

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.

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) "Chief Public Health Inspector" means the Chief Public Health Inspector of The Corporation of the District of Burnaby and includes any person or persons designated by the Medical Health Officer or the Chief Public Health Inspector to act on behalf of the Chief Public Health Inspector;
 - (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 special waste as defined in the Waste Management Act S.B.C. 1982, chap. 41 as amended from time to time and regulations thereunder,
 - (ii) waterborne wastes derived from human and animal sources, and

(iii) water, liquids and substances having a temperature higher than 65^o Celsius;

(c) Director Engineering means the Director Engineering for The Corporation of the District of Burnaby and includes any person or persons designated by the Director Engineering to act on his behalf.

3. No person shall

(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, catchbasins and containment barriers adequate to safely store the said contaminants. The said interceptors, catchbasins and containment barriers shall be of a type and design approved in writing by the Chief Public Health Inspector or the Director Engineering.

5. Every owner and occupier of real property on which contaminants are used or stored shall maintain interceptors, catchbasins 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, catchbasins and containment barriers or to take such measures as are prescribed by the Chief Public Health

Inspector or Director Engineering, the Chief Public Health Inspector or 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 Chief Public Health Inspector and Director Engineering and the cost thereof shall be borne by the owner and occupier.

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 Chief Public Health Inspector.

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 Chief Public Health Inspector all contaminants and containers used for storage or containing contaminants.

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 Chief Public Health Inspector and the Director Engineering, which is adequate to retain sediment and control the rate of storm water runoff in accordance with the directions of the Chief Public Health Inspector and Director Engineering.

(2) If the owner and occupier fails to install and maintain sediment control ponds, settling ponds and retention ponds, the Chief Public Health Inspector or 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.

10. (1) The Chief Public Health Inspector and 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.

(2) The Chief Public Health Inspector 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.

11. Every owner and occupier shall pay to The Corporation of the District of Burnaby within thirty (30) days of demand of same, all costs and expenses incurred by or on behalf of The Corporation of the District 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, catchbasins 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, catchbasins, containment barriers, sediment control ponds, settling ponds and retention ponds, or breach of this Bylaw occurred and shall be treated as taxes in arrear.

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.

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