

Re: PROPOSED AMENDMENT TO BURNABY FIRE PREVENTION BY-LAW NO. 5096

The Fire Department frequently spends a considerable amount of time in the preparation of cases involving prosecution of violations under Burnaby Fire Prevention By-Law No. 5096. These involve, among other matters, the failure to obtain permits for the installation of underground storage tanks for propane and petroleum products and illegal burnings. The minimum penalty upon conviction for violations is \$25.00. Unfortunately, magistrates usually charge offenders with only the minimum penalty under law, and the \$25.00 so assessed for violations does not cover the cost involved in investigating and preparing cases for prosecution. It is therefore recommended that the minimum amount be increased to \$150.00. If this recommendation is adopted, the applicable section of the by-law would read as follows:

- 1.3.4.1 Every person who contravenes or fails to comply with this by-law or who fails to carry out an order made under this by-law or any condition attached to a permit or to which a permit is subject is guilty of an offence and where no other penalty is provided under this by-law is liable on summary conviction to a fine of not less than \$150.00 and not more than \$500.00 or to imprisonment for a term not exceeding six months or to both such fine and imprisonment and in default of payment of the fine to imprisonment for an additional term not exceeding six months.

The recommended minimum will not only serve to cover administrative costs, but will also serve to give more meaningful support to the deterrent factor that should be considered in connection with the establishment and assessment of fines. Following are the penalties for violations of fire prevention by-laws in four neighbouring municipalities:

Vancouver: The fine is a fixed amount - \$50.00. There is no provision for a jail term.

New Westminster:

The penalties are the same as in Burnaby at this time (\$25.00 to \$500.00 imprisonment not to exceed six months.)

Richmond: A fine up to but not exceeding \$100.00. Imprisonment not exceeding 30 days.

Surrey: A fine up to but not exceeding \$250.00 plus court costs. There is no provision for a jail term.

RECOMMENDATION:

1. THAT the minimum fine under the subject by-law be increased from \$25.00 to \$150.00, to become effective on August 1, 1976.

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