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MANAGER'S REPORT NO.	68
COUNCIL MEETING	1978 10 02

RE: REVISED GAS BY-LAW TO REPLACE
BURNABY GAS FITTING BY-LAW NO. 3298

Following is a report from the Chief Building Inspector regarding a revised gas fitting by-law.

Attachment "B" on page 128 shows the current and proposed rates for gas permit fees.

RECOMMENDATION:

1. THAT the recommendations of the Chief Building Inspector be adopted.

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TO: MUNICIPAL MANAGER 1978 SEPTEMBER 27
FROM: CHIEF BUILDING INSPECTOR
RE: REVISED GAS BY-LAW TO REPLACE
BURNABY GAS FITTING BY-LAW NO. 3298

RECOMMENDATIONS:

1. THAT Burnaby Gas Fitting By-Law No. 3298 be repealed and the attached Gas By-Law as drafted be substituted therefor.
2. THAT a revised Schedule of Fees for Gas Permits, as set forth in the attached draft by-law, become effective and current with the adoption of the revised Gas By-Law.
3. THAT the Municipal Solicitor be requested to prepare the necessary amending by-law for presentation to Council as soon as possible.

REPORT:

Enclosed is a draft of a revised Gas By-Law to update the present by-law.

The current Burnaby Gas Fitting By-Law No. 3298 dates back to 1953 with amendments which have occurred over the years. Provincial legislation introduced by the Provincial Gas Act, and Regulations made pursuant to that Act, has superseded the technical content of the present by-law and made any technical content of a local by-law redundant. The most recent change in the Provincial legislation occurred in 1977 when the Canadian Gas Association, B149.1 - 1976, "Installation Code for Natural Gas Burning Appliances and Equipment," was adopted through provision of the Gas Act and became effective 1977 10 01 as governing regulation in the Province.

The attached draft by-law is administrative only and has been prepared to reflect the current governing Provincial legislation. Some of the material covered in the draft provides:

- (1) Definition of low pressure gas installation as being the limit of jurisdiction of the Municipal Gas Inspector. This provides compatibility of the by-law with the Provincial Gas Act and the Regulations pursuant to the Act.

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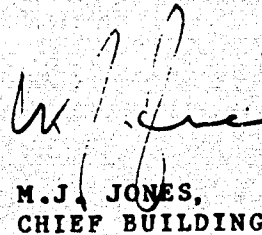
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- (2) Suspension of permit privileges where application is made for a gas permit, but where contractor/applicant has not corrected objections of work on previous job(s) after due notice. This provision is currently found in Burnaby Building and Plumbing By-Laws and is effective in time of need.
- (3) Metric conversion has been incorporated in the draft with the use of SI units to replace Imperial measure.
- (4) A revised schedule of gas permit fees has been incorporated consistent with the 1979 Provisional Budget costs and projected revenues for the Gas Inspection Division.

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The foregoing, together with the attached draft by-law, is submitted for consideration with the recommendations noted at the beginning of this report.

MJJ:lm
Enc.



M.J. JONES,
CHIEF BUILDING INSPECTOR

cc: Municipal Solicitor

D R A F T

A BY-LAW to regulate and control the installation, alteration, repair, use, operation and maintenance of low pressure natural gas piping, venting and appliances.

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

1. This By-Law may be cited as "BURNABY GAS BY-LAW, 1978".
2. The Canadian Gas Association Installation Code for Natural Gas Burning Appliances and Equipment promulgated as C.G.A. Standard B 149 - 1 - 1976 with supplements, amendments and revisions thereto made from time to time (hereinafter called the Gas Code) together with Regulations pursuant to the Gas Act, are adopted and made applicable within the Municipality of Burnaby.

3. Interpretation

In this By-Law, unless the context otherwise requires:

"Act" means the Gas Act;

"alteration" means any change made to house-piping, the attachment or removal of an appliance to or from an outlet, the installation or removal of a valve on a manifold, or a change to or replacement of any vent;

"appliance" means a device that uses gas to produce light, heat or power;

"approved" means acceptable to the Chief Inspector;

"Chief Building Inspector" means the Chief Building Inspector of The Corporation of the District of Burnaby.

"Chief Inspector" means the Chief Inspector of the Gas Safety Branch of the Safety Engineering Services Division under the Minister of Highways and Public Works;

"contractor" means any person who holds a valid and subsisting certificate of registration as a gas contractor, issued pursuant to the Act and who maintains a place of business from which he carries on the business of installation or repair of gas equipment;

"dealer" means any person who maintains a place of business for the sale of appliances;

"house piping" means the gas piping in any premises beyond the outlet of the meter and the gas piping in any premises ahead of the meter which is not installed by or on behalf of the gas company;

"gas fitter" means a person holding a valid and subsisting gas fitter's licence issued pursuant to the Act;

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"inspector" means the Inspector appointed under the Gas Act.

"Issuing Officer" means

- (a) a clerk authorized to issue permits
- (b) a local inspector;

"kJ" means kilojoule which represents approximately the amount of heat liberated by the burning of a wooden match.

"licenced contractor" means a person in possession of a valid licence pursuant to Burnaby Trade Licence By-Law to carry on the business of installation or repair of gas equipment.

"Local Inspector" means Supervisor - Plumbing and Gas Inspections and Plumbing and Gas Inspectors of The Corporation of the District of Burnaby appointed by the Municipality under the provisions of the Gas Act to discharge the duties designated under the said Act.

"low pressure" shall mean gas supplied at a pressure not in excess of 3.5 kPa.

"listed (certified)" means, with respect to appliances, investigated and suitably marked by a recognized testing agency as conforming to recognized standards or requirements or accepted test reports;

"Municipality" means the Municipality of Burnaby.

"owner" shall, in addition to any other meaning, be deemed to extend to and include any person in occupation or possession of, or entitled to, or having any interest in, any building or premises within the Municipality and includes the agent of any such person;

"piping" means house-piping;

"registered owner" means a person whose name is registered with the Land Registry Office as holding title to a piece of land;

"single family dwelling" means any building consisting of one dwelling unit which is occupied or intended to be occupied as a permanent home or residence of one family. No more than one such building shall be on one parcel of land, and no part of the said parcel of land shall be put to commercial or industrial use.

4. Duties of the Chief Building Inspector

- (a) require that all the provisions of this by-law be enforced.
- (b) maintain and keep records of all low pressure gas piping and appliance installations undertaken and the inspection thereof.

5. Duties of the Local Inspector

The Local Inspector shall:

- (a) examine and pass upon plans and specifications for low pressure gas installations.
- (b) authorize the issuance of gas permits when he is satisfied the issuance of such permits is in order.
- (c) attend pressure tests on gas piping installations and inspect or cause to be inspected all gas work during the course of installation, alteration or repair.
- (d) inspect completed appliance installations for conformity with this By-Law and for safe operation.
- (e) have the authority to direct the immediate suspension or correction of all or any portion of a gas installation whenever it is found by him that such work is not being performed in accordance with the provision of this By-Law.

6. Right of Entry

- (1) The Local Inspector is authorized to enter at all reasonable times into and upon any property or premises in order to ascertain whether the regulations contained in this By-Law are obeyed or to carry into effect the same.
- (2) Any person preventing or obstructing the entry or attempted entry of a Local Inspector, after he has properly identified himself, into or upon any property in pursuance of his duties under this By-Law shall be deemed to be guilty of an infraction of this By-Law and shall be liable to the penalties thereof.
- (3) No person shall hinder or prevent a Local Inspector from entering and making a reasonable inspection of any building or premises whenever necessary to secure compliance with, or prevent a violation of, any provisions of this By-Law.

7. Permits

- (1) A person shall not commence an installation or alteration of any house-piping, appliance or vent in or on any land and premises unless he is the holder of a permit issued by an issuing officer.
- (2) Failure to produce a permit when requested to do so by a Local Inspector shall be prima facie evidence that a permit has not been obtained.

8. (1) Application for a permit shall be made in writing to a person who is authorized to accept such applications. The following information shall be set forth on the application, if requested.

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- (a) A description of the work to be done;
- (b) particulars of the number and kind of appliances;
- (c) the size and length of house-piping;
- (d) gas pressure in the house-piping;
- (e) the size, length, kind and location of the vent;
- (f) any other information which may be required;

(2) Application for a permit shall be made by:

- (a) a person who is the holder of an unexpired gas contractor's licence; or
- (b) an accredited representative of a contractor; or
- (c) a registered owner of a single family dwelling, living or intending to live in such dwelling, who is the holder of an unexpired Provincial Licence from the Gas Safety Branch.

9. (1) A Local Inspector may demand from an applicant for a permit, a plan of the proposed gas installation showing the details of the sizes and location of all gas piping, appliances and vents. When an additional appliance is to be served through an extension of present piping, the capacity of the existing lines shall be verified.

(2) An applicant for a permit for a gas system with house piping in excess of 400,000 KJ/hr. connected load shall accompany his application for a permit with drawings of the system in triplicate, properly engineered showing the details of all gas piping, appliances and vents.

(3) An applicant for a permit for the installation of infra-red heaters shall submit a detailed sketch or plan showing the method of supporting the units, the details of gas piping with respect to the units and the sizes and location of combustion air and ventilation air openings.

10. The application for a permit shall be accompanied by the fee prescribed in Schedule "A".

11. A permit shall be void if

- (a) the installation is not commenced within thirty (30) days of the date of its issuance, or
- (b) there has been no progressive work for a period of sixty (60) days.

12. The Chief Building Inspector or Supervisor - Plumbing and Gas
Inspections may grant an extension of the period of validity of a permit for not more than ninety (90) days.
13. The Chief Building Inspector or Supervisor - Plumbing and Gas
Inspections may refuse to issue a permit for a gas installation to any person who:
- (a) is delinquent in the payment of any fee payable under the Gas Act or this By-law
 - (b) who has failed or neglected to correct deficiencies within the time specified in a certificate of inspection or objection notice on any installation for which a permit has been issued to him.
14. Where the utility supplies gas at a pressure in excess of 3.5 kPa. to any premises, the complete installation downstream from the point of supply shall be under the jurisdiction of the Gas Safety Branch of the Safety Engineering Services Division.
15. Where more than one meter is installed by the utility for any building, there shall be an individual permit required for the installation of house-piping, appliances and vent attached to the downstream side of each meter.
16. Inspection
- (1) Upon completion of each phase of the gas installation covered by a permit the holder of the permit shall forthwith notify the Local Inspector that the said work has been performed in compliance with the Gas Act and the governing regulations and that it is ready for inspection.
 - (2) A Local Inspector may carry out an inspection of the work at any time, and shall issue a notice of inspection:
 - (a) approving the work, or portion thereof, or
 - (b) ordering such changes as may be necessary to bring the work into conformity with the regulations within a time limit specified in the notice.
17. Nothing in these regulations shall be deemed to impose a requirement on a Local Inspector that he shall inspect an installation solely because a permit was issued in respect to such installation.
18. A Local Inspector may at any time inspect any premises to determine the condition of any house-piping, appliance or vent, or to ascertain whether work is carried out in full compliance with the provisions of the regulations.

19. A Local Inspector may direct the immediate suspension of all or any portion of any gas fitting on any premises by posting a notice to such effect on such premises whenever it appears to him that such gas fitting is not being done in accordance with the permit issued in respect thereof.

20. A tag shall be securely affixed by the gas fitter to the house-piping within a building at a point of entry or, where there is no building, at the meter. The following information shall be placed on the tag in a permanent manner:

- (a) Contractor's name and registration number,
- (b) the gas fitter's name and registration number, and
- (c) the date the tag is affixed to the house-piping.

21. Subject to the approval of the Chief Building Inspector, inspections may be made outside the normal working hours on written request of the owner or contractor, the fee for such inspections shall be as set forth in Schedule "A".

22. Approval of Equipment

The following testing agencies are approved for the testing and certification of gas-fired equipment:

- (a) Canadian Gas Association;
- (b) Canadian Standards Association;
- (c) Underwriters Laboratories of Canada;
- (d) B.C. Research Council;
- (e) Gas Safety Branch of the Safety Engineering Services Division under the Minister of Highways and Public Works.

23. (1) Before any gas-fitter commences the installation or re-installation of any commercial or industrial appliance not bearing the approval seal of the Canadian Gas Association, Canadian Standards Association or Underwriters' Laboratories of Canada as a gas fired appliance, he shall ascertain that an application has been made to the Gas Safety Branch for certification of the appliance and that the appropriate fee has been paid.

(2) Before any gas-fitter commences the installation or re-installation of any appliance with a maximum input per hour of more than 400,000 kJ he shall ascertain that an application has been made to the Gas Safety Branch for certification of the appliance and the appropriate fee has been paid.

24. Before any gas-fitter commences the installation or re-installation of any direct fired non-recirculating type make-up heater, he shall ascertain that an application has been made to the Gas Safety Branch for certification of the appliance and that the appropriate fee has been paid.

25. No person shall install or cause or allow to be installed a conversion burner in an appliance of any input in a commercial or industrial premises unless

application for certification of the equipment as a gas appliance has been made to the Gas Safety Branch and the appropriate fee has been paid.

26. Only certified conversion burners shall be installed in single family dwellings.

27. Notwithstanding section 26, no conversion burner having an input in excess of 400,000 KJ per hour shall be installed in a single family dwelling until application for certification has been made to the Gas Safety Branch and the appropriate fee has been paid.

28. The main burner or burners of an appliance, requiring certification shall not be ignited until an Inspector of the Gas Safety Branch is present and authorizes their ignition, except by special permission.

29. The main burner or burners of an appliance requiring certification shall not be left ignited unless an Inspector of the Gas Safety Branch approves the appliance and the installation.

30. Enforcement

(1) It shall be unlawful for any person to construct, install, remove, alter, repair, use or maintain any gas piping, vent or appliance in violation of this By-Law.

(2) It shall be unlawful for any person, unless authorized by the Local Inspector, to reverse, alter, deface, cover, remove or in any way tamper with any notice or certificate posted or affixed to any piping, appliance or building pursuant to any provision of this By-Law.

(3) The Local Inspector may order tests, or sufficient evidence or proof submitted to determine whether any gas piping, venting or appliance meets the requirements of this By-Law.

(4) If the Local Inspector finds that any appliance has been installed without a permit, or is defective or dangerous to life or property, or that any house piping or vent from an appliance is defective or dangerous to life or property, he may shut off such appliance or house piping or require the gas company to whose pipe line such house piping is connected, to shut off such house piping. A notice to that effect shall be attached to the piping, appliance or building and a copy of such notice shall be sent return registered to the owner of the property.

(5) In any case where an appliance or house piping is shut off or disconnected under direction of the Local Inspector, it shall be unlawful for any

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person to turn on or reconnect such house piping or appliance until authorized to do so.

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31. No Liability on Corporation

This By-Law shall not be construed as imposing on the Corporation of the District of Burnaby and the Local Inspector of the said Corporation any liability to any person suffering any injury or disability due to any defective or faulty gas fitting or gas piping, nor shall the Corporation or any official thereof be considered as assuming any such liability by reason of any inspection made pursuant to the provisions of this By-Law.

32. Penalties

(1) Every person who violates any of the provisions of this By-Law, 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 By-Law, or who neglects or refrains from doing anything required to be done by any of the provisions of this By-Law, 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 By-Law or who fails to comply with any order, direction or notice given under this By-Law shall be deemed to be guilty of an infraction of this By-Law and shall be liable to the penalties hereby imposed.

(2) Every person, firm, or corporation violating any provision of this By-Law shall be liable on summary conviction to a fine of not less than Twenty-five (\$25.00) Dollars nor more than Five Hundred (\$500.00) Dollars for each offence; and a separate offence shall be deemed to be committed on each day during or on which a violation occurs or continues.

SCHEDULE "A"

THE CORPORATION OF THE DISTRICT OF BURNABY

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Schedule of Gas Permit Fees

1. Domestic Installations

- (a) For each appliance \$ 8.00
- (b) For vent and/or furnace plenum (no appliance) \$ 10.00
- (c) For each 60 m. of piping only \$ 10.00
- (d) For each inspection in excess of two due to faulty workmanship or materials, a reinspection permit. \$ 15.00

2. Commercial or Industrial Installations

- (a) For each appliance with input of:
 - 100,000 kJ/hr. or less \$ 12.00
 - 100,001 kJ/hr. to 200,000 kJ/hr. \$ 17.00
 - 200,001 kJ/hr. to 400,000 kJ/hr. \$ 25.00
 - 400,001 kJ/hr. or greater \$ 35.00
- (b) For each vent and/or furnace plenum (no appliance) \$ 15.00
- (c) For each 60 m. of piping only \$ 15.00
- (d) For each inspection in excess of two due to faulty workmanship or materials, a reinspection permit. \$ 20.00

3. Special Inspections

- (a) Request by a person having a legal interest in establishing the fitness of an existing gas installation. \$ 25.00/hr.
- (b) For inspection outside normal working hours (plus regular permit fee) \$ 50.00

4. Permit Refund

The fee paid for a permit may be refunded, less 10%, provided no work had been performed under the permit.

Schedule of Gas Permit Fees

1. Domestic Installations
- (a) For each appliance \$ 8.00 (\$8.00 or 5.00 per appl.)
- (b) For vent and/or furnace plenum (no appliance) \$ 10.00 (\$8.00)
- (c) For each 60 m. of piping only \$ 10.00 (\$8.00)
- (d) For each inspection in excess of two due to faulty workmanship or materials, a reinspection permit. \$ 15.00 (\$8.00)
2. Commercial or Industrial Installations
- (a) For each appliance with input of:
- 100,000 kJ/hr. or less (\$11.50 min. or as schedule below, whichever is greater) \$ 12.00 (9.00 + 7.50 each addl.)
- 100,001 kJ/hr. to 200,000 kJ/hr. \$ 17.00 (New category)
- 200,001 kJ/hr. to 400,000 kJ/hr. \$ 25.00 (19.00 + 9.00 each addl.)
- 400,001 kJ/hr. or greater \$ 35.00 *
- (b) For each vent and/or furnace plenum (no appliance) \$ 15.00 (11.50 min.)
- (c) For each 60 m. of piping only \$ 15.00 (9.00 first 60m; 3.00 for every 30m in excess of 60m)
- (d) For each inspection in excess of two due to faulty workmanship or materials, a reinspection permit. \$ 20.00 (23.00)
3. Special Inspections
- (a) Request by a person having a legal interest in establishing the fitness of an existing gas installation. (New) \$ 25.00/hr. category)
- (b) For inspection outside normal working hours (plus regular permit fee) \$ 50.00 (\$45.50)
4. Permit Refund

The fee paid for a permit may be refunded, less 10%, provided no work had been performed under the permit.

* On the existing schedule there are 4 higher categories of input with a rate established for each. These are being eliminated from the proposed schedule to facilitate efficiency.

This page of the schedule shows existing rates in brackets. The first column without brackets are the rates being proposed.