Project, April 2014

A3Y2E6, Trans Mountain Response to City Burnaby IR No. 1, IR No. 1.33.29a, PDF Page 561 of 754

²⁷ Revised Trans Mountain Expansion Project Corridor Route Map; Project Overview Burnaby Proposed Trans Mountain Expansion Project, Map Number 201403_MAP_TERA_SK_00540_REV0, April 2014

A3Y2E6, Trans Mountain Response to City Burnaby IR No. 1, IR No. 1.36.01d, PDF Page 617 of 754

2.12.2 Compensation for Future Municipal Improvements

Trans Mountain assumes in its application and in its responses to information requests of Burnaby that Burnaby will compensate Trans Mountain for any alterations to the TMEP required in the future to accommodate municipal improvements.²⁸ Burnaby will not compensate Trans Mountain for any alterations of the TMEP for future municipal improvements. Burnaby has put Trans Mountain on notice that the TMEP as proposed conflicts with future development plans of Burnaby. This assumption is, therefore, incorrect and Burnaby intends to require the TMEP to be altered to accommodate any future conflicting municipal improvements.

3. Potential Bylaw Conflicts for the Trans Mountain Expansion Project

Burnaby has enacted bylaws in the public interest. Trans Mountain's application for the TMEP, as proposed, potentially conflicts with a number of the bylaws of Burnaby. Trans Mountain in its application does not address how these conflicts would be resolved. This report sets out general descriptions of the bylaws that Trans Mountain's application may contravene, and the responses of Burnaby to those potential contraventions. Burnaby strictly enforces its bylaws in accordance with its duty to its citizens, and intends to maintain this practice with regards to the TMEP, if approved.

The descriptions below are not exhaustive of the potential bylaw contraventions of the TMEP, but represent those contraventions initially identified on the basis of the application as proposed. This report attaches at Appendix A extracts of the bylaws discussed in this report.

3.1 Burnaby Parks Regulation Bylaw, 1979

Trans Mountain in its application for the TMEP proposes to undertake activities that will damage protected park land in Burnaby.²⁹ The bylaw states that “[n]o person shall cut, break, injure, damage, deface, destroy, foul or pollute any park including, without limiting the generality of the foregoing, any building, structure, fence, sign seat, bench, ornament or thing in or on any park”.³⁰ The bylaw provides further restrictions on the activities allowed in park lands and sets out that Trans Mountain would have to obtain the written permission of the Administrator to carry out works or erect a structure in a park.³¹ Trans Mountain's proposed work would, therefore, likely be in contravention of the bylaw. Trans Mountain has not proposed a route for the Project that will avoid all protected park lands. Trans Mountain has not made any arrangement with Burnaby for permission to carry out the proposed works on Burnaby park lands.

²⁸ A4H8A1, Trans Mountain Response to City Burnaby IR No. 2, IR No. 2.132e, PDF Page 372 to 374 of 456

²⁹ See for example, A3Y2E6, Trans Mountain Response to City Burnaby IR No. 1, IR No. 1.18.18a, PDF Page 373 of 754

A4H8A1, Trans Mountain Response to City Burnaby IR No. 2, IR No. 2.074, PDF Page 237 to 242 of 456
A56004, Application Volume 5B, s. 7.2.4, Human Occupancy and Resource Use, p. 7-60

A3Y2E6, Trans Mountain Response to City Burnaby IR No. 1, IR No. 1.01.15a, PDF Page 27 to 26 of 754

³⁰ Burnaby Parks Regulation Bylaw, 1979, s. 3. See also ss. 4-6.

³¹ Burnaby Parks Regulation Bylaw, 1979, ss. 21, 22, 23, 26, 40, 41, 43, 44.

3.2 Burnaby Street and Traffic Bylaw, 1961

Trans Mountain proposes in its application to carry out works near highways, obstruct highways and alter traffic in Burnaby in order to construct the TMEP.³² The bylaw provides no person shall obstruct or otherwise encumber a highway without the written permission of Council, and except under such terms and conditions as may be imposed by Council.³³ Trans Mountain has not applied for the permission of Burnaby to obstruct highways for the Project, or made arrangements with Burnaby to manage traffic for the construction of the Project. Trans Mountain's proposed obstruction of highways would, thus, likely be in contravention of the bylaw. It is Burnaby's general position that, given that the proposed TMEP may not be in the public interest of Burnaby citizens or have social licence support, Burnaby cannot be assumed to facilitate the construction of the TMEP, including approving and assisting with traffic alteration and management.

3.3 Burnaby Fire Services Bylaw, 2004

Trans Mountain in its application has not provided an unredacted fire safety plan.³⁴ The bylaw requires that an unredacted fire safety plan be submitted and made available to Burnaby.³⁵ Trans Mountain will, thus, be in contravention of the bylaw, if an unredacted plan is not provided.

The bylaw further requires that a fire detection and fire suppression system must be installed for the facilities, and that the Fire Chief may order that such a system be upgraded.³⁶ To the best of Burnaby's knowledge the Fire Chief has not reviewed the fire detection and fire suppression system proposed by Trans Mountain for the TMEP. The Deputy Fire Chief, Chris Bowcock, has reviewed the application in relation to the Burnaby Mountain Terminal expansion and set out the fire and safety risks, hazard events and consequences associated with the Project in the report entitled "Trans Mountain Tank Farm Tactical Risk Analysis".

3.4 Burnaby Noise or Sound Abatement Bylaw, 1979

Trans Mountain proposes in its application to carry out work for the construction of the TMEP on weekdays and weekends that is outside the allowed construction times under the bylaw and to carry out work that exceeds the allowed dBA under the bylaw.³⁷ This work as proposed would

³² A3S1S7, Application Volume 5B, s. 7.2, Effects Assessment – Pipeline Construction and Operations, p. 7-8

³³ Burnaby Street and Traffic Bylaw, 1961, s. 24. See also s. 5A.

³⁴ A4H8A1, Trans Mountain Response to City Burnaby IR No. 2, IR No. 2.001a, PDF Page 2 to 4 of 456

³⁵ Burnaby Fire Services Bylaw, 2004, s. 23

³⁶ Burnaby Fire Services Bylaw, 2004, ss. 38 and 39

³⁷ A56006, Application Volume 5C3, s. 3.2.1.1, AER Directive 038 and BC OGC Guideline, Table 3-1, AER Directive 38/BC OGC Guideline: Basic Permissible Sound Levels by Land Use category, p. 10 to 11

A56004, Application Volume 4B, s. 3.0, Pipeline Construction, p. 4B-9 to 4B-23,

A56004, Application Volume 4B, s. 4.4.3, Hours of Work, p. 4B-43

A3Y2E6, Trans Mountain Response to City Burnaby IR No. 1, IR No. 1.38.06b, PDF Page 646 of 754

Application Volume 5C3, s. 4.1.7, Burnaby to Westridge Segment, p. 31

A4F5D9, Appendix B Western Delivery Line Burnaby Street Options Part 1, PDF Page 22 of 47

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contravene the bylaw³⁸, which was enacted to ensure, amongst other things, that any work that takes place in Burnaby does not disturb the “quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or persons in the vicinity” of the work.³⁹ Trans Mountain has not proposed an alternate construction schedule that would not contravene the bylaw.

3.5 Burnaby Zoning Bylaw, 1965

The bylaw regulates within Burnaby, the development and use of land and the location and use of buildings and structures erected thereon, having due regard to:

- (1) The promotion of health, safety, convenience, and welfare of the public.
- (2) The prevention of the overcrowding of land, and preservation of the amenities peculiar to any zone.
- (3) The securing of adequate light, air and access.
- (4) The value of the land and the nature of its present and prospective use and occupancy.
- (5) The character of each zone, the character of the buildings already erected and the peculiar suitability of the zone for particular uses.
- (6) The conservation of property values.⁴⁰

The bylaw requires a person wishing to undertake a development obtain preliminary plan approval from the Director of Planning before the issuance of a building permit.⁴¹ Trans Mountain has made no arrangement to obtain preliminary plan approval with Burnaby, and no formal application for preliminary plan approval has been received. It is Burnaby’s general position that, given that the proposed TMEP may not be in the public interest of Burnaby citizens or have social licence support, Burnaby should not be assumed to be willing to assist or facilitate the construction of the TMEP through support for a preliminary plan approval.

Further, issuance of approval for the Project would not seem to be consistent with the Conditions of Use outlined in the Burnaby Zoning Bylaw which states:

Nothing shall be done which is or will become an annoyance or nuisance to the surrounding areas by reason of unsightliness, the emission of odours, dust, liquid effluent, fumes, smoke, vibration, noise or glare, nor shall anything be done which creates or causes a health, fire or explosion hazard, electrical interference or undue traffic congestion.

Based on Burnaby’s review of the Project, it would appear unlikely that Trans Mountain would be able to demonstrate compliance with the stated conditions of use under the bylaw to support or allow for issuance of preliminary plan approval. Although, any application for preliminary plan approval will be reviewed and decided on its merits, once it is received.

The bylaw further restricts development within streamside protection and enhancement areas, which are defined in the bylaw. Trans Mountain is proposing development within and adjacent to

³⁸ Burnaby Noise or Sound Abatement Bylaw, 1979. ss. 3-6 and 15.

³⁹ Burnaby Noise or Sound Abatement Bylaw, 1979. s. 3

⁴⁰ Burnaby Zoning Bylaw, 1965, s. 2

⁴¹ Burnaby Zoning Bylaw, 1965, s. 7.3

streamside protection and enhancement areas, such as the Brunette River.⁴² Trans Mountain may, thus, be in contravention of the bylaw. Trans Mountain has not proposed a route that would avoid all streamside protection and enhancement areas in Burnaby.

3.6 Burnaby Watercourse Bylaw, 1988

Trans Mountain in its application for the TMEP proposes to store contaminants on its property.⁴³ Under the bylaw, Trans Mountain shall install interceptors, catch basins and containment barriers adequate to safely store the said contaminants and must get approval in writing from the Director Engineering of those interceptors, catch basins and containment barriers.⁴⁴ Trans Mountain has not got approval from the Director of Engineering for the design of any interceptors, catch basins and containment barriers proposed, as required by the bylaw.

Trans Mountain in its application further proposes to discharge dewatered liquid from hydrostatic testing.⁴⁵ The bylaw prohibits the discharge of contaminants into watercourses, ditches, drains, sewers or soil.⁴⁶ The discharge of the dewatered liquid, thus, may contravene the bylaw.

3.7 Burnaby Tree Bylaw, 1996

Trans Mountain in its application for the TMEP proposes to cut down trees for the installation of the pipelines and the expansion of the facilities in Burnaby.⁴⁷ The bylaw requires that Trans Mountain obtain a permit to cut down protected trees.⁴⁸ Protected trees are defined in the bylaw, and include any tree with a diameter of 20.3 cm or greater where a development application has been made.⁴⁹ Trans Mountain has not applied for a permit to cut down any protected trees or come to an agreement with Burnaby with respect to the cutting down of protected tree. It is Burnaby's general position that, given that that the proposed TMEP may not be in the public

⁴² Burnaby Zoning Bylaw, 1965, s. 6.23

⁴³ A55999, Application Volume 4A, s. 3.4.3, Burnaby Terminal, p. 4A-68

⁴⁴ Burnaby Watercourse Bylaw, 1988, s. 4

⁴⁵ A56004, Application Volume 5A, s. 5.3.1.4, Surface Water Quality - Hope to Burnaby Segment, Integrated Stormwater Management, p. 5-45 to 5-47

A3Y2E6, Trans Mountain Response to City Burnaby IR No. 1, IR No. 1.04.05, PDF Page 76 to 78 of 754

A56013, Application Volume 6C, s. 8.3, Hydrostatic Testing, Dewatering, Item 57, p. 8-19

A3Y2E6, Trans Mountain Response to City Burnaby IR No. 1, IR No. 1.27.09a, PDF Page 466 of 754

A56013, Application Volume 6C, s. 8.1, Clearing and Disposal, Temporary Vehicle Crossing Structures, Item 36, p. 8-4

A3Y2E6, Trans Mountain Response to City Burnaby IR No. 1, IR No. 1.12.01c, PDF Page 255 of 754

A3Y2E6, Trans Mountain Response to City Burnaby IR No. 1, IR No. 1.12.02, PDF Page 256 of 754

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⁴⁶ Burnaby Watercourse Bylaw, 1988, s. 3

⁴⁷ A4A4D8, Part 2 Facilities Update Attachment 1.0-3, PDF Page 1 of 1

A4H8A1, Trans Mountain Response to City Burnaby IR No. 2, IR No. 2.016e, PDF Page 65 of 456

A3Z8G0, Trans Mountain Pipeline ULC Tech Update 1 Consultation Update 2 Part 1 Routing Part 16, PDF Page 15 of 25

A4H8A1, Trans Mountain Response to City Burnaby IR No. 2, IR No. 2.135b, PDF Page 414 of 456

⁴⁸ Burnaby Tree Bylaw, 1996, s. 3

⁴⁹ Burnaby Tree Bylaw, 1996, s. 2

interest of Burnaby citizens or have social licence support, and if so Burnaby may not authorize activities that facilitate the construction of the TMEP to the detriment of Burnaby citizens.

3.8 Burnaby Building Bylaw, 2004

Trans Mountain proposes in its application to expand both the Burnaby Mountain Terminal and the Westridge Marine Terminal and install two new pipelines in Burnaby.⁵⁰ The bylaw requires that Trans Mountain obtain construction permits from the City prior to undertaking construction.⁵¹ Trans Mountain has not made any arrangement with Burnaby for the issuance of such permits, and Trans Mountain has not yet applied for any permits. Any permits will be considered on their merits, but given the public interest of Burnaby citizens, Burnaby may choose not to facilitate the construction of the TMEP, and such permits may well be denied. If Trans Mountain is not able to obtain construction permits from Burnaby, Trans Mountain will be in violation of the bylaw.

3.9 Burnaby Plumbing Bylaw, 2000

Trans Mountain in its application proposes to install a fire protection system and to connect to Burnaby's sewer system.⁵² Trans Mountain requires a permit for the installation of a fire protection system from Burnaby under the bylaw, which must be inspected prior to use.⁵³ The bylaw forbids the use of a fire protection system in contravention of the bylaw.⁵⁴ Trans Mountain has not made any arrangement for Burnaby to inspect the proposed fire protection system and Trans Mountain has not applied for a permit from Burnaby.

The bylaw further provides that in order to connect to the public sewer Trans Mountain needs the permission of the City Engineer, whether the sewer is on public or private property.⁵⁵ Trans Mountain has not sought the permission of Burnaby to connect to the public sewer and Burnaby has not agreed to such a connection.

As noted above, Burnaby may not authorize activities that facilitate the construction of the TMEP or allow the use of Burnaby infrastructure for the TMEP.

3.10 Burnaby Electrical Bylaw, 1974

The bylaw requires Trans Mountain to apply for and obtain a permit from the Chief Building Inspector or Supervisor – Electrical Inspections of Burnaby before undertaking electrical work.⁵⁶ It is presumed that Trans Mountain in expanding the Burnaby Terminal and the Westridge

⁵⁰ A3S0Y8, Application Volume 4A, s. 3.4.3, Burnaby Terminal, p. 4A-68

A3S0Y9, Application Volume 4A, s. 3.4.3, Burnaby Terminal, p. 4A-91

A3S0R0, Application Volume 2, s. 4.2.3, p. 2-50

⁵¹ Burnaby Building Bylaw, 2004, ss. 7 and 9

⁵² A55999, Application Volume 4A

⁵³ Burnaby Plumbing Bylaw, 2000, ss. 4, 7 and 8

⁵⁴ Burnaby Plumbing Bylaw, 2000, s. 4(2)

⁵⁵ Burnaby Plumbing Bylaw, 2000, s. 10

⁵⁶ Burnaby Electrical Bylaw, 1974, s. 19

Marine Terminal will undertake electrical work. Trans Mountain has not made any arrangement with Burnaby for the issuance of such permits, and Trans Mountain has not yet applied for any permits. As noted above, Burnaby may not authorize activities that facilitate the construction of the TMEP or allow the use of Burnaby infrastructure for the TMEP.

3.11 Burnaby Sewer Connection Bylaw, 1961

The bylaw provides that it is a contravention to discharge other waters, industrial wastes, petroleum products into a drain, ditch, creek, or water-course without first obtaining permission from the City Engineer.⁵⁷ Trans Mountain has proposed a tertiary containment system where such discharge may potentially occur.⁵⁸ Trans Mountain has not obtained the permission of the City Engineer for any such discharge. If such discharge occurs, Trans Mountain may violate the bylaw.

3.12 Burnaby Soil removal Regulation Bylaw, 1961

Trans Mountain will have to undertake extensive excavation and removal of soil to install the pipelines in Burnaby and to expand the Burnaby Mountain Terminal.⁵⁹ The bylaw requires that Trans Mountain apply to Burnaby to remove soil from any lands within the municipality.⁶⁰ Trans Mountain has not made any arrangement with Burnaby for permits for soil removal, and has not applied to Burnaby for soil remove permits. If Trans Mountain is not able to obtain the required permits from Burnaby, Trans Mountain will be in violation of the bylaw.

3.13 Burnaby Soil Deposit Bylaw, 1971

Trans Mountain will have to undertake extensive excavation and removal of soil to install the pipelines in Burnaby and to expand the Burnaby Mountain Terminal.⁶¹ The bylaw requires that Trans Mountain apply to Burnaby for a permit to deposit soil on any land within the municipality.⁶² Trans Mountain has not made any arrangement with Burnaby for soil deposition, and has not applied to Burnaby for soil deposition permits. If Trans Mountain is not able to obtain the required permits from Burnaby, Trans Mountain will be in violation of the bylaw.

⁵⁷ Burnaby Sewer Connection Bylaw, 1961, s. 18

⁵⁸ See for example, Volume 4A, s. 3.4.3, Burnaby Terminal, p. 4A-66

A3Y2E6, Trans Mountain Response to City Burnaby IR No. 1, IR No. 1.08.05d, PDF Page 213 of 754

A56013, Application Volume 6D, s. 8.0, Onshore and Marine Construction Mitigation, p. 8-1 to 8-27

(ii) A56013, Application Volume 6D, s. 9.0, References, Appendix B, s. 6.0, Soil Erosion and Sediment Control Contingency Plan, p. B13 – 14

A3Y2E6, Trans Mountain Response to City Burnaby IR No. 1, IR No. 1.09.06b, PDF Page 244 to 245 of 754

⁵⁹ A3S1K5, Volume 4B Section 3.4.5 Grading and Soil Handling, PDF page 42 of 55.

A3S0Y8, Volume 4A Section 3.4.3.2.2 Burnaby Terminal Earthworks, PDF page 100 of 110.

A3S1K6, Volume 4B – Section 4.2.1.4 Westridge Marine Terminal, PDF page 4 of 28

⁶⁰ Burnaby Soil removal Regulation Bylaw, 1961, s. 3

⁶¹ A3S1K5, Volume 4B Section 3.4.5 Grading and Soil Handling, PDF page 42 of 55.

A3S0Y8, Volume 4A Section 3.4.3.2.2 Burnaby Terminal Earthworks, PDF page 100 of 110.

A3S1K6, Volume 4B – Section 4.2.1.4 Westridge Marine Terminal, PDF page 4 of 28

⁶² Burnaby Soil Deposit Bylaw, 1971, s. 3

4. Conclusion

Trans Mountain has made a number of assumptions in its application for the TMEP that are either unreasonable or incorrect in regards to Burnaby. The assumptions that Trans Mountain makes were in turn relied upon by Trans Mountain's consultants and underlie the conclusions as to the feasibility of the Project in Burnaby and the risk assessment for the Project in Burnaby. Given that Burnaby has determined that these assumptions are incorrect or unreasonable from Burnaby's perspective, the conclusions as to risk and to feasibility for the Project are unreliable in regards to Burnaby. Trans Mountain does not address in the application the possibility that its assumptions are incorrect, or provide alternatives if its assumptions turn out to be unreasonable.

Trans Mountain further proposes activities in its application that are in conflict or may be in conflict with Burnaby bylaws. Trans Mountain does not address how the bylaw conflicts are to be resolved in its application, or why the proposed activity is feasible, given the actual and potential conflict with existing bylaws. Trans Mountain has no jurisdiction to override Burnaby bylaws, and must comply with Burnaby bylaws in constructing and operating the TMEP. Absent any explanation by Trans Mountain that the proposed activities can be completed in compliance with Burnaby bylaws, the proposed activities must be considered unlawful. In the circumstances, the NEB should not consider approval of this Project until the answers to such questions are known.

Appendix A

Hearing Order OH-001-2014
Trans Mountain Pipeline ULC
Application for the Trans Mountain Expansion Project



APPENDIX "A"

to

City of Burnaby

Assumptions of Trans Mountain Pipeline ULC for the Trans Mountain Expansion
Project in the City of Burnaby

UNOFFICIAL CONSOLIDATION

THE CORPORATION OF THE DISTRICT OF BURNABY

BYLAW NO. 7331

A BYLAW to make rules and regulations governing the management, maintenance, improvement, operation, control and use of any real or personal property held for pleasure, recreation, or community use of the public.

(Consolidated for Convenience with BYLAW Nos. 7464, 8258, 8330, 8383, 9112, 10861 and 12669)

* * * * *

The Council of The Corporation of the District of Burnaby ENACTS as follows:

1. This BYLAW may be cited as "**BURNABY PARKS REGULATION BYLAW 1979**".
2. (1) Words defined in the "Municipal Act" shall have the same meaning in this bylaw unless otherwise defined in this bylaw or unless the context otherwise requires.
(2) In this bylaw unless the context otherwise requires "Beach" means any beach within the Municipality of Burnaby.

"Corporation" means The Corporation of the District of Burnaby.

"Municipality" means the Municipality of Burnaby.

"Park" means any real property within the Municipality of Burnaby held for pleasure, recreation, or community uses of the public.

"Administrator" means the Parks and Recreation Administrator of The Corporation of the District of Burnaby.

"Person" shall have the same meaning as in the Interpretation Act, R.S.B.C.

"Personal Property" means personal property within the Municipality of Burnaby held for pleasure, recreation, or community uses of the public.

"Vehicle" shall have the same meaning as in the "Motor Vehicle Act", R.S.B.C.

3. No person shall cut, break, injure, damage, deface, destroy, foul or pollute any park including, without limiting the generality of the foregoing, any building, structure, fence, sign seat, bench, ornament or thing in or on any park.

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4. No person shall molest, disturb, frighten, injure, trap or snare any bird or animal, or fish in any lake or stream in any park without the special permission of the Administrator.
5. No person shall cut, break, injure, damage, deface, destroy, foul or pollute any personal property or any tree, shrub, plant, turf or flower in or on any park.
6. No person shall foul, pollute, or deposit any matter or thing in or on any fountain, reservoir, river, stream, lake, pond, pool or water in or on any park.
7. No person shall let off or discharge or cause to be let off or discharged any water from any fountain, reservoir, river, stream, lake, pond, pool or hydrant in or on any park.
8. No person shall climb, walk or sit on or upon any wall, fence, or other structure in or on any park unless the same is designed and intended for such purpose.
9. No person shall cross, travel on or use any park or any portion thereof where signs have been posted thereon prohibiting such crossing, travelling on or use.
10. No person shall deposit any garbage, glass, crockery, paper, rubbish, litter, or other material whether liquid or solid or any waste, substance, matter or thing, in or on any park except in receptacle provided thereon for such purpose.
11. No person shall, without first obtaining the written permission of the Administrator, sell or expose for sale any refreshment, goods, article or thing or offer any service for a fee in or on any park. All such operations must conform to all bylaws of the Corporation.
12. No person shall, without first obtaining the written permission of the Administrator, fire or explode any combustible or explosive matter in or on any park.
13. No person shall make a fire in or on any park except in barbecue pits or fireplaces provided for such purposes.
14. No person shall throw or place any lighted match, cigar, cigarette or similar thing or any burning substance or thing in or on any park.
15. No person shall play any game in or on any park except upon such portions thereof as may be specifically allotted or designated by the Administrator for such purpose, and in accordance with such rules and regulations, and at such times as the Administrator shall prescribe and, without limiting the generality of the foregoing, no person shall in or on any park:
 - (a) play golf or strike a golf ball,
 - (b) fly any motor driven airplane, or glider,
 - (c) shoot an arrow or practice archery,

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- (d) take part in any ball game,
- (e) launch any power rocket

except in areas allotted or designated by the Administrator for such purposes.

- 16. No person shall, without first obtaining the written permission of the Administrator, hold or take part in any procession, march, drill, demonstration, play, ceremony, concert, gathering, meeting or similar thing in or on any park.
- 17. No person shall,
 - (a) without first obtaining the written permission of the Administrator, operate any amplifying system or loudspeaker in or on any park;
 - (b) operate any amplifying system or loudspeaker in or on any park unless such operation conforms to all bylaws of the Corporation.

BYLAW NO. 10861

- 18. Except as otherwise permitted under section 5(5) of Burnaby Animal control Bylaw 1991, no owner, possessor, or harbourer of a dog shall allow such dog to be in or on any park unless such dog is kept on a leash of a maximum length of two (2) metres.

18.1 REPEALED BY BYLAW 8383

- 19. No owner, possessor or harbourer of a dog or animal shall allow such dog or animal to be in any reservoir, river, stream, lake, pond, pool, or water in or on any park or on any beach.
- 20. No person shall, without first obtaining the written permission of the Administrator, loiter or take up temporary or permanent abode in or on any park.
- 21. No person shall obstruct the lawful free use and enjoyment of any park by any person.
- 22. No person shall violate any bylaw, rule, regulation, or notice of the Corporation.
- 23. No person shall, without first obtaining the written permission of the Administrator, erect any tent, building, shelter or other structure or works in or on any park.
- 24. (1) No person shall post, paint or affix any advertisement, bill, poster, picture, matter or thing in or on any park or on any tree, post, pole, building, structure or thing in or on any park, or engage in the distribution or delivery of advertising material in any park

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- or in any building, structure or thing in any park without first obtaining written permission to do so from the Director Recreation and Cultural Services.
- (2) This section does not apply to signs erected or placed by the Burnaby Parks and Recreation Commission for the purpose of conveying information on park or recreation matters or controlling activities within a park. (Bylaw #9112)
25. No person shall play tennis on any tennis court in or on any park unless wearing rubber soled shoes that will not damage said tennis court.
26. No person shall cut, break, injure, damage, deface, destroy, foul or pollute any court, green, ground, lawn, or facility in or on any park or interfere with or obstruct the full use of same by any person.
27. No person shall, without first obtaining the written permission of the Administrator, use any court, green, ground, lawn or facility in or on any park unless and until such person has paid to the Corporation all fees and charges that may be imposed by the Corporation for such use.
28. No private instruction, tournament or series of games shall, without the written permission of the Administrator, be played in or on any park or in or on any court, green, grounds, lawn or facility in or on any park.
29. No person shall enter any water in, on or adjoining any beach or any swimming pool or wading pool in or on any park unless such person is wearing a bathing suit or other appropriate swimwear.
30. No person shall enter any water in, on or adjoining any beach or any swimming pool or wading pool in or on any park if such person has a contagious or communicable disease.
31. No person in or on any park, or any beach, or any swimming pool or wading pool in or on any park, or in or on any water in, on or adjoining any park or beach shall disobey any command or order from any person duly authorized to give such command or order, including any Manager of any Pool or Facility or any Lifeguard.
32. No person shall dress or undress on any beach, or any swimming pool, or wading pool in or on any park, except in a place specifically provided for such purpose.
33. No person shall fish, or play ball, or any game, or throw any object or thing so as to molest or interfere with or become a nuisance to the general public on any beach or any lawn or area adjacent thereto, or in or on any water, swimming pool or wading pool or on any area adjacent thereto in or on any park.

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34. No male person shall enter any portion of any bathhouse, change room, or rest room set apart for the use of female persons in or on any park, and no female person shall enter any portion of any bathhouse, change room or rest room set apart for the use of male persons in or on any park.
35. No person shall use any boat, motor boat, water sled, water skis, power saw or other contrivance or thing on or in the vicinity of any beach that will endanger, disturb, or interfere with the free use by any person of any beach or of the water adjacent to any beach.
36. No person shall bring any dog to or be accompanied by any dog on any beach or any grass or waters adjacent thereto.
37. No person shall, without first obtaining the written permission of the Administrator, bring to or use in or on any beach or any grass or water adjacent thereto or in or on any water swimming pool, or wading pool in or on any park, any underwater spear or shooting device or floating object.
38. No person shall, between the hours of 10:00 o'clock in the afternoon and 5:00 o'clock in the forenoon, swim in or be in any water adjacent to any beach, or any outdoor swimming pool or wading pool in or on any park.
39. No person shall swim in, be in, or use any swimming pool or wading pool or any area around or adjacent to any swimming pool or wading pool enclosed by a fence or other structure, in or on any park when such pool is closed.
40. No person shall obstruct or cause to be obstructed, any official employee, agent or contractor of the Corporation in the exercise of any of his lawful duties.
41. No person shall ride, drive or lead any horse or other animal or drive or propel any vehicle in or on any park in such a manner as to disturb the enjoyment thereof by any person, or to cause injury or damage to any person, animal or property.
42. No person shall ride, drive or lead any horse or other animal or drive or propel any vehicle in or on any park at a greater rate of speed than thirty (30) kilometres per hour or at such lesser speed as may be indicated by a traffic sign.
43. No person shall ride, drive, or lead any horse or drive or propel any vehicle in or on any park where the direction of traffic is restricted, except in the direction indicated by a traffic sign.
44. No person shall ride, drive, or lead any horse, or drive, ride or park any vehicle, or bicycle in or on any park or portion thereof, unless the park or portion thereof has been specifically designated for such use.

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- 44A. No person shall feed pigeons or other birds in any park in such a manner as to create a nuisance or disturb or interfere with the use or enjoyment of another person's property.
(BYLAW #12669)
45. Every person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention or violation of any of the provisions thereof or who neglects to do or refrains from doing anything required to be done by any of its provisions shall be guilty of an offence punishable on summary conviction and shall be liable to pay a fine not exceeding \$2,000.00 and in default of payment to imprisonment not exceeding six (6) months.
46. BYLAW No. 1802, being "THE BURNABY PARKS REGULATION BYLAW 1943", is repealed.

READ a first time this 19th day of MARCH 1979.

READ a second time this 19th day of MARCH 1979.

READ a third time this 19th day of MARCH 1979.

RECONSIDERED AND ADOPTED this 26th day of MARCH 1979.

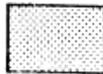
THOMAS W. CONSTABLE
MAYOR

JAMES HUDSON
CLERK

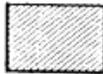
LEGEND



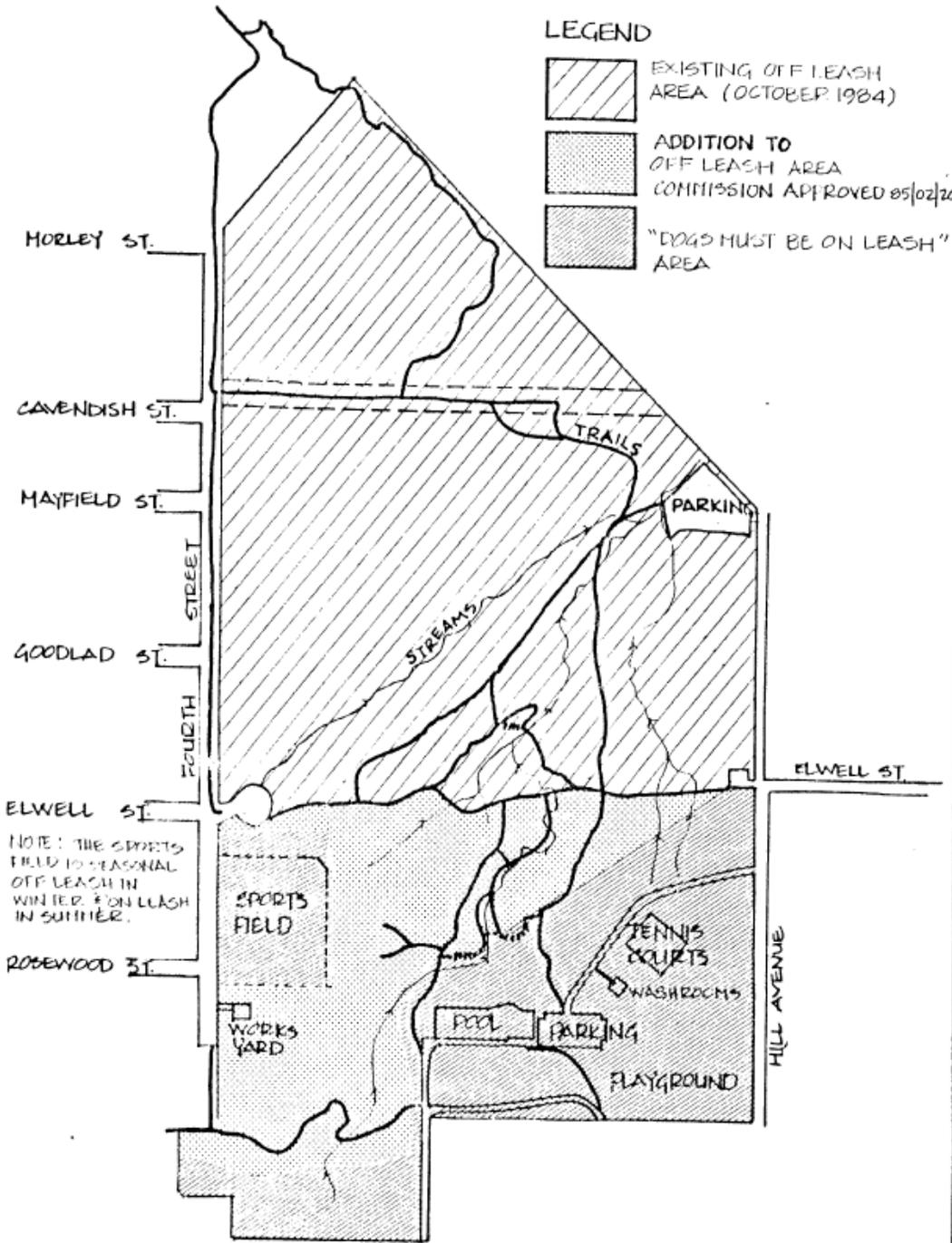
EXISTING OFF LEASH AREA (OCTOBER 1984)



ADDITION TO OFF LEASH AREA COMMISSION APPROVED 05/02/20



"DOGS MUST BE ON LEASH" AREA



NOTE: THE SPORTS FIELD IS SEASONAL OFF LEASH IN WINTER & ON LEASH IN SUMMER.

ROBERT BURNABY PARK
DOGS IN PARK

BURNABY RECREATION & CULTURAL SERVICES DEPARTMENT



UNOFFICIAL CONSOLIDATION

THE CORPORATION OF THE DISTRICT OF BURNABY

BYLAW NO. 4299

A BYLAW to regulate traffic and the use of streets within the Municipality of Burnaby (Consolidated for convenience with Bylaws Nos. 4468, 4718, 4756, 4931, 4999, 5140, 5243, 5351, 5389, 5390, 5410, 5457, 5460, 5495, 5496, 5498, 5534, 5740, 5773, 5781, 5859, 5968, 6062, 6074, 6134, 6153, 6198, 6598, 6623, 6633, 6819, 6878, 6886, 6912, 7020, 7939, 8059, 8244, 8399, 8517, 8871, 9180, 9219, 9290, 9328, 9683, 10272, 10827, 10855, 11464, 11697, 11784, 11886, 12554, and 13326)

The Council of The Corporation of the District of Burnaby ENACTS as follows:

1. This BYLAW may be cited as "**BURNABY STREET AND TRAFFIC BYLAW 1961**".
2.
 - (1) Words defined in the "Motor Vehicle Act" shall have the same meaning when used in this bylaw unless otherwise defined in this bylaw or unless the context otherwise requires. (Bylaw 6912)
 - (2) (Bylaw 6912, 12554)

In this bylaw unless the context otherwise requires:

“Boulevard” on a street with curbs, means that portion of the street lying between a curb and the adjoining property line, and on a street without curbs, means that portion of the street lying between a ditch line and the adjoining property line; and on a street designated for the segregation of traffic travelling in opposite directions by leaving a central portion thereof in an undeveloped state or improved by paving or by the planting of grass or shrubs, then that portion of the street so left shall be included in the term "boulevard".

“Bus” means any vehicle for hire used for the transportation of passengers and operated in conjunction with any transit system, but does not include taxis.

“Chief of Police” means the Officer Commanding Burnaby Detachment of the Royal Canadian Mounted Police.

“Combination of Vehicles” means a combination of motor-vehicle and trailer, motor-vehicle and semi-trailer, or motor-vehicle, semi-trailer and trailer.

“Commercial Vehicle” means a vehicle engaged in carrying or which is designed to carry goods, wares or merchandise and which is licensed as a commercial vehicle under the appropriate municipal or provincial laws or regulations.

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“Council” means the Council of The Corporation of the District of Burnaby.

“Crosswalk” includes that portion of a roadway included within the prolongation of the edge of a roadway and the property line at intersections other than lane intersections and any portion of a roadway indicated for pedestrian crossing by lines or other markings.

“Driver” means any person who drives, operates, propels, or who is in physical control of, a vehicle.

“Engineer” means the Engineer of The Corporation of the District of Burnaby or such other person as may be duly authorized from time to time by the Engineer.

“Intersection” means the area embraced within the prolongation of the lateral property lines of streets which join one another, whether such streets at the junction cross each other or merely meet at an angle without crossing each other.

“Lane” includes every highway within the meaning of the “Motor Vehicle Act” which is twenty feet or less in width. (Bylaws 4718, 4756, 5781)

“Municipality” means The Corporation of the District of Burnaby.

“Neighbourhood zero emission vehicle” means a vehicle that travels on 4 wheels and is powered by an electric motor that is designed to allow the vehicle to attain a speed of 32 kilometres per hour but not more than 40 kilometres per hour in a distance of 1.6 kilometres on a paved level surface, and which:

- (1) meets or exceeds standards of the *Motor Vehicle Safety Act* (Canada) for a low-speed vehicle and bears a compliance label for a low-speed vehicle in accordance with that Act; or
- (2) if imported to Canada, has been imported as an admissible low-speed vehicle in accordance with the *Motor Vehicle Safety Act* (Canada) requirements and
 - (a) bears a compliance label for a low-speed vehicle in accordance with that Act; or

- (b) meets applicable federal United States laws in accordance with the *Motor Vehicle Safety Act (Canada)*. ”
(Bylaw 12554)

“Parade” means any procession of more than fifteen pedestrians or of more than six vehicles moving upon any highway.

“Park”, “parking” or “parked” shall mean the standing of a vehicle, whether occupied or not, upon a roadway otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise, discharging or taking on passengers, or in obedience to traffic regulations or traffic signs or signals.

“Person” includes any corporation, partnership, firm, association or party.

“Police Officer” means any member of the Royal Canadian Mounted Police or Bylaw Enforcement Officer appointed for enforcement of this bylaw. (Bylaw 11886)

“Private Road” means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner.

“Roadway” means that portion of a street improved, designed or intended for vehicular use.

“Sidewalk” means that portion of a street between the curb lines or lateral lines of a roadway, and the adjacent property lines improved by the laying of concrete, gravel, planks or other material for the use of pedestrians.

“Sidewalk Crossing” means that portion of a sidewalk permanently improved or designed for the passage of vehicular traffic.

“Stop” means the coming to rest or cessation of movement of a vehicle.

“Stopping” when prohibited means the coming to rest or the state of being at rest of a vehicle.

“Street” includes public road, highway, bridge, viaduct, lane, and sidewalk, and any other way normally open to the use of the public, but does not include a private right-of-way on private property.

“Street-Line” means the dividing line between any private property and the adjoining street.

“Traffic Control Signal” means any device, manually, electrically or mechanically operated for the regulation of traffic, and which successively temporarily prohibits and permits traffic movement by displaying different signal indications.

“Traffic Sign” means any sign, signal (other than a traffic control signal), marking, or other device, placed, painted, or erected, to guide, regulate, warn, direct, restrict, or prohibit traffic.

2A (Bylaws 4468, 5859, 6074)

No person shall ride or walk a horse

- (a) on any sidewalk, walkway or boulevard; and
- (b) on Avalon Avenue in the 9100 Block.

3. No person other than the owner or driver of a vehicle shall remove any notice placed thereon or affixed thereto by a peace officer in the course of his duties.

TRAFFIC CONTROL

4. The Council may cause traffic control devices to be placed or erected at such places as it shall designate for the purpose of giving effect to the provisions of the Motor Vehicle Act and the provisions of this bylaw.

5. Every person shall obey the instructions, regulations or prohibitions contained in or upon any traffic control device erected or placed under the provisions of the Motor Vehicle Act or of this bylaw.

5A. (Bylaw 6886)

(1) No person shall drive or operate a motor vehicle anywhere in the Municipality except

- (a) upon a public highway, or
- (b) upon other land with the consent of the owner thereof.

(2) In this section, notwithstanding anything in this bylaw otherwise provided, public highway shall not include

- (a) an unopened or unimproved road allowance, or
 - (b) any trail situated upon any public or private land which is open for use by the public.
6. (1) Such portions of any highway or highways as Council from time to time deems requisite and advisable shall be established as school crossings by designating same as such by signs or by lines or other markings on the surface or by any other appropriate traffic control devices.
- (2) Whenever any portion of a highway has been so designated by such signs or lines or other markings on the surface or other traffic control devices the driver of every vehicle shall, between the hours of 8:00 o'clock in the forenoon and 5:00 o'clock in the afternoon of any day on which school is regularly held, obey the instruction, prohibition or direction indicated on such signs, lines, markings or other traffic control devices.
- 6A (Bylaw 5140)
- (1) The Council does hereby authorize the employment of school-children, or other persons, in traffic patrols for the purpose of directing traffic passing by or in the vicinity of schools.
- (2) Every driver of a vehicle and every pedestrian shall obey the instructions of a traffic patrol.
7. The Council may prohibit the making of turns or any type of turn from any highway or any portion of a highway within the municipality during the whole of a day or any part thereof and for such purpose may cause appropriate traffic control devices to be placed, erected or marked upon such highways or the affected portions thereof, and no driver of a vehicle shall make turns in contravention of or when prohibited by such traffic control device.
8. (1) The Council may by causing a sign to be erected or placed on any portion of a highway direct the rate of speed at which a person may drive or operate a motor vehicle upon such portion of highway within the municipality.
- (2) When any such sign has been so erected or placed no person shall drive or operate a motor vehicle on the designated portion of highway at a greater rate of speed than that indicated on the sign.
- (3) No person may drive or operate a motor-vehicle in excess of fifteen miles per hour upon a lane. (Bylaw 4718, 4756, 5781)

- (4) (Repealed by Bylaw 5351)
9. No person shall drive or operate any vehicle upon or across any curb or sidewalk unless such curb or sidewalk has been lowered or otherwise constructed or reconstructed to form a suitable crossing.
10. No driver of a vehicle shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is driving without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.
11. The Council may by appropriate traffic control devices designate any portion of a highway as a Quiet Zone and no person operating a vehicle within such zone shall sound the horn or other warning device of the said vehicle except in an emergency.
12. (1) Funeral processions shall be identified as such by each vehicle therein having its headlights illuminated.
- (2) The route taken by any funeral procession consisting of vehicles or persons on foot or both shall be subject to the written approval of the Engineer and Chief of Police.

PARKING AND STOPPING VEHICLES

13. (1) The Council may by appropriate traffic control devices regulate, control or prohibit the stopping, standing or parking of vehicles upon any highway or part thereof within the Municipality and every driver of a vehicle shall obey the instructions, regulations or prohibitions contained in or upon such traffic control devices. (Bylaw 4760)
- (1A) In this section “stop” or “stand” means the stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid a conflict with other traffic or in compliance with the directions of a peace officer or traffic control device, and “park” means the standing of a vehicle whether occupied or not. (Bylaw 4760)
- (1B) (Bylaw 4760)
- (a) No person shall stop, stand or park any vehicle on the southerly side of Kingsway at any time between Boundary Road and Patterson Avenue; Sussex Avenue and McKercher Avenue; and Edmonds Street and Tenth Avenue.
- (b) No person shall stop, stand or park any vehicle on the southerly side of Kingsway between 4:00 o’clock in the afternoon and 6:00 o’clock in the

afternoon between Patterson Avenue and Sussex Avenue and between McKercher Avenue and Edmonds Street.

(1C) (Bylaw 4760)

- (a) No person shall stop, stand or park any vehicle on the northerly side of Kingsway at any time between Boundary Road and Smith Avenue; Inman Avenue and Patterson Avenue; and Edmonds Street and Tenth Avenue.
- (b) No person shall stop, stand or park any vehicle on the Northerly side of Kingsway between 7:00 o'clock in the forenoon and 9:00 o'clock in the forenoon. (Bylaw 4931)
- (c) No person shall stop, stand or park any vehicle on the northerly side of Kingsway between 4:00 o'clock in the afternoon and 6:00 o'clock in the afternoon between Patterson Avenue and Edmonds Street. (Bylaw 5389 and 5457)

(1D) (Bylaw 5390, 5460, 5496)

- (a) No person shall stop, stand or park a vehicle on either side of Canada Way between Smith Avenue and 10th Avenue.
- (b) No person shall, between 7:00 o'clock in the forenoon and 9:00 o'clock in the forenoon and between 4:00 o'clock in the afternoon and 6:00 o'clock in the afternoon, stop, stand or park a vehicle on the North side of Canada Way between Smith Avenue and Boundary Road.
- (c) No person shall, between 7:00 o'clock in the forenoon and 9:00 o'clock in the forenoon and between 4:00 o'clock in the afternoon and 6:00 o'clock in the afternoon, stop, stand or park a vehicle on the South side of Canada Way between Smith Avenue and a point 150 West of Smith Avenue.
- (d) No person shall, between 9:00 o'clock in the forenoon and 6:00 o'clock in the afternoon, stop, stand or park a vehicle for more than one hour on the South side of Canada Way between Boundary Road and a point 150 feet West of Smith Avenue.

(2) (Bylaw 4760, 6912)

No person shall stop or stand a vehicle:

- (a) on a sidewalk, boulevard or crosswalk.

- (b) within an intersection, except as permitted by a sign.
 - (c) within 20 feet of the street line of any intersecting street excepting lanes.
 - (d) in front of or within 10 feet of the nearside of or 5 feet of the farside of a private road or sidewalk crossing or the street-line of any intersecting lane.
 - (e) within 20 feet upon the approach to any flashing beacon, stop-sign or traffic-control signal located at the side of a roadway.
 - (f) on any street so as to obstruct traffic.
 - (g) upon a roadway when it is practicable to stop the vehicle off the roadway
 - (h) at a place in contravention of a traffic control device prohibiting stopping.
 - (i) in or upon any lane in such a position or manner as to obstruct the free movement of vehicular traffic into or out of any driveway or private road or garage adjoining such lane.
 - (j) within 20 feet at the approach side of a crosswalk.
 - (k) on any highway at intersections where buses stop for the purpose of allowing passengers to enter or alight therefrom, at a lesser distance than 80 feet from the near boundary of the intersecting highway measured along that side of the highway where such bus stop is situated.
 - (l) where a bus stop is situated at other than an intersection with 25 feet either side of the sign indicating the presence of such bus stop.
 - (m) upon any bridge, viaduct or other elevated structure forming part of a street.
 - (n) within 15 feet of a fire hydrant measured from a point in the curb or edge of the roadway which is closest to the fire hydrant.
 - (o) no person shall stop, stand or park a vehicle on either side of Canada Way between Smith Avenue and 10th Avenue.
- (3) (Bylaw 4760, 6912)

No person shall park a vehicle:

- (a) in or upon a lane.

- (b) upon a roadway when it is practicable to park the vehicle off the roadway.
 - (c) at a place in contravention of a traffic control device prohibiting parking.
 - (d) at any one place on any street for a longer period than 24 consecutive hours.
 - (e) over 30,000 G.V.W. on any street other than a truck route unless such vehicle is being operated in compliance with this bylaw.
 - (f) on the side of any roadway that abuts a central boulevard.
 - (g) within 50 feet of the nearest rail of a railway crossing.
 - (h) on the roadway side of a vehicle stopped or parked at the edge of curb of a roadway.
 - (i) upon a highway for the principal purpose of:
 - (i) displaying a vehicle for sale;
 - (ii) advertising, greasing, painting, wrecking, storing, or repairing any vehicle, except where repairs are necessitated by an emergency;
 - (iii) displaying signs;
 - (iv) selling flowers, fruit, vegetables, sea foods, or other commodities or articles.
 - (j) alongside or opposite a street excavation or obstruction when stopping, standing, or parking obstructs traffic.
 - (k) on any highway at intersections where buses stop for the purpose of allowing passengers to enter or alight therefrom, at a lesser distance than 80 feet from the near boundary of the intersecting highway measured along that side of the highway where such bus stop is situated.
 - (l) where a bus stop is situated at other than an intersection with 25 feet either side of the sign indicating the presence of such bus stop.
- (4) The provisions of this section shall not apply to:
- (a) Municipal or Provincial utility service vehicles,

- (b) Service vehicles of a Public Utility Corporation,
- (c) Wrecking vehicles,

while such vehicles are actually engaged in works of necessity requiring them to be stopped or parked in contravention of any such provisions. This exemption shall not relieve the drivers of such vehicles from taking due precautions to indicate the presence of such vehicles on the street while so parked or stopped.

- (5) (Bylaw 5410, 6134, 6912)

No person shall park:

- (a) a vehicle of over 8,000 pounds gross vehicle weight, or
- (b) a trailer or mobile home unit, or
- (c) a camper unit detached from a vehicle

for more than two hours between the hours of 1:00 o'clock in the morning and 6:00 o'clock in the morning on any street.

- (6) No person shall, between the hours of 8:00 o'clock in the morning and 6:00 o'clock in the afternoon, park any vehicle on any street abutting any premises used for residential or commercial purposes for more than three hours unless such premises are the property or residence of such person or the property of his employer.
- (6A) Except where a traffic-control device indicates that parking is permitted, no person shall park a vehicle on that side and portion of any street upon which any school or land thereof abuts between the hours of 8:00 o'clock in the forenoon and 5:00 o'clock in the afternoon on any day on which school is regularly held. (Bylaw 4999)
- (7) Where a sign has been erected or placed on any portion of a highway limiting the time during which a vehicle may be parked upon such portion of highway no person shall park or cause to be parked a vehicle upon that portion of highway for a greater length of time than that limited by the said sign. (Bylaw 6633)
- (8) The Chief of Police is hereby authorized to cause to be placed for temporary periods not exceeding forty-eight hours at any one time, traffic signs indicating no parking:

- (a) At the entrance to dance halls, funeral parlours, or other places of public assemblage during the period of assembly therein.
 - (b) Upon either or both sides of any street or section of street along the route of any parade or in the vicinity of large public gatherings;
 - (c) At any other location where, under special circumstances, it is deemed necessary to facilitate or safeguard traffic.
- (9) No person shall move a vehicle from one location to another in the same time block to avoid the time limit regulations specified in that particular block.
(Bylaw 6912)
- (10) (Bylaw 6912)

No driver shall permit a motor-vehicle to stand unattended or parked unless he has

- (a) locked the motor-vehicle or made it secure in such a manner as to prevent the unauthorized use of the motor-vehicle; and
 - (b) if the motor-vehicle is standing on a grade, turned the front wheels of the vehicle to the curb or side of the highway.
14. (1) Except as provided in Section 15 no person shall stop or park a vehicle on a highway other than parallel with the curb or edge of the roadway and headed in the direction which traffic travels on that side of the highway and, where there is a curb, with the curbside wheels within 12 inches thereof.
- (2) Where parking stalls have been marked on any highway for parallel parking no driver shall park any vehicle otherwise than between the lines or markings indicating the limits of a single stall, except in the case of a vehicle being of greater length than that of a parking stall, in which case such vehicle shall not occupy nor encroach upon more than two parking stalls.
15. Upon those streets which have been marked or signed for angle parking by appropriate traffic control devices, the driver of a vehicle shall park such vehicle at an angle of forty-five degrees to the curb or edge of the roadway or at such other angle indicated by such marks or signs and if marked by lines shall park such vehicle parallel to and between such lines and in all events as close to the curb or pavement edge as practicable, and in such a manner that it is headed substantially in the general direction of the movement of traffic on the side of the street on which such vehicle is parked, and, where there is a curb, with the nearest front wheel within twelve inches of the curb. But in no event shall such driver park any vehicle so that any part of the vehicle or any load thereon extends into the travelled portion of the highway.

16. The Council may by causing appropriate traffic control devices to be erected or placed on any portion of a highway establish such designated portion of highway as a loading zone, commercial zone, passenger zone, bus zone or taxi zone, and designate the area thereof and define the rights, duties and obligations of traffic with respect thereto and every person shall obey the regulations or prohibitions contained in or upon such traffic control devices.
17.
 - (1) No driver of any vehicle shall stop such vehicle:
 - (a) in any loading zone except for the purpose of loading or unloading of passengers or materials.
 - (b) in any passenger zone except for the purpose of loading or unloading of passengers.
 - (2) No driver of any vehicle shall stop such vehicle:
 - (a) in any loading zone for a period exceeding three minutes for the loading or unloading of passengers or for a period exceeding thirty minutes for the loading and unloading of materials.
 - (b) in any passenger zone for a period exceeding three minutes.
 - (3) Notwithstanding anything contained in this section, no driver of any vehicle other than a commercial vehicle shall stop in any commercial zone and then only while actually engaged in loading or unloading materials, and in any event for a period not exceeding thirty minutes.
 - (4) No driver of any vehicle other than a taxi shall stop such vehicle in any taxi zone.
 - (5) No driver of any vehicle other than a bus shall stop such vehicle in any bus zone.
18.
 - (1) The Engineer is hereby authorized and empowered to grant to any person the right to occupy a specified portion of a highway for any purpose or project for the period necessary to complete such purpose or project and he may require the placing of approved signs to indicate the area where such right or privilege is in effect and all expenses in connection therewith shall be borne by the person receiving such privilege and the Engineer may require a deposit to cover such expenses.
 - (2) No driver of any vehicle shall stop or park such vehicle in contravention of any approved signs placed as aforesaid.
- 18A. (Bylaws 6633, 9290, 9328, 10272, 11697)

Notwithstanding any other provisions of this Bylaw, every person who violates any provision of this Bylaw regulating, controlling or prohibiting the stopping, standing or parking of vehicles shall pay a fine of \$50 but if the fine is paid within fifteen (15) days of the violation, the fine shall be \$25.

PEDESTRIAN RIGHTS AND DUTIES

19. Within one block from an intersection at which traffic control signals are in operation no pedestrian shall cross the highway at any place except within a crosswalk.
20. No person shall start to cross any highway in front of a bus which has stopped to load or unload passengers unless such crossing is made in compliance with traffic control signals or the direction of a peace officer. This provision shall not apply where such bus has stopped at its regular terminus.

GENERAL

21. No person shall coast, slide or use roller-skates, sleighs, skates, skis, or other similar means of conveyance on any highway in the municipality; provided, however, that Council may close any highway or highways or any part or parts thereof for the purpose of permitting the use of roller-skates, sleighs, skates, skis, or other similar means of conveyance thereon and for such purpose and for the purpose of protecting persons using such closed portion of highway may cause such traffic control devices as it deems necessary or advisable to designate the closed highway to be erected, placed or marked thereon and every person shall obey the instructions, regulations or prohibitions contained in any such traffic control devices.
22. No person shall leave any animal upon any highway without it being tethered in such manner as to prevent such animal from running away or from moving on the highway in any way so as to obstruct or impede other traffic thereon.
23. (1) No person shall be a member of, or take part in, any parade and no parade shall be held unless:
 - (a) such parade be under the direction or control and in charge of some one person as marshal or organizer, and
 - (b) application therefor has been made in writing to Council by the marshal or organizer or other person in charge thereof at least twenty-four hours before the parade commences and such application receives the approval of the Engineer and the Chief of Police. Such application shall specify the nature of the parade, the day and hour on or at which such parade is to be held, the place or places of formation or commencement thereof, the route intended to be taken, the point of disbandment or dispersal of same, and

the approximate length thereof.

- (2) The Engineer and Chief of Police in granting their approval may impose directions or conditions as to time, route, or otherwise.
- 24.
- (1) No person shall excavate in, do or construct any works upon, cause a nuisance upon, encumber, obstruct, injure, foul, or damage any portion of a highway or other public place without written permission so to do from the Council and except under such terms and conditions as may be imposed by the Council in such permission.
 - (2) Any person receiving permission from the Council under subsection (1) shall do all works or things for which such permission is given to the entire satisfaction and specifications in all respects of the Engineer.
 - (3) Any person, who encumbers, fouls or obstructs a highway by allowing materials or things to come thereon from any vehicle or property shall, unless permission to the contrary is given by the Engineer remove same forthwith.
 - (4) Except as otherwise provided herein no person shall use any highway for any purpose other than the passage thereon of ordinary and normal vehicular and pedestrian traffic.
 - (5) Notwithstanding anything in this section contained a person may leave or place or cause or suffer to be left or placed on any highway fuel, merchandise or other commodities for the purpose of transferring same to or from an adjoining premises, providing that in no case shall such fuel, merchandise or other commodity be permitted to remain on any highway for a longer period than forty-eight hours and providing further that such fuel, merchandise or other commodity does not obstruct, injure or damage the highway or drainage or other facility appurtenance thereto.
 - (6) No person shall hold a Tag Day or otherwise solicit for donations of money or in kind or for material assistance upon any street except with written permission of the Council.
 - (7) Notwithstanding any provision of this section, where the Engineer has given his approval, a person who has entered into a covenant with the Municipality and has been issued a permit by the Building Inspector for the construction of a street canopy may construct a street canopy that projects no more than 1.5 m across the street-line into the street and has a minimum height clearance of 2.7 m from ground level to the lowest point of the canopy. (Bylaw 8871)
 - (8) The Engineer may remove or order the removal of a canopy mentioned in

subsection (7) where, in his opinion, removal is required for the public safety or to allow the installation or maintenance of public works. (Bylaw 8871)

25. The Council may designate and establish any highway or part of a highway as a through highway and may alter or remove such designation. The Engineer shall place and maintain a stop sign on each and every highway intersecting any through highway unless traffic at such intersection is controlled at all times by traffic control signals, provided, however, that at the intersection of two through highways stop signs shall be erected at the approaches of such highways as may be determined by the Engineer.

25A. (Bylaw 6598, 6623)

The Council does hereby close to through vehicular traffic

- (a) Casewell Street at North Road;
- (b) David Drive at North Road;
- (c) Sullivan Street at North Road;

and does hereby authorize the Municipal Engineer to erect or cause to be erected suitable traffic control devices to effect the said closures.

25B. (Bylaw 6878)

The Council does hereby close to through vehicular traffic

- (a) Dellawn Drive at Springer Avenue;
- (b) Halifax Street at Woodway Place

and does hereby authorize the Municipal Engineer to erect or cause to be erected suitable traffic control devices to effect the said closures.

26. No person shall shout, use megaphones, or make other noise in or at or on any street, wharf, dock, pier, steam boat landing or railway station, or other public place.

26A. (Bylaw 11697)

- (1) No owner or lessee of a vehicle equipped with a security alarm system shall permit, allow or suffer that security alarm system to sound
 - (a) either continuously or intermittently for a period of one minute or longer;
 - or

- (b) more than three times in a twenty four hour period;
- while that vehicle is parked on a highway or public place.
- (2) A vehicle equipped with a security alarm system that has sounded in contravention of subsection (1) shall, for the purpose of this Bylaw, be deemed to be unlawfully occupying that portion of the highway or public place where it is parked.
27. No person shall use any street or highway for the purpose of selling or displaying for sale any article or thing, except with the written permission of the Council.
28. No person shall erect or maintain any sign at a lesser height than eight (8) feet above a street or highway. (Bylaw 8871)
29. No person shall wilfully damage any boulevard, trees, shrubs, plants, bushes, or hedges in or adjacent to any highway, or fences or any thing erected or maintained adjacent to a highway for the purpose of lighting the highway.
30. Any animal, excepting dogs, driven through or along any highway shall be ridden or led in such a manner that such animal is under the control of some person at all times.
31. (Bylaw 9683)
- Any accumulation of snow or ice upon any sidewalk
- (a) within a commercial, industrial or multi-family district, shall be removed by the owner or occupier of abutting premises not later than ten o'clock in the morning of any day in which the premises are occupied or open to the public;
- (b) within single family and two family residential districts, should be removed by area residents with dispatch so as to permit pedestrian traffic.
32. (1) In this section "Extraordinary traffic" shall have the meaning given to it in Section 27 of the "Highway Act".
- (2) The powers exercised by the Minister of Highways in respect of extraordinary traffic may be exercised in the municipality by the Council by resolution.
- (3) Every person driving on or using a highway in contravention of a regulation, limitation, or prohibition made under subsection (2) is guilty of an offence against this bylaw.

“32A. (1) A person may drive or operate a neighbourhood zero emission vehicle only:

- (a) on a street that has a speed limit of 50km/hr or less;
- (b) in the lane of the street closest to the right hand edge or curb of the street that is available for:
 - (i) general traffic; or
 - (ii) high occupancy vehicles, in circumstances where the neighbourhood zero emission vehicle is being used as a high occupancy vehicle;

except where necessary to make a left hand turn or to pass another vehicle.

(2) Except to the extent that they conflict with subsection (1), all of the provisions of this Bylaw applicable to vehicles and motor vehicles and the use and operation thereof shall apply to neighbourhood zero emission vehicles.” (Bylaw 12554)

33. When owing to work of construction, repair, or maintenance, or owing to damage by accident or storm or other emergency, any street, or any portion thereof, is unsafe or unsuitable for traffic, or it is necessary that traffic should be restricted thereon or diverted therefrom, the Engineer or the Chief of Police, or any person duly authorized by either of them, may close such street, or portion thereof, or restrict or divert the traffic thereon or therefrom, and for that purpose may erect or place lamps, barriers, signboards, notices, or other warnings upon such street, or portion thereof; and no person shall enter upon, or travel upon, such street, or portion thereof, so closed as aforesaid, or enter upon or travel thereon contrary to the restrictions placed upon the traffic thereon as aforesaid, or remove, damage, alter or destroy, or attempt to remove, damage, alter or destroy any lamp, barrier, signboard, notice or warning so placed as aforesaid.

34. The owner of any vehicle or other chattel which has been detained or impounded pursuant to the provisions of this bylaw may recover possession of such vehicle or chattel prior to its sale upon proof of his ownership thereof and upon payment of all costs incurred by or resulting from the detention or impoundment.

35. (Bylaw 10272)

(1) Without limiting the foregoing, all police officers and bylaw enforcement officers appointed pursuant to the Police Act are hereby authorized and empowered to remove, detain, or impound any vehicle, chattel or obstruction unlawfully occupying any portion of a highway or public place, and to recover all costs and expenses incurred thereby either from the owner of the chattel, or by the sale of the chattel at public auction, or by action in any Court of competent jurisdiction.

- (2) If the owner of any vehicle or other chattel impounded pursuant to the provision of this Bylaw fails to reclaim the same within fourteen days from the date of its impoundment the Treasurer of the Municipality may thereafter send a notice, stating where the vehicle or other chattel can be claimed, by regular mail to the registered owner thereof or, if there is no registered owner, to the last known owner, at his or her registered address or, if there is no registered address, at his or her last known address.
- 35A Whenever any vehicle, chattel or obstruction shall be removed, detained or impounded pursuant to the provisions of this bylaw or of any statute, the owner of the said vehicle, chattel or obstruction shall pay all the costs and expenses incurred thereby including storage costs. (Bylaw 5243, 7939)
36. (1) If the owner of any vehicle or other chattel impounded pursuant to the provisions hereof fails to reclaim the same and to pay the charges incurred in connection with the impounding of the said vehicle or chattel within thirty days from the date of mailing of the notice provided for section 35(2) hereof, the Treasurer of the Municipality may dispose of such vehicle or chattel by public auction. (Bylaw 10272)
- (2) The Treasurer of the Municipality may put a reserve price on any vehicle or other chattel which is to be sold pursuant to subsection (1) hereof, below which no such vehicle or chattel shall be sold.
- (3) Any vehicle or other chattel which is put up for sale by public auction but which is not sold may be sold by the Treasurer of the Municipality by private sale and if no private sale can be effected then the Treasurer shall so report to the Council which shall thereupon by resolution direct how such vehicle or chattel shall be dealt with.
37. Upon the sale of any vehicle or other chattel pursuant to the provisions hereof, the Treasurer shall after deducting the charges, deposit the balance of the proceeds of the sale to be held in trust for the owner thereof. If such moneys shall have been held by the Municipal Treasurer for one year and if no lawful claim had been made therefore, the said moneys shall be forfeited to the Municipality and shall be transferred to the general funds of the Municipality and shall form a part thereof.
38. (1) All vehicles or other chattels impounded pursuant to the provisions of this bylaw shall be kept at such place and in such premises as shall be authorized and designated by resolution of the Council.
- (2) Any person who attempts to prevent the impounding of any vehicle or other chattel, or who in manner interferes with the impounding of any such vehicle or chattel shall be deemed to be guilty of an infraction of this bylaw and shall be

liable to the penalties provided herein.

39. (1) Words defined in the “Motor Vehicle Act” and the “Department of Commercial Transport Act” and the Regulation thereto shall have the same meaning when used in Sections 39 to 57 of this bylaw unless otherwise defined in this bylaw or unless the context otherwise requires. (Bylaw 5534)
- (2) (Bylaws 5534, 5740)

In Sections 39 to 57 of this bylaw unless the context otherwise requires:

“Commercial Vehicle” means a commercial vehicle, semi-trailer and trailer as defined in the “Department of Commercial Transport Act” having a licensed gross vehicle weight over 30,000 pounds, but does not include an emergency vehicle or a public passenger vehicle as defined in the “Motor Carrier Act”. (Bylaw 8244)

“Emergency Vehicle” means an emergency vehicle as defined in the “Motor Vehicle Act” and includes a municipal vehicle, a B.C. Hydro and Power Authority vehicle, a British Columbia Telephone Company vehicle, and any public utility vehicle, when such vehicle is proceeding to or from emergency work in the municipality. (Bylaw 8244)

"Municipal Vehicle" means any vehicle owned or leased by the Municipality or the Board of School Trustees of School District No. 41 (Burnaby) and includes vehicles operated for or on behalf of the said Municipality or the said School District.

"overload" means the number of pounds derived by subtracting from the gross vehicle weight of a commercial vehicle the licensed gross vehicle weight; or the number of pounds derived by subtracting from the weight on any one axle or combination of axles of a commercial vehicle the weight authorized by this bylaw to be carried on the axle or combination of axles, whichever is the greater;

"oversize" means the amount derived by subtracting from the outside width, height, or overall length of a commercial vehicle with its load (if any) the permissible outside width, height, or overall length prescribed under this bylaw.

‘property’ means an area of land registered as a separate and distinct parcel with a registered title on the records of the Land Title Office; (Bylaw No. 13326)

‘public worksite’ means a worksite situate within a public road allowance; (Bylaw No. 13326)

"through highway" means any highway or portion of a highway designated by the Engineer as a through highway at which all vehicles shall stop before entering

thereon.

"wheelbase" means the distance, measured to the nearest foot, between the centres of the two axles which are farthest apart. The distance between axles is the distance measured to the nearest foot between the centre of the axles. When a fraction of a foot is 6 inches or more the next larger whole number shall be used.

40. (Bylaw 5534)

(1) Subject to the provisions of section 47 and subsections (2) and (3) of this section, no person shall drive, operate, or park a commercial vehicle on any highway in the Municipality except on those highways set out in Schedule "A" to this bylaw (hereinafter called a "Scheduled Highway"). (Bylaws 7020, 11464)

(2) (Bylaw No. 13326)

A commercial vehicle that is authorized by this bylaw or a permit issued under section 47 to be driven or operated by a person on a Scheduled Highway may be driven on a highway other than a Scheduled Highway for the purpose of delivering goods or materials to, or picking up goods or materials from, a public worksite or a property provided that the person driving or operating the commercial vehicle:

(a) in proceeding to the public worksite or the property, proceeds to a point on a Scheduled Highway that is the nearest point between a Scheduled Highway and the public worksite or an approved driveway access to the property and proceeds from that point to the public worksite or approved driveway access to the property by the shortest and most direct highway route;

(b) in proceeding from the public worksite or the property, proceeds to a point on a Scheduled Highway that is the nearest point between a Scheduled Highway and the public worksite or an approved driveway access to the property by the shortest and most direct highway route.

(3) (Bylaw No. 13326)

The Engineer may upon written application permit the driver or operator of a commercial vehicle to proceed to or from a public worksite or a property along a highway route other than the highway route required to be followed pursuant to subsection (2) if the Engineer is satisfied that proceeding on the required highway route is not practically feasible or that proceeding along the alternate route would be less disruptive to residential areas in the vicinity of the public worksite or the property."

- (4) (Repealed by Bylaw 9219)
 - (5) A commercial vehicle that is authorized by this bylaw or a permit issued under section 47 to be driven or operated by a person on a Scheduled Highway may only be driven or operated on Southpoint Drive between the hours of 7:30 a.m. and 9:00 p.m. on any day. (Bylaw 10827)
41. “Burnaby Street and Traffic Bylaw 1954”, being Bylaw No. 3477, and all amendments thereto, is repealed, but every resolution passes pursuant to the said bylaw or any amendments thereto shall remain in force until varied or repealed in accordance with the provision of this bylaw.
42. (Sections 42-57; Bylaw 5534)
- (1) Subject to the provisions of Section 47, no person shall drive or operate on any highway set out in Schedule "A" to this bylaw:
 - (a) A commercial vehicle having a total outside width, with or without load, in excess of 8 feet 6 inches; (Bylaw 6198)
 - (b) a commercial vehicle having a height, with or without load, in excess of 13 feet 6 inches;
 - (c) a single commercial vehicle having an overall length, with or without load, in excess of 35 feet, except as provided in clause (d);
 - (d) a trailer or semi-trailer the overall length of the permanent structure of which exceeds 40 feet;
 - (e) a combination of vehicles having an overall length, with or without load, in excess of 60 feet.
 - (f) Clause (d) of Subsection (1) of Section 42 does not apply to a semi-trailer, the overall length of the permanent structure of which does not exceed 45 feet where the distance from the kingpin to the centre of the last axle does not exceed 38 feet. (Bylaw 6198)
 - (2) Subject to the provisions of Section 47, no person shall drive or operate on any highway set out in Schedule “A” to this bylaw: (Bylaw 11464)
 - (a) a commercial vehicle having a total outside width, with or without load, in excess of 8 feet 6 inches;
 - (b) a commercial vehicle having a height, with or without load, in excess of

- 13 feet 6 inches;
- (c) a single commercial vehicle having an overall length, with or without load, in excess of 35 feet except as provided in subsections (d) and (e);
 - (d) a trailer the overall length of the permanent structure of which exceeds 40 feet;
 - (e) a semi-trailer the overall length of the permanent structure of which exceeds 45 feet;
 - (f) a combination of vehicles having an overall length, with or without load, in excess of 65 feet.
- (3) Notwithstanding any of the provisions of this bylaw or of a permit issued pursuant to Section 47, the maximum height, length, or width of a commercial vehicle or load allowable on a bridge, highway or portion of a highway in the Municipality that is expressly limited as to maximum height, length, or width of a commercial vehicle or load by a sign erected by the Engineer shall be that set out on the said sign. During the time such signs are in place they shall be deemed to supersede any of the provisions of this bylaw.
- (4) Subject to the provisions of Section 47, no person shall drive or operate on any highway in the Municipality:
- (a) a combination of vehicles consisting of more than three vehicles;
 - (b) a commercial vehicle or combination of vehicles so loaded that the load extends more than 3 feet beyond the front wheels thereof, or, if equipped with a front bumper, more than three feet beyond such bumper;
 - (c) a commercial vehicle or combination of vehicles any part of which, or the load upon which, extends more than 15 feet behind the centre of the last axle of the commercial vehicle or combination of vehicles;
 - (d) a semi-trailer having any portion of its body or load forward of the turning axis (kingpin) projecting to a greater distance than an 84 inch radius from the centre of the turning axis.
- (5) Subject to the provisions of Section 47, no person shall drive or operate on any highway in the Municipality on a Sunday or Statutory Holiday a commercial vehicle which is overloaded or oversized. A commercial vehicle is overloaded if a computation under the definition of overload would result in an overload. A commercial vehicle is oversized if a computation under the definition of oversize

would result in an oversize.

- (6) When a commercial vehicle is equipped with:
- (a) one or more rear-view mirrors required by the regulations made pursuant to the "Motor Vehicle Act" and extend in whole or in part beyond the side of the said commercial vehicle; or
 - (b) one or more lamps required by the regulations made pursuant to the "Motor Vehicle Act" and extend in whole or in part beyond the side of the said commercial vehicle; or
 - (c) rubber fender skirts, safety chains, or wrappers which extend not more than 2 inches in whole or in part beyond the side of the said commercial vehicle.

the amount of such extensions shall not be included in determining the maximum width of the said commercial vehicle for the purpose of this bylaw.

43. (Bylaw 6198, 6912)

- (1) Subject to the provisions of Section 47, no person shall drive or operate upon any highway in the Municipality
- (a) a commercial vehicle any axle of which is carrying a gross weight in excess of 20,000 pounds;
 - (b) a commercial vehicle loaded in such a manner that the gross weight on any wheel thereof is in excess of 600 pounds per inch of width of tire in the case of pneumatic tires or 300 pounds per inch of width of tire in the case of metal or solid rubber tires;
 - (c) a commercial vehicle or combination of vehicles having a gross weight on any group of two or more consecutive axles exceeding the gross weight indicated in Schedule "C" opposite to the appropriate distance between the centres of the first and last axle of the group of axles of that vehicle or combination of vehicles measured longitudinally to the nearest foot.
 - (d) Notwithstanding anything in this bylaw contained, every person who violates this section of this bylaw shall pay a fine as set out in Schedule "D".
- (2) Notwithstanding the definition of wheelbase, if the distance from the first axle to

the second axle of a truck tractor is greater than 17 feet, the distance shall be taken as 17 feet in determining the wheelbase of any combination of vehicles consisting of a truck tractor and a semi-trailer, and the wheelbase shall be the sum of the distances between all axles.

- (3) Where a commercial vehicle or combination of vehicles, has a gross weight or a gross axle weight in excess of those gross weights fixed by this bylaw, a peace officer, or any person authorized by the Engineer, may permit the driver to proceed if the amount of excess gross weight does not exceed the following: (Bylaw 5773, 6198)

Single Axle	500 pounds
Combination of vehicles	2,000 pounds

Such permission shall not be granted more than twice to any one person.

- (4) Notwithstanding the gross weight fixed by this bylaw, a combination of vehicles, consisting of a truck or truck tractor equipped with three axles and either a pole trailer, semi-trailer, or trailer equipped with two axles and having an overall wheelbase of more than 37 feet when carrying logs, poles with or without bark, or saw-timber cants, may be driven or operated with a gross weight which does not exceed the gross weight allowed under Schedule "C" for a combination of vehicles with a wheelbase 6 feet longer than that of the combination of vehicles being driven or operated. (Bylaw 6198)
- (5) Where the load of a commercial vehicle may be redistributed upon the said vehicle and, forthwith after the weighing of the said vehicle under the authority of this bylaw, the load on the said vehicle is redistributed so that the limits imposed by this bylaw are complied with, the requirements of this section shall be deemed to have been complied with.

44. (Bylaw 6198)

- (1) Notwithstanding the provisions of this bylaw, no person shall drive or operate on a highway a combination of vehicles licenced for a gross vehicle weight in excess of 78,000 pounds, and on or after December 1, 1974, in excess of 59,000 pounds, unless
 - (a) The towing vehicle has at least two drive axles; and
 - (b) The gross weight to gross horsepower ratio of the towing vehicle bears a relationship of not more than 300 pounds to 1 horsepower; but, if the gross horsepower of the towing vehicle exceeds 249 horsepower, a ratio that is within 25 horsepower of the ratio required under this section shall be

deemed to be in compliance with this section.

- (2) Clause (b) of Subsection (1) shall not apply to vehicles operating under the authority of an overload permit.
45. Notwithstanding the provisions of this bylaw the Engineer may, by the erection of signs, if in his opinion any highway is liable to damage due to extraordinary traffic or due to the condition of the highway, impose limitations on either the allowable axle or gross vehicle weight permitted on the highway or both.
46. Subject to the provisions of Section 47, no person shall drive or operate on any highway in the Municipality:
- (a) a commercial vehicle equipped with a boom, crane or similar projection extending a distance greater than 12 feet beyond the foremost portion of the said vehicle when the projection is more than 10 feet above the ground; provided however, that such boom or crane projection shall not be more than 14 feet above the ground; and provided further, that a commercial vehicle equipped with such a boom or crane projection shall not be driven at a greater rate of speed than 20 miles per hour;
- (b) a commercial vehicle with a boom, crane or similar forward projection or a commercial vehicle or combination of vehicles with a trailing projection unless such projection is equipped, as required by the Regulations pursuant to the "Motor Vehicle Act", with appropriate warning flags or clearance lamps, or both, that define and mark the forward or trailing end of such projection so that it may be clearly seen from both the front and side of such commercial vehicle, or rear and side, in the case of a trailing projection. Such lamps shall be lighted at times in accordance with the Regulations pursuant to the "Motor Vehicle Act" regarding lamps.
47. (1) (a) No person shall drive or operate a commercial vehicle on any highway in the Municipality either unladen or with load, exceeding any of the limitations contained in this bylaw unless a permit in writing therefor has been issued pursuant to this section by the Engineer;
- (b) The owner or operator of any commercial vehicle desiring a permit required pursuant to subsection (a) shall make application in writing therefor to the Engineer giving such particulars therein as the Engineer may require.
- (c) Subject to the provisions of subsection (2) the Engineer may, notwithstanding the provisions of this bylaw, by special permit in writing authorize the driving and operation of commercial vehicles which are

- otherwise prohibited by this bylaw from being operated or driven on any highway in the Municipality.
- (d) An application for a permit shall be made to the Engineer not less than 24 hours in advance of the time that a commercial vehicle is to be driven or operated on any highway in the Municipality.
- (2)
 - (a) The Engineer may issue a permit, authorizing the driving or operation of a commercial vehicle which exceeds the limitations set out in this bylaw regarding size, weight and load, for a single trip or more than one trip.
 - (b) If the commercial vehicle or commercial vehicle and load do not exceed 10 feet in width, 15 feet in height, or 73 feet in length, there shall be no limitation on the number of trips which can be made under a permit issued pursuant to subsection (a) unless considered necessary by the Engineer.
 - (c) If the commercial vehicle or commercial vehicle and load exceed 10 feet in width but are not greater than 12 feet in width, 15 feet in height, or exceed 73 feet in length but are not greater than 80 feet in length, then the holder of a permit issued pursuant to subsection (a) shall apply to the Engineer for a separate approval of each trip being made by such commercial vehicle.
 - (3) A permit issued pursuant to this section:
 - (a) must be carried in the commercial vehicle and shall be produced for inspection to any peace officer upon request;
 - (b) may not be issued for the driving or operation of more than one commercial vehicle;
 - (c) may not be transferred;
 - (d) shall not be valid for a period exceeding 12 months and in any event shall terminate on the last day of the current vehicle licence year;
 - (e) shall be subject to the conditions stated therein.
 - (4) No person shall drive or operate a commercial vehicle in contravention of any provision or condition contained in any permit issued pursuant to this section.
 - (5) A permit issued pursuant to this section may in addition to any other limitations:
 - (a) prohibit the driving or operation of any commercial vehicle on any

- highway during certain hours;
- (b) specify the maximum rate of speed at which any commercial vehicle may travel;
 - (c) require that any commercial vehicle be preceded or followed, or both, by a pilot car in accordance with the Regulations pursuant to the "Department of Commercial Transport Act";
 - (d) require that the commercial vehicle be driven or operated on certain specified highway.
- (6) When a permit issued pursuant to this bylaw has been lost or destroyed before expiring, application shall immediately be made by the owner, operator or driver for a duplicate permit to replace that which has been lost, and the Engineer may, upon being satisfied as to the circumstances of such loss or destruction, and upon payment by the applicant of the fee set out in Section 49, issue a duplicate permit.
- (7) If any person offends against any of the provisions or conditions of any permit, or does or suffers or permits any act or thing to be done in contravention or in violation of any of the provisions or conditions of any permit, or neglects to do or refrains from doing anything required to be done by any of the provisions or conditions of any permit or does any act or thing which violates any of the provisions or conditions of this bylaw or gives false information to obtain a permit or otherwise howsoever, the Engineer may forthwith cancel any permit issued pursuant to this section.
48. Before any permit is issued pursuant to Section 47, the Engineer may require the applicant for a permit to deposit with the Municipality, a bond or sum of money in an amount sufficient, in the opinion of the Engineer, to pay the cost of repairing any damage that may be done to any highway in the Municipality, underground or above ground services, side walks, crossings or other property of the Municipality by reason of the driving or operation of the commercial vehicle for which a permit is granted. Such bond (if required) shall be in form satisfactory to the Municipal Solicitor of the Municipality
49. The applicant for permits issued by the Engineer pursuant to section 47 shall pay the fees hereinafter specified: (Bylaw 6819)
- (a) For each single trip permit \$5.00
 - (b) For each yearly permit \$35.00 per vehicle
 - (c) For each duplicate permit \$5.00

50. The driver or operator of a commercial vehicle on any highway in the Municipality, when required, and upon direction by a peace officer, shall:
- (a) stop the commercial vehicle at the time and place specified by the peace officer for the purpose of weighing the whole or part thereof by means of stationary or portable scales, measuring the dimensions of the vehicle and load, measuring and inspecting the tires thereon, inspecting the load carried, or for any other purpose under this bylaw.
 - (b) drive the commercial vehicle to the nearest public or Department of Commercial Transport stationary or portable scales for the purpose of weighing such commercial vehicle and load;
 - (c) rearrange the load upon the commercial vehicle or remove the whole or part of the load from such commercial vehicle in order to comply with provisions of this bylaw before continuing to drive or operate such commercial vehicle.
51. No person shall drive or operate a commercial vehicle on any highway in the Municipality unless the load on such vehicle is kept tightly and securely covered. (Bylaw 5968)
- 51A. No person shall, while driving or operating a commercial vehicle on any highway in the Municipality, allow any article, liquid, material, substance or thing to blow, drop, spill, sift, leak or escape from said commercial vehicle. (Bylaw 5968)
52. In the event that any article, substance or material shall, due to any cause whatsoever, become loose or detached, or blow, drop, spill or fall from any commercial vehicle on to any highway in the Municipality, it shall be the duty of the driver of such commercial vehicle forthwith to take all reasonable precautions to safeguard traffic and also to remove such material from such highway.
53. It shall be the responsibility of the driver or operator of a commercial vehicle, removing from the highway any vehicle damaged in an accident or otherwise, to also remove dirt, broken glass, metal and debris deposited on the highway as a result of such occurrence.
54. Schedules "A", "C", "D" annexed hereto shall form an integral part of this bylaw. (Bylaw 6198, 11464)
55. The Engineer is hereby authorized and empowered to make orders in respect of any of the matters set out in this bylaw and thereby to cause traffic control devices to be placed, erected or marked at such places as he shall designate for the purpose of giving effect to the provisions of the "Motor Vehicle Act" and the "Department of Commercial Transport Act" and to the provisions of this bylaw and also for the purpose of regulating,

controlling, guiding or warning traffic and the Engineer may rescind, revoke, amend or vary any such order made by him from time to time. Provided that any such order of the Engineer shall be at all times subject to review and to confirmation or rescission by Council.

56. Every person who offends against any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, or who does any act or thing which violates any of the provisions of this bylaw, shall be deemed to be guilty of an infraction of this bylaw, and shall be liable to be penalties hereby imposed.
57. Every person who commits an offence against this bylaw is liable to a fine and penalty not exceeding Five Hundred (\$500.00) Dollars. (Bylaw 11784)

Read a first time this 30th day of October, 1961.
Read a second time this 30th day of October, 1961.
Read a third time this 13th day of November, 1961.
Reconsidered and adopted this 20th day of November, 1961.

A.H. EMMOTT
REEVE

J.H. SHAW
CLERK

SCHEDULE "A"
(BYLAWS 5534, 6912, 8059, 8399, 8517, 9180, 9219, 10855, 11464)

Schedule A - Truck Routes in the City of Burnaby	
On Major (Regional) Road Network	Extent
Hastings St	Boundary Rd to Inlet Dr
Inlet Dr / Barnet Hwy	Hastings St to Port Moody Border
Hastings St / Burnaby Mtn Parkway / Gaglardi Way	Inlet Dr to Cariboo Rd Overpass (south side)
Broadway	Gaglardi Way to North Rd
Lougheed Hwy	Boundary Rd to North Rd
Austin Rd	North Rd to Lougheed Hwy
Canada Way	Boundary Rd to 10th Ave (MoT intersections at Willingdon and Kensington Avenues)
Kingsway	Boundary Rd to 10th Ave
Marine Way	Boundary Rd to New Westminster Border
Byrne Rd / Southridge Dr	Marine Way to Griffiths Dr (10th Ave)
10th Ave	Kingsway to McBride Blvd (shared jurisdiction)
Boundary Rd	Hastings St to Marine Way (shared jurisdiction)
Willingdon Ave	Hastings St to Kingsway (MoT jurisdiction) Still Creek Bridge to Canada Way)
Kensington Ave	Sprott St to Lougheed Hwy
Griffiths Dr	Kingsway to 10th Ave / Southridge Dr
North Rd	Lyndhurst / Clarke Rd to New Westminster Border (shared jurisdiction)
On City Streets	Extent
Douglas Rd / Halifax St	Boundary Rd to Willingdon Ave
Gilmore Ave / Diversion	Douglas Rd to Canada Way
Douglas Rd	Lougheed Hwy to Canada Way

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Sperling Ave / Broadway / Kensington Overpass Spur Road	Hastings St to Kensington Overpass of Lougheed
Norland Ave	Douglas Rd to Sprott St
Sperling Ave / Winston St / Brighton Ave	Lougheed Hwy (at Sperling) to Lougheed Hwy (at Brighton)
Sprott St	Canada Way to Norland / Freeway Off-Ramp
Imperial St	Boundary Rd to Kingsway
Edmonds St	Griffiths Dr to Canada Way
10th Ave	Kingsway to Griffiths Dr (shared jurisdiction)

SCHEDULE B
(BYLAW 5534, 6153, 8059, 8399, 8517, repealed by 11464)

**SCHEDULE C – MAXIMUM WEIGHTS
(BYLAW 5534, 6198)**

Distance in Feet between the Centres of the First Axle and Last Axle of Any Group of Axles of a Vehicle or Combination of Vehicles	Maximum Allowable Gross Weight in Pounds on that Group of Axles
4	35,000
5	36,000
6	37,000
7	38,000
8	39,000
9	40,000
10	41,000
11	42,000
12	43,000
13	44,000
14	45,000
15	46,000
16	47,000
17	48,000
18	49,000
19	50,000
20	51,000
21	52,000
22	53,000
23	54,000
24	55,000
25	56,000
26	57,000
27	58,000
28	59,000

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**SCHEDULE “D”
(BYLAW 5534, 6198, 6912)**

Overload less than 2,000 lbs.	\$50.00
Overload between 2,000 and 10,000 lbs.	\$50.00 plus .50 per cwt of overload
Overload between 10,000 and 15,000 lbs.	\$50.00 plus \$1.00 per cwt of overload
Overload between 15,000 and 20,000 lbs.	\$50.00 plus \$1.50 per cwt of overload
Overload between 20,000 and 30,000 lbs.	\$50.00 plus \$2.00 per cwt of overload
Overload between 30,000 and 40,000 lbs.	\$50.00 plus \$2.50 per cwt of overload
Overload 40,000 lbs. or more	\$50.00 plus \$3.00 per cwt of overload
Truck illegally off a designated truck route	\$50.00
Oversize without required permit	\$30.00

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UNOFFICIAL CONSOLIDATION

CITY OF BURNABY

BYLAW NO. 11860

A **BYLAW** respecting the prevention and suppression of fire, the regulation of fire hazards and the preservation of life and property

(Consolidated for convenience with Bylaw No. 11987 and 13174)

The Council of the City of Burnaby ENACTS as follows:

1. This Bylaw may be cited as **BURNABY FIRE SERVICES BYLAW, 2004**.

DEFINITIONS

2. In this Bylaw, unless the context otherwise requires:

“building” means any structure used or intended to be used for supporting or sheltering any use or occupancy;

“bulk storage facility” means a facility where petroleum and petroleum products are stored in bulk, and includes a petroleum tank farm;

“City” means the City of Burnaby;

“Department” means the Burnaby Fire Department;

“false alarm” means the activation of a fire alarm system that results in a response from the Department where a situation requiring such response does not exist or does not appear to exist, and includes a situation where:

- (i) the fire alarm system has malfunctioned,
- (ii) the fire alarm system has been activated in error, or
- (iii) the fire alarm system has been activated during testing,

but does not include a situation where it is substantiated that the activation was caused by severe storm conditions or the disruption or disturbance of the equipment of facilities of any utility company;” (Bylaw No. 13174)

“family pack” means a pre-packaged assortment of low hazard fireworks of which Roman candles and noisemakers together shall not comprise more than thirty (30%) percent of the total number of fireworks in the package”; (BYLAW #11987)

“fire alarm system” means any system, device or equipment intended to signal the presence of fire or any other situation to which the Fire Department is or could

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reasonably be expected to respond;

“Fire Chief” means a person appointed by the Council to be in charge of the Department and the fire fighting personnel of the City, and includes a Deputy Fire Chief, Assistant Fire Chief, and any other person authorized to act on behalf of the Fire Chief;

“Fire Code” means the British Columbia Fire Code 1998, enacted by B.C. Regulation 285/98 under the Fire Services Act, R.S.B.C. 1996, c.144 as amended or replaced from time to time;

“firecrackers” means small fireworks with fuses used primarily as noise makers and not for pyrotechnic effect;

“fire lane” means an access route on private property provided for Fire Department vehicle access pursuant to the Fire Code or this Bylaw;

“fire protection” means all aspects of fire safety including, without limitation, fire prevention, fire suppression, fire safety planning, fire investigation, public education, the training and development of members, and providing information and advice to other organizations and to the public on matters related to fire;

“fireworks” means any products or devices manufactured to intentionally produce an explosion, detonation or pyrotechnic effect;

“high hazard fireworks” means fireworks that are included in Class 7.2.2. under the Explosives Regulations to the Explosives Act R.S.C. 1985, c. E-17;

“incident” means a fire, explosion or other event or occurrence that presents or may present a danger to life or property to which the Department responds or attends;

“indoor fireworks” means fireworks that are included in Class 7.2.5. under the Explosives Regulations to the Explosives Act;

“Inspector” means a member who has been authorized by the Fire Chief to carry out inspections of buildings or other property under this Bylaw or the Fire Services Act;

“institutional occupancy” means the occupancy or use of a building or part thereof by persons who are involuntarily detained, or detained for penal or correctional purposes, or whose liberty is restricted, or require special care or treatment because of age, mental or physical limitations;

“low hazard fireworks” means fireworks that are included in Class 7.2.1. under the Explosives Regulations to the Explosives Act;

“member” means a person employed in the Department;

“noisemaker” means a low hazard firework designed or altered to produce on detonation an auditory blast, screech, whistle, or other loud noise, and includes fireworks commonly known as screechers, bottle rockets, air bombs, sound shells, and thunderflashes”; and (BYLAW #11987)

“occupancy” means the use or intended use of a building or premises or part thereof for the shelter or support of persons, animals or property;

“occupant” includes the owner and any tenant, lessee, licensee or resident of any building or premises;

“private hydrant” means a fire hydrant that is installed on private property as part of a system of fire protection for that property;

“public building” has the same meaning as in the Fire Services Act ;

“Roman candle” means a low hazard firework that is capable of projecting or discharging a charge or series of charges or pyrotechnical effects a distance of more than three (3) metres”; (BYLAW #11987)

“suite” means a single room or series of rooms of complementary uses, operated or used as a single occupancy and includes individual guest rooms in motels, hotels, boarding houses, rooming houses and dormitories, and individual stores and individual or complementary rooms for business and personal service occupancies.

FIRE DEPARTMENT

3. (1) The Burnaby Fire Department is hereby continued under the Fire Chief, who shall be head of the Department.

(2) The Department shall be responsible for fire protection in the City.
4. Every member is authorized to exercise within the City all of the powers under section 21 to 23 of the Fire Services Act.
5. The Fire Chief shall be appointed by the Council.
6. The Fire Chief may appoint one or more Deputy Fire Chiefs or Staff Officers.
7. The Deputy Fire Chiefs shall report to the Fire Chief, and the Deputy designated by the Fire Chief to act in his absence has all the powers and shall perform the duties of the Fire Chief in his absence.
8. The Fire Chief shall:
 - (a) manage, control and supervise the Department;

- (b) have the care, custody and control of all buildings, apparatus, and equipment of the Department; and
 - (c) report annually to the Council on the efficiency of the Department and the condition of the buildings, apparatus and equipment of the Department.
9. The Fire Chief may:
- (a) take whatever measures or actions the Fire Chief considers appropriate or necessary for fire protection in the City, including the enforcement of the provisions of this Bylaw and the exercise of the powers and authority provided under the Fire Services Act;
 - (b) make rules and operational guidelines for the property and efficient administration of the operation of the Department and for the conduct and discipline of members, and may vary, alter or repeal those rules and guidelines;
 - (c) appoint or designate a member to exercise any of the Fire Chiefs' powers on such terms and conditions as the Fire Chief considers appropriate, and revoke any such appointment or designation; and
 - (d) establish policies and rules relating to the response by the Department to incidents or situations that do not or may not involve fire protection, but where the safety of life or property may otherwise be at risk, including incidents involving hazardous or potentially hazardous materials, rescue operations, and medical emergencies.
10. (1) An applicant is qualified to be appointed as a member of the Department for fire fighting duties who:
- (a) has successfully completed high school or has equivalent academic qualifications;
 - (b) is of good character;
 - (c) passes such written, oral and practical examinations as may be required by the Fire Chief;
 - (d) is medically fit to be a member as certified by a physician designated by the Fire Chief; and
 - (e) has been recommended for appointment by the Fire Chief.
- (2) The Fire Chief may require a member who applies for promotion to take such examinations as the Fire Chief considers appropriate.

- (3) Every member shall comply with all rules established under section 9(b) and in effect and the Fire Chief shall deal with and dispose of any failure to comply or contravention by a member.

CONDUCT OF PERSONS AT FIRES OR EMERGENCIES

11. (1) The Fire Chief or member in charge at a fire, emergency, or other incident may establish limited entry areas in the vicinity of the fire, emergency or incident, and no person shall enter that area without the permission of the Fire Chief or member in charge.
 - (2) The Fire Chief may order the demolition of any building or structure to prevent the spread of fire.
12. No person shall impede, hinder or obstruct the Department or any member in the extinguishment of a fire, or in the control of an emergency, an incident involving hazardous materials or any other incident.
13. Every person at or near a fire, emergency, or other incident shall:
 - (a) comply with the orders or directions of any member; and
 - (b) provide any information that person may have relating to the fire, emergency or other incident to any member who requests that information.
14. No person shall refuse to permit a member to enter into or upon any premises from which a fire alarm or other report of an emergency has been received or where the member believes that a fire, fire hazard, or other circumstance which poses or may pose a risk to life safety or property exists.
15. No person other than a member shall ride on any fire truck or other Department vehicle or apparatus at any time unless authorized by the Fire Chief.
16. No person shall drive a motor vehicle upon or over a hose in use at a fire, drill or other incident unless so authorized by a member.

RIGHT TO ENTER

17. The Fire Chief and every member attending at an incident may enter into or upon any lands, premises or property with apparatus or equipment in order to combat, control, deal with, or investigate the incident.

INSPECTIONS

18. In addition to the powers vested in them by the Fire Services Act, every member may enter into or upon any lands, premises, yards or building to ascertain whether:

- (a) the requirements of this Bylaw are being complied with;
 - (b) conditions exist which may cause or increase the risk of fire.
19. Every owner and occupant of premises shall provide all information and shall render all assistance required by the Fire Chief or an Inspector in connection with the inspection of such premises.
20. No person shall obstruct, hinder or prevent an Inspector from entering into or upon any land, premises or property for the purpose of inspecting the same.
21. (1) The Fire Chief may establish and supervise a self inspection program for any class of occupancy;
- (2) If a self inspection program is established the owner of premises in the specified occupancy class shall:
- (a) perform or cause to be performed the inspection of the premises in accordance with the requirements of the Fire Chief; and
 - (b) complete and return to the Fire Chief a report in the form specified by the Fire Chief and within the time specified by the Fire Chief.
22. Every person providing private self inspection services to owners or otherwise providing private inspection, testing or maintenance of fire safety systems must be approved by the Fire Chief and registered with the Department as a provider of those services.

FIRE SAFETY PLANNING

23. (1) The owner of a building or part thereof that is newly constructed or renovated or that has had a change of occupancy, and that is required to have a fire alarm system or in which any hazardous activities will occur, shall within 60 days of the completion of such construction, renovations or change of occupancy submit to Fire Chief a written fire safety plan, in a form acceptable to the Fire Chief, for that building or part thereof and covering fire prevention activities, fire drills, fire safety training, maintenance of fire safety systems and equipment, and such other fire safety matters as the Fire Chief may require.
- (2) A copy of a fire safety plan must at all times be made available by the owner on the premises to which it applies.
- (3) Every fire safety plan submitted under subsection (1) shall be upgraded by the current owner of the building and the upgraded plan submitted to the Fire Chief, in a form acceptable to the Fire Chief, every ten years thereafter. (Bylaw No. 13174)

24. (1) The Fire Chief may establish a pre-incident plan program for any class of occupancy.
- (2) If a pre-incident plan program is established every owner of premises in the specified occupancy class shall prepare and submit to the Fire Chief, in a form approved by the Fire Chief, a pre-incident plan for the premises with a diagram of each level of occupancy of the premises together with such other information as the Fire Chief may require.
- (3) A pre-incident plan shall be filed by the owner of the premises for which it is required not later than 60 days after:
- (a) the date the Fire Chief establishes a pre-incident plan program for that class of occupancy; and
 - (b) any alterations to the premises that affect the pre-incident plan or change of occupancy of the premises or any part thereof.

ORDERS

25. (1) Without limiting the power and authority vested in them by the Fire Services Act, the Fire Chief or any Inspector may, in writing, order:
- (a) the correction or removal of any condition or thing in or about any building which is in contravention of this Bylaw;
 - (b) an owner, or the agent of an owner, of a vacant building to secure a building against entry as provided for in section 26.
- (2) An order shall be sufficiently served if delivered by hand to the person to whom it is issued and, in the case of an owner, if delivered by registered mail to the address of the owner as it appears on the records of the Assessment Authority of British Columbia, and by posting a copy of it on the building, structure or thing to which it relates.
- (3) An order issued under this section shall state a date by which the order shall be complied with or carried out, which date shall, at the discretion of the discretion of the Fire Chief or Inspector, have regard to the degree of urgency involved in correcting or removing conditions which may tend to increase the hazard of fire or danger to life and property.

VACANT BUILDINGS

26. The owner of a vacant building shall at all times ensure that the building is adequately secured against entry by unauthorized persons.

27. If an owner fails to comply with an order issued under section 25(1)(b), the Fire

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Chief may cause the building to be secured against unauthorized entry and all costs of doing so may be recovered from the owner in the same manner as municipal property taxes.

HAZARDOUS ACTIVITIES

28. The Fire Chief may charge the owner or occupant of lands or premises for the cost of cleaning, repairing or replacing Department equipment where such equipment has been contaminated, damaged, or destroyed by a hazardous substance or dangerous goods or otherwise rendered unusable as a result of an incident involving a hazardous substance or dangerous goods on or about those lands or premises.
29. Where the Fire Chief is made aware of an activity or situation which, in the opinion of the Fire Chief, is hazardous to life or property, the Fire Chief may:
 - (a) require that a fire watch in accordance with section 30(2) be provided by the owner or occupier of any lands or buildings where that activity or situation is occurring;
 - (b) order that the activity be stopped;
 - (c) require that the activity be carried out only in compliance with a permit issued by the Fire Chief;
 - (d) evacuate the lands or buildings until such time as the hazard to life or property has been rectified;
 - (e) order the owner, owner's agent or occupant to remove the hazard in a manner approved by the Fire Chief, in default of which the Fire Chief may have the hazard removed at the owner's expense.

FIRE WATCH

30. (1) The owner or owner's agent of an occupied public building in which any of the fire alarm system, sprinkler system, or emergency power system is not operating shall institute and maintain in that building a fire watch in accordance with subsection (4) until that system is in operation. (Bylaw No. 13174)
- (2) The member in charge at an incident may have one or more members at the scene of the incident remain at the scene of the incident on standby until the owner or owner's agent secures the building or premises. The owner shall pay to the Department all of its personnel, equipment and other costs of maintaining the standby, as determined by the Fire Chief, for all standby time in excess of one hour. (Bylaw No. 13174)
- (3) If the member in charge at an incident is unable to contact the owner or

owner's agent after one hour of standby the Department may retain the services of a private security company to maintain a fire watch until the owner or owner's agent assumes the fire watch. All costs and expenses thereby incurred shall be paid by the owner of the building or premises; (Bylaw No. 13174)

- (4) A fire watch shall include the following activities: (Bylaw No. 13174)
- (a) posting of written notices at all entrances and exits on each floor stating that a fire watch is in effect and its expected duration;
 - (b) a physical inspection of all public areas equipped with a fire alarm detection device;
 - (c) notation in an entry book at least every hour of the conditions in the building by the person or persons performing the fire watch;
 - (d) provision on site of a communications device capable of making a 911 call; and
 - (e) posting of instructions in the building as to the alternate actions to be taken in the case of an emergency. If a fire safety plan exists for the building, the instructions shall be in accordance with the fire safety plan.

OPEN AIR FIRES

31. (1) No person shall light, ignite, or start any fire in the open air or in any portable incinerator, outdoor fireplace or other portable outdoor burner without first obtaining a permit to do so from the Fire Chief.
- (2) Subsection (1) shall not apply to:
- (a) charcoal, natural gas or propane fires contained within barbecues, grills or other outdoor appliances for the sole purpose of cooking food; or
 - (b) natural gas or propane fuelled outdoor heating appliances used such as umbrella style heaters, fire pits and fire places; provided that any such appliance:
 - (c) is Canadian Standards Association or Underwriters Laboratory of Canada approved; and
 - (d) at all times used in accordance with the manufacturer's instructions; (Bylaw No. 13174)
- (3) The Fire Chief may issue a fire permit for open burning after considering all circumstances.
- (4) No person to whom a permit has been issued under subsection (1) shall

burn any construction or demolition refuse or materials or any rubber tires, oil, tar, asphalt, shingles, battery boxes, plastic materials or any other materials that would produce heavy smoke.

- (5) Without limiting the discretion of the Fire Chief under this section, the Fire Chief may issue a permit for burning involved in a religious or ceremonial event.
- (6) Permits shall not be transferable and must be readily available upon request.
- (7) Every person to whom a permit has been issued under this section shall maintain a responsible adult person at all times in charge of the fire while it is burning or smouldering and until it is completely extinguished and shall provide that person with efficient appliances and equipment in order to prevent the fire from getting beyond control or causing damage or becoming dangerous to life and property.
- (8) The Fire Chief may refuse to issue, or withdraw a fire permit at anytime, when in the Fire Chief's opinion, burning would likely be hazardous or create a nuisance.
- (9) No permit shall be required by the Department for the purpose of training members in structural fire fighting methods, fire investigation procedures or for the purpose of the elimination of fire hazards. (Bylaw No. 13174)

SERVICE STATION SAFETY

32. A service station with a self-service outlet shall have a control console equipped to regulate the operation of each dispenser located at a self-service outlet, as required by the B.C. Fire Code.
33. Every service station operator shall post and keep continuously posted:
 - (a) conspicuous signs that clearly identify the location of each fire extinguisher;
 - (b) in the attendant's booth of every self-service station and in the office of any other service station, a sign providing instructions for dealing with any emergency involving a fire or potential fire, which sign shall include instructions to shut off all electrical power to the pumps, evacuate the area and notify the Fire Department.
34. A person carrying on the business of a gasoline service station shall only employ as an attendant a person that has successfully completed a training program in fire safety for service station attendants that has been approved by the Fire Chief.

REFINERIES

35. (1) A refinery capable of processing 20,000 barrels or more per day of crude petroleum or equivalent shall provide on the refinery premises for fire protection and fire fighting purposes the following:
- (a) mobile fire fighting apparatus with a pumping capacity of 2,200 L per minute Class “A” and equipped with a 675 L foam concentrate tank, 150 m of 38 mm hose, 300 m of 65 mm hose, all with B.C. standard fire-hose thread, foam producing equipment capable of producing 2,200 L per minute of foam, and a monitor, either fixed or portable, capable of discharging 2,200 L per minute of water;
 - (b) fixed water-foam monitors complete with combination straight stream fog nozzles located at railcar loading racks, truck loading racks, loading platforms and process units;
 - (c) an automatic fire detecting and extinguishing system complying with National Fire Protection Association Codes and Standards installed where, in the opinion of the Fire Chief, it is required at rail tank car loading racks, tank truck loading racks, shipboard loading facilities, and all flammable liquid dispensing areas;
 - (d) portable electrical generating units with a minimum of 3,000 Watts, 115 Volts, alternating current, and sufficient number, in the opinion of the Fire Chief, of plug-in lighting units, and extension cables 45 m in length , to effectively illuminate the area;
 - (e) a sufficient number, in the opinion of the Fire Chief, of telescoping hydraulic foam towers, foam cannons or crane mounted foam monitors, with 65 mm hose connections;
 - (f) a sufficient number, in the opinion of the Fire Chief, of mechanical foam play pipes, either spray-straight stream or straight stream;
 - (g) a sufficient number, in the opinion of the Fire Chief, of fixed pipe mechanical foam makers and foam chambers as set out in the National Fire Protection Association Codes and Standards affixed to all cone roofed bulk storage tanks having a diameter in excess of 9 m;
 - (h) fire hydrants, approved as to number and type by the Fire Chief, on a minimum 150 mm looped water main which shall be located not more than 90 m apart in process areas and not more than 150 m apart in tank field areas;
 - (i) well-maintained access roads and fire lanes throughout the refinery

premises that meet the requirements of the Fire Chief;

- (j) where hydrants are 90 m apart a 38 mm or 65 mm hose with a minimum length of 30 m, and where hydrants are 150 m apart a 38 mm or 65 mm hose with a minimum length of 45 m, complete with combination fog and straight stream nozzle, housed in hose station boxes in locations designated by the Fire Chief throughout the refinery premises;
 - (k) a sufficient number, in the opinion of the Fire Chief, of portable fire extinguishers; and
 - (l) a connection to the refinery water supply system that meets the requirements of the Fire Chief for a fire boat; and
- (2) The sufficiency, capacity and location of fire protection and fire fighting equipment, if not specifically provided for in this Bylaw shall be determined by the Fire Chief.
 - (3) Every refinery shall have a Fire Safety Officer and fire equipment personnel trained to the standard approved by the Fire Chief.
36. The owner of a refinery shall maintain at all times at the refinery, and make available upon request to any member, plans showing the piping system for the refinery.
37. All loading racks and dispensing or distribution facilities constructed or installed at a refinery after the coming into force of this Bylaw shall incorporate automatic fire suppression and detection systems deemed necessary by the Fire Chief.

BULK STORAGE FACILITIES

38. (1) The owner of a bulk storage facility shall provide on the premises for fire protection and fire fighting purposes the following:
- (a) a sufficient number, in the opinion of the Fire Chief of telescoping hydraulic foam towers, foam cannons or crane mounted foam monitors with 65 mm hose connections, built-in foam maker and capable of delivering air foam to the top of the highest storage link;
 - (b) a water supply system for automatic sprinklers, other water-based fire extinguishing systems and private hydrants that is capable of muting the anticipated water demand for at least two hours in the event of a fire;
 - (c) foam-water deluge sprinkler systems and foam-water spray systems providing, in the opinion of the Fire Chief, a reasonable fire protection;

- (2) All additions, modifications and alterations to a bulk storage facility shall incorporate automatic fire suppression and detection systems deemed necessary by the Fire Chief; and
 - (3) Whenever there is any change in the risk of a fire or explosion occurring at a bulk storage facility caused by a change in products stored, handling or storage processes, procedures or technology, or improvements, equipment or facilities on the site, the owner of the bulk storage facility shall undertake a fire hazards management review and, if necessary, revise the fire safety plan for the bulk storage facility.
39. The Fire Chief may order the owner of a bulk storage facility to upgrade the fire detection and fire suppression systems at the bulk storage facility in accordance with the directions and requirements of the Fire Chief.

FIREWORKS AND FIRECRACKERS

40. No person shall use, detonate, explode, offer for sale, sell, or possess firecrackers.
41. Except as provided in this Bylaw, no person shall:
- (a) use, detonate, or discharge fireworks;
 - (b) offer for sale or sell fireworks.
42. (1) It shall be unlawful for any person to sell or offer for sale whether on-site, by mail order or by internet low hazard fireworks except: (Bylaw No. 13174)
- (a) during the period commencing on the 25th day of October and ending on the 31st day of October in each year;
 - (b) to a person who is at least eighteen (18) years of age;
 - (c) with a valid business license issued on or before the first calendar Friday in October of the current year; (Bylaw No. 13174)
 - (d) with a valid fireworks retailer permit issued by the Department on or before the 18th day of October of the current year. (Bylaw No. 13174)
- (2) No person shall sell or offer for sale a Roman candle or a noisemaker except as part of a family pack.
 - (3) Except as provided in subsection (5), fireworks shall not be set off, detonated or discharged at any time except on the 31st day of October.

- (4) It shall be lawful for a person who is at least eighteen (18) years of age to use, set off or discharge low hazard fireworks on private property with the consent of the owner of the property.
- (5) The Fire Chief may issue a permit to a person who is at least eighteen (18) years of age to use, detonate or discharge low hazard fireworks for a special occasion at any time of the year other than the date specified in subsection (3) on such terms and conditions as the Fire Chief may specify.
- (6) No person shall set off or discharge fireworks on public property without a permit from the Fire Chief.
- (7) No person shall point or direct a firework at any person, animal, motor vehicle, building or improvement where such firework is in the process of exploding or detonating, and where the firework is capable of projecting or discharging a charge or pyrotechnical effect.
- (8) No person shall discharge a firework within thirty (30) meters of a gas station or service station, lumber yard, propane tank, or other location where flammable materials are stored.
- (9) A local assistant under the Fire Services Act or a Peace Officer who observes any contravention of the requirements of subsection (1), (2), (3), (4), (6), (7), or (8) may confiscate the fireworks.

(BYLAW #11987)

43. Every person who sells low hazard fireworks to the public shall:
- (a) not sell fireworks to any person less than 18 years of age;
 - (b) have not more than 25 kg (55 lbs.) of fireworks on display;
 - (c) only display fireworks in a glass case with a top or behind a counter and where the fireworks are not exposed to the sun, direct heat, or any other source of ignition;
 - (d) not permit customers or members of the public to handle the fireworks prior to a sale of those fireworks;
 - (e) not store more than 100 kg (220 lbs.) of fireworks on the premises;
 - (f) store fireworks that are not on display in a separate room away from any and all sources of ignition;
 - (g) maintain a functional ABC dry chemical or pressure water fire extinguisher of at least 5 lbs. size in each of the rooms in which fireworks are displayed or stored;

- (h) not smoke or permit any other person to smoke tobacco or any other substance in any of the rooms in which fireworks are displayed or sold; and
 - (i) post and keep posted “No Smoking” signs so that they are clearly visible from all parts of the rooms in which the fireworks are displayed or stored.
44. The Fire Chief may issue a permit to a person to use, detonate or discharge high hazard fireworks or indoor fireworks on such terms and conditions as the Fire Chief may specify, if the permit applicant:
- (a) is at least 18 years of age and holds a valid fireworks supervisor card;
 - (b) is the person who will supervise the use, detonation or discharge of the fireworks;
 - (c) provides the Fire Chief a site map, acceptable to the Fire Chief, showing where the fireworks will be used and stored, and the location of fire extinguishers; and
 - (d) provides to the Fire Chief proof of liability insurance coverage for the use of the fireworks with limits and on terms acceptable to the Fire Chief.
45. (1) No person shall conduct a public pyrotechnics display without a permit from the Fire Chief.
- (2) A permit issued under subsection (1) shall be on such terms and conditions as the Fire Chief may specify, including the attendance of members at the display for fire protection and emergency response.
- (3) No person shall conduct a flame effects display before an audience without a plan and a representative demonstration approved by the Fire Chief.

FIRE HYDRANT STANDARDS

46. All fire hydrants, including private hydrants, installed in the City shall:
- (a) be a slide gate or compression type hydrant;
 - (b) have two 65 mm hose outlets and one 100 mm pumper outlet;
 - (c) have an internal main valve opening of not less than 115 mm or 10,000 mm ;
 - (d) have main operating stem, hose and pumper outlet threads that conform to the British Columbia Standard fire hose thread for 65 mm fire hose

couplings and allied fittings, with the threads of the 100 mm pumper outlet having an outside diameter of 115.625 mm and six threads per 25 mm;

- (e) be self draining;
- (f) have a clearance between the centre of the lowest outlet and the surface of the ground directly below of not less than 300 mm;
- (g) have a main operating stem that opens in a counter-clockwise direction;

and

- (h) conform to the American Water Works Association standards for dry barrel fire hydrants (AWWA C502).

TESTING, INSPECTION AND MAINTENANCE OF FIRE PROTECTION SYSTEMS

- 46A. (1) Only service agencies referred to in section 46B (1) may test, inspect or perform maintenance on a fire protection system, fire pump, emergency fire protection power system or commercial kitchen exhaust system.
- (2) Where a service agency has tested, inspected or performed maintenance as described in subsection (1) it shall affix to the equipment in respect of which its services were provided a tag showing its name, the date upon which the work was performed, and the signature, stamp and certification number of the technician doing the work and the date on which the work was performed.
- (3) Service agencies shall service portable fire extinguishers only in “A Standard for the Regulation of the Servicing of Portable Fire Extinguishers”. (Bylaw No. 13174)

APPROVED SERVICE AGENCIES

- 46B. (1) Only service agencies whose technicians are certified by the Applied Scientist Technologists and Technicians of BC or the Canadian Fire Alarm Association, or recognized certification agency for the specific type of fire protection equipment, may carry out any of the services described in Section 46A.
- (2) Notwithstanding subsection (1), where the work or services of any service agency has been improperly performed or carried out the Fire Chief may reject such work or servicing. (Bylaw No. 13174)

FALSE FIRE ALARMS

- 46C. (1) The owner or occupier of real property to which the services of the Department are provided in response to a false fire alarm shall pay to the

City of Burnaby the fees set out in Schedule “A”.

- (2) Where a single parcel of real property has two or more occupiers of separate premises with separate fire alarm systems, the scale of fees provided for under this section shall be applied to those premises individually insofar as the individual alarm systems can be identified by the Department as being the source of specific false alarms.
- (3) Any fee payable under this section that remains unpaid may be added to and form part of the taxes payable on the real property to which the services were provided as taxes in arrears. (Bylaw No. 13174)

LOCK BOXES

- 46D. (1) The Fire Chief may in his discretion require the installation of a lock box containing access keys to a building or premises for the use of the members in a location acceptable to the Fire Chief on the exterior of such building or premises.
- (2) A lock box may be opened only by a member and the keys placed in the lock box shall be clearly identifies as being for the sole use of the Department.
 - (3) Unless otherwise approved by the Fire Chief all lock boxes shall be
 - (a) recessed or flush mounted into the building;
 - (b) labelled with an “FD” marking or other signage approved by the Fire Chief; and
 - (c) located at a height of not less than 450 mm (18 in.) and not more than 1.8 m (6 ft.) above ground level.

(Bylaw No. 13174)

PRIVATE HYDRANTS

47. The owner or occupier of property that has a private hydrant shall ensure that the hydrant is maintained in good working condition at all times and that inspection, servicing and testing of the hydrant is carried out by a person qualified to perform these services.
48. The owner of a private hydrant shall:
 - (a) not less than twice each year have the private hydrant flushed, drained and all threads, outlets and caps greased with waterproof grease;
 - (b) not less than once each year, have all components of the private hydrant inspected, serviced and tested to NFPA 25 Standard;

- (c) on or before the 31st day of October each year, provide the Fire Chief with a written report of the inspection, servicing and testing performed on the private hydrant during the previous twelve months;
- (d) keep the ground surface around the private hydrant clear of shrubs, trees, structures and other obstructions of any kind to within 1 metre in order to facilitate use of the hydrant by the Department; and
- (e) maintain the servicing records for the private hydrant for not less than two years.

FIRE LANES

49. In addition to any requirements under any other statute or regulation, fire lanes shall:

- (a) be posted with visible signage indicating that they are fire lanes;
- (b) be not less than 7.3 m (24 ft.) wide;
- (c) provide for a turning radius of not less than 13 m (42.65 ft.);
- (d) be capable of supporting a vehicle of 36,288 kg (80,000 lbs.) G.V.W.

CONTACT

50. (1) The owner, owner's agent or occupier of any premises equipped with a fire alarm system or an automatic sprinkler system shall provide to the Fire Chief the name, address and telephone number of a person who is able to attend at and secure the premises immediately upon being contacted.
- (2) If the Department is unable to make contact with a person named pursuant to subsection (1) or, after having been contacted by a member, that person fails to attend and secure the premises within one hour of having been contacted, the owner of the premises shall reimburse and pay to the Department its personnel, equipment, and other related costs, as determined by the Fire Chief, for any members and equipment that remain at the premises thereafter.

STANDBY

51. If after responding to an incident involving broken, damaged, or displaced:
- (a) electrical or telecommunications cables, lines or ancillary equipment or works; or
 - (b) natural gas or fuel mains, lines or ancillary equipment or works;

Disclaimer The City of Burnaby documents contained in this system are for convenience reference only and their accuracy and currency is not guaranteed. To verify the accuracy and currency of this information please contact the City of Burnaby at 604-294-7290.

the Department is requested by the owner or operator of such cables, mains, lines, or ancillary equipment or works, or the member in charge at the incident deems it necessary, to have one or more members at the scene of the incident on standby for a period of more than one (1) hour, the owner or operator of such cables, mains, lines, or ancillary equipment or works shall reimburse and pay to the Department its personnel, equipment, and other related costs, as determined by the Fire Chief, for any members and equipment that remain at the incident thereafter.

FEES AND CHARGES

52. (1) Every person applying for a permit, inspection or other service set out in Schedule "A" shall pay to the City the fee specified therefore in Schedule "A".
- (2) Where the Department is requested by a person to have any members or equipment present
- (a) at a pyrotechnics display or flame effects; or
- (b) to provide assistance to the film industry at the shooting or recording of a motion picture, television show, television advertisement or promotion, or any part thereof, or at any other film industry event;
- that person shall reimburse and pay to the Department its personnel, equipment, and other related costs, as determined by the Fire Chief, of having any members or equipment present at that event.
- (3) Where following an inspection of a building or premises by the Department the owner is ordered to rectify one or more contraventions of this Bylaw, the B.C. Fire Code or the Fire Services Act, and upon a re-inspection it is determined that the contravention or contraventions have not been rectified, the owner shall pay the re-inspection fee specified therefore in Schedule "A". (Bylaw No. 13174)
- (4) Every owner of a building or structure destroyed or damaged by fire where the value of the loss exceeds \$ 5,000.00 and for which a fire investigation report must be completed in accordance with the Fire Services Act shall pay the fee specified therefore in Schedule "A". (Bylaw No. 13174)
53. Fees or charges assessed or payable in respect of services provided to or in relation to any lands or improvements thereon that are unpaid on December 31 of the calendar year in which they are assessed, shall be added to and form part of the property taxes payable on those lands as taxes in arrears.

OFFENCE

54. (1) Every person who contravenes or violates any provision of this Bylaw or any permit or order issued pursuant to this Bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any provision of this Bylaw or any permit or order issued pursuant to this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw or any permit or order issued pursuant to this Bylaw, commits an offence and is subject to prosecution in accordance with the Offence Act R.S.B.C. 1996, ch.338; and
- (2) Every contravention or violation of this bylaw or any permit or order issued pursuant to this Bylaw that continues for more than one day constitutes a separate offence for each day that it continues.

REPEAL

55. Burnaby Fire Services Bylaw 1983 is repealed.

Read a first time this 29TH day of NOVEMBER 2004
Read a second time this 29TH day of NOVEMBER 2004
Read a third time this 29TH day of NOVEMBER 2004
Reconsidered and adopted this 6TH day of DECEMBER 2004

M A Y O R

C L E R K

(b) Group 'B' or high building		\$300
Fire investigation report	52(4)	\$500
Providing copy of any other report		\$10

THE CORPORATION OF THE DISTRICT OF BURNABY

BYLAW NO. 7332

A BYLAW to regulate noise or sound within the Municipality of Burnaby.

(Consolidated for convenience with BYLAW Nos. 7656, 7863, 8153, 10305, 12066 and 12616)

The Council of The Corporation of the District of Burnaby ENACTS as follows:

1. This BYLAW may be cited as “**BURNABY NOISE OR SOUND ABATEMENT BYLAW 1979**”.
2. (1) Words defined in the “Motor Vehicle Act” and the “Municipal Act” shall have the same meaning when used in this bylaw unless otherwise defined in this bylaw or unless the context otherwise requires.

(2) In this bylaw, unless the context otherwise requires: “A” means the “A” scale and “slow” meter reading of a sound level meter.

“Agricultural District” means an area in the Municipality defined as such in BYLAW No. 4742, being “Burnaby Zoning BYLAW 1965”.

“Commercial District” means an area in the Municipality defined as such in BYLAW No. 4742, being “Burnaby Zoning BYLAW 1965”.

“Comprehensive Development District” means an area in the Municipality defined as such in BYLAW No. 4742, being “Burnaby Zoning BYLAW 1965”.

“Continuous Noise” means any noise continuing for a period or periods totalling more than three minutes in any fifteen minute period of time.

“Continuous Sound” means any sound continuing for a period or periods totalling more than three minutes in any fifteen minute period of time.

“Corporation” means The Corporation of the District of Burnaby.

“Council” means the Council of The Corporation of the District of Burnaby.

“dB” means a decibel which is a unit of level which denotes the ratio between two quantities that are proportional to power, the number of decibels corresponding to the ratio of two amounts of power is 10 times the logarithm to the base 10 of this ratio.

“Highway” includes every highway within the meaning of the "Highway Act", and every road, street, lane, thoroughfare, bridge, public way, or right-of-way designed or intended for or used by the general public for the passage of vehicles, and every private place or passage-way to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited, and every boulevard and sidewalk.

“Industrial District” means an area in the Municipality defined as such in BYLAW No. 4742, being “Burnaby Zoning BYLAW 1965”.

“Inspector” means the person appointed from time to time by the Council as Director Engineering of the Corporation and includes any person or persons designated by the Director Engineering to act on his behalf. (Bylaw No. 12616)

“Municipality” means the Municipality of Burnaby.

“Multiple Family Residential District” means an area in the Municipality defined as such in BYLAW No. 4742, being “Burnaby Zoning BYLAW 1965”.

“Noise or Sound Level” means the noise or sound level in decibels as measured on the “A” scale which is the weighted sound pressure level meter whose weighting characteristics are specified in the latest revision of the American Standards Association standard on sound level meters. The reference pressure is 0.0002 microbar, the International reference level or such revision as may occur from time to time.

“Non-continuous Noise” means any noise continuing for a period or periods totalling less than three minutes in any fifteen minute period of time.

“Non-continuous Sound” means any sound continuing for a period or periods totalling less than three minutes in any fifteen minute period of time.

“Peace Officer” shall have the same meaning as in the Interpretation Act R.S.B.C. 1960 Chapter 199.

“Person” includes any company, corporation, owner, partnership, firm, association, society or party.

“Public and Institutional District” means an area in the Municipality defined as such in BYLAW No. 4742, being “Burnaby Zoning BYLAW 1965”.

“Real Property” means land other than a highway, together with all improvements which have been so affixed to the land as to make them in fact and in law a part thereof, and includes such land should there be no such improvements so affixed thereto.

“Refuse” means discarded materials, substances or objects.

“Residential District” means an area in the Municipality defined as such in BYLAW No. 4742, being "Burnaby Zoning BYLAW 1965".

“Sound Level Meter” shall mean a device which meets the International Electro-Technical Commission Standard No. 123 or the British Standard No. 3539 Part 1, or the U.S.A. Standard S1.4-1961.

3. No person shall, except as in this bylaw may be provided,
 - (a) make or cause any noise or sound in or on a highway or elsewhere in the Municipality which disturbs, or tends to disturb, the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, or of persons in the vicinity;
 - (b) make or cause any noise or sound or continuous noise or continuous sound or non-continuous noise or non-continuous sound in the Municipality that exceeds the dBA's authorized by this bylaw.
4. No owner or occupier of real property shall, except as in this bylaw may be provided,
 - (a) allow such real property to be used so that noise or sound emanates there from which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, or of persons in the vicinity;
 - (b) allow such real property to be used so that noise or sound or continuous noise or continuous sound or non-continuous noise or non-continuous sound emanates there from that exceeds the dBA's authorized by this bylaw.
5. No person shall in any Residential District, Public and Institutional District or Multiple Family District in the Municipality make or cause continuous noise or continuous sound, the noise or sound level of which,
 - (a) between the hours of 7:00 o'clock in the forenoon and 10:00 o'clock in the afternoon exceeds 55 dBA's;
 - (b) between the hours of 10:00 o'clock in the afternoon and 7:00 o'clock in the forenoon exceeds 45 dBA's.
6. No persons shall in a Commercial District, Industrial District, Comprehensive Development District, or Agricultural District make or cause or permit to be made or caused continuous noise or continuous sound, the noise or sound level of which
 - (a) between the hours of 7:00 a.m. and 10:00 p.m. exceeds
 - (i) 65 dBAs when measured pursuant to subsection 9(a); or

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- (ii) 60 dBAs when measured at any point on the boundary of or within a Residential District, Public and Institutional District or Multiple Family Residential District;
 - (b) between the hours of 10:00 p.m. and 7:00 a.m. exceeds
 - (i) 60 dBAs when measured pursuant to subsection 9(a); or
 - (ii) 55 dBAs when measured at any point on the boundary of or within a Residential District, Public and Institutional District or Multiple Family Residential District.
 - 7. No person shall between the hours of 7:00 o'clock in the forenoon and 10:00 o'clock in the afternoon make or cause non-continuous noise or non-continuous sound in the Municipality, the noise or sound level of which exceeds 80 dBA's.
 - 8. No person shall between the hours of 10:00 o'clock in the afternoon and 7:00 o'clock in the forenoon make or cause non-continuous noise or non-continuous sound in the Municipality, the noise or sound level of which exceeds 75 dBA's.
 - 9.
 - (a) When the continuous noise or continuous sound is emanating from real property, the continuous noise or continuous sound shall be measured at any point on the property line or within six (6) metres of the property line of the real property from which the said continuous noise or continuous sound is emanating except as otherwise specifically provided for in this Bylaw.
 - (b) When the continuous noise or continuous sound is emanating from a highway, the continuous noise or continuous sound shall be measured at a distance of not less than six (6) metres from the source of the continuous noise or continuous sound.
 - (c) When the non-continuous noise or non-continuous sound is emanating from real property, the non-continuous noise or non-continuous sound shall be measured at any point on the property line or within six (6) metres of the property line of the real property from which the said non-continuous noise or non-continuous sound is emanating.
 - (d) When the non-continuous noise or non-continuous sound is emanating from a highway, the non-continuous noise or non-continuous sound shall be measured at a distance of not less than six (6) metres from the source of the non-continuous noise or non-continuous sound.
 - 10. No person shall operate on a highway a motor vehicle,
 - (a) with a licensed net vehicle weight in excess of 2,200 kilograms which makes or causes noise or sound the noise or sound level of which shall exceed 88 dBA's in

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- a fifty (50) kilometres per hour zone and 92 dBA's in an over fifty (50) kilometres per hour zone;
- (b) with a licensed net vehicle weight of 2,200 kilograms or less which makes or causes noise or sound the noise or sound level of which exceeds 80 dBA's in a fifty (50) kilometres per hour zone and 85 dBA's in an over fifty (50) kilometres per hour zone.
11. No person shall operate on a highway a motorcycle alone or with or near another motorcycle or motorcycles,
- (a) which makes or causes noise or sound the noise or sound level of which exceeds 80 dBA's in a fifty (50) kilometres per hour zone and 85 dBA's in an over fifty (50) kilometres per hour zone;
- (b) which after the 1st day of December, 1981 makes or causes noise or sound the noise or sound level of which exceeds 75 dBA's in fifty (50) kilometres per hour zone and 80 dBA's in an over fifty (50) kilometres per hour zone.
12. The noise or sound emanating from a motor vehicle or a motorcycle shall be measured at a distance of not less than six (6) metres from the motor vehicle exhaust pipe opening or from the motorcycle.
13. No person shall use or operate a horn or other warning device on a motor vehicle except to avoid an accident.
14. (1) Notwithstanding any other provision of this Bylaw, between the hours of 7:00 a.m. and 10:00 p.m. from Monday to Friday and between the hours of 9:00 a.m. and 10:00 p.m. on Saturday, Sunday and statutory holidays a person may operate a power lawn mower or power gardening tool that makes or causes noise or sound the level of which does not exceed 87 dBAs.
- (2) No person shall between the hours of 10:00 o'clock in the afternoon and 7:00 o'clock in the forenoon operate any power lawn mower or power gardening tool within the Municipality.
- (3) When the noise or sound is emanating from real property in the Municipality the noise or sound shall be measured at any point on the property line or within six (6) metres of the property line of the real property from which the said noise or said sound is emanating. When the noise or sound is emanating from a highway in the Municipality the noise or sound shall be measured at a distance of not less than six (6) metres from the source of the said noise or said sound.
15. (1) Subject to subsections (2) and (4), no person shall carry or cause to be carried on any works in connection with the construction, reconstruction, alteration, repair or demolition of any building, structure, improvement or other thing

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- (a) before 7:00 a.m. or after 8:00 p.m. from Monday to Friday;
 - (b) before 9:00 a.m. or after 8:00 p.m. on Saturday;
 - (c) at any time on Sunday or any statutory holiday.
- (2) Notwithstanding subsection (1)(c) the registered owner and occupier of real property in a Residential District, either personally or through a contractor, may carry on or cause to be carried on works in connection with the alteration or repair of the residential building on that real property after 9:00 a.m. and before 8:00 p.m. on Sunday and any statutory holiday.
- (3) No person shall at any time carry on or cause to be carried on any works in connection with the construction, reconstruction, alteration, repair or demolition of any building, structure, improvement or thing on any real property in, or which abuts other real property in, a Residential District, a Multiple Family Residential District or a Public and Institutional District which makes or causes continuous noise or continuous sound the noise or sound level of which exceeds 85 dBAs when measured at a distance of not less than 15.2 m from the source of such noise or sound.
- (4) Where it is impossible or impracticable to comply with subsection (1), the Inspector may by written permit vary the hours work may be carried on. The permit may contain such terms and conditions as the Inspector deems necessary.
- 15A No person shall engage in, carry on or cause to be carried on the collection of refuse from refuse containers
- (a) before 7:00 a.m. or after 8:00 p.m. from Monday to Saturday;
 - (b) before 10:00 a.m. or after 8:00 p.m. on Sunday or any statutory holiday.
16. Notwithstanding any provision of this bylaw, a person may exceed the noise or sound levels set out in this bylaw when performing works of an emergency nature for the preservation or protection of property, life or health.
- 16A The provisions of this Bylaw do not apply to the operation of snow removal equipment.
- 16B (1) The provisions of this Bylaw do not apply to concerts, festivals, sporting events, or other special events held in or at Deer Lake Park or Swangard Stadium that would otherwise contravene any of the provisions of this Bylaw if such events have been authorized by Council. (Bylaw 12066)
- (2) In authorizing the holding of events to which subsection (1) applies, Council may authorize the events

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- (a) generally by authorizing a maximum number of those events that may be held at either or both of Deer Lake Park and Swangard Stadium in a particular calendar year;
 - (b) specifically by the location, date, and description of the event.
17. The Inspector and a Peace Officer are hereby authorized to measure noise or sound levels.
 18. The Inspector or a Peace Office shall measure noise and sound levels with a Sound Level Meter. Noise and sound levels shall be measured on the A-weighting network and the slow meter response. The Sound Level Meter shall be complete with calibrator and wind screen and shall be operated in the manner as set out in Schedule "A".
 19. Every person who violates any of the provisions of this bylaw shall be guilty of an offence punishable on summary conviction and shall be liable to a fine not exceeding \$2,000.00 and in default of payment to imprisonment not exceeding thirty days.
 20. BYLAW No. 7228 be repealed.

Read a first time this 17th day of April, 1979.

Read a second time this 17th day of April, 1979.

Read a third time this 17th day of April, 1979.

Reconsidered and adopted this 23rd day of April, 1979.

T.W. CONSTABLE
MAYOR

JAMES HUDSON
CLERK

SCHEDULE A

- (1) All sound levels shall be determined with a sound level meter on the “A” scale and “slow” meter reading.
- (2) Sound level meters shall be used and operated in accordance with manufacturers' instructions. The sound level meter shall be calibrated before and after readings have been taken.
- (3) When determining the sound level from a source the ambient or background noise or sound level shall be established at the appropriate position and during the relevant period of time wherever possible before taking sound measurements from the source. No measurement should be attempted if the difference is 3 db or less.
- (4) Noise or sound measurement should, in general, be made at a height of approximately one (1) metre and a distance of three (3) metres from any wall, building, or other reflecting structure with the microphone appropriately oriented.
- (5) Precautions shall be taken to ensure that the values recorded correspond to the noise or sound being investigated and are not due to wind, or extraneous sources.
- (6) When the wind velocity is above eight (8) kilometres per hour, a wind screen must be used. No test should be attempted when the wind velocity is above forty (40) kilometres per hour.

SECTION 4 BASIC PROVISIONS

4.1 Application

Within the City of Burnaby no land, buildings and structures, regardless of the form of ownership or tenure, including the surface of water, shall hereafter be used or occupied, and no building or structure or part thereof shall be erected, moved, altered or enlarged, unless in conformity with this Bylaw, and the contrary shall be unlawful.

(B/L No. 11032-99-12-13)

4.2 Units of Measurement

In this Bylaw where a measurement is given in both the metric and Imperial systems, the metric measurement shall be applied and the Imperial measurement shall have no effect.

(B/L No. 10237-95-08-14)

SECTION 5 ESTABLISHMENT OF ZONING DISTRICTS AND SCHEDULES

5.1 Designation of Districts:

For the purpose of this Bylaw, the City of Burnaby is hereby divided into the following zoning districts: (B/L No. 11032-99-12-13)

SCHEDULE NO.	DISTRICT TITLE	SHORT DESIGNATION
I	RESIDENTIAL	R
	Residential	R1, R1a & R1b
	Residential	R2, R2a & R2b
	Residential	R3, R3a & R3b
	Residential	R4, R4a & R4b
	Residential	R5, R5a & R5b
	Residential	R6 & R6b
	Mobile Home Park	R7
	Residential	R8
	Residential	R9 & R9a
	Residential	R10 & R10b
	Residential	R11 & R11b
	Residential	R12, R12b & R12s

II	MULTIPLE FAMILY RESIDENTIAL Multiple Family Residential Multiple Family Residential Multiple Family Residential Multiple Family Residential Hastings Village Multiple Family Residential Hastings Village Multiple Family Residential	RM RM1 RM2 RM3 & RM3s RM4 & RM4s RM5 & RM5s RM6 RM7
III	COMMERCIAL Neighbourhood Commercial Community Commercial General Commercial Service Commercial Tourist Commercial Gasoline Service Station Drive-In Restaurant Urban Village Commercial (Hastings) Urban Village Commercial	C C1 & C1f C2, C2a, C2c, C2f & C2h C3, C3a, C3b, C3c, C3d, C3e, C3f, C3g & C3h C4, C4a, C4b, C4c, C4e, C4f & C4g C5 C6, C6a & C6b C7 C8, C8a & C8f C9 & C9a
IV	INDUSTRIAL AND BUSINESS CENTRE INDUSTRIAL Manufacturing General Industrial Heavy Industrial Special Industrial Light Industrial Truck Terminal Marine 2 Advanced Technology Research BUSINESS CENTRE Suburban Office Urban Office	M & B M M1, M1r, M1L & M1k M2, M2r, M2L & M2k M3, M3a, M3r, M3L & M3k M4 & M4L M5, M5r & M5L M6 M7 & M7a M8 & M8a B B1 B2
V	PUBLIC AND INSTITUTIONAL Neighbourhood Institutional Administration and Assembly Park and Public Use Cemetery Community Institutional Regional Institutional Special Institutional	P P1 P2, P2f & P2g P3 & P3f P4 P5 P6, P6a & P6f P7

	Parking	P8
	Marine 1	P9
	Recreational Vehicle Park	P10
	S.F.U. Neighbourhood District	P11 & P11e
VI	AGRICULTURAL	A
	Agricultural	A1
	Small Holding	A2
	Truck Gardening	A3
VII	COMPREHENSIVE DEVELOPMENT	CD

The suffix "a" or other letter attached to a zoning designation denotes an area where additional uses are permitted subject to the regulations of the district to which the suffix is applied. (B/L No. 7333-79-04-02)

5.2 Official Zoning Map:

- (1) The location of the zoning districts established by this Bylaw are shown on the Official Zoning Map of the City of Burnaby which, with all explanatory matter thereon, is hereby made and declared to be an integral part of this Bylaw. (B/L No. 11032-99-12-13)
- (2) When the zoning district boundary is designated on the Official Zoning Map as following a road allowance, creek or railway right-of-way, the centre line of such road allowance, creek or railway line, shall be the zoning district boundary.
- (3) Where a zoning district boundary does not follow a legally defined line, and where the distances are not specifically indicated, the location of the boundary shall be determined by scaling from the Official Zoning Map.

5.3 Schedules:

- (1) Zoning District Schedules:
Regulations for each zoning district shall be as set forth in the Zoning District Schedules which are hereby made and declared to be an integral part of this Bylaw.
- (2) Off-Street Parking and Off-Street Loading Schedules:
Off-Street parking and off-street loading regulations shall be set forth in the Off-Street Parking and Off-Street Loading Schedules which are hereby made and declared to be an integral part of this Bylaw.

6.1 Number of Principal Buildings on a Lot:

- (1) No residential use building shall be located on the same lot as any other residential use building, except as otherwise provided for in this Bylaw.
- (2) No residential use building shall be located on the same lot as any non-residential building or use, except as otherwise provided for in this Bylaw.
- (3) Subsections (1) and (2) shall not apply to a residential use building in the P11e District. (B/L No. 11348-02-04-15)

6.2 Location and Siting of Buildings:

- (1) No principal building shall be located in any required front, side or rear yard.
- (2) No accessory building shall be located in any required front, or side yard, except as provided for in Section 6.6 of this Bylaw.
- (3) Where a parcel of land is of greater area than 1 110 m² (11,948.33 sq. ft.) the Subdivision Approving Officer may require that the siting of a proposed building shall be such as to facilitate the future subdivision of the parcel or adjacent parcels of land.

6.3 Distances between Buildings on the same Lot:

Where the exterior walls of the same building or of any two buildings in a group face and overlap, the clear distance between such overlapping walls shall not be less than the following:

- (1) When windows to habitable rooms occur in the overlapping section of either or both of the opposing walls:
 - (a) In RM, C8 and C9 Districts, twice the overlap in either the horizontal or vertical direction. Such distance shall be not less than 7.5 m (24.61 ft.), but need not exceed 15.0 m (49.21 ft.) for buildings 3 storeys or less in height, nor 15.0 m (49.21 ft.) plus 900 mm (2.95 ft.) per storey for buildings greater than 3 storeys in height. (B/L No. 12452-08-06-16)
 - (b) In all zoning districts, except RM Districts and developments in the C8

and C9 Districts that include a residential component, equal to the overlap in either the horizontal or vertical direction. Such distance shall be not less than 4.5 m (14.76 ft.), but need not exceed 7.5 m (24.61 ft.). (B/L No. 12452-08-06-16)

- (2) When no windows in habitable rooms occur in the overlapping section of either or both of the opposing walls:
 - (a) In RM, C8 and C9 Districts, equal to the overlap in either the horizontal or vertical direction. Such distance shall be not less than 3.5 m (11.48 ft.), but need not exceed 7.5 m (24.61 ft.). (B/L No. 12452-08-06-16)
 - (b) In all zoning districts, except RM Districts and developments in the C8 and C9 Districts that include a residential component, no detached accessory building shall be located closer than 1.8 m (5.91 ft.) to a residential use building. (B/L No. 12452-08-06-16)

6.3.1 Notwithstanding section 6.3, no detached garage or carport shall be located closer than 4.5 m (14.8 ft.) from the principal building in the R1, R2, R3, R4, R5, R9, R10, R11 and R12 Districts. (B/L No. 10124-94-12-05)

6.4 Height of Buildings and Structures:

- (1) In the RM6 District, the height of a principal building shall be measured from the lower of the front or rear average elevations to the highest point of the structure, subject to the applicable exceptions in subsection (3). (B/L No. 10124-94-12-05)
- (2) Except in the C2, R1, R2, R3, R4, R5, R9, R10, R11, R12, RM6 and P11 Districts, the height of a building shall be measured from the front average elevation to the highest point of the structure, subject to the applicable exceptions in subsections (3) and (4); and where no front yard setback is required the height shall be measured from the curb. (B/L No. 10796-98-09-14)
- (3) In all districts the following types of structures or structural parts shall not be subject to the building height requirements of this Bylaw: aerials, electrical service masts, television and radio antennae, chimneys, flues, flagpoles, vents, transmission towers and water tanks; but no such structure shall cover more than 20 percent of the lot or, if located on a building, more than 10 percent of the roof area of the building.

- (4) Except in the R Districts, the following types of structures or structural parts

shall not be subject to the building height requirements of this Bylaw: church spires, belfries, domes, monuments, fire and hose towers, observation towers, stadiums, monitors, theatre scenery lofts, cooling towers, drive-in theatre projection screens, elevator and ventilating machinery and penthouses; but no such structure shall cover more than 20 percent of the lot or, if located on a building, more than 10 percent of the roof area of the building.

- (5) In the RM Districts, the maximum permitted height of an apartment building that conforms to all the regulations of this Bylaw may be increased to allow the location of a penthouse for dwelling purposes on the roof of such building if:
 - (a) the height of the penthouse does not exceed 3.5 m (11.48 ft.);
 - (b) the penthouse occupies no more than 12 1/2 percent of the roof area; and
 - (c) the outer walls of the penthouse are located no nearer than 3.0 m (9.84 ft.) at any point to the outer edge of the roof of the building on which it is situated. (B/L 9663-91-12-16)

6.5 Conversion of Buildings

Buildings may be converted, altered or remodelled for another use, provided that:

- (1) The Chief Building Inspector certifies that the building is structurally suitable for such conversion.
- (2) The converted building shall conform to all the provisions and regulations prescribed for the zoning district in which it is located.

6.6 Accessory Buildings and Uses:

- (1) General:
 - (a) No accessory building or structure shall be erected on any lot unless the principal building, structure or use to which the accessory building or structure is an incidental use has been erected or, in the case of a non-structural use, has been established, or will be erected or established simultaneously with such accessory building. (B/L No. 13408-15-01-19)
 - (a.1) The height of a garage or carport that is depressed into the grade may be measured from the calculated average natural grade around all sides of the building other than a side that could be used for vehicular entrance. (B/L No. 9663-91-12-16)
 - (b) Where a garage or carport or other accessory building or structure is

attached to the principal building, it is to be considered a part of the principal building and shall comply in all respects with the requirements of this Bylaw applicable to the principal building.
(B/L No. 8737-87-05-25)

- (c) An accessory building shall be located at not less than 1.2 m (3.94 ft.) from any lane, except in the case of a lane intersection where the provisions of Section 6.13 shall apply.
- (d) An accessory building or structure shall not be used as a dwelling, except as otherwise provided for in this Bylaw.

(2) Residential Districts (A, R, and RM):

- (a) An accessory building shall not have more than one storey and shall not exceed 3.7 m (12.13 ft.) in height except that a hip or gable roof may be constructed to a height not exceeding 4.6 m (15.1 ft.).
- (b) The gross floor area of all accessory buildings on a lot
 - (i) in an A or RM District shall not exceed 10 percent of the area of the lot,
 - (ii) in an R District that is developed with a semi-detached dwelling shall not exceed 74.4 m² (800 sq.ft.), and
 - (iii) in an R District that does not have a semi-detached dwelling shall not exceed 56m² (602.8 sq.ft.). (B/L No. 10397-96-07-22)
- (c) Not more than two-thirds of the width of the rear yard of any lot in A or R District shall be occupied by accessory buildings.
- (d) Subject to Clause (f), an accessory building between the rear building line and the rear lot line of an interior lot shall be not less than 1.2 m (3.94 ft.) from the side property lines, except where such accessory building is situated within the rear 9.0 m (29.53 ft.) of the lot, and not less than 21.5 m (70.54 ft.) from the street on which the principal building fronts. In this case a setback from the side lot line need not be provided. (B/L No. 5042-66-11-28)
- (e) In an A or R District, if for topographical reasons a private garage or carport cannot be constructed at the side or rear of the principal building, such garage or carport may be constructed in an excavation in a front yard, provided that no part of such structure shall extend more than 1.2 m (3.94 ft.) above the surface of the surrounding ground at any point other than the driveway, nor be less than 1.2 m (3.94 ft.) from the front property line.

- (f) An accessory building in an RM District shall be located not closer than 3.0 m (9.84 ft.) to the rear property line of an adjoining lot in an A or R District.
 - (g) The regulations governing accessory buildings specified in clauses (a) to (f) inclusive, shall apply also to accessory buildings on corner lots, excepting that:
 - (i) An accessory building in an A, R or RM District shall be located not closer to the flanking street than the side yard setback prescribed for the principal building in the district in which it is located, except that where the rear lot line of a corner lot adjoins the side lot line of an adjacent lot, or is separated by a lane therefrom, an accessory building shall be located not closer to the flanking street than the standard front yard setback prescribed for the principal building in the district in which it is located without the application of front yard averaging.
(B/L No. 13036-12-02-13)
 - (ii) An accessory building in an A or R District shall be located not closer than 1.2 m (3.94 ft.) from the rear lot line, when such rear lot line abuts the side yard of an adjacent lot in A or R District.
- (3) Non-Residential Districts (C, M and P):
- (a) On a corner lot an accessory building shall be located not closer to the flanking street than the principal building on the same lot, nor closer than the required setback from the flanking street of the principal building on an adjoining lot, whether or not a lane intervenes.
 - (b) An accessory building shall be located not closer than 3.0 m (9.84 ft.) to the rear property line of an adjoining lot in an A, R or RM District.
 - (c) An accessory building shall not have more than one storey nor exceed 3.7 m (12.13 ft.) in height. (B/L No. 8737-87-05-25)
 - (d) Notwithstanding section 6.6(1)(b), a street canopy attached to a building in a C or M District that: (B/L No. 13036-12-02-13)
 - (i) has a front yard setback of less than 2.0m (6.56ft.), and
 - (ii) is lawfully non-conforming with respect to the front yard setback

may project over the front lot line with the approval of the Director

Engineering if it is constructed with a building permit and projects no more than 1.5m (4.92ft.) into the road allowance and has a minimum height clearance of 2.7m (8.86ft.) from ground level to the lowest point of the canopy.

(B/L No. 12099-06-06-19)

6.7 Temporary Buildings:

- (1) Temporary buildings may only be erected or placed on land for the following purposes and for the following time periods:
 - (a) for construction office and construction equipment or material storage purposes on a lot undergoing development for a period not to exceed the duration of such construction;
 - (b) for the temporary relocation of an existing commercial, industrial or institutional use on a lot where the existing building on the lot has been vacated to carry out structural alterations or improvements, for a period not to exceed 30 days after the date upon which the Chief Building Inspector has issued occupancy approval for the building;
 - (c) for a residential sales centre on lands having newly constructed and unoccupied multi-family residential developments or being developed for multi-family residential use for a period not to exceed 30 days after the date upon which the initial sales of all of the units in the development have been completed;
 - (d) for purposes directly related to the production of a television show or advertisement or motion picture, or similar production, for a period not to exceed the lesser of:
 - (i) the duration of the production; or
 - (ii) two years from the date of the erection or placement of the temporary building; and
 - (e) for additional classroom space on lands being used as a public school for a period not to exceed 10 years.
- (2) All temporary buildings shall be subject to the following requirements and conditions:
 - (a) no temporary building, other than those to which the British Columbia Building Code does not apply, shall be erected or placed on land without a written permit from the Chief Building Inspector;
 - (b) the Chief Building Inspector may not issue a permit for a temporary

building for which a permit is required unless he or she is satisfied that the temporary building would not constitute or cause a public hazard or public nuisance and would not obstruct any public right-of-way; and

- (c) a temporary building shall be removed immediately when it has ceased to be a permitted temporary building under section 6.7(1).
- (3) The Director Planning may grant minor variances to the siting and off-street parking requirements of this Bylaw for a temporary building.
- (4) A temporary building shall not be used as a dwelling.

(B/L No. 12664-09-09-14)

6.7A Repealed. (B/L No. 12664-09-09-14)

6.8 Home Occupation:

- (1) A home occupation shall involve no internal or external structural alterations to the principal building (dwelling) and there shall be no exterior indication that the building is being utilized for any purpose other than that of a dwelling, and no building, structure, fence or enclosure other than those in conformity with permitted residential uses in the Zoning District in which it is located, may be erected.
- (2) The premises shall not be used for manufacturing, welding or any other light industrial use, and the home occupation carried on therein shall not produce noise, vibration, smoke, dust, odour, litter or heat other than that normally associated with a dwelling unit nor shall it create or cause any fire hazard, electrical interference, excessive pedestrian or vehicular traffic in the common areas or parking areas of a multi-family building or traffic congestion on the street. (B/L No. 10398-96-08-26)
- (3) Repealed. (B/L No. 13036-12-02-13)
- (4) There shall be no external storage of materials, containers or finished product.
- (5) No stock in trade shall be kept or handled and no commodity sold upon the premises.
- (6) Such occupation shall not involve the use of mechanical equipment save as is ordinarily employed in purely private domestic and household use or for recreational hobbies, except for such equipment as may be used for a resident physician or dentist.
- (7) No person who is not a resident in the dwelling shall be employed in such an

occupation, except in a child care facility. (B/L No. 13063-12-05-14)

6.8A Family Child Care Centres:

- (1) In RM and P11 Districts a family child care centre shall be permitted only
 - (a) in a ground floor dwelling unit, and
 - (b) if the owner or manager of the building or, in the case of a strata unit, the strata council supports the establishment of the operation and satisfies the Director Planning and Building as to that support.
- (2) In RM and P11 Districts no child care facility other than a family child care centre shall be located in a dwelling unit. (B/L No. 10753-98-06-15)
- (3) In R Districts a family child care centre shall be permitted in only one dwelling unit of a two family dwelling and only if the owner of the other dwelling unit supports the establishment of the family child care centre and satisfies the Director Planning as to that support. (B/L No. 12865-10-11-15)

6.9 Cellars and Basements:

- (1) Repealed. (B/L No. 13258-14-01-27)
- (2) The height of a basement or cellar, measured between floor and ceiling surfaces, shall not be less than 2.3 m (7.5 ft.).
- (3) In the R Districts, where a part of the principal building used for vehicular access is depressed into the grade, that part of the building shall be excluded when determining whether the building has a basement or a cellar.
- (4) In the R Districts, for the purpose of providing pedestrian access to a basement or cellar, the surface of the ground adjoining a building may be lowered without affecting the determination between a basement and cellar, if the lowered surface is not on the same side of the building as a depressed vehicular access and does not
 - (a) exceed an area of 14.0 m² (150.7 sq. ft.),
 - (b) extend more than 3.0 m (9.8 ft.) from the building,
 - (c) exceed a width of 4.5 m (14.8 ft.) along the wall, and
 - (d) extend more than 0.75 m (2.5 ft.) into the required side yards.
- (5) In the R Districts, for the purpose of providing light to a basement or cellar, the

surface of the ground adjoining a building may be lowered without affecting the determination between a basement and cellar, if the window wells do not

- (a) extend more than 0.9 m (3.0 ft.) from the building,
- (b) extend more than 0.75 m (2.5 ft.) into the required side yards, and
- (c) exceed in length 25 percent of the length of the wall.
(B/L No. 9663-91-12-16)

6.10 Minimum Floor Area for Dwelling Units:

- (1) No single family, two family or row house dwelling shall contain less than 56 m² (602.80 sq. ft.) of floor area for each dwelling unit except that a single family dwelling in an R1 District shall contain at least 93 m² (1001.08 sq. ft.) of floor area. Notwithstanding the foregoing, a secondary suite shall contain at least 32m² (345 sq.ft.) of floor area. (B/L No. 13258-14-01-27)
- (2) In the case of apartment buildings or townhouse dwellings, in a District other than the P11e District, the following minimum suite floor areas shall apply: (B/L No. 11348-02-04-15)
 - (a) Studio unit -- 37 m² (398.28 sq.ft.)
 - (b) 1 bedroom suite -- 56 m² (602.80 sq.ft.)
 - (c) 2 bedroom suite -- 70 m² (753.50 sq.ft.)
 - (d) 3 bedroom suite -- 84 m² (904.20 sq.ft.)
- (2.1) In the case of apartment buildings or townhouse dwellings in the P11e District, the following minimum suite floor areas shall apply:
 - (a) Studio unit - 30 m² (322.93 sq.ft.)
 - (b) 1 bedroom suite - 50 m² (538.21 sq.ft.)
 - (c) 2 bedroom suite - 65 m² (699.68 sq.ft.)
 - (d) 3 bedroom suite - 80 m² (861.14 sq.ft.)
(B/L No. 11348-02-04-15)
- (3) A mobile home in an R7 District shall contain at least 46 m² (495.16 sq. ft.) of floor area. (B/L No. 6176-72-12-04)

6.11 Lot Area and Width:

- (1) Existing Lots:
- (a) The minimum lot area and lot width requirements of this Bylaw shall not apply to any lot in an A, R, C1, C2, C3, C4, M1, M2, M3, M4, M5, or P5 District which has an area or width less than that required by this Bylaw, if such a lot was described on the official records on file in the Land Registry Office on or before 1978 January 01. Other than for permitted industrial uses in the M4 District, this section shall not apply to permit any use that requires a lot area in excess of the minimum lot area for that District. (B/L No. 11154-00-11-06)
 - (b) Subject to the provisions of section 6.5 (Conversion of Buildings), the lot area and width requirements in R4 and R5 Districts may be reduced to permit the structural modification, alteration or remodelling of an existing single family dwelling that was erected on the lot before 1971 January 02 so as to create two dwelling units,
 - (i) Where the dwelling is on a lot in an R4 District that has an area not less than 670 m² (7,212.06 sq. ft.) and a width not less than 18.5 m (60.70 ft.), or
 - (ii) Where the dwelling is on a lot in an R5 District that has an area not less than 500 m² (5,382.13 sq. ft.) and a width not less than 13.5 m (44.29 ft.). (B/L No. 8737-87-05-25)

(2) Lots of Irregular Shape:

In R Districts, on "pie-shaped" or other irregularly shaped asymmetrical lots, lot frontages may be reduced below the minimum prescribed widths, provided that the average lot width throughout a depth of 30 m (98.43 ft.) measured along a perpendicular line from the centre of the property on the frontage street complies with the required minimum lot width.

6.12 Yards:

(1) Projections into Required Yards:

The following features may project into a required front, side or rear yard:

- (a) Steps or stairs.
- (b) Belt courses, cornices, eaves, gutters, sills, chimneys, or other similar features, but such projections shall not exceed 900 mm (2.95 ft.), or 600 mm (1.97 ft.) in the case of a side yard less than 1.5 m (4.92 ft.) in width.
- (c) Bay windows, that do not project more than 900 mm (2.95 ft.), or 600

mm (1.97 ft.) in the case of a side yard that is less than 1.5 m (4.92 ft.) in width and the total length of all such windows shall not exceed 50 percent of the length of the exterior wall from which they project.

- (d) Balconies, canopies, sunshades, open porches, verandas and sun decks, but such projections, including the supporting structures, shall not exceed 1.2 m (3.94 ft.), or 50 percent of the width of a required side yard. (B/L No. (12942-11-06-20)
- (e) An uncovered patio or terrace, which may be open or enclosed, in any yard in an A, R or RM District subject to the fence height limitations as specified in Section 6.14 of this Bylaw. The provision of an awning or similar temporary covering for such a terrace shall be permitted.
- (f) Arbors and trellises, fish ponds, ornaments, flag poles, or similar landscape features.
- (g) An uncovered swimming pool, but such pool shall not be constructed within required front yard nor nearer than 3.0 m (9.84 ft.) to any property line. (B/L No. 11154-00-11-06)
- (h) A covered or roofed swimming pool, subject to the provisions of clause (g) and to the regulations governing accessory buildings contained in Section 6.6 of this Bylaw.
- (i) Gasoline service pumps or pump islands in a required front yard or a required side yard, subject to the provisions of Clause (2) of Section 306.2 of this Bylaw.
- (j) Underground parking structures, subject to suitable landscaping or architectural treatment and proper maintenance, except that where such a structure extends above the surface of the finished grade, its horizontal projection shall not exceed 3.0 m (9.84 ft.) in a required front yard. (B/L No. 8737-87-05-25)

For lots in C1, C2, C4 and C7 Districts, street canopies that do not exceed 2.0m (6.56 ft) in depth may project into the required front yard.
(B/L No. 12099-06-06-19)

(2) Exceptions to Front Yard Requirements:

In A or R Districts when at least 50 percent of the frontage of lots in a single zoning district in any one block front, excluding the corner properties, is improved with permitted principal buildings and all of such buildings have front yards that are less than the minimum front yard requirement for the district, then all new buildings in the same zoning district in the block front may provide a front yard with a depth equal to the average existing front yard depth in the block front, except that no front yard shall be less than 6.0 m (19.69 ft.) in depth.
(B/L No. 9189-89-07-10)

(2.1) Front Yard Averaging:

For lots in R1, R2, R3, R4, R5, R9, R10, R11 and R12 Districts, where front yard averaging of the two adjacent lots on each side of the lot is applicable, the following conditions shall apply in determining the average front yard depth: (B/L No. 10124-94-12-05)

- (i) where an adjacent lot is vacant, the front yard shall be deemed to have a depth of a required front yard;
- (ii) if one or more of the adjacent lots front on a different street or if one or more of the adjacent lots are separated by a street or lane, then such adjacent lots shall not be used in computing the average depth;
- (iii) where the lot is adjacent to a flanking street or lane, the average depth shall be computed using the remainder of the adjacent lots. (B/L No. 9663-91-12-16)

(3) Exceptions to Side Yard Requirements:

Where a lot with a width less than the required minimum existed on or before the effective date of this Bylaw, exceptions to the applicable side yard requirements of this Bylaw may be made in the following cases:

- (a) In A, R or RM Districts the required side yard on each side of the principal building may be reduced to a minimum of 10 percent of the lot width, provided that:
 - (i) the minimum side yard on any one side shall be not less than 900 mm (2.95 ft.).
 - (ii) the lot is used for a single family dwelling.
- (b) Repealed. (B/L No. 11154-00-11-06)
- (c) In M Districts the required side yard on each side of the principal building may be reduced to a minimum of 10 percent of the lot width, except that where a principal building is constructed to the side lot line, the width of the other side yard may be reduced to a minimum of 20 percent of the lot width. (B/L No. 6146-72-09-05)
- (d) In M Districts, on a corner lot, the required side yard adjoining the flanking street may be reduced to a minimum of 15 percent of the lot width, but need not exceed 3.0 m (9.84 ft) in M4 Districts.
- (e) In M Districts, where a lot abuts a lot in an A, R or RM District, or is separated by a street or lane therefrom, the required side yard may be reduced to minimum of 20 percent of the lot width, but need not exceed

3.0 m (9.84 ft.) in M4 Districts.

(f) In M Districts, where a lot is flanked by a lane, the required side yard adjoining the flanking lane may be reduced to a minimum of 10 percent of the lot width.

(4) In all zoning districts, where a portion of a lot is acquired for the purpose of creating or widening a public street, and where such a lot was improved prior to the time of such acquisition with one or more permitted principal buildings, the yard abutting that street may be reduced in depth for those existing buildings by an amount equal to the depth of land obtained for such purposes, provided however that any additions or extensions to such existing buildings shall observe the yard requirements established for the zoning district in which the lot is located, and provided further that such reduction does not exceed the original setback of the existing building. (B/L No. 7144-78-01-03)

6.13 Vision Clearance at Intersections

(1) In any zoning district, in the area bounded by the intersecting lot lines at a street corner or a lane corner and a line joining points along the lot lines,

(a) in the case of a street corner, 9.0 m (29.53 ft.) from their point of intersection, and

(b) in the case of a lane corner, 6.0 m (19.69 ft.) from their point of intersection,

no fence, wall or structure other than a permitted street canopy in a C2, C3 or C4 District or a permitted principal building shall be erected to a greater height than 1 m (3.28 ft.) and no hedge, shrub, tree or other growth shall be maintained or allowed to grow so as to obstruct vision clearance.

(2) In this section "lane corner" means the intersection of a lane with another lane or with a street. (B/L No. 8872-87-12-14)

6.14 Fences:

(1) Any fence, wall or other structure not being a building, which exceeds the height limitations specified in this section shall comply with the height and setback requirements prescribed for buildings within the zoning district in which it is located. (B/L No. 8096-83-09-19)

(2) The height of a fence or wall shall be determined by measurement from the ground level at the average grade level within 900 mm (2.95 ft.) of both sides of such fence or wall. (B/L No. 8096-83-09-19)

(3) That portion of a retaining wall which projects above the surface of the ground which it supports shall be considered as a fence and subject to the regulations of this subsection.

- (4) Notwithstanding Clause (2), in cases where a retaining wall has been constructed along a property line, the height of a fence or wall shall be determined by measurement from the surface of the ground which the retaining wall supports at the average grade level within 900 mm (2.95 ft.) of such retaining wall. (B/L No. 8096-83-09-19)
- (5) Subject to the vision clearance provisions of Section 6.13 the following height limitations shall apply to fences or walls. (B/L No. 8096-83-09-19)
 - (a) In all zoning districts, except for required screening, fences or walls not greater than 1 m (3.28 ft.) in height may be located anywhere on a lot.
 - (b) In all zoning districts, except C4 and M Districts, fences or walls not greater than 1.8 m (5.91 ft.) in height may be located on any lot to the rear of a required front yard.
 - (c) In C4 and M Districts, fences or walls not greater than 2.4 m (7.87 ft.) in height may be located on any lot to the rear of a required front yard.
 - (d) In R Districts, where the rear line of a lot abuts the side line of an adjoining lot, the height of fences or walls on such rear lot line shall be not greater than the height permitted on the side line of the adjoining lot at the point of abutment.
 - (e) In R8 Districts, fences or walls not greater than 1.8 m (5.91 ft.) in height may be located anywhere on a lot.
- (6) Clauses (1) and (5) shall not apply to open mesh or chain link type fences erected on cemetery, public playground, park, playfield, elementary or high school areas, and in M Districts. In these cases, no such fence shall exceed a height of 3.5 m. (11.48 ft.)

6.15 Screening and Landscaping:

- (1) Lots and Required Yards:
 - (a) In R, RM, C5 and P Districts, any part of a lot not used for building, parking or loading facilities or outdoor recreation or, in the case of a lot in the P4 or P12 District, not used for any permitted use, shall be fully and suitably landscaped and properly maintained.
(B/L No. 13408-15-01-19)
 - (b) In C1, C4 and M Districts, all those portions of a required front yard not used for permitted parking or display areas shall be fully and suitably landscaped and properly maintained.

(B/L No. 5811-70-11-30)

- (c) In all zoning districts where the side line of a lot abuts a lot in an A, R or RM District, or is separated by a street or lane therefrom, all those portions of a required side yard not used for permitted parking shall be fully suitably landscaped and properly maintained.
- (d) Where the rear line of a lot in an M District abuts a lot in an A, R or RM District, or is separated by a lane therefrom, the required rear yard shall be fully and suitably landscaped and properly maintained. (B/L No. 5945-71-09-20)
- (e) In R Districts, where a child care facility or family child care centre is operated as a home occupation, a fence 1.8m (5.91 ft.) in height shall be provided along the rear boundary of the required front yard setback. (B/L No. 13063-12-05-14)

(2) Storage Yards:

- (a) No storage yard or area shall be permitted in a required front yard nor any required yard which abuts a lot in an R or RM District, or is separated by a street or lane therefrom. (B/L No. 6117-72-12-18)
- (b) Screening consisting of a solid 2.4 m (7.87 ft.) fence or wall, which shall be uniformly painted and well maintained and not used for advertising or display purposes or for the posting of notices, or, a compact evergreen hedge not less than 1.8 m (5.91 ft.) in height, which shall be maintained in good condition at all times, shall be provided as follows: (B/L No. 6117-72-12-18)
 - (i) In A, C4 and M Districts, any part of a lot used or intended to be used as an outside storage area shall be enclosed by screening on any side not facing directly upon the principal building on the lot, and no material shall be piled to extend above such screening in A, C4, M1 or M4 Districts. In the case of M2, M3 or M6 Districts, material may be piled to a maximum height of 3.5 m (11.48 ft.) (B/L No. 6146-72-09-05)
 - (ii) Required front screening shall be so situated as to conform with the applicable front yard setback provisions. (B/L No. 6117-72-12-18)
 - (iii) Where a side or rear yard is required to be landscaped, the required screening shall be located on the line established by the yard setback provisions. (B/L No. 6117-72-12-18)

(3) Parking Areas, Loading Areas and Display Yards:

- (a) Any parking area, loading area or display yard shall be separated from an adjoining street, or from a directly abutting lot in an A, R or RM District, by a fully and suitably landscaped and properly maintained strip of not less than 1.8 m (5.91 ft.) in width.
- (b) Screening of 1.8 m (5.91 ft.) in height shall be provided and properly maintained:
 - (i) where any parking or loading area abuts a lot in an A, R, or RM District, or is separated therefrom by a street or lane, except however, that where a parking area abuts a lane, the screening along the lane shall be not less than 800 mm (2.62 ft.) nor more than 1 m (3.28 ft.) in height for a distance of not less than 6.0 m (19.69 ft.) from all points of ingress and egress to and from such parking area; (B/L no. 5525-69-06-16)
 - (ii) where any display yard abuts a lot in an A, R, or RM District, or is separated therefrom by a lane. (B/L No. 4925-66-03-21)

6.16 Building Line Setbacks:

No principal or accessory building or structure shall be sited closer than:

- (1) 12.877 8 m (42.25 ft.) to the centre line of Kingsway between Tenth Avenue and Edmonds Street.
- (2) 17.602 2 m (57.75 ft.) to the centre line of Kingsway on the south side only between Edmonds Street and Patterson Avenue.
- (3) 22.860 0 m (75.0 ft.) to the centre line of the Lougheed Highway between Boundary Road and North Road.
- (4) 16.154 4 m (53.0 ft.) to the centre line of Hastings Street on the south side only, between Esmond Avenue and Sperling Avenue.
- (5) 30.175 2 m (99.0 ft.) to the centre line of Boundary Road, on the east side only, between Imperial Street and the B.C. Hydro Railway right-of-way which crosses Boundary Road immediately south of Thurston Street.
- (6) 20.421 6 m (67.0 ft.) to the centre line of Boundary Road, on the east side only, between Price Street and the B.C. Hydro Railway right-of-way which crosses Boundary Road immediately south of Thurston Street. (B/L No. 7137-78-01-03)
- (7) Nothing in this section prohibits the erection of a permitted street canopy. (B/L No. 8872-87-12-14)

6.17 Parking or Storage of Commercial Vehicles, Recreation Vehicles, Trucks, Trailers, Boats or Equipment in R6, R7, R8 and RM Districts:

No commercial vehicle, truck, bus, contractor's equipment, dismantled or wrecked automobile, boat, recreation vehicle, trailer or any similar vehicle, conveyance, craft or equipment shall be parked or stored in the open in an R6, R7, R8 or RM District, except the following which may be parked or stored in the rear yard only:

- (a) one truck or commercial vehicle not exceeding 4500 kg GVW (9920.631 lbs. GVW) ownership of which is registered in the name of the resident of the dwelling;
- (b) trucks, commercial vehicles or equipment required for the construction, repair, servicing or maintenance of the premises, but only while that construction, repair, servicing or maintenance is being carried out;
- (c) one boat or vessel not exceeding a length of 6.0m (19.69 ft.) owned by the resident of the dwelling and ownership of which is supported by satisfactory documentary proof;
- (d) one recreation vehicle or trailer not exceeding a length of 6.0m (19.69 ft.) ownership of which is registered in the name of the resident of the dwelling;
- (e) not more than two uninsured but operable and complete vehicles, ownership of which is registered in the name of the resident of the dwelling.

(B/L No. 12869-10-12-13)

6.17.1 Parking or Storage of Commercial Vehicles, Trucks, Recreation Vehicles, or Boats in R1 to R5 and R9 to R12 Districts: (B/L No. 12869-10-12-13)

- (1) Section 6.17, except paragraphs (c) and (d), applies to parking and storage in an R1, R2, R3, R4, R5, R9, R10, R11 and R12 Districts.
(B/L No. 12869-10-12-13)
- (2) Notwithstanding subsection (1) and subject to the vision clearance provisions of section 6.13, one recreation vehicle and one boat having a combined length that does not exceed 12.0 m (39.37 ft.), may be parked in the open in an R1, R2, R3, R4, R5, R9, R10, R11 and R12 Districts subject to the following restrictions:
(B/L No. 10124-94-12-05)
 - (a) on a corner lot or on a lot with one street frontage, no parking is permitted between the front lot line and the dwelling, nor within the required side yards, nor closer than 1.2 m (3.94 ft.) to the side lot lines in the rear yard;
 - (b) on a through lot, no parking is permitted in the required front yards or required side yards, nor in the area between the required front yard and the face of the dwelling that is oriented to the street from which the dwelling is addressed;

- (c) on a lot that has no vehicle access to the rear and side yards, either one recreation vehicle or one boat not exceeding 6.0 m (19.69 ft.) in length may be parked on the front driveway or to the side of the front driveway not less than 1.2 m (3.94 ft.) from the side lot lines and not less than 1.8 m (5.91 ft.) from the front lot line.
- (3) The parking must be screened by compact evergreen trees or shrubs at least 1.8 m (5.91 ft.) in height,
- (a) on a corner lot or through lot to obscure the view from the closest abutting street,
 - (b) where the front driveway is used, to obscure the view from any abutting property, and
 - (c) where the land beside the front driveway is used, to obscure the view from any abutting property, and from the abutting street.
(B/L No. 9556-91-04-08)

6.18 Fraser River Flood Plain:

All lands within the area of the Fraser River Flood Plain as described in Schedule AA -- Flood Plain Map of the Official Regional Plan of the Lower Mainland Regional Planning Board, now the Official Regional Plan of the Greater Vancouver Regional District shall be subject to the following regulations:

No building shall be constructed or mobile unit located with the underside of the floor system of any area used for habitation, business, or storage of goods damageable by floodwaters:

- (a)
 - (i) lower than the nearest point on an even gradient line along the natural boundary of the Fraser River from 11.13 ft. (3.392 m) Geodetic Survey of Canada datum at Boundary Road to 13.13 ft. (4.002 m) Geodetic Survey of Canada at Fenwick Street.
 - (ii) provided that, where the development is provided with a comprehensive flood proofing treatment for internal site drainage and/or upland drainage to the approval of the Director Engineering, the requirements under subsection (a) (i) may be reduced 0.6 m for industrial uses.
- (b) within 200 ft. (60 m) of the natural boundary of the Fraser River.
- (c) Repealed. (B/L No. 12098-06-06-19)

6.19 Development Under The Strata Titles Act:

Where a parcel of land is divided into strata lots under the Strata Titles Act, such parcel and any buildings which occupy it shall conform in all respects with the bulk regulations of

this Bylaw. (B/L No. 7477-80-03-10)

6.20 Computation of Gross Floor Area and Floor Area Ratio:

- (1) In all districts, the following shall be included as gross floor area:
 - (a) all suites or dwelling units;
 - (b) all areas giving access such as corridors, hallways, landings, foyers, staircases and stairwells;
 - (c) balconies, sundecks, porches and verandas, all of which are enclosed; (B/L No. 12422-08-03-10)
 - (d) elevator shafts.
- (2) In all districts, except the R1, R2, R3, R4, R5, R9, R10, R11 and R12 Districts, accessory buildings except those used for parking shall be included as gross floor area. (B/L No. 10124-94-12-05)
- (3) In the R1, R2, R3, R4, R5, R9, R10, R11 and R12 districts, accessory buildings shall be included as gross floor area; but 42 m² (452.1 sq.ft.) of the floor area of a garage or carport shall be excluded unless, in the R10 and R11 districts, the garage or carport
 - (a) is not located within 9 m (29.5 ft.) of the rear lot line, or
 - (b) is attached to the principal building on a lot with lane access. (B/L No. 10192-95-05-08)
- (4) In the R1, R2, R3, R4, R5, R9, R10, R11, R12, A1, A2 and A3 Districts, the calculation of gross floor area and above grade floor area for any space where the height from a floor to the top of the wall plate exceeds 3.7 m (12.1 ft.) shall be in accordance with the following: (B/L No. 11727-04-05-10)
 - (a) the floor area of the space; plus
 - (b) the amount by which the floor area of the space exceeds 9.3 m² (100.1 sq.ft.) (B/L No. 11154-00-11-06)
- (5) For the purpose of computing floor area ratio in the RM, C, M, B and P Districts, the following shall not be included as floor area: (B/L No. 11273-01-09-17)
 - (a) any portion of a storey used for parking unless such parking is a principal use, underground parking areas and parking areas that are both open and uncovered;

- (b) any area of a building that is used exclusively for communal laundry facilities unless such laundry is a principal use;
 - (c) any portion of a basement or cellar containing accessory heating, laundry, recreational, storage or end-of-trip cyclist facilities, but excluding areas used for habitable accommodation, and necessary access to habitable accommodation; (B/L No. 11273-01-09-17)
 - (d) architectural features that are permitted as projections into required yards in section 6.12 of this Bylaw.
 - (e) swimming pools and open sundecks;
 - (f) any portion of a penthouse containing elevator or ventilating machinery;
 - (g) any portion of a basement or cellar containing a child care facility;
 - (h) in the RM and P Districts only, amenity spaces.
(B/L No. 11448-02-11-25)
 - (i) in the RM and P Districts only, category B supportive housing amenity space not exceeding 13.6 per cent of the floor area included in the computation of the floor area ratio. (B/L No. 11591-03-09-29)
 - (j) in the RM, C and P Districts only, the first 1.85 m² (20 sq.ft.) of floor area of each adaptable housing unit. (B/L No. 13335-14-06-23)
- (6) For the purpose of computing floor area ratio in the R1, R2, R3, R4, R5, R9, R10, R11, R12, A1, A2 and A3 Districts, the following shall not be included as floor area: (B/L No. 11727-04-05-10)
- (a) areas of undeveloped floors located above a storey or a half-storey, or adjacent to a half-storey, with a vertical clear height of less than 1.2 m (3.9 ft.) and to which there is no permanent means of access other than a hatch;
 - (b) crawl spaces;
 - (c) garages and carports up to a maximum of 42 m² (452.1 sq.ft.) unless, in the R10 and R11 districts, the garage or carport
 - (i) is not located within 9 m (29.5 ft.) of the rear lot line or,
 - (ii) is attached to the principal building on a lot with lane access.
(B/L No. 10192-95-05-08)

- (d) balconies, sundecks and covered decks, up to a maximum area of 8 percent of the permitted gross floor area;
- (e) covered porches up to a maximum area of 3.7 m² (39.8 sq.ft.) for a dwelling unit where the porches
 - (i) are not enclosed,
 - (ii) face a street or rear property line and are located at the first storey,
 - (iii) do not project more than 1.2 m (3.9 ft.) into the required front yard, and
 - (iv) do not exceed a height of 3.7 m (12.1 ft.) measured from the porch floor to the top of the supporting structure.
 (B/L No. 10397-96-07-22)

6.21 Antennae:

An antenna is permitted in any zoning district except the R Districts if it has been given preliminary plan approval and meets the following qualifications, namely:
(B/L 12170-06-11-20)

- (a) it is attached to a building,
 - (b) it is at least 5.0 m (16.4 ft.) above the ground. (B/L No. 12170-06-11-20)
 - (c) it covers or occupies a maximum of 0.93 m² (10 sq.ft.) on the building face and the total area on any building face occupied by antennae does not exceed 3.72 m² (40 sq.ft.), and
 - (d) it does not extend more than 1 m (3.2 ft.) above the highest point of the building face.
- (B/L No. 10396-96-07-22)

6.22 Density Bonus:

- (1) The maximum floor area ratio that may be developed in RM1, RM2, RM3, RM4 and RM5 Zoning Districts may be increased as set out in Schedule II for lots that meet the following conditions:
 - (a) the lot must be located in a town centre area and be approved for density

- bonus in the community plan for Brentwood Town Centre, Lougheed Town Centre, Edmonds Town Centre or Metrotown;
- (b) the lot must be rezoned to Comprehensive Development District;
 - (c) the comprehensive development plan for the lot must include the conservation or provision of amenities or the provision of affordable or special needs housing equivalent in value to the increase in the value of the lot attributable to the increase in floor area ratio.
- (2) For the purpose of subsection (1), the following amenities are eligible for consideration in an application for a density bonus:
- (a) major public open space or plaza;
 - (b) public facilities, including a library, community or recreation centre, arts facility, youth centre;
 - (c) space for community or non-profit groups that serve the community;
 - (d) public art;
 - (e) extraordinary public realm improvements including landscaping treatment and special street furniture;
 - (f) improvements to park land or other public facilities;
 - (g) extraordinary environmental enhancements, or
 - (h) child care facilities.
- (3) For the purpose of subsection (1), the following are eligible for consideration as affordable and special needs housing in an application for a density bonus:
- (a) units developed under senior government non-profit housing programs;
 - (b) price controlled limited-equity market units;
 - (c) units controlled or managed or owned by non-profit housing groups providing affordable housing;
 - (d) guaranteed rental units;
 - (e) housing for people with special needs such as those with physical or mental disabilities or victims of violence.
- (4) For the purpose of computing floor area ratio for a development that includes the conservation or provision of an amenity under subsection (1), the floor space of

the building that is occupied by an amenity shall not be included as part of the gross floor area.

- (5) The owner of a development that includes the provision of affordable or special needs housing may be required to enter into a housing agreement under section 905 of the Local Government Act.

(B/L No. 11204-01-02-12)

(B/L No. 10596-97-07-21)

6.23 Streamside Protection and Enhancement Areas

- (1) In this section unless the context otherwise requires:

>active floodplain= means an area of land within a boundary that is indicated by the visible high water mark or water level of a stream that is reached during annual flood events as evidenced by riparian area conditions described in the definition of >riparian area=;

>existing vegetation= means native and non-native vegetation;

>fish= means all life stages of

- (a) salmonids,
- (b) game fish, and
- (c) regionally significant fish;

>fish bearing stream= means a stream in which fish are present or potentially present if introduced barriers or obstructions are either removed or made passable for fish;

>non fish bearing stream= means a stream that

- (a) is not inhabited by fish, and
- (b) provides water, food and nutrients to a downstream fish bearing stream or other water body;

>non-permanent stream= means a stream that typically contains surface waters or flows for periods less than 6 months in duration;

>permanent stream= means a stream that typically contains continuous surface waters or flows for a period more than 6 months in duration;

>potential vegetation= is considered to exist if there is a reasonable ability for regeneration

either with assistance through enhancement or naturally, and is considered to not exist on that part of an area covered by a permanent structure;

>ravine= means a narrow, steep sided valley that is commonly eroded by running water and with slope grades greater than 3:1;

>riparian area= means the area adjacent to a stream that may be subject to temporary, frequent or seasonal inundation, and supports plant species that are typical of an area of inundated or saturated soil conditions, and that are distinct from plant species on freely drained adjacent upland sites because of the presence of water;

>stream= includes a watercourse or source of water supply, whether usually containing water or not, a pond, lake, river, creek, brook, ditch and a spring or wetland that is integral to a stream and provides fish habitat;

>streamside protection and enhancement area= means an area adjacent to a stream that links aquatic to terrestrial ecosystems and includes both the riparian area vegetation and the adjacent upland vegetation that exerts an influence on the stream, the width of which is determined according to subsections (2) and (3);

>top of the bank= means:

- (a) the point closest to the boundary of the active floodplain of a stream where a break in the slope of the land occurs such that the grade beyond the break is flatter than 3:1 at any point for a minimum distance of 15 metres measured perpendicularly from the break, and
- (b) for a floodplain area not contained in a ravine, the edge of the active floodplain of a stream where the slope of the land beyond the edge is flatter than 3:1 at any point for a minimum distance of 15 metres measured perpendicularly from edge;

>top of the ravine bank= means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is flatter than 3:1 for a minimum distance of 15 metres measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed.

- (2) (a) Streamside protection and enhancement areas are those areas determined with reference to the following existing or potential vegetation conditions by measuring perpendicularly away from the top of the bank or top of the ravine bank on either side of a stream:
 - (i) intact and continuous areas of existing or potential vegetation equal to or greater than 50 metres wide;

- (ii) limited but continuous areas of existing or potential vegetation equal to 30 metres wide or discontinuous but occasionally wider areas of existing or potential vegetation between 30 and 50 metres wide;
 - (iii) narrow but continuous areas of existing or potential vegetation equal to 15 metres wide or discontinuous but occasionally wider areas of existing or potential vegetation between 15 and 30 metres wide;
 - (iv) very narrow but continuous areas of existing or potential vegetation up to 5 metres wide or discontinuous but occasionally wider areas of existing or potential vegetation between 5 and 15 metres wide interspersed with permanent structures.
- (b) With reference to vegetation conditions in subsection (a), streamside protection and enhancement areas must be:
- (i) if subsection (a)(i) or (ii) applies, at least 30 metres wide measured perpendicularly away from the top of the bank for all fish bearing streams or for non fish bearing streams that are permanent;
 - (ii) if subsection (a)(i), (ii) or (iii) applies, at least 15 metres wide measured perpendicularly away from the top of bank for non fish bearing streams that are non-permanent;
 - (iii) if subsection (a)(iii) applies, at least 15 metres wide measured perpendicularly away from the top of bank for non fish bearing streams that are permanent;
 - (iv) if subsection (a)(iii) or (iv) applies, the greater of the widths determined under subsection (a) (iii) or (iv) or at least 15 metres wide measured perpendicularly away from the top of the bank for all fish bearing streams.
 - (v) if subsection (a)(iv) applies, at least 5 and up to 15 metres wide measured perpendicularly away from the top of the bank for all non fish bearing streams.
- (c) If a stream is in a ravine that is less than 60 metres wide in total width from top of the ravine bank to top of ravine bank, not including the stream channel within its active floodplain boundaries, protection is to be consistent with subsection (b)(i) through (v), where appropriate, from the top of the ravine bank.
- (d) If a stream is in a ravine that is more than 60 metres in total width from top of ravine bank to top of ravine bank, not including the stream channel within its

active floodplain boundaries, a protection and enhancement area must be at least 10 metres wide measured perpendicularly away from the top of the ravine bank.

- (3) The Director Planning and Building may, with the approval of the Department of Fisheries and Oceans, vary the boundaries of a streamside protection and enhancement area in circumstances where the establishment of the streamside protection and enhancement area pursuant to the criteria set out in subsection (2) is unfeasible. The following factors may be considered:
 - (a) physical conditions;
 - (b) existing parcel sizes;
 - (c) existing roads, trails, works or services;
 - (d) proposed roads, trails, works and services needed to provide access or services to otherwise developable land or to connect to existing roads, trails, works or services.
- (4) No development shall occur on any land within a streamside protection and enhancement area.
- (5) This section shall not apply in respect of a building or structure described in section 911(8) of the *Local Government Act*, if a building permit is issued only for the purpose of enabling reconstruction or repair of a permanent structure on its existing foundation.

(B/L No. 11884-05-04-11)

6.24 Impervious Surfaces

- (1) This section applies only to Lots in R (Residential) Districts for which an application for a building permit has been made after July 1, 2005 for the construction of a new principal building, whether on new or existing building foundations.
- (2) Not more than 70 per cent of the total area of a lot to which this section applies shall be covered by impervious materials.
- (3) In this section Aimpervious materials@ include
 - (a) buildings and structures;
 - (b) asphalt;
 - (c) concrete;
 - (d) grouted pavers;
 - (e) subject to subsection (f), ungrouted pavers having a surface area on their largest face of more than 0.21 m² (2.25 sq.ft.);

but does not include

- (f) ungrouted pavers having a surface area on their largest face of not more than 0.372 m² (4 sq.ft.) arranged in a line of single pavers to form a pedestrian walkway with a permeable gap between the pavers;
- (g) water surfaces of structures designed to retain water, including swimming pools, reflecting pools, and ornamental ponds.

(B.L. No. 11977-05-10-17)

7.1 Administration:

This Bylaw shall be administered by the Chief Building Inspector and the Chief Licence Inspector or any other official of the City who may be appointed by the Council.
(B/L No. 11032-99-12-13)

7.2 Permits and Licences:

The Chief Building Inspector shall not issue any permit, nor shall the Chief Licence Inspector issue any licence for a building, structure or use which violates any of the provisions of this Bylaw.

7.3 Preliminary Plan Approval and Development Permits:

- (1) Any person wishing to undertake a development shall apply for and receive preliminary plan approval from the Director of Planning before the issuance of a building permit or a business license, except in the case of the following:
(B/L No. 12713-09-11-16)
 - (a) The construction of one-family and two-family residential dwellings and accessory buildings
 - (b) The maintenance of any building, structure or use.
 - (c) The completion of a building which was lawfully under construction or for which a permit has been lawfully issued at the effective date of this Bylaw.
 - (d) The improvement or alteration of any building within the property lines of the lot, provided that such improvement or alteration shall not materially affect the external appearance, increase the density of occupancy nor change the use of such building.
 - (e) The construction, alteration, maintenance, or repair of a highway, street, lane or bridge.
 - (f) The erection or placement of a temporary building permitted under section 6.7(1)(a) or 6.7(1)(e). (B/L No. 12664-09-09-14)
 - (g) Home occupations, except for the operation of a child care facility in a single family dwelling. (B/L No. 13063-12-05-14)
- (2) Every application for development shall be accompanied by the following:

- (a) The street address and legal description of the lot.
 - (b) The name of the applicant and/or of the owner of the lot.
 - (b.1) The full amount of the preliminary plan approval fee prescribed and set out in Appendix "A" of Burnaby Building Bylaw.
(B/L No. 9337-90-06-18)
 - (c) A statement of the purpose of the proposed development and the estimated commencement date.
 - (d) A preliminary plan showing the dimensions of the lot or lots; location, plans, profiles, elevations and height of all buildings and structures including signs, setbacks, parking areas, access, open spaces and landscaping, screen fences, surrounding land uses and such further or additional land use information as the Director of Planning may require.
 - (e) In the case of industrial uses, a description of the proposed operation in sufficient detail to determine whether the operation is a use permitted within the applicable zoning district.
 - (f) In the case of apartment or townhouse development proposals, the submission of either, at the choice of the applicant, a true-to-scale perspective or model, together with a detailed plan of landscaping and usable open space. (B/L No. 11032-99-12-13)
 - (g) Repealed. (B/L No. 11888-05-04-11)
- (3) When such application for development conforms to the provisions of this Bylaw and does not contravene any approved land use or road plan, preliminary plan approval shall be given by the Director of Planning.
 - (4) The approval of plans or drawings shall not in any way relieve the applicant from full responsibility for the carrying out of the development in accordance with the provisions of this Bylaw.
 - (5) The granting of preliminary plan approval shall not absolve the applicant from compliance with all relevant municipal Bylaws.

7.4 Utilities Required before Commencement:

- (1) Notwithstanding any right contained in this Bylaw, the Chief Building Inspector may prohibit a person who proposes to erect a building from commencing the erection of such building until firm arrangements have been made to supply such building with electric power and public water, sewerage, street and other facilities.
- (2) No building shall be constructed, erected or occupied on any lot not serviced by a municipal sanitary sewer until a permit for the installation thereon of a septic tank has been obtained from the Medical Health Officer and such permit shall not be issued unless the topography, usable area for sewage control, soil formation and conditions, surface and subsurface drainage of the lot will permit the satisfactory operation of the septic tank.

7.5 Inspection:

The Chief Building Inspector, the Chief Licence Inspector, or any other official of the City who may be appointed by Council, is hereby authorized to enter, at all reasonable times, upon any property or premises to ascertain whether the provisions of this Bylaw are being obeyed. (B/L No. 11032-99-12-13)

7.6 Enforcement:

- (1) Every person who violates any provision of this Bylaw or who causes, suffers or permits any contravention of its regulations shall be deemed to be guilty of an infraction thereof and shall be liable to the penalties herein imposed.
- (2) Where any building or part thereof or any use of building or land contravenes this Bylaw, the Chief Building Inspector, or any other official of the City who may be appointed by Council, shall give to the owner or agent or the responsible persons written notice specifying the violation, ordering the cessation thereof, and requiring such remedial measures to be taken or work to be done in the time and in the manner the notice shall specify. In the event of failure to comply the Chief Building Inspector, or any other official of the City who may be appointed by Council, may cause such remedial measures to be taken or work to be done and the cost thereof shall be recoverable by the City by summary process at law in any court of competent jurisdiction. In the event of default of payment of such assessed costs a charge shall be placed against the property and such costs, when certified by the Treasurer, shall be entered in the Collector's Roll and collected in the same manner as the taxes shown thereof. (B/L No. 11032-99-12-13)

7.7 Penalties:

Every person who violates any of the provisions of this Bylaw shall be guilty of an offence

and shall be liable on summary conviction to the penalties provided in the Offence Act.
(B/L No. 7896-82-04-05)

7.8 Bylaw Amendments:

- (1) An application for rezoning shall be treated as an application to amend this Bylaw.
- (2) Any person applying to have this Bylaw amended shall apply in writing to the City Clerk describing the proposed change and furnishing reasons in support of the application. In addition, if such application is for an amendment to the Official Zoning Map, it shall include the legal description and location of the property sought to be rezoned, name and address of the owner of the property, and if the applicant is not the owner, a statement as to the applicant's interest in the property to be rezoned. (B/L No. 11032-99-12-13)
- (3) repealed. (B/L No. 10576-97-07-21)
- (4) Each application for amendment to this Bylaw shall be referred to the Director of Planning for recommendation and report to Council.
- (5) No application for an amendment to this Bylaw shall be again considered by Council where the requested change has been denied within the six (6) month period immediately preceding the filing of such application.
- (6) Notice of the Public Hearing on any proposed amendment to the Zoning Bylaw having the effect of rezoning an area of the City from one zone to another shall be mailed or otherwise delivered to the owners and occupiers of all real property.
(B/L No. 11032-99-12-13)
 - (a) within the area that is subject to the rezoning, and
 - (b) within a distance of 30 m (98.4 ft.) from the area that is subject to the rezoning. (B/L No. 11032-99-12-13)

7.9 Fees:

The fees set out below are imposed pursuant to section 931 of the Local Government Act with respect to rezonings: (B/L No. 11204-01-02-12)

TYPE OF FEE	AMOUNT OF FEE
1. Rezoning application fee	\$2,705.00 for first 1700 m ² (18,300 sq.ft.) or part thereof, plus \$59.00 for each additional 100 m ² (1,075 sq.ft.), or part thereof.
2. Administration of servicing agreement for a rezoning or preliminary plan approval application that does not include a subdivision	\$1,057.00, or where there is only one servicing requirement, \$513.00

(B/L No. 13417-15-01-26)

Where the purpose of the rezoning application is to create non-market housing for families or persons of low income, persons suffering from a disability or with special needs or seniors, operated on a not-for-profit basis, the Council may defer payment of the fees payable under this section until the earlier of:

- a) the date which is 24 months after the date upon which the rezoning bylaw is finally adopted by Council;
- b) the date upon which the occupation of any part of the non-market housing commences;

and on such terms and conditions as the Council may require.

(B/L No. 12587-09-05-04)

UNOFFICIAL CONSOLIDATION

THE CORPORATION OF THE DISTRICT OF BURNABY

BYLAW NO. 9044

A BYLAW to prohibit the fouling, obstructing or impeding of any stream, creek, waterway, watercourse, waterworks, ditch, drain or sewer.

(Consolidated for convenience with BYLAW No. 12617)

The Council of The Corporation of The District of Burnaby ENACTS as follows:

1. This BYLAW be cited as **BURNABY WATERCOURSE BYLAW 1988**.
2. In this BYLAW, unless the context otherwise requires,
 - (a) Subsection (a) of section 2 of Burnaby Watercourse Bylaw 1988 repealed (BYLAW #12617)
 - (b) "contaminants" includes any substance that may constitute a hazard to the health of humans or animals or that may be detrimental to the environment and includes:
 - (i) pollution, waste and hazardous waste as defined in the Environmental Management Act and regulations thereunder; (BYLAW #12617)
 - (ii) waterborne wastes derived from human and animal sources, and
 - (ii) water, liquids and substances having a temperature higher than 65° F; (BYLAW #12617)
 - (c) Director Engineering means the Director Engineering for the City of Burnaby and includes any person or persons designated by the Director Engineering to act on his behalf. (BYLAW #12617)
3. No person shall

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- (a) discharge or allow leakage of contaminants into a stream, creek, waterway, watercourse, waterworks, ditch, drain, sewer, storm sewer or the soil, or
 - (b) foul, obstruct or impede the flow of any stream, creek, waterway, watercourse, waterworks, ditch, drain, sewer or storm sewer, whether or not the same is situated on private property.
- 4. Every owner and occupier of real property on which contaminants are used or stored shall install interceptors, catch basins and containment barriers adequate to safely store the said contaminants. The said interceptors, catch basins and containment barriers shall be of a type and design approved in writing by the Director Engineering. (BYLAW #12617)
- 5. Every owner and occupier of real property on which contaminants are used or stored shall maintain interceptors, catch basins and containment barriers to ensure that they are kept at all times in safe working condition.
- 6. If the owner or occupier fails to install or maintain interceptors, catch basins and containment barriers or to take such measures as are prescribed by the Director Engineering, the Director Engineering may enter the real property and any improvement thereon and install and maintain the required facilities and take such measures as prescribed by the Director Engineering and the cost thereof shall be borne by the owner and occupier. (BYLAW #12617)
- 7. Every owner and occupier of real property who proposes to dispose of contaminants shall first submit a satisfactory plan for such disposal to the Director Engineering. (BYLAW #12617)
- 8. Upon vacating any real property the owner and occupier shall remove all contaminants and clean up and dispose of in a manner acceptable to the Director Engineering all contaminants and containers used for storage or containing contaminants. (BYLAW #12617)
- 9. (1) Every owner and occupier of real property on which a construction or demolition site is located and on which soil is being excavated, and every person excavating soil thereon, shall install and maintain a sediment control pond, settling pond or retention pond of a type and design approved by the Director Engineering, which is adequate to retain sediment and control the rate of storm water run off in accordance with the directions of the Director Engineering. (BYLAW #12617)

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- (2) If the owner and occupier fails to install and maintain sediment control ponds, settling ponds and retention ponds, the Director Engineering may enter the real property and any improvement thereon and install and maintain the required facilities and the cost thereof shall be borne by the owner and occupier. (BYLAW #12617)
10.
 - (1) The Director Engineering may at any reasonable time enter upon real property and any improvement thereon and investigate any activity, operation, storage, containment and use of contaminants and any fouling, obstruction or impeding of any stream, creek, waterway, watercourse, waterworks, ditch, drain, sewer, storm sewer or soil and may direct that the owner and occupier immediately comply with such orders or directions as are necessary to ensure compliance with this BYLAW. (BYLAW #12617)
 - (2) The Director Engineering may inspect examine, record and test any activity relating to the use or storage of contaminants and may take away such samples of the land, contaminants or operations of the owner and occupier as are considered appropriate for this purpose. (BYLAW #12617)
11. Every owner and occupier shall pay to the City of Burnaby within thirty (30) days of demand of same, all costs and expenses incurred by or on behalf of the City of Burnaby in restoring or cleaning any stream, creek, waterway, watercourse, waterworks, ditch, drain, sewer or storm sewer or soil, caused by the breach of any provision of this Bylaw, and for installing and maintaining interceptors, catch basins and containment barriers, and for disposing of contaminants abandoned contrary to this Bylaw and for installing and maintaining sediment control ponds, settling ponds and retention ponds and generally taking all remedial measures required in order to comply with this Bylaw. Any amount unpaid together with interest thereon on the 31st day of December in any year shall be added to and form part of the property taxes payable in respect of the real property on which the discharge or leakage of contaminants, abandonment of contaminants, fouling, obstructing or impeding of any stream, creek, waterway, watercourse, waterworks, ditch, drain, sewer or storm sewer, installation and maintenance of interceptors, catch basins, containment barriers, sediment control ponds, settling ponds and retention ponds, or breach of this Bylaw occurred and shall be treated as taxes in arrear. (BYLAW #12617)
12. Every person who breaches any of the provisions of this Bylaw is guilty of an offence and shall be liable to the penalties prescribed by the Offence Act.
14. BYLAW No. 4417 is repealed.

Disclaimer The City of Burnaby documents contained in this system are for convenience reference only and their accuracy and currency is not guaranteed. To verify the accuracy and currency of this information please contact the City of Burnaby at 604-294-7290.

Read a first time this 11th day of July, 1988

Read a second time this 11th day of July, 1988

Read a third time this 11th day of July, 1988

RECONSIDERED and ADOPTED this 25TH day of July, 1988

ACTING MAYOR

CLERK

Disclaimer The City of Burnaby documents contained in this system are for convenience reference only and their accuracy and currency is not guaranteed. To verify the accuracy and currency of this information please contact the City of Burnaby at 604-294-7290.

CITY OF BURNABY

BYLAW NO. 10482

(Consolidated for convenience with Bylaw No. 10759, 10891, 10917, 10963, 10968, 11189, 11331, 11485, 11670, 11846, 12035, 12191, 12298, 12377, 12553, 12632, 12732, 12890, 13048, 13171, 13270, 13293, and 13405)

A BYLAW to regulate the removal and damaging of trees

The Council of the City of Burnaby ENACTS as follows:

1. This Bylaw may be cited as **BURNABY TREE BYLAW 1996**.
2. In this Bylaw, unless the context otherwise requires:
 - (a) "building permit" means a permit for the construction of a building or structure issued under the City's Building Bylaw;
 - (a2) 'broadleaf tree' means a tree other than a conifer tree;
 - (a3) 'Civic Tree Reserve Fund' means a fund maintained by the City for the purpose of planting and maintaining trees on City owned property;
 - (a4) 'conifer tree' means a tree of the family Coniferae, identified as normally being evergreen, having needle-like leaves and bearing cones; (Bylaw No. 13293)
 - (b) "certified arborist" means a person accredited as such by the International Society of Arboriculture;
 - (c) "covenanted tree" means a tree or plant that is required to be retained or required to be planted pursuant to a covenant granted to the City under section 219 of the *Land Title Act*; (Bylaw No. 13293)
 - (d) "Council" means the City Council of the City of Burnaby;
 - (e) "cut down" means to cut down, remove or kill a tree by any means;
 - (f) "damage" means to carry out any activity that may kill or injure a tree, and includes:
 - (i) the topping of or removal of branches from a tree other than in accordance with accepted arboricultural practice;

- (ii) the cutting or shattering of the roots of a tree within its dripline other than in accordance with accepted arboricultural practice;
- (iii) the scraping, gouging or denting of a tree's trunk, branches or roots within its dripline or the removal of bark from a tree;
- (iv) the compaction of the soil within a tree's dripline or within an area required to be enclosed by a protection fence pursuant to a tree cutting permit by the placement of soil, fill, heavy equipment, vehicles or building or other materials thereon or by the movement of vehicles or equipment thereover;
- (v) the depositing within a tree's dripline of any toxic or harmful substance;
- (vi) the placement of soil or other material within a tree's dripline or within an area required to be enclosed by a protection fence pursuant to a tree cutting permit to a depth of greater than 20 cm. (7.8 in.);
- (vii) the removal of soil within a tree's dripline;
- (g) "dangerous tree" means a protected tree that is or is likely to become in the immediate future a danger to people or property;
- (h) 'development application' means an application for rezoning, subdivision, preliminary plan approval under the Zoning Bylaw or a building permit or demolition permit; (Bylaw No. 13293)
- (i) "diameter" of a tree means the diameter of the tree's trunk or, in the case of a multi-stemmed tree, the sum of the diameters of the three largest trunks or stems, measured 1.3m (4.265 ft.) above the ground level at the base of the tree;
- (j) "Director Planning" means the City's Director Planning and Building;
- (k) "dripline" means a circle on the ground at the base of a tree which has as its centre the centre of the tree's trunk and as its radius the distance from the centre to the end of its outermost branch;
- (l) "landscape architect" means a member in good standing of the British Columbia Society of Landscape Architects;
- (m) "lot" means an area of land designated as a separate and distinct legal parcel on a subdivision plan approved and registered in the Land Title Office pursuant to the provisions of the Land Title Act; (Bylaw No. 13293)
- (n) "occupancy permit" means a permit or approval to occupy a building or structure issued or given under the City's Building Bylaw;
- (o) "protected tree" means:

- (i) in respect of a property for which a development application has been made any tree the diameter of which is 20.3 cm (8 in.) or greater;
- (ii) in respect of a property that is not the subject of a current development application
 - (A) any conifer tree the diameter of which is 30.5 cm (12 in.) or greater;
 - (B) any broad leaf tree the diameter of which is 45.7 cm (18 in.) or greater;
- (iii) a covenanted tree;
- (iv) a tree within a streamside protection and enhancement area as defined in section 6.23 of the Zoning Bylaw;
- (v) a tree on a lot designated as Cemetery District (P4) under the Zoning Bylaw;
- (vi) a tree planted pursuant to a landscaping plan forming a part of an approved development application under the Zoning Bylaw or as a condition of subdivision approval;
- (vii) a replacement tree;
- (viii) a retained tree; (Bylaw No. 13293)
- (p) "pruning" means the selective removal of branches from a tree in accordance with accepted arboricultural practice;
- (q) "replacement tree" means a tree that is planted pursuant to section 13; (Bylaw No. 13293)
- (r) "residential lot" means a lot designated for single or two family residential use under the City's Zoning Bylaw;
- (s) "retained tree" means a tree that is shown on a tree plan as a tree that will be retained;
- (t) REPEALED (BYLAW 10968)
- (u) "tree cutting permit" means a permit issued under section 6; (BYLAW 10968)
- (v) "tree plan" means one or more plans, including a survey plan prepared by a B.C. licensed surveyor showing the legal boundaries and dimensions of the site to which it relates and the location and diameter of each protected tree on the site or

within 2m (6.562 ft.) of the boundary of the site, and containing the following information:

- (i) the type (coniferous or deciduous) of each protected tree;
 - (ii) each protected tree proposed to be retained;
 - (iii) each protected tree proposed to be cut down;
 - (iv) the previous location and type of each protected tree that was cut down within the three (3) month period immediately preceding the date the tree plan is submitted;
 - (v) the location, species and size of all proposed replacement trees; and
 - (vi) the location and timing of any proposed demolition, excavation, construction or use of explosives on the site.
- (w) ‘Zoning Bylaw’ means Burnaby Zoning Bylaw 1965. (Bylaw No. 13293)
3. Except as permitted by this Bylaw, no person shall damage a protected tree and no person shall cut down a protected tree unless that person holds a valid tree cutting permit. (BYLAW 10968)
4. A tree cutting permit is not required:
- (a) for pruning of protected trees in accordance with accepted arboricultural practices; (Bylaw No. 13293)
 - (b) for the emergency removal of a protected tree that has been so severely damaged, or has been rendered so unstable by wind, snow or other severe weather conditions, that it is in imminent danger of falling and injuring persons or damaging property, and the person who cuts down the tree immediately advises the Director Planning of that action; (BYLAW 10968)
 - (c) REPEALED (BYLAW 10963)
 - (d) by the City to cut down a protected tree located in a City park or other public lands that are not the subject of a current development application in accordance with normal park maintenance procedures and the City's Tree Management Policy for Public Lands; (Bylaw No. 13293)
 - (e) to cut down or damage a protected tree where necessary for the construction, installation, maintenance, repair, replacement or removal of:
 - (i) public roads, lanes, paths, sidewalks and boulevards;
 - (ii) rail lines;

- (iii) the sewer, water and gas mains and ancillary works of the City, any other governmental authority or any public utility;
 - (iv) public drainage, dyking or flood control works;
 - (v) the electrical, telephone and telecommunication lines, cables, poles, supports, conduits and ancillary works of any public utility;
 - (f) REPEALED (Bylaw No. 13293)
 - (g) REPEALED (Bylaw No. 13293)
- 4A. REPEALED (BYLAW 10968)
5. (1) An application for a tree cutting permit shall be made to the Director Planning in the form prescribed by the Director Planning accompanied by:
- (a) payment of a non-refundable permit fee in the amount set forth in Schedule "A" of this Bylaw; (Bylaw No. 13293)
 - (b) where the applicant is not the owner of the land on which the protected tree or trees proposed to be cut down or damaged are located, the signed written consent of the owner authorizing the applicant to make the application on behalf of and as agent of the owner;
 - (c) a tree plan; and
 - (d) if required by the Director Planning, a report prepared by a certified arborist in regard to any protected tree or trees proposed to be cut down or damaged and providing an assessment of the tree or trees' health, hazard potential and the feasibility of the retention of the tree or trees in accordance with the standard procedures prescribed by the International Society of Arboriculture.
- (2) The applicant shall securely attach to each protected tree or cluster of protected trees required to be shown on the plan referred to in section 5 (1) (c) a clearly visible metal or durable plastic numbered identification tag. (Bylaw No. 13293)
- (3) Where application is made for a permit to construct non-market housing for families or persons of low income, persons suffering from a disability or with special needs or seniors, operated on a not-for-profit basis, the Director Planning may defer payment of the permit fees payable under this Bylaw until the earlier of:
- (a) the date which is 24 months after the date upon which the permit for the construction of the building is issued;
 - (b) the date upon which an occupancy certificate for the building is issued;

and on such terms and conditions as the Director Planning may require.
(BYLAW 12632)

6. (1) Upon receipt of an application that complies with section 5, the Director Planning may issue a tree cutting permit, with or without conditions as provided for in subsection (2), where: (BYLAW 10968)
 - (a) it is proven to the satisfaction of the Director Planning that
 - (i) the tree is a dangerous tree, and;
 - (ii) removal of the tree is reasonably necessary in accordance with accepted arboricultural practice and in accordance with the actual written recommendations of a certified arborist retained by the applicant;
 - (b) removal of the protected tree or trees is necessary to accommodate the construction or installation of a driveway, required off-street parking area or utilities or services; or
 - (c) retention of the protected tree or trees would have the effect of preventing all uses of the land permitted, or preventing the development of the land to the density permitted, under the Zoning Bylaw, unless Council, by resolution, has committed the City to pay compensation or provide alternate means for the land to be used or developed pursuant to section 50(3) of the *Community Charter*. (Bylaw No. 13293)
- (2) The Director Planning may attach conditions to a tree cutting permit, including any of the following:
 - (a) the replacement of any protected tree that is cut down or was previously cut down in contravention of this Bylaw; (Bylaw No. 13293)
 - (b) the erection of protection fences at such locations, and the maintenance of those protection fences for such periods of time, as the Director Planning may specify;
 - (c) the posting of security with the City in accordance with section 7 as security for the planting and maintenance of replacement trees;
 - (d) that the employees and authorized agents of the City be permitted to enter onto the site at any reasonable time to carry out assessments and inspections to determine whether the tree cutting permit is being complied with.
7. The security to be provided pursuant to section 6(2)(c): (BYLAW 10968)
 - (a) shall be the greater of

- (i) the amount specified in Schedule “A” to this Bylaw as the minimum security for tree replacement; (Bylaw No. 13293)
 - (ii) an amount equal to one hundred and twenty per cent of the cost of the replacement trees as reasonably estimated by a certified arborist or landscape architect retained by the applicant or, at the option of the applicant, by the Director Planning; (BYLAW 10759)
 - (b) shall be in the form of a non-interest bearing cash deposit or an irrevocable unconditional letter of credit issued by a chartered Canadian bank;
 - (c) shall be provided to the City before the tree cutting permit is issued;
 - (d) may be held by the City until the conditions in the tree cutting permit have been satisfied and a period of one year from the planting of all replacement trees has elapsed as confirmed by the City;
 - (e) shall, in the case of a letter of credit, be renewed as necessary so that it remains in effect throughout the period of time specified in subsection (d); (BYLAW 12298)
 - (f) may be used by the City to pay or offset any costs and expenses incurred by the City in taking any action under section 14 resulting from the non-compliance with the terms and conditions of the tree cutting permit or the requirements of this Bylaw; and;
 - (g) shall be forfeited to the City and deposited into the Civic Tree Reserve Fund if the replacement trees are not planted within one year (Bylaw No. 13293)
 - (i) from the date that an occupancy permit is issued for the building or buildings and improvements in respect of which the tree cutting permit was issued; or (BYLAW 12298)
 - (ii) from the date that the tree cutting permit is issued if subsection (i) does not apply. (BYLAW 12298)
8. Protection fences shall be:
- (a) not less than 1.2m (3.937 ft.) in height;
 - (b) made of plastic snow fencing securely mounted on wooden posts or wooden or chain link fencing mounted on wooden or metal posts;
 - (c) erected on or outside of the dripline of the protected tree or trees around which they are required to be erected or as otherwise directed or permitted by the Director Planning;
 - (d) erected prior to the commencement of any demolition, excavation, construction or

- use of explosives; and
- (e) securely mounted at all times during the period that they are required to be maintained pursuant to section 11 or a tree cutting permit.
9. A tree cutting permit shall, insofar as it permits the permit holder to cut down or damage a protected tree or trees, be valid only for a period of six months from the date of its issuance.
10. If the permit holder fails to comply with the terms and conditions contained in a tree cutting permit the Director Planning may revoke the permit.
11. (1) Every development application made to the City shall be accompanied by a tree plan. (Bylaw No. 13293)
- (2) The person making an application referred to in subsection (1) shall:
- (a) before the development application is granted, securely attach to each protected tree or cluster of protected trees on the lot a clearly visible metal or durable plastic numbered identification tag; (Bylaw No. 13293) and
- (b) erect and maintain in place around all protected trees on the lot, until all demolition or construction works authorized by the demolition permit or building permit have been completed, protection fences that comply with section 8.
12. The Director Planning may exempt a person from the requirements of
- (a) section 13 in the case of a residential lot that is not the subject of a current development application: (Bylaw No. 13293)
- (b) section 5(1)(c) or section 11(1) where the Director Planning is satisfied that such trees can be readily identified on the site from other information provided by the applicant.
13. (1) The owner of a property on which a protected tree is cut down shall plant one or more replacement trees on that property for each protected tree cut down as follows:

Diameter of protected tree cut down	Number of replacement trees required
up to and including 30.5 cm (12 in.)	1
over 30.5 cm (12 in.) up to and including 61 cm (24 in.)	2
over 61 cm (24 in.)	3

(2) A replacement tree planted pursuant to subsection (1) shall:

- (a) in the case of a conifer species, be not less than 2 m (6.562 ft.) in height;
- (b) in the case of a broadleaf species:
 - (i) be a single tree not less than 5 cm (2 in.) in diameter; or
 - (ii) for fruit trees only, be two trees not less than 2.5 cm (1 in.) in diameter.

(3) Every replacement tree required to be planted pursuant to this Bylaw shall be healthy and reasonably capable of surviving, and shall be planted in accordance with accepted arboricultural practice.

(4) Every replacement tree required to be planted pursuant to this Bylaw shall be properly and adequately maintained in accordance with accepted arboricultural practice.

(5) Where the Director Planning is satisfied that it is not feasible to plant all of the replacement trees required to be planted on the property under this section the Director Planning may accept in lieu thereof the payment per tree specified in Schedule “A” to this Bylaw.

(6) All payments made to the City under subsection (5) shall be deposited into the Civic Tree Reserve Fund. (Bylaw No. 13293)

14. If a person fails to plant or maintain any replacement tree as required by this Bylaw or otherwise fails to comply with the terms and conditions of the tree cutting permit the City by its employees or agents may enter upon the land in respect of which the replacement tree is required to be planted and maintained or the tree cutting permit was issued and take such action as it deems appropriate to remedy such failure. (Bylaw No. 13293)

-
15. (1) A person who cuts down a protected tree in contravention of this Bylaw, or who damages a protected tree in contravention of this Bylaw which results in the protected tree being cut down shall, in addition to any other penalty that may be imposed under this Bylaw, upon receiving written notice from the Director Planning to do so, immediately plant one or more replacement trees in accordance with the requirements of section 13. (Bylaw No. 13293)
- (2) REPEALED (Bylaw No. 13293)
16. The employees or agents of the City may enter onto any land to carry out assessments or inspections of that land and the protected trees thereon:
- (a) at any time after a tree cutting permit has been applied for or issued in respect of that land and until all of the terms and conditions contained in that tree cutting permit have been satisfied;
- (b) for a period of one year from the planting of any replacement tree on that land;
- (b) at any time for the purpose of determining whether there has been a contravention of this Bylaw or to determine whether the requirements of this Bylaw are being complied with.
- 16A. The owner or occupier of any land shall permit any employee or agent of the City to enter onto that land for the purposes of section 16. (Bylaw No. 13293)
17. The Director Planning is hereby delegated the powers, duties and functions of Council in relation to Council's authority under section 8(3)(c) of the *Community Charter* with respect to the matters governed by this Bylaw, other than Council's authority under section 18. (Bylaw No. 13293)
18. (1) The owner or occupier of land that is subject to:
(BYLAW 10968)
- (a) a requirement imposed under section 5 (1)(c);
- (b) a condition imposed under section 6; or
- (c) a decision under sections 10 or 17;
- may apply to Council to have the matter reconsidered.
- (2) An application under subsection (1) shall:
- (a) be made in writing;
- (b) set out:

- (i) the applicant's name, address and telephone number;
 - (ii) the address of the site;
 - (iii) the requirement, condition or decision to be reconsidered;
 - (iv) the reasons why the applicant objects to the requirement, condition or decision;
- (c) state whether the applicant wishes to personally appear before Council when Council reconsiders the matter;
 - (d) be signed by the applicant; and
 - (e) be delivered to the City Clerk.
- (3) Council shall reconsider the matter at a regular Council meeting within a reasonable time after receiving an application for reconsideration.
 - (4) Written notice of the time and place of the Council meeting at which Council will reconsider the matter shall be forwarded by regular mail to the applicant at the applicant's address shown in the application for reconsideration and the applicant shall be entitled to attend such Council meeting and make submissions.
19. Any person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in violation of any of the provisions of this Bylaw is guilty of an offence punishable on summary conviction and is liable to a fine of not less than Two Thousand (\$2,000.00) Dollars and not more than Ten Thousand (\$10,000.00) Dollars for each violation. (Bylaw No. 13293)

Read a first time this 28th day of OCTOBER 1996

Read a second time this 28th day of OCTOBER 1996

Read a third time this 28th day of OCTOBER 1996

Reconsidered and adopted by an affirmative vote of at least two-thirds of all members of Council this 12th day of NOVEMBER 1996

LEE RANKIN
ACTING MAYOR

D. COMIS
CLERK

SCHEDULE “A” (Bylaw No. 13405) SCHEDULE OF TREE PERMIT FEES	Tree Cutting Fee (based on protected trees removed)	Maximum Fee
1. Tree Permit Fees		
A. No Development Application:		
(i) residential lot	\$72.00 per tree	\$513.00
(ii) site other than residential lot	\$72.00 per tree	\$513.00
B. Development Application Pending:		
(i) residential lot	\$154.00 per tree	\$1,025.00
(ii) site other than residential lot:		
(a) site area up to 1,000 m ² (10,764 sq.ft.)	\$615.00 base fee plus \$154.00 per tree	\$1,025.00
(b) site area greater than 1,000 m ² (10,764 sq.ft.) or equal to 5,000 m ² (53,820 sq.ft.)	\$1,230.00 base fee plus \$154.00 per tree	\$5,125.00
(c) site area greater than 5,000 m ² (53,820 sq.ft.) or equal to 10,000 m ² (107,640 sq.ft.)	\$1,845.00 base fee plus \$154.00 per tree	\$5,125.00
(d) site area greater than 10,000 m ² (107,640 sq.ft.) or equal to 20,000 m ² (215,280 sq.ft.)	\$2,460.00 base fee plus \$154.00 per tree	\$10,250.00
(e) site area greater than 20,000 m ² (215,280 sq.ft.)	\$3,075.00 base fee plus \$154.00 per tree	\$10,250.00
2. Payment to Civic Tree Reserve Fund (s. 13(5))		\$513.00 per tree
3. Minimum Security for Tree Replacement (s. 7(a)(i))		\$820.00
4. Copies of Departmental Records or Drawings:		\$15.00 file research fee
<i>Fees subject to all applicable taxes</i>		Electronic copies: \$2.00 per image Paper copies: \$3.25 per page for copies 8.5x11 inches \$7.80 per page for copies 11x17 inches or larger

CITY OF BURNABY

BYLAW NO. 11729

A BYLAW to provide for the administration of the British Columbia Building Code and to provide certain additional building regulations.

(Consolidated for your convenience with Bylaws No. 11843, 12032, 12187, 12221, 12375, 12551, 12628, 12634, 12730, 12888, 12893, 13046, 13169, 13264, and 13404)

WHEREAS the Community Charter authorizes the City, for health, safety and protection of persons and property, to regulate the construction, alteration, repair or demolition of buildings and structures by bylaw;

AND WHEREAS the Province of British Columbia has adopted a Building Code to govern standards in respect of the construction, alteration, repair and demolition of buildings and structures in cities, municipalities and regional districts in the Province;

AND WHEREAS it is deemed necessary to provide for the administration of the Building Code;

The Council of the City of Burnaby ENACTS as follows:

This Bylaw may be cited as **BURNABY BUILDING BYLAW 2004**.

1. PURPOSE

- (1) This Bylaw shall, notwithstanding any other provision herein, be interpreted in accordance with this section.
- (2) This Bylaw is enacted for the purpose of regulating construction within the City in the general public interest. The activities undertaken by or on behalf of the City pursuant to this Bylaw are for the sole purpose of providing a limited and interim spot checking function for reasons of health, safety and the protection of persons and property. It is not contemplated nor intended that this Bylaw shall provide, nor shall this Bylaw be interpreted as providing:
 - (a) protection to owners, builders, constructors or any other persons from economic loss;
 - (b) the assumption by the City or the Building Inspector of any responsibility for ensuring the compliance by any owner, agent of an owner or any employees, builders, constructors or designers retained by an owner, with the Building Code, the requirements of this Bylaw or any other bylaws or enactments;
 - (c) a warranty to any person of design or workmanship or materials with respect to any building, structure or part thereof for which a permit or occupancy certificate is issued under this Bylaw;

- (d) a warranty or assurance to any person that construction undertaken pursuant to a permit issued under this Bylaw is free from any defects, whether patent or latent.

2. SCOPE AND EXEMPTIONS

- (1) This Bylaw applies to the design, construction and occupancy of new buildings and structures, and the alteration, reconstruction, demolition, removal, relocation and change of occupancy of existing buildings and structures.
- (2) This Bylaw does not apply to buildings or structures exempted by Part 1 of the Building Code except as expressly provided herein.
- (3) This Bylaw applies to all land, water, air space, buildings and structures within the City of Burnaby.

3. DEFINITIONS

- (1) Unless otherwise defined herein, words and terms used in this Bylaw shall have the same meanings as set out in the Building Code.
- (2) In this Bylaw, unless the context otherwise requires:

“agent” includes a person, firm or corporation representing the owner by designation or contract and includes a hired tradesman or contractor who may be granted a permit for work within the limitation of his or her licence;

“building” means a structure or portion thereof, which is used or intended to be used for supporting or sheltering any use or occupancy;

“Building Code” means the British Columbia Building Code established from time to time by the Province of British Columbia;

“building envelope professional” means a member of the Architectural Institute of British Columbia or the Association of Professional Engineers and Geoscientists of British Columbia who has:

- (a) completed a program in building envelope studies offered by that Institute or endorsed by that Institute or that Association;
- (b) not less than five years of previous working experience in the design of building envelopes and field review of building envelope construction;
- (c) not less than one year of previous working experience in the design of building envelopes and field review of building envelope construction in the Province of British Columbia; and

- (d) provided to the Building Inspector documentary proof of the completion of the program referred to in subsection (a) and the design and field review experience referred to in subsections (b) and (c);

“Building Inspector” means the Chief Building Inspector of the City and such other person or persons as he or she may designate from time to time as his or her assistants;

“City” means the City of Burnaby;

“construct” or “construction” means to build, erect, install, repair, alter, add, enlarge, move, locate, relocate, reconstruct, demolish, remove, excavate or shore, with respect to a building or structure;

“owner” includes the registered owner of an estate in fee simple of land, and also where the context or circumstances so require:

- (a) a tenant for life under a registered life estate;
- (b) a registered holder of an agreement for sale;
- (c) a holder or occupier of land held in the manner mentioned in sections 228 and 229 of the Community Charter.
- (d) a lessee with authority to build on land;

and in respect of water includes an occupier, tenant or holder of an interest in respect of the surface of the water;

“parcel” means a lot, block or other area in which land is held, or into which land is legally subdivided;

“permit” means permission or authorization in writing by the Building Inspector under this Bylaw to perform work regulated by this Bylaw;

“person” includes a natural person, a firm, corporation, municipal corporation, school board, hospital board or other government or government agency;

“professional design” means the plans and supporting documents bearing the date, seal or stamp, and signature of a registered professional;

“registered professional” includes a qualified professional as defined in section 55 (1) of the *Community Charter*; (Bylaw No. 12634)

“structure” means a construction or portion thereof of any kind, whether fixed to, supported by, sunk into or located in, land, water or airspace, and includes foundations or supporting framework for exterior signs, equipment and machinery, interior storage racking greater than 2.6 m in height and swimming

pools as defined in the Swimming Pool Enclosure Bylaw, 2000 but specifically excludes paving, fences, retaining walls and landscaping.

4. PERMIT CONDITIONS

- (1) A permit is required to undertake any work regulated under this Bylaw.
- (2) Neither the issuance of a permit under this Bylaw nor the review of plans, drawings or supporting documents, nor any inspections made by or on behalf of the City shall in any way relieve the owner or the owner's agent from full and sole responsibility to perform the work in strict accordance with this Bylaw, the Building Code, and any applicable codes, standards, bylaws and enactments.
- (3) The word "Reviewed" on a City document related to a permit, permit application or a procedure under this Bylaw
 - (a) does not mean, signify or imply that the City has confirmed, sanctioned or approved the design or construction;
 - (b) means only that the City has reviewed for the purposes of this Bylaw.
- (4) It shall be the sole responsibility of the owner, and where the owner is acting through an agent, both the owner and the agent, to carry out the work in respect of which a permit is issued in compliance with the Building Code, this Bylaw and any other applicable codes, standards, bylaws and enactments.
- (5) No person shall rely upon any permit as establishing compliance with this Bylaw or assume or conclude that this Bylaw has been administered or enforced according to its terms.
- (6) A permit or an application for a permit that is in process may not be transferred or assigned until the owner has notified the Building Inspector in writing, and paid the fee specified in Schedule "A". The transfer or assignment of a permit is not an extension of a permit.
- (7) The review of plans and supporting documents and issuance of a permit do not prevent the Building Inspector from thereafter requiring the correction of errors in those plans and supporting documents, or from prohibiting building construction or occupancy being carried on when in violation of this or any other bylaw or enactment.

5. RESPONSIBILITIES OF THE OWNER

- (1) Every owner to whom or to whose agent a permit is issued shall ensure that all construction complies with the Building Code, this Bylaw and any other applicable bylaws or enactments.
- (2) Every owner to whom or to whose agent a permit is issued shall pay for the cost

of repair of any damage to City property or works that occurs in the course of the work authorized by the permit.

- (3) Every owner to whom or to whose agent a permit is issued shall during construction:
 - (a) keep a copy of the reviewed designs, plans and specifications on the property;
 - (b) post the civic address on the property in a location visible from any adjoining streets, and
 - (c) provide adequate permanent or portable washroom facilities on the construction site until the construction is complete.
- (4) Every owner shall obtain, prior to the occupancy of a building or part thereof, written permission from the Building Inspector to occupy the building or part thereof, pursuant to section 22.

6. NO WARRANTY OR REPRESENTATION

- (1) Neither the issuance of a permit under this Bylaw, the review of the design, drawings, plans or specifications, nor inspections made by the Building Inspector, shall constitute a representation or warranty that the Building Code or this Bylaw have been complied with or that the building or structure meets any standard of materials or workmanship, and no person shall rely on any of those acts as establishing compliance with the Building Code or this Bylaw or any standard of construction.

7. GENERAL PROHIBITIONS

- (1) No person shall commence or continue construction or change the occupancy of any building, structure or part thereof, unless the Building Inspector has issued a permit for the construction and that permit remains in force.
- (2) No building or structure shall be constructed except in conformity with the requirements of the Building Code and this Bylaw.
- (3) No person shall occupy or use any building, structure or part thereof unless a valid and subsisting occupancy certificate has been issued by the Building Inspector for the building, structure or part thereof, or contrary to the terms of any permit issued or any notice given by the Building Inspector.
- (4) No person shall, unless authorized in writing by the Building Inspector, reverse, alter, deface, cover, remove or in any way tamper with any notice, permit or certificate posted upon or affixed to a building, structure or part thereof pursuant to this Bylaw.

- (5) No person shall commence or continue any construction that is substantially at variance with the reviewed design, plans or specifications of a building, structure or part thereof or other works for which a permit has been issued, unless that variance has been accepted in writing by the Building Inspector.
- (6) No person shall obstruct the entry of the Building Inspector or other authorized employee of the City onto any land or into any building or structure in the administration of this Bylaw.
- (7) No person shall knowingly submit false or misleading information to the Building Inspector in relation to any permit application or construction undertaken pursuant to this Bylaw.
- (8) No person shall commence or continue any construction on or to, or change the occupancy of an existing building or structure unless that existing building or structure is brought into compliance with the Building Code.
- (9) No person shall change, modify or alter drawings or specifications reviewed by the City as a condition of a permit without authorization from the Building Inspector and payment of the fee specified in Schedule "A".
- (10) No person shall undertake any construction, the architectural design of which would in the determination of the Building Inspector, not be compatible with other buildings or structures in the area in which it is proposed to be erected or moved.
- (11) No person shall commence or continue any construction in respect of which a permit is required under any other bylaw unless a permit is obtained under that bylaw.
- (12) No person shall commence or continue any construction when that construction has been suspended by the Building Inspector, without first obtaining permission in writing from the Building Inspector to do so.

8. ROLE OF THE BUILDING INSPECTOR

- (1) The Building Inspector:
 - (a) may administer this Bylaw;
 - (b) may keep records of permit applications, permits, notices and orders issued, inspections and tests made, and copies of documents related to the administration of this Bylaw on microfilm or in an acceptable electronic format;
 - (c) may establish, or direct the owner to establish, by tests, at the owner's expense, whether methods or types of construction, and types of materials, devices or assemblies used in the construction of a building or structure

substantially conform to the requirements of the Building Code;

- (d) may require that tests be carried out in accordance with recognized standard test methods or in the absence of such standard test methods, may specify the test procedure to be followed. A copy of the results of such tests shall be provided to the Building Inspector and also kept available on-site during the construction of the building or structure;
- (e) may require the owner to uncover and replace at the owner's expense any construction that has been covered without inspection contrary to this Bylaw or an order issued by the Building Inspector;
- (f) may enter any land, building or structure at any reasonable time for the purpose of ascertaining that the requirements of this Bylaw are being observed, or if the Building Inspector has any reason to believe that an unsafe condition exists;
- (g) may order in writing the correction of any construction that is being or has been done in contravention of this Bylaw.
- (h) may, where application is made for a permit to construct non-market housing for families or persons of low income, persons suffering from a disability or with special needs or seniors, operated on a not-for-profit basis, defer payment of the permit fees payable under this Bylaw until the earlier of:
 - (a) the date which is 24 months after the date upon which the permit for the construction is issued; of the building
 - (b) the date upon which an occupancy certificate for the building is issued;

and on such terms and conditions as the Building Inspector may require. (Bylaw No. 12628)

9. APPLICATION REQUIREMENTS

- (1) The owner shall apply for and obtain a permit:
 - (a) prior to the construction of a building or structure, or part thereof;
 - (b) prior to the construction of a masonry fireplace or the installation of a wood burning appliance or chimney unless the works are included in an existing valid permit;
 - (c) prior to the installation of a forced air heating system in a single-family dwelling, two-family dwelling or any other residential use building with an individual self-contained forced air heating system for each dwelling unit.
- (2) An application for a permit shall:

- (a) be made in the form as prescribed by the Building Inspector;
- (b) be accompanied by the fee for a permit application specified in Schedule “A”;
- (c) be signed by the owner or agent, or a signing officer if the owner or agent is a corporation;
- (d) include plans bearing the name and address of the designer of the building or structure;
- (e) state the intended use or uses of the building or structure, or part thereof;
- (f) when required by the Building Inspector, include a minimum of two complete sets of plans conforming to requirements set out in the Building Code, drawn to scale, and include supporting documents for the building, structure, or part thereof, to be constructed and shall indicate the nature and extent of the work or proposed construction;
- (g) be accompanied by the owner’s acknowledgement of responsibility and undertaking in the form set out in Schedule “F” signed by the owner, or a signing officer if the owner is a corporation;
- (h) contain other information required by the Building Inspector or the Building Code to establish substantial compliance with this Bylaw, the Building Code and any other applicable enactments relating to the building or structure;
 - i) in the case of a factory-built building or building components, be accompanied by:
 - (iii) a design certificate of a professional engineer registered in the Province of British Columbia, and
 - (ii) certification that the fabrication and field assembly or erection of the building or components has been reviewed by a professional engineer registered in the Province of British Columbia and found to be in substantial compliance with the Building Code and any other applicable enactments;
- (j) in the case of a forced air heating system, be accompanied by proof:
 - (i) of design by a professional engineer registered in the Province of British Columbia; or
 - (ii) that the designer and installer of the system has the “Quality First” course certification or other certification in the design and

installation of forced air heating systems approved by the Building Inspector.

- (3) The Building Inspector may require an application for a permit to:
 - (a) include a copy of a Land Title Office search of the land made within 30 days of the date of the application;
 - (b) include a current posting and topographic survey of the land prepared by a land surveyor registered in the Province of B.C.;
 - (c) include a statutory declaration outlining the purpose for which the building, structure, or part thereof, is to be used.
- (4) An application for a permit may be refused when:
 - (a) any of the requirements of subsections (2) or (3) have not been satisfied;
 - (b) the proposed construction would contravene the requirements of the Building Code or the provisions of this or any other bylaw of the City;
 - (c) the applicant or owner has been notified of a violation of this or any other bylaw of the City with regard to the construction, occupancy or use of any building, structure or part thereof, and such violation has not been remedied.
- (5) The Building Inspector may cancel an application if the permit has not been issued after 30 days of the date of written notification of intent to cancel has been provided to the owner.
- (6) When an application is cancelled under subsection (5):
 - (a) the application fee is forfeited to the City; and
 - (b) the plans and related documents submitted with the application may be destroyed.

10. ALTERNATIVE SOLUTIONS

- (1) An owner who wishes to provide alternative solutions to satisfy one or more of the requirements of the Building Code or this Bylaw must submit sufficient evidence to demonstrate that the proposed alternative solutions will provide the level of performance required by the Building Code or this Bylaw and pay the fee specified in Schedule "A".

11. PROFESSIONAL DESIGN AND FIELD REVIEW

- (1) The owner shall obtain the design and field review services of a registered professional in respect of a permit when required by the Building Code and for:

- (a) a building or structure in respect of which the Building Inspector considers that the site conditions, size or complexity of a building or a group of buildings or an aspect of a building or buildings so warrant;
 - (b) the building envelope for all buildings where required under section 12.
- (2) Where the services of a registered professional are required under subsection (1), the registered professional shall provide design and field review supported by Letters of Assurance in the form prescribed in the Building Code and Schedules “E-1” and “E-2” for building envelopes.
- (3) Letters of assurance provided under subsection (2) will be relied upon by the City and the Building Inspector as certification that the design, plans and construction to which the letters of assurance relate comply with applicable requirements of the Building Code, this Bylaw and any other applicable enactments.

12. BUILDING ENVELOPE PROFESSIONAL

- (1) In addition to, and without limiting any other provisions of this Bylaw, the construction of residential use buildings, except individual single family and two family dwellings, shall comply with this section.
- (2) The design of the building envelope of a building shall be reviewed and approved by a building envelope professional in compliance with the responsibilities for Enhanced Building Envelope Services, as established by the Architectural Institute of B.C. and the Association of Professional Engineers and Geoscientists of B.C.
- (3) The field review of the construction of the building envelope of a building shall be conducted by a building envelope professional in compliance with the responsibilities for Enhanced Building Envelope Services, as established by the Architectural Institute of B.C. and the Association of Professional Engineers and Geoscientists of B.C.
- (4) The application for a permit for the construction of a building shall be accompanied by a letter from a building envelope professional in the form set out in Schedule “E-1”.
- (5) The application for an occupancy certificate for, or the final inspection of the construction of, a building shall be accompanied by a letter from a building envelope professional in the form set out in Schedule “E-2”.

13. VALUATION FOR PERMIT

- (1) The valuation of construction set out in the application for a permit shall be the total current monetary worth of all construction or work related to the building or structure, and shall include:

- (a) site preparation and civil work including excavation and the use of hoisting, pile driving, compaction or erection devices;
 - (b) all design documents, labour and fees involved in the design, investigative testing, consulting services, construction labour and management, even if provided by the owner, or donated voluntarily by others, contractor's profit and overhead, sales taxes and construction insurance; and
 - (c) all mechanical, electrical, plumbing, drainage and gas installations necessary for the carrying out of the construction to its completed form.
- (2) The Building Inspector may place a value on the construction or work for the purpose of determining applicable permit fees by using an appropriate method from the "Marshall Valuation Services" publication with the updated "current cost multipliers," and "current Multipliers for Vancouver Regional Costs" or such other universal source of calculating valuation as the Building Inspector deems reasonable, practical and expedient.

14. FEES AND CHARGES

- (1) In addition to fees and charges required to be paid under any other bylaws, a permit fee, calculated in accordance with Schedule "A", shall be paid in full upon issuance of any permit under this Bylaw.
- (2) The permit fee shall be doubled for every permit application where construction has started before the permit is issued.
- (3) If construction has advanced without inspection to a stage where compliance with this Bylaw or other applicable bylaws or enactments cannot be readily determined, the Building Inspector may require tests and investigations by an independent agency at the owner's expense to establish compliance, or provide recommended remedial measures to be taken, prior to the issuance of a permit.
- (4) The application fee shall be credited against the permit fee when the permit is issued.
- (5) The Building Inspector may approve a refund of an application fee or portion thereof under subsection (6) only if plan checking has not commenced. No refund shall be payable on an expired permit or on a permit for which an extension has been granted.
- (6) An owner may apply for a refund of the permit fee or a portion thereof calculated in accordance with Schedule "A" when a permit is surrendered and cancelled if:
(a) the owner has submitted a written request for a refund;

- (b) the permit has not expired or been extended; and
 - (c) the Building Inspector has determined that no construction has commenced and no inspection has been made.
- (7) Where an owner proposes modifications to the building design, the owner shall pay an additional permit fee based on the greater of the regular rates or the plan review hourly rate as set out in Schedule “A”.
- (8) Where, as a result of non-compliance with this Bylaw, additional inspections are necessary when one inspection is normally required, for each inspection after the first inspection, a re-inspection charge as specified in Schedule “A” shall be paid by the owner before any further inspections are carried out by the Building Inspector.
- (9) The owner shall pay the fee specified in Schedule “A” where:
- (a) the owner requests an inspection which cannot be carried out during the City’s normal business hours;
 - (b) the owner requests a voluntary inspection during the City’s normal business hours to establish the condition of a building or structure, or where an inspection requires special arrangements because of time, location, or construction techniques;
 - (c) the owner has applied to the Building Inspector for a building inspection pursuant to section 26; or
 - (d) an extension has been granted pursuant to section 19.
- (10) Except as otherwise provided in this Bylaw, all fees and charges paid or payable under this Bylaw shall be non-refundable.

15. REFUSAL TO ISSUE PERMIT

- (1) The Building Inspector may refuse to issue a permit where:
- (a) the proposed construction will contravene the requirements of the Building Code or the provisions of this or any other bylaw of the City;
 - (b) the applicant or owner has been notified of a violation of this or any other bylaw of the City with regard to the construction, occupancy or use of any building, structure or part thereof, and such violation has not been remedied;
 - (c) the results of the tests referred to in sections 8(1)(c) and 8(1)(d) are not satisfactory to the Building Inspector;

- (d) the parcel referred to in the permit application does not have:
 - (i) vehicular access;
 - (ii) service to the parcel boundary from a City water distribution system of sufficient size and capacity to supply the water required under enactments for potable domestic use and fire protection services; or
 - (iii) service to the parcel boundary by City sanitary and storm sewers or combined sewer system or approval for the installation of an alternative disposal system;
- (e) the application is in whole or in part for unfinished construction approved under an earlier permit that has since expired. (Bylaw No. 13046)

16. ISSUANCE OF PERMIT

- (1) Each building, structure or part thereof constructed on a site requires a separate permit and shall be assessed a separate permit fee based on the value of that building, structure or part thereof.
- (2) The Building Inspector shall issue the permit for which the application is made when:
 - (a) a completed application in compliance with this Bylaw, including all required supporting documentation, has been submitted;
 - (b) the owner or the owner's agent has paid all of the required fees;
 - (c) the owner or the owner's agent has paid all charges and met all applicable requirements imposed by any other applicable bylaw;
 - (d) the owner has deposited a cash damage deposit in the sum specified in Schedule "D" to guarantee payment to the City for all damage to City property unless the deposit is reduced or waived by the Building Inspector in his or her sole discretion;
 - (e) the owner has paid the public works or property damage inspection fee specified in Schedule "D";
 - (f) the proposed work set out in the application conforms with the Building Code, this Bylaw and all other applicable bylaws and enactments; and
 - (g) no enactment or covenant or agreement in favour of the City authorizes or requires the permit to be withheld.

17. PARTIAL PERMITS

- (1) The Building Inspector may issue a permit to excavate land in preparation for the construction of a building or structure.
- (3) The Building Inspector may issue a permit for a portion of a building or structure before the design, plans and supporting documents for the entire building or structure have been reviewed provided sufficient information has been provided to the City to demonstrate to the Building Inspector that the portion authorized to be constructed substantially complies with this and any other applicable City bylaws and the permit fee applicable to that portion of the building or structure has been paid. Notwithstanding the issuance of the permit, the requirements of this Bylaw shall apply to the remainder of the building or structure as if the permit for the portion of the building or structure had not been issued.
- (4) When a site has been excavated under a permit to excavate issued pursuant to subsection (1) and a further permit is not subsequently issued or a subsisting permit has expired, but without the construction of the building or structure having commenced, the owner shall fill in the excavation to restore the original gradients of the site within 60 days of being given notice by the Building Inspector to do so.

18. PERMIT EXPIRATION

- (1) Every permit is issued upon condition that the permit shall expire and the rights of the owner under the permit shall terminate if:
 - (a) the work authorized by the permit is not started within 90 days from the date the permit is issued unless extended under section 19;
 - (b) the work is discontinued or suspended for a period of more than 90 days from the date of the last inspection by the Building Inspector;
 - (c) work associated with a single or two family dwelling requiring a permit is started and not completed within two years of the original date of the permit or such lesser period of time as the Building Inspector may specify in the permit; or (Bylaw No. 13404)
 - (d) work other than as described in subsection (1)(c) and requiring a permit is started and not completed within two years of the original date of the permit or such lesser period of time as the Building Inspector may specify in the permit. (Bylaw No. 13404)
- (2) Where a permit has expired under subsection (1), the work shall cease and the construction shall be removed. (Bylaw No. 13046)

- (3) Where two or more permits are issued pursuant to section 17 for excavation in preparation of the building or structure or for a portion or portions of a building or structure, all such permits shall expire two years after the date of issuance of the first of the permits issued. (Bylaw No. 13046)

19. EXTENSION OF PERMIT

- (1) Where construction has not commenced within 90 days from the date the permit was issued, the Building Inspector may extend the permit for a period not more than 90 days from the date of expiry of the original permit, but the permit shall then be void if construction has not started within 180 days from the original date of the issuance of the permit.
- (2) Where construction has commenced and has not been discontinued or suspended for a period of more than 90 days, the Building Inspector may extend the expiry date for the permit for such period of time as the Building Inspector considers reasonable, where the Building Inspector is satisfied that there exists a reasonable excuse for the delay in completing construction.
- (3) Application for the extension of a permit shall be made prior to the date of permit expiration.
- (4) The fee specified in Schedule "A" shall be paid for the granting of a permit extension under this section.

20. REVOCATION OF PERMIT

- (1) The Building Inspector may revoke a permit where:
 - (a) there is a violation of any condition under which the permit was issued;
 - (b) there is a violation of any provision the Building Code, this Bylaw or any other bylaw of the City;
 - (c) the permit was issued in error;
 - (d) the permit was issued on the basis of false or incorrect information; or
 - (e) the results of any tests carried out pursuant to section 8 are not satisfactory to the Building Inspector.
- (2) The Building inspector shall send a written notice of the permit revocation to the permit holder.

21. INSPECTIONS

- (1) In addition to field reviews required by subsection (2), the owner, or the owner's agent, shall give not less than 24 hours' notice to the City when requesting an inspection and shall obtain an inspection and receive acceptance of the Building Inspector of the following aspects of the construction prior to concealing it:
 - (a) the foundation and footing forms when complete, but before concrete is poured therein. Prior to approval of the forms, a licenced British Columbia Land Surveyor's certificate may be required to determine the location or elevation of the forms on-site;
 - (b) the forms for the floor slab, vapour barrier, perimeter insulation on the inside of concrete foundation walls, reinforcing steel, heating ductwork or pipes for radiant heat when complete, but prior to the placing of concrete. Plumbing located below the finished slab level must be inspected and approved prior to this inspection;
 - (c) the framing, sheathing, fire-stopping, bracing, chimney and duct-work, rough wiring, gas venting and rough plumbing when complete but before the insulation, or other interior finish which would conceal such work, is applied; (Bylaw 12551)
 - (d) the insulation and the vapour barrier when in place;
 - (e) the building or structure when substantially complete and ready for occupancy, but before occupancy of the whole or part of the building or structure takes place.
- (2) When a registered professional provides letters of assurance under this Bylaw, the City will rely on field reviews undertaken by the registered professional and the letters of assurance submitted as certification that the construction conforms to the design, and that the construction complies with the Building Code, this Bylaw and any other applicable enactments.
- (3) Notwithstanding subsections (1) and (2), the Building Inspector may attend on site from time to time during the course of construction to ascertain whether:
 - (a) the provisions of the Building Code, this Bylaw, any other bylaws of the City and any other applicable enactments are being complied with; and
 - (b) the required field reviews are taking place, and to monitor the field reviews by the registered professional.

22. OCCUPANCY CERTIFICATES

- (1) Except as provided in subsection (5), no person shall occupy a building or structure or part thereof until an occupancy certificate has been issued by the

Building Inspector in the form set out in Schedule “C” for:

- (a) the first occupancy of a building or structure or part thereof after completion of construction; or
 - (b) any change in class of occupancy of any building or structure or part thereof.
- (2) An occupancy certificate shall only be issued when:
- (a) all letters of assurance have been submitted when required under the Building Code or this Bylaw; and
 - (b) all aspects of the work requiring inspection and an acceptance pursuant to section 21 have both been inspected and accepted.
- (3) The Building Inspector may withhold an occupancy certificate until the building, structure or part thereof complies with this Bylaw, the Building Code and any other applicable bylaws or enactments.
- (4) Where any of the requirements for life and fire safety have been deemed to be satisfied by an equivalency pursuant to provisions of the Building Code, the owner shall submit to the Building Inspector, prior to use or occupancy of the building or structure, certification from the registered professional responsible for the equivalency, that the construction substantially complies with the requirements set out in the equivalency report.
- (5) The Building Inspector may issue an approval for provisional occupancy of a building, structure or part thereof when the building, structure or part thereof is self-contained, substantially complete with respect to the health and safety requirements of this Bylaw, the Building Code and other applicable bylaws and enactments, and the requirements of subsection (2) have been satisfied.
- (6) The owner shall ensure that no unsafe condition exists or will exist resulting from work being undertaken or not completed.
- (7) The Building Inspector may revoke an approval for provisional occupancy for failure to comply with any conditions of the approval.

23. CONDITIONS TO MOVE A BUILDING

- (1) No person shall move a building or structure into or within the City without first making an application under section 9 establishing compliance with section 7(10) for design compatibility, and obtaining a permit.
- (2) The Building Inspector may issue a permit for construction involved in the moving of any building, structure or part thereof into or within the City when the owner has:

- (a) deposited with the City a security deposit in the sum of \$10,000.00 in the form of cash or a letter of credit to insure that the building, structure or part thereof is moved onto the new parcel within the City and all construction is completed as required by this Bylaw within 120 days from the date of issuance of the permit; and
- (b) paid for and obtained a moving permit from the City's Director Engineering and provided to the City:
 - i) proof of public liability and property damage insurance in the all-inclusive limits of \$5,000,000.00 to insure against damage or injury arising out of the moving of the building, structure or part thereof;
 - ii) cash or a letter of credit in the sum of \$5,000.00 to pay for all damage to City property of every kind howsoever caused or occasioned by the moving of the building, structure or part thereof;
 - iii) written approval of the Chief of Police of the Burnaby Detachment of the R.C.M.P., approving the date, time, and route of moving the building, structure or part thereof; and
 - iv) a copy of the notice to the utility companies having overhead wires along the route, informing them of the date, time and route of moving the building, structure or part thereof.
- (3) If the owner does not move the building, structure or part thereof for which a permit is issued and complete construction within the time specified in subsection (2)(a), the Building Inspector may notify the owner in writing and direct the owner to complete that work within 30 days from the date of the notice. If the work is not completed within the 30 days, the security deposit shall be forfeited to the City.
- (4) A permit may only be issued under this section where the application is made more than 30 years after the building, structure or part thereof was constructed, if the Building Inspector is of the opinion that the building, structure or part thereof is in satisfactory structural condition and appearance.

24. ORDERS AND NOTICES

- (1) The Building Inspector may issue such written notices or orders as the Building Inspector considers necessary to inform the owner of a contravention of this Bylaw.
- (2) A notice or order shall state the nature of the contravention and the date or phase of construction before which the contravention must be remedied.
- (3) A copy of the notice or order shall be sufficiently served if mailed to the owner at

the address appearing on the records of the Assessment Authority of British Columbia for the parcel to which the notice or order relates.

- (4) The Building Inspector may order the suspension of any construction or work that is proceeding in contravention of the Building Code, this Bylaw or any other bylaw of the City by posting a “Notice of Suspension” in the form set out in Schedule “H”.
- (5) The owner of land on which a “Notice of Suspension” has been posted, and every other person, shall cease all construction work immediately and shall not restart construction or work until the provisions of the Building Code, this Bylaw or any other bylaw of the City have been complied with and the “Notice of Suspension” has been rescinded by the Building Inspector.
- (6) The owner shall within 48 hours of the posting of a “Notice of Suspension” under subsection (4) secure the construction and the lands and premises surrounding the construction in compliance with the safety requirements of every statute, regulation or order of the Province of British Columbia or any of its agencies.
- (7) Where a person occupies a building, structure or part thereof in contravention of section 7(3), the Building Inspector may post a “Do Not Occupy” notice in the form set out in Schedule “G” on the occupied part of the building or structure.
- (8) Every person occupying a building structure or part thereof on which a “Do Not Occupy” notice has been posted, shall cease occupancy of the building, structure or part thereof immediately and shall refrain from further occupancy until the provisions of the Building Code and this Bylaw have been complied with and the “Do Not Occupy” notice has been rescinded in writing by the Building Inspector.
- (9) Every person to whom an order is issued pursuant to this Section shall comply with that order.

25. PENALTIES AND ENFORCEMENT

- (1) Every person who contravenes any provision of this Bylaw commits an offence punishable on summary conviction and shall be liable to a fine of not more than \$10,000.00 in addition to the cost of prosecution, or to imprisonment for not more than six months, or both.
- (2) Every contravention of this Bylaw that continues for more than one day constitutes a separate offence for each day that it continues.

26. UNSAFE CONDITIONS

- (1) If the supply of electricity or natural gas to a building has been disconnected due to a hazardous or potentially hazardous situation existing in the building or structure or part thereof, the supply of electricity or natural gas to the building or structure shall not be re-connected, the building shall not be occupied, and the

Building Inspector may withhold a permit to re-connect the supply of electricity or natural gas to the building or structure until:

- (a) the owner has applied to the Building Inspector for a special safety inspection pursuant to this Section and has paid the fee specified in Schedule “A”;
- (b) the building, structure or part thereof has been inspected by the Building Inspector and, if considered necessary by the Building Inspector, by the City Fire Chief for compliance with this Bylaw and any other bylaws or Provincial statutes or regulations relating to building, electrical, gas or fire safety;
- (c) the owner has obtained permits required to carry out the works necessary to bring the building, structure or part thereof into compliance with the bylaws, statutes, and regulations referred to in subsection (1)(b); and
- (d) all of the works referred to in subsection (1)(c) have been completed and the building or structure has been brought into compliance with the bylaws, statutes and regulations referred to in subsection (1)(b).

27. SEVERABILITY

- (1) The provisions of this Bylaw are severable and the invalidity of any section or part of this Bylaw shall not affect the validity of the remainder of this Bylaw.

28. SCHEDULES

- (1) Schedules “A” through “I” attached to this Bylaw form a part of this Bylaw.

Schedule A	-	Schedule of Fees
Schedule B	-	Refund of Fees
Schedule C	-	Certificate of Occupancy of a Building
Schedule D	-	Damage Deposits and Inspection Fees
Schedule E-1	-	Commitment for Building Envelope Professional Review
Schedule E-2	-	Completion of Building Envelope Professional Review
Schedule F	-	Owner(s) Undertaking
Schedule G	-	Do Not Occupy

Schedule H

-

Notice of Suspension

29. REPEAL OF EXISTING BYLAW

- (1) Bylaw No. 6333, being the Burnaby Building Bylaw 1973, is repealed.

Read a first time this 19TH day of APRIL 2004

Read a second time this 19TH day of APRIL 2004

Read a third time this 3RD day of MAY 2004

Reconsidered and adopted this 10TH day of MAY 2004

MAYOR

APPENDIX "A" (Bylaw 13404) SCHEDULE OF BUILDING PERMIT AND INSPECTION FEES	
1. Application for a Building Permit:	
(a) For single- or two-family dwelling where construction value exceeds \$82,000, including renovations, additions and accessory buildings	\$220.30
(b) For all other	20% of estimated Building Permit Fee, subject to a minimum of \$57.70 and a maximum of \$6,402.00
2. Building Permit:	
(a) Value of Construction:	
\$0 to \$1,000	\$57.70
\$1,001 to \$20,000	\$57.70 plus \$17.05/\$1,000 or part thereof over \$1,000
\$20,001 to \$200,000	\$381.65 plus \$11.75/\$1,000 or part thereof over \$20,000
\$200,001 and over	\$2,496.65 plus \$10.10/\$1,000 or part thereof over \$200,000
(b) For Chimneys and Solid Fuel Appliances:	
Masonry Chimney	\$67.00 per dwelling unit
Prefab Metal Chimney – Class "A"	\$67.00 per dwelling unit
Free standing solid fuel stove or fireplace	\$81.60
Free standing solid fuel stove or fireplace and Class "A" Chimney	\$101.85
Solid fuel insert (includes pre safety inspection)	\$101.85
(c) For a Building Permit relating to:	

APPENDIX “A” (Bylaw 13404)
SCHEDULE OF BUILDING PERMIT AND
INSPECTION FEES

For replacement of building water piping that does not involve the inside of a unit, the fee will be based on the construction value of the piping and all architectural work such as fire stopping, repairing drywall, building shafts/fire separations, coring, and related work as per Item 2(a) Building Permit – Value of Construction above.	\$25.30 per unit for piping within the unit; for piping outside of the unit, as per item 2(a) “Building Permit – Value of Construction” above
3. Permit Extension:	
1st extension	\$200.00
2nd extension	\$300.00
Each additional extension	\$400.00
4. Review of Preliminary or Modified Drawings and Specifications:	
<i>Review Fees subject to all applicable taxes</i>	\$69.25/hour (minimum 0.5 of an hour)
5. Building Permit for a Demolition:	
Accessory building (when demolished separately from single- and two-family homes, or when the accessory building is associated with other building types)	\$67.00
Single-family or two-family home (fee includes accessory buildings, if the accessory buildings are being demolished at the same time)	\$284.35
Principal buildings and structures other than single- and two-family homes	\$710.70
6. Building Permit for Temporary Building or Structure:	
Per year from date of issue	\$499.95
7. Reinspection Fee:	
Where it has been determined by the Building Inspector that due to non-compliance with the provisions of this Bylaw or incomplete work, reinspection is necessary.	
<i>Reinspection Fees subject to all applicable taxes.</i>	
1 st reinspection	\$54.00
2nd reinspection	\$233.00
3rd reinspection	\$460.00
4th reinspection	\$920.00
5th reinspection and thereafter	\$1,152.00
8. Special Inspections:	
<i>Special Inspection Fees subject to all applicable taxes and must be approved by the Chief Building Inspector.</i>	

APPENDIX “A” (Bylaw 13404) SCHEDULE OF BUILDING PERMIT AND INSPECTION FEES	
(a) For an inspection requested by the owner but not required by the Bylaw	\$250.00 for the first hour or part thereof and \$88.80 for each additional hour or part thereof (\$250.00 minimum)
(b) For an inspection outside the hours during which the offices of the City Hall are normally open	\$499.65 plus \$127.70/hour or part thereof after the first four hrs. Travel time incl.
(c) For an inspection that requires special arrangements because of length of time, frequency of inspection visits, location outside the City limits, construction techniques or otherwise	\$88.80/hour or part thereof (\$88.80 minimum)
(d) For a special safety inspection following an electrical or gas disconnection	\$537.80
(e) Strata title subdivision application inspections	\$197.15
9. Provisional Occupancy Permission:	
For an inspection for Provisional Occupancy Permission when requested by the Owner	Fees shall be charged under Item 8, Special Inspections
10. Permit Transfer or Assignment Fee:	
For the transfer or assignment of a building permit or to record a change of contractor for a project	\$108.25
11. File Research and Letter:	
<i>Fees subject to all applicable taxes</i>	
Single-family or two-family dwelling	\$108.25
All other buildings	\$162.30 per legal address
Land Title search	\$15.00 per search
Land Title Document and Plan Imaged records	\$20.00 per search
12. Application for Alternative Solutions under the British Columbia Building Code:	
<i>Fees subject to all applicable taxes</i>	
	\$512.10 for each alternative solution on a development and \$156.80 for each revision
13. Application for Heating System:	
Fees based on maximum BTU input of the appliance with a minimum fee based on 50,000 BTU's	\$2.90 per 1,000 BTU's heating appliance input
14. Application for Preliminary Plan Approval:	
(a) For signs	\$89.00 per sign application
(b) For Comprehensive Sign Plans	\$247.00
(c) For Comprehensive Sign Plans for Master Plan Rezoning	\$977.00

APPENDIX “A” (Bylaw 13404) SCHEDULE OF BUILDING PERMIT AND INSPECTION FEES	
(d) For all other development	\$2.40 per \$1,000 of estimated construction value, with a minimum of \$247.00
(e) For each extension	\$149.00
15. Certificate by Registered Professionals:	
When a Building Permit is issued reliant upon the certification of a registered professional engineer or architect, the permit fee will be reduced by 2.5% of the fees payable, up to a maximum reduction of \$500.00	2.5% of fees payable (\$500.00 max.)
16. Copies of Departmental Records or Drawings:	
<i>Fees subject to all applicable taxes</i>	\$15.00 file research fee Electronic copies: \$2.00 per image Paper copies: \$3.25 per page for copies 8.5x11 inches \$7.80 per page for copies 11x17 inches or larger

**APPENDIX "A" (Bylaw 13404)
SCHEDULE OF BUILDING PERMIT AND
INSPECTION FEES**

APPENDIX "A" SCHEDULE OF BUILDING PERMIT AND INSPECTION FEES (REFUND OF FEES)	
1. Building Permit Application Fee Refund where plan checking has not commenced:	
<i>Note: There will be no refund of any portion of the application fee once the plan checking has been started.</i>	
(a) For single- or two-family dwellings, including renovations, additions and accessory buildings	70% of Application Fee subject to a minimum non-refundable \$150.00
(b) For all other applications	70% of Application Fee subject to a minimum non-refundable \$150.00
2. Building Permit Fee Refund where construction has not commenced, no inspection has been made and a permit has not been extended or expired:	Refund equals 90% of the difference between the Building Permit Fee and the Building Permit. Application Fee subject to a minimum non-refundable \$300.00
3. For any permit or special inspection where no Application Fee is charged. Refund will be made only where work has not commenced, no inspection has been made and a permit has not been extended:	70% of the Permit Fee subject to a minimum non-refundable \$300.00
4. No refunds will be given unless a written request is received by the Chief Building Inspector	
5. Whether work has started or not, no refunds will be given for any permit that has expired	
6. No refunds will be given for permit extension fees	
7. All refunds will be paid to the owner or as directed by the owner in writing	

**APPENDIX "B"
REFUND OF FEES
(Bylaw No. 12375)**

No refund is payable unless a written request is received by the Chief Building Inspector.

REFUND

1. Building Permit Application Fee Refund where plan checking has not commenced

(a) For single or two-family dwellings, including

70% of Application Fee subject to a

<p>renovations, additions and accessory buildings</p> <p>(b) For all other applications</p> <p>There will be no refund of any portion of the application fee once the plan checking has been started.</p> <p>2. Building Permit Fee Refund where construction has not commenced, no inspection has been made a permit has not been extended</p>	<p>minimum non-refundable \$100.00</p> <p>70% of Application Fee subject to a minimum non-refundable \$100.00</p> <p>Refund equals 90% of the difference between the Building Permit Fee and the Building Permit Application Fee</p>
<p>3. For any permit or special inspection where no Application Fee is charged. Refund will be made only where work has not commenced, no inspection has been made and a permit has not been extended</p>	<p>70% of the Permit Fee</p>
<p>4. No refunds will be given unless a written request is received by the Chief Building Inspector</p> <p>5. Whether work has started or not, no refunds will be given for any permit that has expired</p> <p>6. No refunds will be given for permit extension fees</p>	

SCHEDULE “C”

CITY OF BURNABY

4949 Canada Way
Burnaby, BC V5G 1M2

**CERTIFICATE OF OCCUPANCY
OF A BUILDING**

ISSUE PURSUANT TO SECTION 22 of BYLAW NO. _____

ADDRESS OF BUILDING:

ZONING:

LEGAL DESCRIPTION:

APPROVED OCCUPANCY:

The building constructed under the authority of Building Permit No. _____ may now be occupied.

It is unlawful to change the class of occupancy of any building or part thereof without first obtaining an occupancy permit from the Building Inspector.

CHIEF BUILDING INSPECTOR

PER: _____

DATE: _____

APPENDIX "D" (Bylaw #13404) SCHEDULE OF DAMAGE DEPOSITS AND INSPECTION FEES		
<i>Note: No interest is payable on damage deposits paid to or held by the City</i>	Inspection Fee	Damage Deposit
1. Single- or Two-Family Dwelling Construction	\$87.00	\$2,000.00
2. Single- or Two-Family Dwelling Addition or Demolition	\$87.00	\$1,500.00
3. Construction other than Single- or Two-Family Dwelling	\$174.00	\$5,000.00 for 15m frontage and \$30.00/m of frontage thereafter
4. Demolition other than Single- or Two-Family Dwelling	\$114.00	\$5,000.00 for 15m frontage and \$30.00/m of frontage thereafter
5. Swimming Pool Installation	\$87.00	\$1,500.00
6. Construction of Carport or Garage	\$87.00	\$1,000.00

BURNABY BUILDING BY-LAW 11729

SCHEDULE E-1

Building Permit No. ¹

ASSURANCE OF BUILDING ENVELOPE PROFESSIONAL DESIGN REVIEW AND COMMITMENT FOR ENHANCED FIELD REVIEW

Notes: 1. This letter must be submitted prior to issuance of a building permit.
 2. In this letter the words in italics have the same meaning as in the British Columbia Building Code and the Burnaby Building By-law.

To: The *Building Inspector*

RE: _____
 Address of Project (Print)

The undersigned *Building Envelope Professional* has been retained with respect to the above referenced project, and gives a commitment of responsibility for *Building Envelope Professional* design review and enhanced *field review* for components and assemblies as required in Sections 5.4, 5.5 and 5.6 in Part 5 of Division B, of the British Columbia Building Code, and as the *Building Envelope Professional* in their professional discretion considers to be necessary, for the project designed by,

 Name of *registered professional of record* signing for 'Architectural' components of Schedule B letter (Print)

who is providing the *Building Inspector* with the Schedule B 'ASSURANCE OF PROFESSIONAL DESIGN AND COMMITMENT FOR FIELD REVIEW' letter covering 'Architectural' components. The undersigned will sign and provide copies of all reports to the *registered professional of record* responsible for 'Architectural' components, and copies of these reports shall also be available on site for review by the City of

Burnaby Building Inspector. The undersigned undertakes to notify the *Building Inspector* in writing as soon as practical if their contract is terminated at any time.

Building Envelope Professional's Name (Print)

Address (Print)

City (Postal Code)

Telephone (____) _____



Date

(If the *Building Envelope Professional* is a member of a firm, complete the following.)

I am a member of the firm; _____ and I sign this letter on behalf of the firm.
(Print Name of Firm)

NOTE: The above letter must be signed by a *Building Envelope Professional* defined herein as an architect (member of the Architectural Institute of BC) or a professional engineer (member of the Association of Professional Engineers and Geoscientists of BC), who is competent by virtue of education and experience to provide Enhanced Building Envelope Services and whose practice is focussed accordingly. The Burnaby Building Bylaw defines the education and experience as having:

- (i) completed a program in building envelope studies offered or endorsed by that Institute or that Association.
- (ii) not less than five (5) years of previous working experience in the design of building envelopes and *field review* of building envelope construction.
- (iii) not less than one (1) year of previous working experience in the design of building envelopes and *field review* of building envelope construction in the Province of British Columbia.

Enhanced *field review* is defined as *field review* supplementary to that undertaken by the *registered professional of record* who signed for the "Architectural" components of the Schedule B. Enhanced *field review* requires that the *Building Envelope Professional* performs reviews of sufficient frequency and extent at the discretion of the *Building Envelope Professional* in order to ascertain whether the work substantially complies in all material respects to Sections 5.4, 5.5 and 5.6 in Part 5 of Division B of the British Columbia Building Code.

¹ For Building Official's use only

CRP's Initials

BURNABY BUILDING BY-LAW 11729

SCHEDULE E-2

Building Permit No.¹

**ASSURANCE OF BUILDING ENVELOPE PROFESSIONAL
ENHANCED FIELD REVIEW**

- Note:
1. This letter must be submitted after completion of the project but prior to official occupancy.
 2. In this letter the words in italics have the same meaning as in the British Columbia Building Code and the Burnaby Building Bylaw.

To: The *Building Inspector*

RE: _____
Address of Project (Print)

I have fulfilled my obligations for *Building Envelope Professional* design review and enhanced *field review* as per my previously submitted ASSURANCE OF BUILDING ENVELOPE PROFESSIONAL DESIGN REVIEW AND COMMITMENT FOR ENHANCED FIELD REVIEW. The components and assemblies of the project reviewed substantially comply with Sections 5.4, 5.5 and 5.6 in Part 5 of Division B, of the British

Columbia Building Code, and with the plans and supporting documents, including all amendments thereto, which were accepted by the City of Burnaby in support of the application for the building permit.

Building Envelope Professional's Name (Print)

Address (Print)

City (Postal Code)

Telephone (____) _____



Date

(If the *Building Envelope Professional* is a member of a firm, complete the following.)

I am a member of the firm; _____ and I sign this letter on behalf of the firm.
(Print Name of Firm)

NOTE: The above letter must be signed by a *Building Envelope Professional* defined herein as an architect (member of the Architectural Institute of BC) or a professional engineer (member of the Association of Professional Engineers and Geoscientists of BC), who is competent by virtue of education and experience to provide Enhanced Building Envelope Services and whose practice is focussed accordingly. The Burnaby Building Bylaw defines the education and experience as having:

- (iv) completed a program in building envelope studies offered or endorsed by that Institute or that Association.
- (v) not less than five (5) years of previous working experience in the design of building envelopes and *field review* of building envelope construction.
- (vi) not less than one (1) year of previous working experience in the design of building envelopes and *field review* of building envelope construction in the Province of British Columbia.

Enhanced *field review* is defined as *field review* supplementary to that undertaken by the *registered professional of record* who signed for the "Architectural" components of the Schedule B. Enhanced *field review* requires that the *Building Envelope Professional* performs reviews of sufficient frequency and extent at the discretion of the *Building Envelope Professional* in order to ascertain whether the work substantially complies in all material respects to Sections 5.4, 5.5 and 5.6 in Part 5 of Division B of the British Columbia Building Code.

¹ For Building Official's use only

SCHEDULE "F" (Bylaw 12551)

OWNER(S) UNDERTAKING

Re: *Property Address:* _____
Legal Description: _____
Building Permit # (for office use only): _____

This undertaking is given by the undersigned, as the owner of the property described above, and in relation to the application for the building permit described above.

The Owner acknowledges that Burnaby Building Bylaw, 2004 (the “Bylaw”) regulates building construction in the City of Burnaby and, among other things, describes the responsibilities of the Owner and the role of the Building Inspector in that process.

The Owner will comply with the Bylaw and all bylaws and enactments in force in the City of Burnaby with respect to the works for which this building permit is applied for.

The Owner specifically acknowledges having reviewed Sections 1(2) and 5(1) of the Bylaw which state:

1. PURPOSE

(2) This Bylaw is enacted for the purpose of regulating construction within the City in the general public interest. The activities undertaken by or on behalf of the City pursuant to this Bylaw are for the sole purpose of providing a limited and interim spot checking function for reasons of health, safety and the protection of persons and property. It is not contemplated nor intended that this Bylaw shall provide, nor shall this Bylaw be interpreted as providing:

- (a) protection to owners, builders, constructors or any other persons from economic loss;
- (b) the assumption by the City or the Building Inspector of any responsibility for ensuring the compliance by any owner, agent of an owner or any employees, builders, constructors or designers retained by an owner, with the Building Code, the requirements of this Bylaw or any other bylaws or enactments;
- (c) a warranty to any person of design or workmanship or materials with respect to any building, structure or part thereof for which a permit or occupancy certificate is issued under this Bylaw;
- (d) a warranty or assurance to any person that construction undertaken pursuant to a permit issued under this Bylaw is free from any defects, whether patent or latent.

5. RESPONSIBILITIES OF THE OWNER

(1) Every owner to whom or to whose agent a permit is issued shall ensure that all Construction complies with the Building Code, this Bylaw and any other applicable bylaws or enactments.

1) Owner(s) Information:

Name: _____

Address: _____

Telephone: _____ Contact Person: _____

Date: _____ Signature: _____

2) **Owner(s) Information:**

Name: _____

Address: _____

Telephone: _____ Contact Person: _____

Date: _____ Signature: _____

3) **Owner(s) Information:**

Name: _____

Address: _____

Telephone: _____ Contact Person: _____

Date: _____ Signature: _____

SCHEDULE "G"

BUILDING DEPARTMENT

**DO NOT
OCCUPY**

DATE POSTED: _____

ADDRESS OR LOCATION: _____

In accordance with Subsection 7(3) of the Burnaby Building Bylaw, NO ONE SHALL OCCUPY this building or designated part of this building until the Building Inspector authorizes such occupancy.

BUILDING INSPECTOR

Per: _____

IT IS UNLAWFUL TO REMOVE OR DEFACE THIS NOTICE

SCHEDULE "H"

PLANNING & BUILDING DEPARTMENT
OFFICE OF THE CHIEF BUILDING INSPECTOR

NOTICE OF SUSPENSION

TO WHOM IT MAY CONCERN:

All work on the building whereon this notice is posted is suspended by order of the Building Inspector, pursuant to Subsection 24.(4) of the Burnaby Building Bylaw. Particulars may be obtained at the above office in Burnaby City Hall, 4949 Canada Way, Burnaby, BC, V5G 1M2.

Any person who fails to comply with this order will be guilty of an offence and may be subject to penalties, as outlined in Section 25 of the Burnaby Building Bylaw.

ADDRESS OF SUSPENSION

_____ BURNABY, BC

REASON FOR SUSPENSION

CONSTRUCTION WITHOUT PERMIT

Burnaby Building Bylaw #: _____ (Section _____)

DEVIATION FROM APPROVED PLAN

Burnaby Building Bylaw #: _____ (Section _____)

OTHER

Bylaw _____ Sec. _____

DATE _____ TIME _____

Building Inspector

CITY OF BURNABY

BYLAW NO. 11148

A BYLAW to provide for the administration and enforcement of the Plumbing Code and for the regulation of plumbing works in the City of Burnaby.

(Consolidated for convenience with BYLAW Nos. 11193, 11330, 11486, 11671, 11845, 12034, 12188, 12373, 12417, 12549, 12633, 12728, 12886, 12894, 13044, 13167, 13269, and 13407)

The Council of the City of Burnaby ENACTS as follows:

1. This Bylaw may be cited as **BURNABY PLUMBING BYLAW, 2000.**

2. PURPOSE AND SCOPE

- (1) This Bylaw is enacted to provide for the administration and enforcement of the Building Code and to regulate plumbing works in the City of Burnaby for the health and safety of the public.
- (2) This Bylaw applies to all land, water, air space, buildings and structures within the City of Burnaby.

3. DEFINITIONS

- (1) Words and expressions used in this Bylaw shall have the same meaning as provided for in the Building Code unless inconsistent with this Bylaw or unless the context otherwise requires. (Bylaw No. 12417)

- (2) In this Bylaw, unless the context otherwise requires:

"agent" includes a person, firm or corporation representing the owner by designation or contract and includes a hired tradesman or contractor who may be granted a permit for work within the limitation of his or her licence;

"Building Inspector" means the Chief Building Inspector of the City and such other person or persons as he or she may designate from time to time as his or her assistants;

"City" means the City of Burnaby;

"City Engineer" means the City's Director Engineering;

"contractor" means a plumbing contractor or a person who carries on a business which includes the installation or alteration of a hydronic heating system or a fire protection system;

"drain tile" means drainage tile or perforated pipe laid adjacent to the foundation wall or walls of a building to control sub soil drainage;

"dwelling, single family" and "dwelling, two family" shall have the meanings ascribed to them in Burnaby Zoning Bylaw No. 1965.

"fire protection system" means any system used or intended to be used for the suppression of fire and that is connected to a water system, and includes a sprinkler system;

"lot" means a parcel of land designated as a separate and distinct parcel on a registered subdivision plan or description filed or recorded in the Land Title Office;

"owner" means the registered owner of an estate in fee simple of land, and shall include, where the context or circumstances so require:

- (a) a tenant for life under a registered life estate;
- (b) a registered holder of an agreement for sale;
- (c) a holder or occupier of land held in the manner mentioned in sections 356 and 357 of the Local Government Act R.S.B.C. 1996, ch.323;
- (d) a lessee with authority to build on land;

and in respect of water means an occupier, tenant or holder of an interest in respect of the surface of water;

"permit" means permission or authorization in writing issued by the Plumbing Inspector under this Bylaw to perform work regulated by this Bylaw;

"permit holder" means the person to whom a permit is issued;

"person" includes a natural person, a firm, corporation, municipal corporation, school board, hospital board or other government or government agency;

"Plumbing Code" means the current edition of Part 7 of the British Columbia Building Code;

"Plumbing Inspector" means the Supervisor of Plumbing & Gas Inspections as designated by the Chief Building Inspector and includes such other person or persons as he or she may designate from time to time as his or her assistant;

"rough-in" means the installation of all parts of a plumbing system including bath tubs and fixture carriers that can be installed prior to completion or expansion of the system;

"sprinkler system" means a system of piping designed for fire protection, and includes control valves and alarm devices.

"work" includes the construction, installation, placement, repair, alteration, enlargement, relocation, replacement or reconstruction of a plumbing system, hydronic heating system or fire protection system.

4. PROHIBITIONS

- (1) No person shall construct, install or otherwise commence or carry out any work on a plumbing system, hydronic heating system, or fire protection system:
 - (a) except in conformity with this Bylaw and the Plumbing Code;
 - (b) without a valid and subsisting permit.
- (2) No person shall
 - (a) cause, suffer or permit the disposal of sewage or other liquid waste in any place or manner except through and by means of a plumbing system conforming to the Plumbing Code and this Bylaw;
 - (b) use or maintain any private sewage disposal system on any lot which abuts any public street or sewer easement in which a public sewer exists and is available for use;
 - (c) deposit by any means whatsoever into any plumbing fixture, floor drain, interceptor, sump, receptacle or device, which is connected to any drainage system, public sewer, private sewer, septic tank or cesspool, any ashes, cinders, solids, rags, or inflammable, poisonous or explosive liquids or gases, oils, grease or anything which would, or could, cause damage to the drainage system or public sewer;
 - (d) connect a vacuum cleaner or other mechanical device for removal of dust to a plumbing system or sewer;
 - (e) unless otherwise permitted under this Bylaw, use any materials, fixtures or devices for the construction or installation of a plumbing system, hydronic heating system, or fire protection system, or any part thereof, unless such materials, fixtures or devices conform to the minimum applicable standards as set forth in this Bylaw or the Plumbing Code, or to other mandatory or generally accepted standards for fitness and safety;
 - (f) prevent, obstruct or hinder the Plumbing Inspector from entering any land, building or premises to make an inspection or to perform any other duty, or exercise any other power assigned to or vested in him or her under this Bylaw;

- (g) do any work at variance with the description of or plans for any work for which a permit has been issued, unless the Plumbing Inspector has authorized the change and issued any subsequent permit or permits that may be required;
- (h) erase, alter or modify plans or supporting documents filed with a permit application after the same have been accepted by the Plumbing Inspector, or plans or supporting documents which have been filed for reference with the Plumbing Inspector after the permit has been issued;
- (i) submit false or misleading information in relation to a permit or an application for a permit;
- (j) fail to comply with a notice or order issued by the Plumbing Inspector under this Bylaw;
- (k) use or maintain any plumbing system or part thereof constructed, installed or placed in contravention of this Bylaw, Burnaby Plumbing Bylaw 1973 or Burnaby Plumbing Bylaw 1966.

5. ADMINISTRATION

- (1) The Plumbing Inspector
 - (a) may keep records of applications received, permits, notices and orders issued, inspections and tests made, and retain copies of any papers and documents connected with the administration of this Bylaw; and
 - (b) shall have the authority to determine whether any method or type of plumbing system, hydronic heating system, or fire protection system, or materials, fixtures or devices used in the construction thereof, conforms to the requirements of this Bylaw, the Plumbing Code or other generally accepted or mandatory standard.
- (2) The Chief Building Inspector
 - (a) shall appoint a person to be Plumbing Inspector; and
 - (b) may enforce the provisions of this Bylaw.
 - (c) may, where application made for a permit to construct non-market housing for families or persons of low income, persons suffering from a disability or with special needs or seniors, operated on a not-for-profit basis, defer payment of the permit fees payable under this Bylaw until the earlier of:
 - (a) the date which is 24 months after the date upon which the permit for the construction of the building is issued;

- (b) the date upon which an occupancy certificate for the building is issued;
- and on such terms and conditions as the Chief Building Inspector may require.(Bylaw 12633)
- (3) The Plumbing Inspector shall at all times be subject to the control and direction of the Chief Building Inspector.
- (4) The Plumbing Inspector shall have authority to enforce this Bylaw, and may
 - (a) require the submission of plans and specifications of any proposed, partly completed or completed plumbing system, hydronic heating system, or fire protection system;
 - (b) require the performance of, and attend, tests of any plumbing system, hydronic heating system or fire protection system and inspect or cause to be inspected any plumbing system, hydronic heating system or fire protection system during the course of installation, alteration, repair or after completion thereof; and
 - (c) issue permits
- (5) The Plumbing Inspector may enter any lands, building or premises at any reasonable time for the purpose of administering or enforcing this Bylaw, or if he or she has any reason to believe that an unsafe condition exists.
- (6) The Plumbing Inspector may, in addition to any inspection provided for in this Bylaw, make additional inspections at any reasonable time deemed necessary to ensure that the provisions of this Bylaw and other bylaws of the City are being complied with.

6. ORDERS AND NOTICES

- (1) The Plumbing Inspector may order, in writing, the correction of any plumbing system, hydronic heating system, or fire protection system or part thereof which is defective, unsanitary, inadequate, unsafe, or in violation of this Bylaw.
- (2) A notice or order issued under subsection (1) shall state the nature of the contravention or deficiencies and the date or phase of construction before which the contravention or deficiencies must be corrected.
- (3) A copy of the notice or order shall be mailed or delivered to the owner at the address of the property, appearing on the records of the Assessment Authority of British Columbia, where the system is located, and to the permit holder, if someone other than the owner, at the permit holder's address shown on the permit.

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- (4) The Plumbing Inspector may order the immediate suspension of any work on any plumbing system, hydronic heating system, or fire protection system by posting a notice or order to that effect on the premises where the work is being undertaken whenever:
 - (a) the work is not being performed in accordance with a permit or the requirements of this Bylaw, the Plumbing Code or any other bylaw of the City; or
 - (b) the Plumbing Inspector considers that an unsafe condition exists.
 - (5) The owner and permit holder shall immediately upon the posting of the notice or order under subsection (4) cease the work and secure the area surrounding the work in compliance with all mandatory safety requirements.
 - (6) Subject to subsection (5), after the posting of a notice or order under subsection (4), no work shall be carried out or continued, other than the remedial work as specified in the notice or order, until the notice or order has been removed by the Plumbing Inspector.
 - (7) A notice or order posted under subsection (4) shall remain posted on the premises until the deficiency or contravention has been remedied to the satisfaction of the Plumbing Inspector.
 - (8) Where a notice or order is posted under subsection (4), a copy of the notice or order shall nevertheless be mailed or delivered to the owner and permit holder as provided for in subsection (3).

7. INSPECTIONS AND TESTS

- (1) The owner shall ensure that the accepted plans and supporting documents on which, the issuance of a permit is based are available at the site of the work at the time of rough-in inspection by the Plumbing Inspector.
- (2) A new plumbing system and such portion of an existing plumbing system as may be affected by new work, or by any change, shall be tested in accordance with the requirements of the Plumbing Code.
- (3) When a plumbing system has been constructed, repaired, renewed or altered, such system shall not be put into use until it has been inspected by the Plumbing Inspector and found to conform with this Bylaw and the Plumbing Code.
- (4) No plumbing system or part thereof shall be covered until it has been inspected and approved by the Plumbing Inspector. If any plumbing system or part thereof is covered before being inspected or approved, it shall be uncovered to permit inspection.

- (5) The permit holder shall arrange for the inspection of any work by the Plumbing Inspector before it is covered and after it is completed and ready for inspection. A minimum twenty-four (24) hour advance request for inspection shall be given to the Plumbing Inspector.
- (6) All equipment, materials, power and labour necessary for testing shall be furnished by the permit holder and any test shall be conducted to the satisfaction of the Plumbing Inspector.
- (7) A plumbing system installed in a building that has been constructed in another municipality, and has been inspected and approved by the authority having jurisdiction in that municipality, may be accepted provided copies of all permits and inspection documents are provided to the satisfaction of the Plumbing Inspector.
- (8) Repealed. (Bylaw 12417)
- (9) Work that is not approved must be retested and reinspected until it is approved.
- (10) In all single and two family dwellings and in all apartments, condominiums, townhouses, or other multi-family residential buildings with individual self-contained heating systems, hydronic heating inspections are required for:
 - (a) in-slab piping;
 - (b) baseboard piping installation; and
 - (c) completion of hydronic heating installations.

8. PERMITS

- (1) A permit shall be obtained by the owner or his agent prior to the construction, extension, alteration, renewal, repair or maintenance of a plumbing system, individual residential hydronic heating system or fire protection system.
- (2) A permit is not required to replace or repair a subsoil drainage system, a plumbing fixture, fixture outlet pipe, valve, faucet, sprinkler head or for the clearing of plugged soil or waste pipes or the repair of water pipe leaks.
- (3) An application for a permit shall be made to the Plumbing Inspector before any work is undertaken. The application shall be on a form provided for that purpose and shall be accompanied by the fee prescribed in Appendix "A" of this Bylaw.
- (4) An application for a permit shall be signed by the owner or his agent.
- (5) An application for a permit shall contain or be accompanied by such other information as is necessary to satisfy the Plumbing Inspector that the proposed

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work complies with this Bylaw, the Plumbing Code and all other bylaws of the City.

- (6) The Plumbing Inspector may require the applicant for a permit to submit a schematic drawing of the proposed plumbing system with the permit application.
- (7) The Plumbing Inspector may require a separate permit application for each individual plumbing system on a lot or in a building.
- (8) When the information contained in a permit application satisfies the requirements of this Bylaw, the Plumbing Inspector may issue a permit.
- (9) No person, except a plumbing contractor or sprinkler contractor, shall be granted a permit to do work on or within a building, except that an owner may be granted a permit to do work on a single family dwelling which the owner owns and occupies or intends to occupy.
- (10) A permit shall be granted only for a specific address and is not transferable to another address.
- (11) A permit may be granted to a building or drainage contractor for underground site piping work outside of a building.
- (12) The Plumbing Inspector may refuse to issue a permit where:
 - (a) the applicant has demonstrated insufficient knowledge to undertake the work;
 - (b) information submitted in the application is incorrect or inadequate to determine compliance with the requirements of the Plumbing Code, this Bylaw or any other bylaw of the City;
 - (c) the issuance of a permit would result in any construction or facilitate any occupancy that would be prohibited by any bylaw of the City or other law.

The Plumbing Inspector shall stamp the drawings and specifications for which a permit is issued for any new construction, other than a single or two family dwelling, as "accepted".

A permit or an application for a permit may not be transferred or assigned until the owner has applied to the Plumbing Inspector in writing, the Plumbing Inspector has authorized the transfer or assignment in writing, and the owner has paid the fee required under Appendix " A ". The transfer or assignment of a permit shall not constitute an extension of time for which the permit is valid.

The review of plans and supporting documents and issuance of a permit shall not prevent the Plumbing Inspector from thereafter requiring the correction of errors in the plans or

supporting documents, or from suspending the work or refusing occupancy.

A permit shall expire and be invalid and of no force or effect if:

- (a) the work for which the permit was issued has not commenced within ninety (90) days from the date of the issuance of the permit; or
- (b) the work is discontinued or suspended for a period greater than ninety (90) days from the date of the last inspection by the Plumbing Inspector.

Where the work for which a permit has been issued has not commenced, the Plumbing Inspector may grant an extension for a period of not greater than ninety (90) days from the date of expiry of the permit provided:

- (a) an application for the extension is made to the Plumbing Inspector prior to the date of the expiration of the permit;
- (b) only one such extension may be granted.

The Plumbing Inspector may revoke a permit where:

- (a) there is a violation of any condition under which the permit was issued;
- (b) there is a violation of any provision of the Plumbing Code, this Bylaw or any other bylaw of the City;
- (c) the permit was issued in error;
- (d) the work done, or the materials used, do not conform to the requirements of this Bylaw;
- (e) the permit was issued on the basis of false or incorrect information;
- (f) the results of any test referred to in section 7 are not satisfactory .
- (19) Where the Plumbing Inspector revokes a permit:
 - (a) the Plumbing Inspector shall send a written notice of revocation of the permit to the permit holder by certified mail;
 - (b) no further permits may be granted for the property in respect of which the permit was issued until all the deficiencies have been remedied to the satisfaction of the Plumbing Inspector;
 - (c) any contractor to whom the permit was issued shall not be issued further permits for any other work in the City until such time as any deficiencies in the work have been remedied to the satisfaction of the Plumbing

Inspector.

- (20) No permit fee or part thereof paid pursuant to this Bylaw shall be refunded if the work authorized by the permit has commenced, but if no work has commenced, ninety (90%) percent of the permit fee may be refunded.
- (21) If any work for which a permit is required by this Bylaw has been commenced before a permit has been issued by the Plumbing Inspector the permit applicant for the proposed work shall pay double the fee prescribed and set out in Appendix "A".

9. HYDRONIC HEATING

- (1) Hydronic heating systems installed in residential use buildings with individual self-contained heating systems shall be installed to the standards prescribed in the latest edition of "Guidelines for the Design and Installation of Hydronic Heating Systems", published by the Residential Hot Water Heating Association of B.C., or other standard acceptable to the Plumbing Inspector.
- (2) The following information shall be submitted to the Plumbing Inspector by the contractor installing any hydronic heating system:
 - (a) "Worksheets for Heat Loss Calculations";
 - (b) a "Hydronic Heating System Design Summary"; and
 - (c) a boiler room layout indicating the method of boiler and system temperature controls;

all as completed by a professional engineer or a qualified heating designer recognized by the Residential Hot Water Heating Association of B.C.

- (3) The contractor installing a hydronic heating system shall provide to the Plumbing Inspector a certificate confirming that the system, as installed, conforms to the approved design, and the installation is in accordance with the B.C. Building Code and accepted design practices for hydronic heating systems.

10. SEWERS

- (1) No person shall connect any building sewer to a public sewer without first obtaining written permission to do so from the City Engineer, whether the public sewer is on public or private property .
- (2) A person applying for permission to connect a building sewer to a public sewer shall furnish such information as the City Engineer may require, including:
 - (a) the area of the roofs and open spaces to be drained;

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- (b) the occupancy of the building;
 - (c) any other information that the City Engineer considers necessary to determine whether the public sewer is of sufficient capacity to provide for the discharge from that building sewer; and
 - (d) any other information that the City Engineer may require to ensure that the proposed building sewer and surface drains will be laid at such a depth and in such a position as to connect properly to the public sewer .
- (3) Except with the prior written permission of the City Engineer, no person shall excavate any portion of public property for the purpose of connecting any building sewer to any public sewer or for the purpose of repairing or replacing any public sewer connection.
 - (4) The sanitary and storm drainage systems of all buildings shall be constructed so as to be entirely separate, and separate building sewers shall be constructed to the property line.
 - (5) Where a person applies for a permit to connect a building sewer to a public sewer the City Engineer shall determine:
 - (a) which public sewer the building sewer shall be connected to;
 - (b) the location and depth of the public sewer connection; and
 - (c) any plumbing fixture elevation restrictions that must be observed.
 - (6) Except where approved in writing by the Plumbing Inspector and where any required easement has been obtained and registered, no drainage system, or private sewage disposal system, or any part thereof, shall be located in any lot other than the lot which is to be served by such system.
 - (7) Public sewers shall not be used for temporary drainage purposes unless temporary sumps to catch sediment and strainers to catch floating solids have been installed to the satisfaction of the Plumbing Inspector.
 - (8) Where both public storm sewer and sanitary sewer connections are available to a lot, no storm water drainage shall be conveyed into a sanitary sewer, and no sewage shall be conveyed into a storm sewer.
 - (9) Notwithstanding any other provisions of this Bylaw, all buildings constructed after the coming into force of this Bylaw shall be connected to the sanitary and storm sewer connections that are provided for the lot upon which the building is constructed.
 - (10) Upon application, the Plumbing Inspector may approve the use of an existing building sewer, recorded in the records of the City as having been installed in

1970 or thereafter, provided that the building sewer has not been disturbed and has been tested to the satisfaction of the Plumbing Inspector.

- (11) If any part of a lot that is used or intended to be used for human occupancy abuts a street in which there exists a public sewer, the plumbing system therein shall be connected to a public sewer intended to receive either sewage alone or sewage and storm water.
- (12) Where a public sanitary or storm sewer is at too great an elevation to facilitate building or lot drainage by gravity, a pumped system shall be provided and maintained by the owner.
- (13) A plumbing system requiring a storm sewer pump and sump shall be designed by a professional engineer and approved by the Plumbing Inspector prior to installation.
- (14) The design of a plumbing system requiring a sanitary pump and sewage sump shall be based on the number of fixture units draining to the sewage sump and the manufacturers installation instructions.
- (15) Only that portion of a storm or sanitary drainage system that is unable to be drained by gravity shall be pumped.
- (16) No person shall discharge into a public sewer any prohibited or restricted wastes as defined in the Regulations Governing the Admission of Wastes into Sewers under the Greater Vancouver Sewage and Drainage District Act.
- (17) The owner of any premises lawfully discharging industrial wastes into a public sewer shall install a test chamber suitable for the inspection and sampling of the discharged wastes.
- (18) If the City Engineer determines that a public sewer or any portion thereof has insufficient capacity for existing or proposed flow rates, the City Engineer may limit the amount of storm water or sewage that can be discharged into the public sewer from a private drainage system.
- (19) If any part of a building not connected to a public sewer and in which one or more persons reside or work or carry on any occupation, trade or calling is situated within one hundred fifty (150) feet of any public sewer, the owner of that building shall connect the building to the public sewer within one hundred and eighty (180) days of being ordered to do so by the City Engineer.
- (20) Where installation of an oil interceptor is required, an acceptable type of oil interceptor shall be installed and so located as to receive the drainage of surface water from paved parking surfaces.
- (21) Roof storm water may discharge to an oil interceptor provided that the interceptor

is of sufficient size to accept the total amount of water draining into it.

- (22) A building constructed after the coming into force of this Bylaw shall be constructed so that the roof storm water is conducted to a drainage system connected through a sump to a storm sewer, combined sewer, street ditch or lane ditch, or to an engineer designed rock pit in a manner approved by the Plumbing Inspector so as to protect the walls, basements and foundations of the building from damage.
- (23) Where a lot is not serviced by a public storm sewer or there is no ditch adjacent to the lot to facilitate the surface, sub-surface and roof drainage, the storm drainage system for the lot shall be designed by a professional engineer. The design criteria shall be approved by the Chief Building Inspector prior to the issuance of a building permit.
- (24) No owner or occupier of any land shall permit any drainage water or surface water to flow from that land on to any public street, lane, highway or sidewalk.

11. FOUNDATION DRAINAGE SYSTEMS

- (1) Interior building floors constructed below grade shall be protected from sub-soil water infiltration by the installation of a perimeter drainage system consisting of drain tile approved for use by the Plumbing Inspector laid around the perimeter of the foundation of all types of buildings and laid so that the top of the drain tile at the high point is at least three (3) inches below the top of the lowest floor slab or crawl space floor of the building.
- (2) Drain tile shall be laid so as to provide gravity drainage at a minimum of 0.5% grade or otherwise to the satisfaction of the Plumbing Inspector on undisturbed soil or on a gravel bedding.
- (3) The top and sides of drain tile shall be covered with at least six (6") inches of minimum three-quarter (3/4") inch drain rock or gravel.
- (4) The minimum diameter of the drain tile for foundation drainage systems shall be:
 - (a) four (4") inches for a building not exceeding 15,000 square feet in floor area;
 - (b) six (6") inches for a building exceeding 15,000 square feet in floor area, or sized to an engineered design.
- (5) Where drain tile is laid along the foundation wall inside a building, weep holes at least three (3) inches in diameter shall be installed through the wall, at intervals of no more than ten (10') feet, together with a minimum of six (6") inches depth of gravel along the outside and inside of the wall to facilitate drainage.
- (6) A floor drain located adjacent to a hot water heater in a single or two family dwelling, if not connected to the sanitary sewer, may be connected directly to a storm sewer sump.

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- (7) Where storm water from a driveway or patio area enters a storm drainage system, a sand-trap interceptor with a minimum inside area of one hundred (100) square inches and a minimum liquid depth of twelve (12") inches shall be provided together with a trapping hood or 90° bend on the outlet pipe and a suitable steel or concrete cover on top of the interceptor.
 - (8) The minimum inside diameter of a storm water sump or catch basin for single family and two family dwellings shall be:
 - (a) twenty-four (24 ") inches where the sump depth is no greater than six (6') feet from the ground surface to the bottom of sump, or
 - (b) thirty (30") inches where sump depth is greater than six (6') feet from the ground surface to the bottom of the sump, or sized to an engineered design.
 - (9) The minimum inside diameters of a storm water sump or catch basin for commercial properties shall be:
 - (a) for a four (4") inch outlet, twenty-four (24") inches where the sump depth is no greater than six (6') feet from the ground surface to the bottom of the sump and thirty (30") inches where the sump depth is greater than six (6') feet from the ground surface to the bottom of the sump;
 - (b) for a six (6") inch outlet, thirty-six (36") inches;
 - (c) for an eight (8") inch or larger outlet, forty-two (42") inches.
 - (10) A storm water sump may be located at any convenient location on a lot. The walls of the sump shall be extended to the ground level and the sump shall be fitted with a concrete or steel plate cover. Where the sump is located in a driveway or parking area, the lid construction must be to H-20 highway loading standards.
 - (11) Subject to subsection (12), the backwater valve inside a storm water sump may be omitted and a 90° degree bend installed in its place where the Plumbing Inspector is satisfied that storm sewer surcharge is unlikely.
 - (12) A backwater valve shall be provided in all storm water sumps where the sump outlet is connected to a combined sewer.

12. FOUNDATION WALL DAMPPROOFING

- (1) An inspection by the Plumbing Inspector of the dampproofing work on the foundation of any building or structure under construction shall be requested and the work approved by the Plumbing Inspector before backfilling may occur.

- (2) Backfilling of the foundation drainage system shall be completed within ten (10) days of the dampproofing work being approved by the Plumbing Inspector.

13. BACKFLOW PREVENTERS

- (1) For the purposes of this section “CSA Manual” means the Canadian Standards Association Manual for Maintenance and Field Testing of Backflow Prevention Devices B64.10.1 – 01 or such other manual that may be adopted by Canadian Standards Association in substitution or replacement thereof.
- (2) Backflow preventers required to be installed pursuant to the Building Code or Burnaby Waterworks Regulation Bylaw 1953 shall be selected and installed in accordance with the Building Code and maintained and field tested in accordance with this Bylaw.
- (3) Backflow preventers shall be of a type approved for use under, and installed in accordance with, the Building Code.
- (4) Every backflow preventer shall at all times be maintained in proper working order and in accordance with the CSA Manual.
- (5) Every backflow preventer shall be field tested:
 - (a) upon installation;
 - (b) when cleaned, repaired, reinstalled, or overhauled;
 - (c) when relocated;
 - (d) annually not later than the anniversary date of its previous testing; and
 - (e) as otherwise required by the Plumbing Inspector;

in accordance with the testing process and procedures set out in the CSA Manual.

- (6) Backflow preventer field test results shall be reported to the Plumbing Inspector in writing on the form set out in the CSA Manual not less than 10 days following completion of the field test.
- (7) Backflow preventers shall be field tested and the results reported only by a person certified to do so by the British Columbia Water and Waste Association or by such other certifying organization as the Plumbing Inspector may approve.
- (8) No backflow preventer shall be modified from its manufactured state.
- (9) No backflow preventer shall be repaired except with parts and materials supplied by the manufacturer for that make and model of backflow preventer.
- (10) No backflow preventer shall be removed following its installation without prior written notice to the Plumbing Inspector setting out the reason for its removal.

- (11) Every premises isolation backflow preventer shall be installed adjacent to the property line of an abutting City Street, unless otherwise permitted in writing by the Plumbing Inspector.
- (12) Every backflow preventer shall be installed so as to be easily accessible for inspection, testing, maintenance, repair and replacement.

14. WORKMANSHIP

- (1) A plumbing system shall be installed in as straight and direct an alignment and configuration as possible, placed and arranged in a workmanlike manner to the satisfaction of the Plumbing Inspector, and shall be subject to inspection and testing, where required, in the presence of the Plumbing Inspector.
- (2) No cracks, holes or imperfections in the materials or fixtures used in any work shall be concealed by welding, brazing or soldering or by paint, wax, tar, cement or other repair agents, or by any other material or method.
- (3) All valves, pipes and fittings shall be installed in the correct relationship to the direction of flow.

15. RESPONSIBILITY

- (1) Notwithstanding the issuance of a permit to an agent, the owner of the property in respect of which the permit was issued shall ensure that the work is carried out in accordance with this Bylaw.
- (2) Nothing in subsection (1) shall relieve the permit holder from its responsibility to carry out the work authorized by the permit in accordance with this Bylaw.
- (3) Neither the issuance of a permit, the approval of plans and specifications, nor the inspection of the work, by the Plumbing Inspector or otherwise pursuant to this Bylaw, shall in any way relieve the permit holder and the owner from ensuring that all work is carried out in accordance with this Bylaw and any other law, bylaw, regulation, order or standard.
- (4) Neither the issuance of a permit, the approval of plans and specifications, nor the inspection of work, by the Plumbing Inspector or otherwise pursuant to this Bylaw, shall in any way constitute a representation or warranty by the Plumbing Inspector or the City that the work complies with the requirements of this Bylaw or any other law, bylaw, regulation, order or standard.

16. OFFENCES AND PENALTIES

- (1) Every person who violates any of the provisions of this Bylaw, or who causes,

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suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects or refrains from doing anything required to be done by any of the provisions of this Bylaw, or who carries out or who suffers, causes or permits to be carried out any work in a manner prohibited by or contrary to any of the provisions of this Bylaw or who fails to comply with any order, direction or notice given under this Bylaw shall be guilty of an offence. Each day that a violation or contravention of this Bylaw continues to exist shall constitute a separate offence.

- (2) Every person who commits an offence contrary to the provisions of this Bylaw is liable on summary conviction to the penalties provided in the Offence Act in addition to the costs of prosecution.

17. Bylaw No.6335, being Burnaby Plumbing Bylaw 1973, is repealed.

Read a first time this 25th day of September 2000
Read a second time this 25th day of September 2000
Read a third time this 25th day of September 2000
Reconsidered and adopted this 2nd day of October 2000

MAYOR

CITY CLERK

APPENDIX “A” (Bylaw No. 13407)	
SCHEDULE OF PLUMBING PERMIT AND INSPECTION FEES	
1. Plumbing Fixtures:	
For the rough-in and completion of each plumbing fixture (Fixtures shall include but not be limited to the following: roof drain, floor drain, dishwasher, clothes washer, water heater, water meter or backflow protection device under 4 inches in size with test ports.)	
Each fixture	\$52.30 for the first fixture and \$28.50 for each additional fixture
For each backflow protection device 4 inches or greater in size	\$142.15
For the removal of each fixture and the capping off of piping	\$52.30 for the first fixture removed and \$13.05 for each additional fixture removed
2. Interceptors:	
For the installation of a catch basin, sump, oil interceptor, manhole or trench drain	
Each unit	\$35.75
3. Site Fire Protection:	
For the installation of underground fireline or hydrants	
Each 30 m or portion thereof	\$35.75
Each fire hydrant	\$28.45
4. Building Fire Protection:	
For the installation or relocation of the following:	

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APPENDIX “A” (Bylaw No. 13407)	
SCHEDULE OF PLUMBING PERMIT AND INSPECTION FEES	
First sprinkler head	\$73.90
Each additional sprinkler head	\$2.55
Each fire pump test header	\$35.75
First siamese connection, hose cabinet, hose outlet, wet/dry outlet or standpipe	\$35.75
Each additional siamese connection, hose cabinet, hose outlet, wet/dry outlet or standpipe <i>(Note: the second and subsequent fixtures do not have to be the same as the first fixture to qualify for the discount)</i>	\$23.85
For the installation or alteration of any above ground fire suppression piping where no fixtures are involved:	
Each 30 m or portion thereof	\$35.75
5. Replacement of Building Water Pipe:	
For the removal and replacement of existing pipe	
(a) in multi-family residential buildings, hotels and motels (each unit)	\$25.30
(b) in all other buildings:	

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APPENDIX "A" (Bylaw No. 13407)	
SCHEDULE OF PLUMBING PERMIT AND INSPECTION FEES	
For the first 30 m of piping or portion thereof	\$85.40
For each additional 30 m of piping or portion thereof	\$49.75
6. Other Piping:	
For the installation or alteration of site piping (storm, sani, domestic water), rainwater leader, domestic water piping or any other plumbing pipe or where no fixtures are involved	
For the first 30 m of piping or portion thereof	\$49.15
For each additional 30 m of piping or portion thereof	\$28.30
7. Heating Permits:	
Fees based on maximum BTU input of the appliance with a minimum fee of 50,000 BTU's	\$2.90 per 1,000 BTU's heating appliance input
8. Reinspection Fee:	
Where it has been determined by the Plumbing Inspector that due to non-compliance with the provisions of this Bylaw or incomplete work reinspection is required	
<i>Reinspection Fees subject to all applicable taxes</i>	
1st reinspection	\$54.00
2nd reinspection	\$233.00
3rd reinspection	\$460.00

Disclaimer The City of Burnaby documents contained in this system are for convenience reference only and their accuracy and currency is not guaranteed. To verify the accuracy and currency of this information please contact the City of Burnaby at 604-294-7290.

APPENDIX "A" (Bylaw No. 13407)	
SCHEDULE OF PLUMBING PERMIT AND INSPECTION FEES	
4th reinspection	\$920.00
5th reinspection and thereafter	\$1,152.00
9. Special Inspections:	
<i>Special Inspection Fees subject to all applicable taxes and must be approved by the Chief Building Inspector.</i>	
(a) For an inspection requested by the owner but not required by the Bylaw	\$88.80/hour or part thereof (\$88.80 minimum)
(b) For an inspection outside the hours during which the offices of the City Hall are normally open	\$499.65 plus \$127.70/hour or part thereof after the first four hours. Travel time included.
(c) For an inspection that requires special arrangements because of length of time, frequency of inspection visits, location outside the City limits, construction techniques or otherwise	\$88.80/hour or part thereof (\$88.80 minimum)
(d) For Strata title subdivision application inspections	\$197.15
10. Review of Preliminary or Modified Drawings and Specifications:	
<i>Review Fees subject to all applicable taxes</i>	
	\$69.25/hour (minimum 0.5 of an hour)
11. Permit Transfer or Assignment Fee:	
For the transfer or assignment of a plumbing permit and to record a change of contractor for a project	\$108.25
12. Permit Extension:	
	\$108.25

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APPENDIX “A” (Bylaw No. 13407) SCHEDULE OF PLUMBING PERMIT AND INSPECTION FEES	
13. Permit Fee Refund:	Where no work has been performed under the permit, the refund will be 90% of the fee paid subject to a minimum non-refundable of \$150.00. No refunds will be given unless a written request is received by the Chief Building Inspector.
14. Copies of Departmental Records or Drawings: <i>Fees subject to all applicable taxes</i>	\$15.00 file research fee Electronic copies: \$2.00 per image Paper copies: \$3.25 per page for copies 8.5x11 inches \$7.80 per page for copies 11x17 inches or larger

THE CORPORATION OF THE DISTRICT OF BURNABY
BYLAW NO. 6494

A BYLAW to regulate and control the installation, alteration, repair, use, operation and maintenance of electrical wiring and equipment.

(Consolidated for convenience with Bylaw Nos. 6637, 6772, 6815, 6966, 7148, 7265, 7490, 7643, 7857, 9861, 10578, 10888, 11061, 11192, 11328, 11488, 11673, 11842, 12031, 12190, 12376, 12552, 12631, 12731, 12889, 13047, 13170, 13265, and 13411)

The Council of The Corporation of the District of Burnaby ENACTS as follows:

1. This bylaw may be cited as "**BURNABY ELECTRICAL BYLAW 1974**".
2. The Canadian Electrical Code, Part I (13th Edition) with supplements, amendments, and revisions thereto made from time to time (hereinafter called "The Electrical Code") is adopted and made applicable within the Municipality of Burnaby.
3. In this bylaw, unless the context otherwise requires,
 - (a) "Construct" includes install, alter, repair, maintain, use, operate.
 - (b) "Owner" shall have the same meaning as in the Municipal Act R.S.B.C.
 - (c) "Municipality" means the Municipality of Burnaby.
 - (d) "Person" shall have the same meaning as in the Interpretation Act R.S.B.C.
 - (e) "Inspector" includes the Chief Building Inspector, Supervisor - Electrical Inspections and Electrical Inspectors of The Corporation of the District of Burnaby.
4. The Chief Building Inspector shall
 - (a) require that all the provisions of this bylaw be enforced;
 - (b) maintain and keep records of all electrical installations and electrical works undertaken and the inspection thereof.
5. The Inspector is authorized to enter at all reasonable times into and upon any property in the municipality in order to ascertain whether or not this bylaw or the regulations contained therein are being obeyed or to enforce and carry the same into effect.
6. Any person obstructing the entry or attempted entry of the Inspector into or upon any property in the municipality in pursuance of his duties under this bylaw or other lawful enactment shall be guilty of an offence.
7. No person shall hinder or prevent the Inspector from entering into or upon or inspecting

- any property in the municipality whenever necessary to secure compliance with or prevent a violation of the provisions of this bylaw or other lawful enactment.
8. The Inspector shall decide whether any method, type of equipment, material or wiring used in any electrical installation or electrical work conforms to the requirements and provisions of this bylaw.
 9. The Inspector shall suspend or order the correction, or suspend and order the correction, of all or any portion of any electrical installation or electrical work, including any alteration or repair of same, by attaching a notice to that effect on the said electrical installation or said electrical work or on the premises where the said electrical installation or said electrical work is being done or has been done or by serving a notice to that effect on the owner, tenant or occupier of the said premises whenever the Inspector finds that all or any portion of such electrical installation or electrical work
 - (a) is not being performed in accordance with this bylaw, or
 - (b) has not been performed in accordance with this bylaw, or
 - (c) is in an unsafe condition, or
 - (d) is in contravention of this bylaw.
 10. Whenever the Inspector is of the opinion that any electrical installation or electrical work installed, used in, or being altered or repaired in any premise, or any premise, is for any reason dangerous to person or to property he may, by notice in writing given to the owner of the premises or the electrical installation or electrical work order, within a time to be stated in the notice, discontinuance of the use of the premises or the electrical installation or electrical work, or the making of such alterations or repairs. If, in the opinion of the Inspector, such electrical installation or electrical work are of immediate danger to persons or property, he may cause same to be disconnected.
 11. In the event of fire, storm or other emergency, if, in the opinion of the Inspector, life or property is likely to be endangered by the existence or operation of any electrical installation or electrical work, he may require the owner of such electrical installation or electrical work forthwith to disconnect or remove the same as directed and in the event of the owner failing or declining to do so then the Inspector may cause the same to be disconnected or removed.
 12. The Inspector may notify the owner of any property on or in which there are any dead wires, unused poles or unused electrical works, to remove the same within a time to be stated in the notice.
 13. All new electrical installations or electrical works and such portions of existing electrical installations and electrical works as may be affected by new electrical installations or electrical works or by any changes shall be subject to inspection by the Inspector.

14. No electrical installation or electrical work which has been installed, altered, or repaired shall be used or operated until it has been inspected by the Inspector and found to conform to provisions of this bylaw.
15. No electrical installation or electrical work or part thereof shall be covered or concealed until it has been inspected and approved by the Inspector. If any electrical installation or electrical work or part thereof is covered or concealed before being inspected and approved, it shall be uncovered upon direction of the Inspector.
16. No person shall connect or reconnect or cause to be connected or reconnected any electrical installation or electrical work to any source or medium of electrical energy, without first obtaining the written approval of the Supervisor - Electrical Inspections.
17. The Inspector shall not approve the connection of any electrical installation or electrical work to any source or medium of electrical energy until
 - (a) A Certificate of Occupancy for the building, where the electrical installation or electrical work has been installed, has been issued by the Chief Building Inspector, or
 - (b) A Temporary Current Permit has been obtained pursuant to the provisions of this bylaw.
18. A good standard of workmanship must be used in the installation of all electrical installations or electrical works, and the Electrical Inspector may order the correction of any electrical installation or electrical work which he considers is being or has been improperly done.
19. Before any person shall install, construct, alter or repair any electrical installation or electrical work in the municipality, or shall commence doing any construction work in relation to or in connection with any such electrical installation or electrical work, he shall obtain a permit for such electrical installation or electrical work from the Chief Building Inspector or Supervisor - Electrical Inspections, after first having made application in writing therefore.
20.
 - (a) No person shall commence any electrical installation or electrical work for a commercial or industrial premise until he has submitted electrical plans and specifications for such electrical installation or electrical work to the Supervisor - Electrical Inspections and obtained from him approval of such plans and specifications.
 - (b) The approval of plans and specifications and the issuance of a permit shall not prevent the Supervisor - Electrical Inspections from thereafter requiring the correction of errors in the said plans and specifications or from correcting the electrical installation or electrical work or from suspending the electrical

installation or electrical work where there is a violation of this bylaw.

21. The Regulation made by Order in Council 1999, June 12, 1973, governing permits and fees with supplements, amendments and revisions thereto made from time to time is adopted with the only exception of fee schedules.
22. (1) The application for permit shall
 - (a) be accompanied by fee prescribed as set out in Appendix "A";
 - (b) be made in the form prescribed by the Chief Building Inspector and signed by the applicant.
- (2) If any electrical installation for which a permit is required by this bylaw has been commenced before a permit has been issued by the Chief Building Inspector, or Supervisor Electrical Inspections, the permit applicant for the proposed installation shall pay to The Corporation of the District of Burnaby double the fee prescribed and set out in Appendix "A".
23. The Chief Building Inspector or Supervisor - Electrical Inspections may refuse to issue a permit or an annual permit
 - (a) for any addition, alteration or repairs or an extension to any wiring system, in, on, or through any building or place where the existing wiring is not in accordance with the provisions of this bylaw.
 - (b) where the applicant has been notified of a violation of any part of this bylaw in regard to the electrical installation or electrical work of another building or place for which he has been responsible and such violation has not been remedied.
24. The Chief Building Inspector or Supervisor - Electrical Inspections may revoke a permit where:
 - (a) there is a violation of
 - (i) any condition under which the permit was issued, or
 - (ii) any provision of this bylaw.
 - (b) the permit holder has not remedied violation of any part of this bylaw in regard to other electrical installations or electrical works in or on another building or place.
- 24.A. Where application is made for a permit to construct non-market housing for families or persons of low income, persons suffering from a disability or with special needs or seniors, operated on a not-for-profit basis, the Chief Building Inspector may defer

payment of the permit fees payable under this Bylaw until the earlier of:

- (a) the date which is 24 months after the date upon which the permit for the construction of the building is issued;
- (b) the date upon which an occupancy certificate for the building is issued;

and on such terms and conditions as the Chief Building Inspector may require.
(BYLAW 12631)

25. Nothing contained in this bylaw shall be deemed or construed to relieve any person owning, operating, constructing, installing, altering, or repairing any electrical installation or electrical work from any liability for damage to any person injured by the construction, installation, alteration, repair or operation of the same, nor shall the Corporation be deemed to have assumed any liability by the reason of the inspection hereinbefore authorized.
26. It shall be unlawful for any person to construct or maintain or cause to be constructed or maintained any electrical installation or electrical work in a manner contrary to any direction, instruction, specification or provision contained in or adopted by this bylaw or any notice lawfully given or posted pursuant to the provisions of this bylaw or without any permit hereby required or contrary to the condition upon which any permit has been issued pursuant to this bylaw; or to fail or refrain from doing or taking, any act of precaution required to be done or taken prior to or in doing anything permitted by this bylaw or by any notice lawfully given or posted pursuant to the provisions of this bylaw.
27. Every person who violates any of the provisions of this bylaw, or who causes, suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, or who neglects or refrains from doing anything required to be done by any of the provisions of the bylaw or who neglects or refrains from doing anything required to be done by any notice given pursuant to the provisions of this bylaw or who carries out or who suffers, causes or permits to be carried out any electrical installation or electrical work in a manner prohibited by or contrary to any of the provisions of this bylaw or who fails to comply with any order, direction or notice given under this bylaw shall be deemed to be guilty of an infraction of this bylaw and shall be liable to the penalties hereby imposed. For each day that a violation is permitted to exist, it shall constitute a separate offence.
28. Every person who violates any of the provisions of this bylaw shall be guilty of an offence punishable on summary conviction and shall be liable to pay a fine not exceeding \$500.00, nor less than \$100.00 for each offence, or to imprisonment for 30 days or both.
29. Where an offence against this bylaw is of a continuing nature, it shall be lawful for the convicting magistrate, in his discretion, to impose a fine against the offender not exceeding fifty dollars for each day such offence is continued by him.

- 30. Bylaw No. 761, being the "BURNABY ELECTRICAL INSPECTION BYLAW 1928", and amendments thereto, are hereby repealed.
- 31. This bylaw shall come into force and take effect on the 31st day of October 1974.

Read a first time this 7th day of October 1974.

Read a second time this 7th day of October 1974.

Read a third time this 7th day of October 1974.

Reconsidered and adopted this 15th day of October 1974.

T.W. CONSTABLE
MAYOR

JAMES HUDSON
MUNICIPAL CLERK

APPENDIX "A" (Bylaw No. 13411)	
SCHEDULE OF ELECTRICAL PERMIT AND INSPECTION FEES	
1. New One- and Two-Family Detached Dwellings:	
(a) Electrical system for a dwelling including service connection and Temporary Current Permit	18% of Building Permit Fee
(b) Security system, data, cable, TV, vacuum, intercom, sound system and telephone	Fee based on value of electrical installation including materials and labour (Item 2). Minimum \$250.00 job value
2. Electrical Installations Other Than New One- and Two-Family Detached Dwellings:	
Fee based on value of electrical installation including materials and labour	
<i>Plus Temporary Current Permit where applicable</i>	
Value of Electrical Installation (as approved by Electrical Inspector):	
\$100 or less	\$42.75
\$100.01 - \$250	\$57.05
\$250.01 - \$350	\$71.05

APPENDIX “A” (Bylaw No. 13411) SCHEDULE OF ELECTRICAL PERMIT AND INSPECTION FEES	
\$350.01 - \$500	\$85.35
\$500.01 - \$700	\$106.50
\$700.01 - \$1,000	\$128.40
\$1,000.01 - \$10,000	\$128.40 plus \$52.75/\$1,000 or part thereof over \$1,000
\$10,000.01 - \$50,000	\$603.15 plus \$28.60/\$1,000 or part thereof over \$10,000
\$50,000.01 - \$100,000	\$1,747.15 plus \$16.95/\$1,000 or part thereof over \$50,000
\$100,000.01 - \$500,000	\$2,594.65 plus \$11.40/\$1,000 or part thereof over \$100,000
\$500,000.01 - \$1,500,000	\$7,154.65 plus \$9.65/\$1,000 or part thereof over \$500,000
\$1,500,000.01 and over	\$16,804.65 plus \$3.05/\$1,000 or part thereof over \$1,500,000
3. Temporary Current Permit: (not required for one- or two-family dwelling)	\$169.90
4. Operating Permit for One Commercial or Industrial Plant or Establishment: (annual fee based on service capacity)	\$0.33 per kVA Minimum 600kVA (\$198.00) Maximum 8700kVA (\$2,871.00)
For each additional permit	\$198.00
5. Temporary Saw Service:	Fee based on value of electrical installation as per Section 2 (Minimum \$85.35)
6. Review of Preliminary or Modified Drawings and Specifications: <i>Review Fees subject to all applicable taxes</i>	\$69.25/hour (minimum 0.5 of an hour)
7. Permit Fee to Record Work Done Without Permit and Inspection:	

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APPENDIX “A” (Bylaw No. 13411)	
SCHEDULE OF ELECTRICAL PERMIT AND INSPECTION FEES	
Where electrical work has been carried out without a permit and a permit is accepted to approve and inspect the work after the fact, the fee shall be calculated under Section 2 based on the value of the electrical installation as estimated by the Chief Building Inspector at the time of application for the electrical permit	Minimum \$128.40
8. Permit Fee Refund:	Where no inspection has been performed under the permit, the refund will be 90% of the fee paid subject to a minimum non-refundable of \$150.00. No refunds will be given unless a written request is received by the Chief Building Inspector.
9. Permit Extension:	\$108.25
10. Signs:	
(a) Neon:	
For first transformer	\$94.75
Each for the next two transformers	\$62.75
Each for the next two transformers	\$44.35
For each remaining transformer	\$32.00
(b) Fluorescent or light – emitting diode (LED):	
For first 15 AMP branch circuit or equivalent	\$94.75
Each for the next two 15 AMP branch circuit or equivalent	\$62.75
Each for the next two 15 AMP branch circuit or equivalent	\$44.35
For each remaining 15 AMP branch circuit or equivalent	\$32.00
(c) Other signs requiring electrical installation:	
Calculated under Section 2 based on the value of the electrical installation	Minimum \$106.50
11. Operating Permit for Special Event or Film Project:	
(a) One location, one project (includes filming in studio):	
0 – to 30 days	\$138.75
0 – to 60 days	\$244.90
0 – to 90 days	\$284.35
0 – to 180 days	\$381.60

APPENDIX “A” (Bylaw No. 13411) SCHEDULE OF ELECTRICAL PERMIT AND INSPECTION FEES	
0 – to 360 days	\$694.20
(b) Multi locations, one project Permit valid for maximum 365 days:	
0 – to 30 days	\$106.95 per location (maximum \$427.80)
0 – to 60 days	\$142.10 per location (maximum \$568.40)
0 – to 90 days	\$180.80 per location (maximum \$723.20)
0 – to 180 days	\$204.10 per location (maximum \$816.40)
0 – to 360 days (annual permit)	\$1,772.30, any number of locations
(c) Annual permit fee for film studio for repair and maintenance only	\$0.44 per kVA Minimum 640kVA (\$281.60) Maximum 6700kVA (\$2,948.00)
12. Reinspection Fee:	
Where it has been determined by the Electrical Inspector that due to non-compliance with the provisions of this Bylaw or incomplete work reinspection is required	
<i>Reinspection Fees subject to all applicable taxes</i>	
1st reinspection	\$54.00
2nd reinspection	\$233.00
3rd reinspection	\$460.00
4th reinspection	\$920.00
5th reinspection and thereafter	\$1,152.00
13. Special Inspections:	
<i>Special Inspection Fees subject to all applicable taxes and must be approved by the Chief Building Inspector.</i>	
(a) For an inspection requested by the owner or occupant but not required by the Bylaw	\$88.80/hour or part thereof (\$88.80 minimum)

APPENDIX “A” (Bylaw No. 13411) SCHEDULE OF ELECTRICAL PERMIT AND INSPECTION FEES	
(b) For an inspection outside the hours during which the offices of the City Hall are normally open	\$499.65 plus \$127.70/hour or part thereof after the first four hrs. Travel time incl.
(c) For an inspection that requires special arrangements because of length of time, frequency of inspection visits, location outside of City limits, construction techniques or otherwise	\$88.80/hour or part thereof (\$88.80 minimum)
(d) Strata title subdivision application inspections	\$197.15
14. Permit Transfer or Assignment Fee:	
To record a change of contractor for a project	\$108.25
15. Copies of Departmental Records or Drawings:	
<i>Fees subject to all applicable taxes</i>	\$15.00 file research fee Electronic copies: \$2.00 per image Paper copies: \$3.25 per page for copies 8.5x11 inches \$7.80 per page for copies 11x17 inches or larger

THE CORPORATION OF THE DISTRICT OF BURNABY
BYLAW NO. 4247

CONSOLIDATED FOR CONVENIENCE WITH BYLAWS NOS. 5494, 6200, 6776, 6785,
7159, 7266, 7489, 7642, 7859, 8012, 8309, 10409, 11847, 12891, 13268, and 13412

A BYLAW to regulate connection to sewers in the District of Burnaby

WHEREAS it is deemed desirable and expedient to provide for the connection of sewers from houses and other buildings with the public sewers of The Corporation of the District of Burnaby and to regulate same.

NOW THEREFORE the Council of The Corporation of the District of Burnaby ENACTS as follows:

1. This bylaw may be cited as **BURNABY SEWER CONNECTION BYLAW 1961**.
2. In this bylaw, unless the context otherwise requires:

"Sewer" means a pipe or conduit for carrying sewage.

"Public Sewer" means a sewer which is controlled by The Corporation of the District of Burnaby, and which is intended for public use.

"Combined Sewer" means a public sewer receiving both storm water and sewage.

"Sanitary Sewer" means a public sewer to which storm, surface and ground waters are not intentionally admitted.

"Storm Sewer or Storm Drains" means a public sewer which carries storm and surface water but excludes sewage and polluted industrial waste.

"Sewer Connection of Building Sewer Extension" means a sewer pipe extending from a public sewer to the property line of the property being served or about to be served.

"Building Sewer or House Sewer" means the sewer extending from the property line of the property concerned to the building or structure situated thereon and joining the sewer connection to the plumbing system at the building.

"B.O.D." (Donating Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C expressed in parts per million by weight.

"Garbage" means solid wastes from the preparation, cooking and dispensing of food or from the handling, storage and sale of produce.

"Properly Ground Garbage" means the waste from the preparation, cooking and dispensing of foods, ground to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers.

"pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per litre of solution.

"Sewage" means water carried wastes from residences, buildings, business buildings, institutions, and industrial establishments together with such ground, surface and storm waters as may be present or any combination of such wastes and waters and shall include:

- (a) "Industrial Wastes" meaning the wastes from industrial processes.
- (b) "Storm Waters" meaning waters resulting from a period of natural precipitation.
- (c) "Sanitary Sewage" meaning that portion of sewage exclusive of industrial wastes and storm waters.

"Suspended Solids" means solids that either float on the surface of, or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

"Water course" means a channel, ravine, gully or other similar depression in which a flow of water naturally occurs either continuously or intermittently.

"Natural Outlet" means any outlet into a water course, pond, ditch, lake, bay, ocean or other body of surface water or into ground water.

"Engineer" means the Municipal Engineer of The Corporation of the District of Burnaby.

"Chief Building Inspector" means the Chief Building Inspector from time to time of The Corporation of the District of Burnaby.

"Inspection chamber" means a device that is installed on a sewer connection to provide access to the sewer for inspection purposes.

- 3. (1) The owner or occupier of any real property which abuts a street, lane or other public right of way upon or under which there is laid a public sewer and upon which is situate a building or structure occupied for any purpose by one or more persons, shall connect or cause to be connected the said buildings or structure with the public sewer when required by the Engineer so to do.
- (2) The owner or occupier of any such real property may upon proper arrangements therefore having been made with the Engineer as hereinafter required or provided connect the buildings or structures thereon to the public sewer.
- 4. (1) Before any such connection is made the owner or occupier of the property or premises in question shall make application at the office of the Engineer on forms provided for such purpose for a permit to connect his building or structure to the public sewer.

- (2) Where is an existing sewer connection connecting the property of the applicant to the same type of public sewer to which application to connect is being made or where the applicant applies for more than one sewer connection to the same type of public sewer the applicant shall pay in advance a connection charge equal to the cost of constructing the said sewer connection as determined by the Engineer. Provided that this section shall not apply where it is deemed necessary or desirable by the Engineer to have separate connections to a combined sewer for the applicant's sanitary facilities and for his storm drainage facilities.
- (3) Where there is an existing sewer connection connecting the property to the sanitary sewer but an inspection chamber has not been installed on the sewer connection, the applicant shall pay, at the time of making application for a permit and in addition to any other fees or charges payable under this Bylaw, a charge equal to the cost of installing an inspection chamber as determined by the Engineer.
5. The applicant for a permit shall, at the time of making the application for the permit, pay the permit fee set out in Schedule "A" annexed hereto. (Bylaw No. 13412)
6. The Corporation may disapprove any proposed connection, direct the same be not made, and refuse to issue a permit therefore should it be felt that the public sewer is incapable of handling the additional load which would be caused thereby with the resultant danger of the sewer overflowing and flooding the applicants' or other, property, or that the sewage proposed to be discharged into the public sewer shall be in any way injurious thereto and impair the efficiency thereof, or that such sewage does not comply with the limitations and provisions contained in this bylaw.
7. If the Corporation disapproves of the proposed connection the applicant shall be so informed, the reasons for its disapproval shall be given and the fee deposited pursuant to Sections 4 and 5 hereof shall be repaid to the applicant.
8. In the event of such disapproval no permit shall be issued for the connection applied for and such connection shall not be made by the applicant or by any other person.
9. Upon receipt of the application to connect to the public sewer, and of the fees required under Section 4 (if any) and Section 5, and upon approval of the application and issuance of the permit therefor, The Corporation shall cause to be laid (unless already laid) a sewer connection extending from the public sewer to the applicant's property line.
10. (1) Upon construction of the sewer connection as aforesaid the applicant shall thereupon construct and lay down in accordance with the regulations in this by-law contained and in accordance with any other relevant regulations or bylaws a building sewer to connect the building or structure on the property concerned to the sewer connections.
- (2) Where the public sewer is a combined sewer every person shall discharge therein and the building sewer shall be so designed and constructed to receive and shall receive all sanitary sewage, storm waters, ground water, roof run-off and surface drainage from the building or structure and in such case no person shall have or permit such sewage to

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- be drained, discharged or disposed of in any other manner other than through the building sewer to the public sewer.
11. No person other than The Corporation, its servants, employees, agents, contractors or licensees shall install or cause to be installed any part of the sewer connection on public right of way or in any way to break, interfere or tamper with any public sewer.
 12. In the event of any owner or occupier of premises which are required to be connected to a public sewer pursuant to Sub-section 1 of Section 3 of this bylaw failing or neglecting to connect the building or structure to the public sewer in the manner prescribed herein, The Corporation may serve on such owner or occupant a notice requiring that the said building or structure be connected to the public sewer and that the necessary building sewer therefore be constructed and connections made within sixty (60) days of receipt of such notice. Failure on the part of the owner or occupant to comply with said notice shall constitute an infraction of this bylaw.
 13. If after the expiration of the sixty (60) day period aforesaid the owner or occupant served with such notice has failed or neglected to construct and install a building sewer and to connect his buildings or structures with the public sewer as required, The Corporation may enter upon the property and cause the connection to be made. The costs and expenses incidental thereto, including the cost of installing the building sewer and the sewer connection, shall be charged against the owner of the property and he shall be liable for and responsible to pay same upon demand.
 14. Upon completion of the installation and construction of a building sewer and before same has been back-filled the Chief Building Inspector shall be informed that the installation and construction is complete and thereupon the Chief Building Inspector or his appointee shall forthwith make an inspection of the work. All such work shall be left uncovered and convenient for examination until inspected and approved by the Chief Building Inspector in writing and the building sewer shall not be proceeded with, covered, back-filled, finished or connected with the sewer connection or public sewer in any way until such approval in writing has been obtained.
 15. (1) Materials and workmanship which in the opinion of the Chief Building Inspector are defective or otherwise not in accordance with the provisions of this or any other relevant bylaw shall be removed and replaced by the owner at the direction of the Chief Building Inspector and the building sewer shall not be covered or back-filled or connected with the sewer connection unless and until the said sewer has been accepted and approved by the Chief Building Inspector as provided in Section 14 hereof. Failure to replace materials or correct faulty workmanship as provided in this section shall be cause for the Corporation to proceed with the issuance and service of the notice referred to in Section 12, and the conditions imposed by Sections 12 and 13 shall apply.

(2) A further inspection fee of fifty five dollars (\$55.00) shall be paid to The Corporation for each additional inspection required after the first inspection due to faulty materials or workmanship. (Bylaw #12891)

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16. All building sewers shall be constructed and installed by and at the cost of the owner.
17. (1) All building sewers shall be constructed of standard strength glazed vitrified clay sewer pipe of approved manufacture in accordance with A.S.T.M. C13-57T or alternatively a sewer pipe material of an equivalent quality to the above specifications which has been approved by the Chief Building Inspector.
- (2) In the case of an ordinary dwelling having one bath, one toilet and kitchen services or any of them and serving one family, the internal diameter of the building sewer and house connection shall be one hundred and two millimetres (102 mm). In the case of any house or other building or structure containing a greater number of conveniences than aforesaid the drain or sewer shall be of such internal diameter as may be specified by the Chief Building Inspector.
- (3) No joint of or in a building sewer shall allow leakage or infiltration at any time at a greater rate than four thousand two hundred and fifty litres per kilometre of sewer in twenty-four hours under maximum head of one point eight metres (1.8 m).
18. (1) No person shall discharge into any ditch, drain, creek, stream, water-course, water-way, lake, bay or ocean, any sanitary sewage; other waters, industrial wastes, petroleum products, coal tar, or any refuse or substance arising from the manufacture of gas and coal or petroleum, without first obtaining permission to do so from the Engineer.
- (2) Where no sewer is available the Engineer may upon application therefore grant permission for the discharge to or into any ditch, drain, creek, stream, water-course, water-way, lake, bay or ocean of storm water, sanitary sewage, industrial wastes or other waters subject to such standards of quality, quantity and rate of discharge as the Engineer may prescribe upon granting his permission aforesaid.
- (3) Where no appropriate sewer is available or where it is considered that the proposed discharge shall be injurious to or in any way overtax the sewer or sewage system an industry shall discharge its wastes into such natural outlet or water-course as may be prescribed, subject to such standards of quality, quantity and rate of discharge as may be prescribed.
- (4) In any event The Corporation may require any industry to discharge unpolluted cooling water or other unpolluted waters into a natural outlet or water-course rather than into a public sewer.
19. (1) No person shall discharge or cause to be discharged into a sanitary sewer:
- (a) Any storm waters, surface water, ground water, roof run-off or surface drainage, and no person shall connect to a sanitary sewer any roof leaders, foundation drains, field drains, sumps or other collectors of surface or ground water.
- (b) Any industrial cooling water.
- (c) Any industrial wash water from the reclamation of foundry sand.

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- (d) Any water from an air-condition, cooling or condensing system.
 - (2) Industrial cooling water which may be polluted with insoluble oils or grease or insoluble suspended solids shall be pre-treated for removal of the pollutants and the resultant clear unpolluted waters shall be discharged into a storm-sewer, combined sewer or an approved natural outlet or watercourse.
 - (3) Industrial wash-water from the reclamation of foundry sand shall be pre-treated for removal of the insoluble pollutants and the resultant clear unpolluted water shall be discharged into a storm-sewer, combined sewer or an approved natural outlet or a watercourse.
 - (4) Unpolluted water from air-conditioning, cooling or condensing systems, shall be discharged into a storm-sewer, combined sewer or an approved natural outlet or watercourse.
 - (5) Waste water from any swimming pool shall be discharged into a combined or sanitary sewer. The rate of discharge of swimming pool waste water to the public sewer shall be limited to a maximum rate of 545 litres per minute from residential pools and a maximum of 1136 litres per minute from commercial pools.
20. No person shall discharge, deposit or throw or cause, allow or permit to be discharged, deposited or thrown into any public sewer, plumbing fixtures connected thereto, drain, manhole, culvert, or catch basin, or into any building sewer any substance of any kind whatsoever tending to obstruct or injure the sewage works or cause a nuisance, or which will in any manner interfere with the proper repairs or maintenance of the sewage works or which will in any way render it difficult for any workman to repair the sewage works.
21. Subject to Section 22 no person shall discharge or cause to be discharged into any public sewer any of the following sewage or wastes:
- (a) Any liquid or vapour having a temperature higher than 65.5° Celsius.
 - (b) Any waters or wastes which contain excessive amounts of fat, oil or grease.
 - (c) Any gasoline, benzene, naphtha, fuel oil or other inflammable or explosive liquid, solid or gas.
 - (d) Any garbage except properly ground garbage.
 - (e) Any ashes, cinders, sand, mud, straw, shavings, metal, and glass, rags, feathers, tar, coal tar, asphalt, cement, plastics, wood, paunch manure, or any other solids or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
 - (f) Any waters, sewage or wastes having a pH factor lower than 5.0 or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel engaged in the operation or maintenance of the sewage works

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- (g) Any sewage, waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, or constitute a hazard to humans or animals, or create any hazard in the receiving waters of the effluent from the sewage works or sewage treatment plant.
 - (h) Any waters, sewage or wastes containing dissolved or suspended solids of such character and quantity that any abnormal attention or expense would be required in the treating of such sewage.
 - (i) Any noxious or malodorous gas or substance in a quantity capable of creating a public nuisance.
 - (j) Any waters, sewage or wastes having a B.O.D. greater than 400 parts per million by weight.
 - (k) Any waters, sewage or wastes containing more than 500 parts per million by weight of suspended solids except properly ground garbage permitted under subparagraph (d) hereof.
 - (l) Any radioactive wastes or sewage.
22. (1) Where there exists the possibility that there may be discharged into a public sewer from any premises any of the wastes, sewage or substances described in Section 21 hereof The Corporation may issue a permit for the connection of such premises to a public sewer if protective devices satisfactory to the Engineer have been installed by the applicant to prevent the discharge of such wastes, sewage or substances into a public sewer or to neutralize same.
- (2) Any building sewer connected to a public sewer or sewer connection without a permit therefore or any building sewer depositing into a public sewer or into a sewer connection thence to a public sewer any sewage, substance or matter prohibited by this bylaw may be disconnected, stopped up and closed.
23. Every mechanically or electrically operated household or commercial garbage grinder shall be so designed and installed that it shall:
- (a) Operate with cold water flowing into the grinder and through the sink drain in such manner as to congeal and aerate the solid and liquid greases within the grinding unit.
 - (b) Discharge wastes at a reasonably uniform rate in fluid form which shall flow readily through an approved trap, drain line or soil line in a manner which prevents clogging or stoppage of the drain line.
 - (c) Be of such construction and have such operating characteristics that not more than 5% by weight of all material discharged from it shall have any dimension larger than six millimetres (6 mm) and no particle shall have any dimension greater than 13 millimetres (13 mm). Weight shall be determined on a dry basis.

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- (d) Be self-scouring with no fouling surfaces to cause objectionable odours.
 - (e) Be free from electrical or mechanical hazards and adequately protect the user against injury during operation, and free from cross connection to any water pipe.
 - (f) Comply in all particulars with all relevant Municipal BYLAWs and regulations pertaining thereto.
24. The owner of any industrial enterprise or premises connected to a public sewer shall provide suitable means of inspection to facilitate observation, sampling and measurement of the wastes or sewage emanating therefrom.
25. Every building sewer connected to a combined sewer or storm-sewer shall include within the building or structure or in an approved location outside the building the installation of a standard sump and back-water valve installed and designed to the specifications and satisfaction of the Chief Building Inspector. The Engineer may dispense with the necessity of a back-water valve where he is of the opinion that the property lies at such an elevation that there would be no danger of flooding of the property as a result of surcharge or back-up in the combined or storm-sewer.
26. No person shall maliciously, wilfully or negligently break, damage, destroy, uncover, deface or tamper with any public sewer or appurtenances thereto or thereunto belonging.
27. The Engineer and any person under his authority is hereby authorized and empowered to enter at all reasonable times upon any property in order to ascertain whether the provisions of this by-law are being carried out and for such purpose to enter upon such property in order to:
- (a) Determine the size, depth, location and condition of any sewer, building sewer and all connections made and utilized therewith.
 - (b) Determine the location and method and place of discharge of roof and surface drains and plumbing fixtures.
 - (c) Inspect, observe, measure, sample and test the quantity and nature of sewage being discharged into any public sewer, natural outlet or water-course.
28. Any person contravening or committing any breach of or committing any offence against any of the provisions of this by-law or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this by-law or who refuses, omits or neglects to fulfil, observe, carry out or perform any duty, obligation, matter or thing whatsoever by this by-law prescribed or imposed or required to be done is liable, on summary conviction, to a fine not exceeding Five Hundred (\$500.00) Dollars or to a term of imprisonment not exceeding six (6) months, or both; and each day during which any violation, contravention or breach shall continue shall be deemed a separate offence.
29. BYLAW No. 1871 being "Burnaby Sewer Connections Regulation By-law 1945, and amendments thereto, is repealed.

Bylaw No. 13412

SCHEDULE A

Fees and charges	<u>Effective 2015 February 1</u>
1. Fees	
a) Service Connection Adjustment Application	\$380
b) Service Connection	Actual cost
2. Permit Fees:	
a) Sanitary Sewer Connection	\$87
b) Storm Sewer Connection	\$147
c) Combined Sewer Connection	\$147
d) For the third & each subsequent inspection	\$59
3. Violation notice	
Contravention or in violation of any of the provisions of this by-law	\$500

Read a first time this 24th day of April, 1961

Read a second time this 24th day of April, 1961

Read a third time this 9th day of May, 1961

Reconsidered and adopted this 15th day of May, 1961

A.H. EMMOTT
REEVE

J.H. SHAW
CLERK

THE CORPORATION OF THE DISTRICT OF BURNABY

BYLAW No. 4251

Consolidated for convenience with Bylaw No. 13280

A BYLAW to regulate the removal of soil from lands within the municipality.

The Council of The Corporation of the District of Burnaby ENACTS as follows:

1. This By-law may be cited as "BURNABY SOIL REMOVAL REGULATION BYLAW 1961".

2. In this By-law unless the context otherwise requires:

"Engineer" means the Municipal Engineer from time to time of The Corporation of the District of Burnaby,

"Mineral Fill" means soil free from refuse, rubble, clay or silt and free from any undecomposed organic matter.

3. (1) No person shall remove soil from any lands within the municipality without first having a permit therefore.
- (2) Every permit shall expire and be invalid after the expiration of six months from the date of its issue.
- (3) Every such permit shall specify the lands from which soil may be removed and the permit shall be valid only for removal of soil from the lands therein described.
4. (1) Application for a permit may be made at a the offices of the Engineer on forms provide for such purpose and shall be accompanied with a permit fee of Two Hundred and Fifty Dollars (\$250.00). (Bylaw No. 13280)
- (2) Such application shall be accompanied by a two foot contour plan or plans prepared by a British Columbia Land Surveyor showing the present state of the lands, the extent of removal contemplated and, the proposed surface and topography of the land after the soil removal has been completed.

- (3) Where the lands from which the soil is to be removed are to be filled with any material thereafter the application shall state the type of fill intended to be used and the method of applying or placing same.
 - (4) Every person to whom a permit has been issued hereunder shall complete the soil removal in accordance with the contour plans submitted and shall utilize only the type of fill and the method of applying same as stated in the application for a permit.
5. (1) No person shall remove soil from any lands within the municipality if:
- (a) such removal will or does in any way endanger surrounding or neighbouring lands or the support thereof or thereto.
 - (b) such removal will or does make impracticable the future sub division or development of the land or surrounding or neighbouring lands.
 - (c) such removal will or does adversely affect the stability of, foul, obstruct, impede, injure or damage any drain, ditch, stream, creek, waterway, water course, sewer, highway, lane, catch basin, culvert, manhole, public right of way, or any public utility.
 - (d) the drainage of any area of the municipality will be disturbed, damaged, destroyed or diverted thereby.
- (2) Notwithstanding the provisions of sub-section 2 a permit may be issued if precautions can be taken which will prevent any such damage or injury therein referred to. In such case before a permit will be issued the applicant may be required to:
- (a) obtain the services of a Consultant Soil Mechanics Engineer to determine the feasibility and proper method of the proposed soil removal provided that the report of such consultant will be subject always to the interpretation and approval of the Engineer; and
 - (b) enter into an Agreement with The Corporation of the District of Burnaby agreeing to remove the soil in such quantities, and in such manner as therein specified; and
 - (c) deposit a bond to ensure that the terms of such Agreement will be fully carried out.
- (3) If at any stage of the soil removal operations it appears that the further work as authorized by an existing permit is likely to endanger any public property or streets, easements or lanes, or create hazardous conditions, or any of the conditions mentioned in subsection (1) the permit may be revoked or the Permittee may be required as a condition to continuance of work that adequate precautions be taken to avoid any damage or danger.

6. This By-law shall not apply to:
- (a) Florists, Nursery Men and Horticulturists who supply their cold frames, glass houses or pots with soil originating from the lands upon which their business is carried on provided they replace the so excavated soil with approved mineral fill.
 - (b) Any person excavating soil for the foundation of structures for which a building permit has been duly issued provided that the soil from the excavation is disposed of on the same lot on which the excavation occurred.
7. (1) No person carrying on any soil removal operations shall permit or cause any soil to be or come in or upon any road, highway, sidewalk, ditch, drain, catch-basin or other public place so as in any way to foul, impede, obstruct, injure or damage same or cause a nuisance thereon.
- (2) Any person who encumbers, obstructs, injures, fouls, or damages any highway or portion thereof or public place if required to do so by the Engineer shall forthwith remove, remedy or repair any such injury, fouling, damage, encumbrance or obstruction.
8. Any person contravening or committing any breach of or committing any offence against any of the provisions of this By-Law or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this By-law; or who refuses, omits or neglects to fulfil, observe, carry out or perform any duty, obligation, matter or thing whatsoever by this By-law prescribed or imposed or required to be done is liable, on summary conviction, to a fine not exceeding Five Hundred (\$500.00) Dollars or to a term of imprisonment not exceeding thirty (30) days, or both.

Read a first time this 8th day of May, 1961.

Read a second time this 8th day of May, 1961.

Read a third time this 8th day of May, 1961.

Reconsidered and adopted this 15th day of May, 1961.

(SIGNED) "R. W. PRITTIE"
ACTING REEVE

(SIGNED) "J. H. SHAW"
MUNICIPAL CLERK

THE CORPORATION OF THE DISTRICT OF BURNABY

BYLAW NO. 5974

Consolidated for Convenience with Bylaw No. 13279

A BYLAW to regulate the deposit of soil within the Municipality of Burnaby

The Council of The Corporation of the District of Burnaby ENACTS as follows:

1. This By-law may be cited as "BURNABY SOIL DEPOSIT BYLAW 1971".
2. In this By-law unless the context otherwise requires:

"Corporation" means The Corporation of the District of Burnaby.

"Council" means the Council of the Corporation.

"Engineer" means the person appointed from time to time by the Council as Municipal Engineer of the Corporation and includes any person or persons delegated by the Municipal Engineer to act on his behalf.

"Municipality" means the Municipality of Burnaby.

"Person" includes any company, corporation, owner, partnership, firm, association, society or party.

"Soil" includes sand, gravel, rock and other material.

3. (1) No person shall deposit soil on any land within the municipality without first having obtained a permit from the Engineer so to do.
(2) Every permit shall expire and be invalid after the expiration of six months from the date of its issue.
(3) Every such permit shall specify the land upon which soil may be deposited and the permit shall be valid only for the deposit of soil on the land therein described.
4. (1) Application for a permit shall be made to the Engineer on forms provided for such purpose and shall be accompanied with a permit fee of Two Hundred and Fifty Dollars (\$250.00), (Bylaw No. 13279)

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- (2) Such application shall be accompanied by a two foot contour plan or plans prepared by a British Columbia Land Surveyor showing the present state of the land, the extent of deposit contemplated and the proposed surface and topography of the land after the deposit of soil has been completed.
 - (3) The applicant for a permit shall state in his application the type of soil intended to be used and the method of applying or placing same on the land.
 - (4) Every person to whom a permit has been issued hereunder shall complete the deposit of soil in accordance with the contour plans submitted and shall utilize only the type of soil and the method of applying same as stated in the application for a permit.
5. (1) No person shall deposit soil on any land within the municipality if:
- (a) such deposit of soil will or does in any way endanger any adjacent, surrounding or neighbouring land or the support thereof or thereto.
 - (b) such deposit of soil will or does make impracticable the future subdivision or development of the land or adjacent, surrounding or neighbouring land.
 - (c) such deposit of soil will or does adversely affect the stability of, foul, obstruct, impede, injure or damage any drain, ditch, stream, creek, waterway, water-course, sewer, highway, land, catch basin, culvert, manhole, public right of way, or any public utility.
 - (d) the drainage of any area in the Municipality will be disturbed, damaged, destroyed or diverted thereby.
- (2) Notwithstanding the provisions of sub-section (1) a permit may be issued if precautions can be taken which will prevent any such damage or injury therein referred to. In such case before a permit will be issued the applicant may be required to:
- (a) obtain the services of a Consultant Soil Mechanics Engineer to determine the feasibility and proper method of the proposed deposit of soil provided that the report of such consultant will be subject always to the interpretation and approval of the Engineer; and
 - (b) enter into an Agreement with the Corporation agreeing to the deposit of soil in such quantities and in such manner as therein specified; and
 - (c) deposit a bond to ensure that the terms of such Agreement will be fully carried out.

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- (3) If at any time of the depositing of soil on any land in the Municipality it appears that further depositing as authorized by an existing permit is likely to endanger any public property, highway, or right-of-way, or to create hazardous conditions, or any of the conditions mentioned in subsection (1), the permit may be revoked by the Engineer.
6. (1) No person carrying on any soil depositing operations shall permit or cause any soil to be or come in, on or upon any road, highway, sidewalk, ditch, drain, catch-basin, public place or Corporation works or services or any part thereof so as in anyway to foul, impede, obstruct, injure or damage same or cause a nuisance therein or thereon.
 - (2) Any person who encumbers, obstructs, injures fouls, or damages any road, highway, sidewalk, ditch, drain, catch-basin, public place or Corporation works or services or any part thereof so as in any way to foul, impede, obstruct, injure or damage same or cause a nuisance therein or thereon, if required to do so by the Engineer, shall forthwith remove, remedy or repair any such injury, fouling, damage, encumbrance or obstruction.
7. Every person who violates any of the provisions of this By-Law shall be guilty of an offence punishable on summary conviction and shall be liable to a fine not exceeding \$500.00 and in default of payment to imprisonment not exceeding thirty days.

Read a first time this 4th day of October, 1971.

Read a second time this 4th day of October, 1971.

Read a third time this 12th day of October, 1971.

Reconsidered and adopted this 18th day of October, 1971.

(Signed) "ROBERT W. PRITTIE"
MAYOR

(Signed) "J. H. SHAW"
CLERK

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