



Item .....
Meeting ..... 2011 February 14

COUNCIL REPORT

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**TO:** CITY MANAGER **DATE:** 2011 February 07

**FROM:** DIRECTOR PLANNING & BUILDING

**SUBJECT:** BURNABY BYLAW NOTICE ENFORCEMENT BYLAW – BYLAW 12657

**PURPOSE:** To seek Council’s approval to update the Burnaby Bylaw Notice Enforcement Bylaw.

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**RECOMMENDATION:**

1. **THAT** Council authorize the preparation of the necessary bylaw amendments to the Burnaby Bylaw Notice Enforcement Bylaw, as outlined in this report.

**REPORT**

**1.0 INTRODUCTION**

At the regular Council Meeting of 2009 March 09, Council authorized a ticketing bylaw for the City.

On 2009 June 15, Bylaw No. 12657, the Burnaby Bylaw Notice Enforcement Bylaw, was adopted by Council and early in 2010 staff began issuing tickets using the new bylaw.

In the report dated 2009 March 09 which recommended the preparation of the bylaw, it was noted that once the bylaw was in place that future amendments may be required from time to time. As such, this report proposes a number of additional offences from a variety of bylaws to be included in the Burnaby Bylaw Notice Enforcement Bylaw. It also proposes that a number of offences be removed from the bylaw and that several new positions be added to the list of designated Screening Officers and Bylaw Enforcement Officers.

**2.0 AMENDMENTS TO SCHEDULE “A” OF THE BYLAW**

Schedule “A” of the Burnaby Bylaw Notice Enforcement Bylaw lists all of the sections of all of the bylaws which can be enforced using bylaw notices and specifies the fines for those offences.

*Attachment “1”* of this report lists additional offences from the Building, Plumbing, Cab, Noise, Parks and Solid Waste and Recycling Bylaws for inclusion in the subject bylaw. It is proposed that these new offences and the related fines be added to Schedule “A” of the Burnaby Bylaw Notice Enforcement Bylaw.

To: City Manager  
From: DIRECTOR PLANNING & BUILDING  
Re: Burnaby Bylaw Notice Enforcement Bylaw – Bylaw 12657  
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The Burnaby Solid Waste Bylaw 1981 has been replaced by the Solid Waste and Recycling Bylaw 2010. It is proposed that all of the offences related to the previous “Burnaby Solid Waste Bylaw, 1981” be removed from Schedule “A” of the Burnaby Bylaw Notice Enforcement Bylaw. Offences related to the new Bylaw are proposed for inclusion in Schedule “A,” as indicated in *Attachment “1.”*

### **3.0 SCREENING OFFICERS AND BYLAW ENFORCEMENT OFFICERS**

Screening Officers review all disputed bylaw notices before a dispute adjudication is scheduled. Section 8 of the Bylaw Notice Enforcement Bylaw designates classes of persons appointed as Screening Officers. It is proposed that a number of additional classifications of City employees and agents be included in the list of appointed Screening Officers. They include the RCMP, the Burnaby Branch Manager of the SPCA, the City’s Engineering Inspectors, the Manager of Public Works and the Environmental Engineer.

The Bylaw also specifies a Bylaw Enforcement Officer position which is authorized to issue bylaw notices. Section 10 of the Bylaw designates classes of persons appointed as Bylaw Officers. It is proposed that a number of additional positions be included in the list of appointed Bylaw Enforcement Officers. They include the Chief Licence Inspector, Manager of Public Works, Environmental Engineer and the City’s Engineering Inspectors.

### **4.0 CONCLUSION**

Burnaby’s new Bylaw Notice Enforcement program is working well. Several adjudication hearings have been successfully completed and staff are continuing to improve and refine the program. Recent changes to several City bylaws have introduced new language and new contraventions which staff propose be added to Schedule “A” of the Bylaw Notice Enforcement Bylaw. After working with the new program, staff have also identified contraventions from various bylaws that were not included in the original list of offences. These additional offences lend themselves to enforcement using the bylaw notices and are proposed to be added to the list of contraventions, along with additional City positions for the Screening Officer and Bylaw Enforcement Officer functions.

In order to keep our Bylaw Notice Enforcement Bylaw current with our other regulatory bylaws, it is recommended that Council authorize the preparation of the bylaw amendments, as outlined in this report.

B. Luksun, Director  
PLANNING AND BUILDING

DWM:su  
*Attachment*

cc: Deputy City Managers	Director Finance
City Solicitor	Chief Licence Inspector
Chief Information Officer	Director Engineering
City Clerk	Director Parks, Recreation & Cultural Services
Fire Chief	O.I.C. RCMP

**Attachment 1**

<b>BYLAW SECTION</b>	<b>DESCRIPTION OF CONTRAVENTION</b>	<b>PENALTY AMOUNT \$</b>	<b>DISCOUNTED PENALTY (IF PAID WITHIN 15 DAYS) \$</b>
<b>BURNABY BUILDING BYLAW 2004</b>			
5.(1)	Failure to comply with the Building Code or other bylaw or enactment.	300	240
5.(2)	Failure to pay the cost of repair of damage to city property.	300	240
5.(4)	Failure to obtain written permission to occupy the building.	300	240
7.(2)	Failure to construct in conformity with the requirements of the Building Code and the bylaw.	300	240
7.(11)	Construction without a permit required under any other bylaw.	300	240
7.(12)	Commence or continue construction when construction is under suspension.	300	240
9.(1)(a)	Failure to apply for and obtain a permit prior to construction of a building or structure.	300	240
9.(2)(a)	Failure to make application in the form prescribed by the Building Inspector.	100	80
24.(9)	Failure to comply with an order.	500	400
<b>BURNABY PLUMBING BYLAW 2000</b>			
4.(2)(k)	Using or maintaining a plumbing system that does not comply with the bylaw	500	400
13. (4)	Failure to maintain a backflow preventer	100	80
13. (5)	Failure to test a backflow preventer	100	80
<b>BURNABY CAB REGULATION BYLAW 2009</b>			
3.(1)	Operating a cab without a valid Chauffeur's Permit.	200	160
3.(7)	Failure to produce Chauffeur's Permit.	200	160
4.(1)	Operating a cab without a valid business licence.	500	400

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4.(2)(a)	Failure to maintain a business premises.	500	400
4.(2)(b)	Failure to post business licence in business premises.	200	160
4.(2)(c)	Failure to keep books and records at business premises.	200	160
4.(2)(c)	Failure to notify of change in business premises.	200	160
4.(8)	Failure to provide information relevant to the licence.	200	160
4.(9)	Failure to permit inspection of cab or business premises.	200	160
4.(10)	Allowing Taxicab to be operated without Chauffeur's Permit.	400	320
4.(11)	Violation of condition of licence.	200	160
5	Failure to make application to transfer a licence.	500	400
6.(2)	Operating less than 15% Dual Taxicabs.	400	320
6.(3)	Failure to notify City of application to Passenger Transportation Board (PTB).	200	160
7.(1)	Failure to return vehicle decal to City.	100	80
7.(2)	Vehicle decal not affixed on assigned cab.	100	80
8.(a)	Taxicab exceeds permitted age.	200	160
8.(b)	Dual Taxicab exceeds permitted age.	200	160
9.(1)	Failure to provide a 24 hour service.	200	160
9.(2)	Failure to prioritize supply of accessible service.	200	160
9.(3)	Failure to provide timely accessible service.	200	160
10.(1)	Dual Taxicab not decaled as specified.	100	80
10.(2)(a)	Dual Taxicab driver not suitably trained for accessible service.	200	160
10.(2)(b)	Dual Taxicab driver fails to keep daily written record.	200	160

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11.(1)	Illuminated sign violation.	100	80
11.(2)	Exterior Taxicab identification violation.	100	80
11.(3)	Interior Taxicab identification violation.	100	80
11.(4)	Taxicab identification not visible and legible.	100	80
11.(5)	Taxicab colour and identification not uniform.	100	80
12.(1)	Restricted vision through Taxicab windows.	200	160
12.(2)	Taxicab not equipped with two-way radio.	100	80
12.(3)	Taxicab not equipped with functioning interior light.	100	80
12.(4)	Cab not kept clean and in good repair.	200	160
12.(5)	Failure to submit Cab for inspection.	300	240
12.(6)	Failure to submit replacement cab for inspection prior to use.	300	240
13.(3)	Failure to travel to destination by the most direct route.	200	160
13.(4)	Permitting taxicab to carry in excess of permitted or authorized number of passengers.	200	160
13.(5)	Failure to transport baggage in appropriate racks when carried exterior to vehicle.	200	160
13.(6)	Failure to keep daily written record.	200	160
13.(7)	Failure to deposit daily written record within twenty four (24) hours.	200	160
13.(9)	Failure to keep daily records for a period of one (1) year.	200	160
13.(10)	Failure to inform person that service is not available within a reasonable time.	200	160
13.(11)	Refusal or neglect to provide service without due justification.	400	320
13.(12)	Refusal to provide service to person with guide animal.	400	320

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13.(13)	Conveyance of two or more persons at the same time for separate fares without PTB authorization.	200	160
13.(14)	Failure of taxicab owner to keep and or provide employee driver licence and Chauffeur's Permit record.	200	160
13.(16)	Operating a taxicab for more hours than permitted by law.	200	160
13.(17)	Failure of person holding a licence to operate a Cab to provide notification when changing premises.	200	160
13.(18)	Failure of person holding a chauffeurs permit to provide notification when changing address.	200	160
13.(19)	Failure of person holding a chauffeurs permit to provide notification when charged with a criminal offence.	200	160
13.(20)	Failure of employer to provide notification of employee's criminal charge.	200	160
13.(23)	Failure to provide due care for property and or money entrusted for care or found within the vehicle.	200	160
14.(1)	Charge or demand fares or tariffs not authorized by the PTB.	300	240
14.(4)	Failure to display tariff decal.	200	160
15.(1)	Operating a taxicab without a taximeter.	300	240
15.(2)	Failure to maintain accurate taximeter.	200	160
15.(3)	Operating a taxicab with taximeter that is greater than two percent (2%) incorrect.	200	160
15.(4)	Failure to present taxicab for taximeter inspection	200	160
15.(5)(a)	Failure to illuminate taximeter between dawn and dusk.	200	160
15.(5)(b)	Failure to provide plain view of taximeter.	200	160
15.(5)(c)	Failure to have meter adjusted in accordance to PTB rates or fares.	200	160
15.(5)(d)	Operate taxicab without taximeter seal intact.	200	160

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15.(5)(e)	Failure to maintain taximeter in working condition.	200	160
15.(6)	Failure to indicate taxicab is engaged.	200	160
15.(6)	Failure to indicate taxicab is not engaged.	200	160
15.(7)	Engaged taximeter before passenger is in vehicle.	200	160
15.(7)	Failure to disengage taximeter at termination of trip.	200	160
16.(1)	Permit operation of a taxicab by person not holding valid chauffeurs permit and or drivers licence.	200	160
16.(2)	Failure to provide notice of employment or cessation of employment.	200	160
<b>BURNABY NOISE OR SOUND ABATEMENT BYLAW 1979</b>			
3.(a)	Make or cause any noise or sound which disturbs persons in the vicinity.	100	80
11.(b)	Operate on a highway a motorcycle or motorcycles with sound level exceeding 75 dBA's in a fifty (50) kilometers per hour zone.	200	160
11.(b)	Operate on a highway a motorcycle or motorcycles with sound level exceeding 80 dBA's in an over fifty (50) kilometers per hour zone.	200	160
<b>BURNABY SOLID WASTE AND RECYCLING BYLAW 2010</b>			
4.(6)	Failure to make adequate provision for collection and disposal of solid waste originating from property.	200	160
5.(6)(c)	Residential - Failure of owner/occupier of property to maintain all receptacles in a clean and sanitary condition, without overflow and free from any liquids.	100	80
6.(1)(a)	Multi-family - Failure of owner/occupier of a complex to separate garbage / food scraps, yard waste / recyclable materials and deposit them in the appropriate receptacle without contamination.	400	320
6.(1)(c)	Multi-family - Failure of owner/occupier of a complex to maintain all receptacles in a clean and sanitary condition, without overflow and free from any liquids.	200	160

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6.(1)(e)	Multi-family - Failure of owner/occupier of a complex to place receptacles at collection point appointed or as directed by the Engineer.	200	160
6.(3)(c)	Multi-family - Failure of owner/occupier of a complex to provide storage of bulky items on site for collection.	200	160
7.(1)(a)	ICI - Failure of owner/occupier to separate garbage, food scraps and recyclable materials.	400	320
7.(1)(b)	ICI - Failure of owner/occupier to maintain all receptacles in a clean and sanitary condition, without overflow and free from any liquids.	200	160
8	ICI - Person deposited or cause to be deposited waste on public or private lands not designated and intended for such use.	50	40
<b>PARKS REGULATION BYLAW 1979</b>			
17.(a)	Operating an amplifying system or loudspeaker in a park without written permission.	200	160
17.(b)	Operating an amplifying system or loudspeaker in or on a park that does not conform to all bylaws of the City.	200	160
23	Erecting a tent, building, shelter or other structure or works in a park without written permission.	200	160
44A.	Feeding pigeons or other birds in any park so as to create a nuisance or disturb or interfere with the use or enjoyment of another person's property.	200	160