

VF 1737

THE CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 1929

A BY-LAW regulating, restricting and limiting the removal of soil from any lands within the Municipality and for prohibiting the removal of any such soil.

WHEREAS under Subsection 252a of Section 59, Chapter 199, R.S.B.C. 1936, the Council is empowered to pass a By-law regulating, restricting and limiting the removal of soil from any lands within the Municipality and for prohibiting the removal of such soil except with the consent of the Council to be evidenced by resolution, which resolution may specify the terms and conditions subject to which removal is permitted.

NOW THEREFORE the Municipal Council of the Corporation of the District of Burnaby ENACTS as follows:

1. No person, firm or corporation shall remove any soil from any lot or parcel of land within the Municipality of Burnaby without the consent of the Council of the Corporation of the District of Burnaby, evidenced by resolution specifying the terms and conditions subject to which such soil removal is permitted.
2. This By-law shall not apply to:
 - (a) Any florist, nurseryman or horticulturist who shall bona fide require soil for the purpose of supplying his pots or cold frames on lands owned, or occupied by him as such horticulturist, provided that in such cases no soil shall be removed to a depth below the established grade of the street upon which such property abuts.
 - (b) To any person engaged in the "bona fide" erection of buildings on the land owned by them and the removal of the soil is necessary for the construction of basements and foundations.

3. Any person who contravenes or has been guilty of any breach of this By-law shall upon the conviction thereof before a police magistrate or any two justices of the peace, or other magistrate or magistrates having jurisdiction in the Municipality of Burnaby on the oath or affirmation of any credible witness, forfeit and pay at the discretion of the police magistrate, justices or other magistrate or magistrates convicting, a fine or penalty not exceeding the sum of \$250.00 and costs for each offence, and in default of payment thereof forthwith it shall be lawful for such police magistrate, justices or other magistrate or magistrates convicting as aforesaid to issue a warrant under his or their hand and seal to levy the said fine or penalty and costs, or costs only, by distress and sale of the offender's goods and chattels and in the case of no distress or no sufficient distress found to satisfy the said fine or penalty it shall be lawful for the police magistrate, justices or other magistrate or magistrates convicting as aforesaid to commit the offender to the common gaol, or any lock-up house in, of or for the Municipality of Burnaby for any period not exceeding two months (with or without hard labour) unless the said fine or penalty be sooner paid.

4. This By-law may be cited as the BURNABY SOIL REMOVAL BY-LAW, 1946.

5. This By-law shall come into force and take effect on the date of the final passing thereof.

DONE AND PASSED in Open Council on the Twenty first (21st) day of October, A.D. 1946.

RECONSIDERED AND FINALLY PASSED this Fourth (4th) day of November, A.D. 1946.



G. Morrison
REEVE

Charles B. Brown
CLERK