



Item.....
Meeting.....2014 Mar 24

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2014 March 19
FROM: DIRECTOR FINANCE **FILE:** 43000-04
SUBJECT: **BURNABY BYLAW NOTICE ENFORCEMENT BYLAW - BYLAW 12657**
PURPOSE: To seek Council's approval to update the Burnaby Bylaw Notice Enforcement Bylaw.

RECOMMENDATION:

1. **THAT** Council authorize amendments to the Burnaby Bylaw Notice Enforcement Bylaw – 12657 as outlined in this report.

REPORT

The Burnaby Bylaw Notice Enforcement Bylaw – 12657 was adopted by Council on 2009 June 15. Since the bylaw went in to effect, several bylaw contraventions have been successfully concluded by staff using the enforcement measures.

This report addresses recommended amendments to the Bylaw Notice Enforcement Bylaw – Bylaw 12657 resulting from the adoption and amendments of other bylaws, and the addition of offences from existing bylaws that were not included in the original format. It also proposes that the list of designated Screening Officers and Bylaw Enforcement Officers be expanded to include additional staff positions.

1.0 BYLAW AMENDMENTS

Schedule A of the Bylaw Notice Enforcement Bylaw – Bylaw 12657 lists the sections of each bylaw which can be enforced using a bylaw notice and specifies the fine amounts for each offence. Attachment 1 of this report lists the violation sections and proposed fine amounts for recent amendments to the Burnaby Animal Control Bylaw and the Burnaby Tree Bylaw, the recent adoption of the Burnaby Home Rental Business Licence Bylaw, and additional offences under the Burnaby Building Bylaw and the Burnaby Swimming Pool Enclosure Bylaw. It is recommended that Schedule “A” of the Bylaw Notice Enforcement Bylaw – Bylaw 12657 be amended to incorporate the list of offences contained in Attachment 1.

To: City Manager
From: Chief Licence Inspector
Re: Burnaby Bylaw Notice Enforcement Bylaw – Bylaw 12657
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2.0 SCREENING OFFICERS AND BYLAW ENFORCEMENT OFFICERS AMENDMENTS

Before scheduling an adjudication hearing, a Screening Officer is assigned to review each disputed bylaw notice. The Screening Officer’s role is to examine all disputed cases and to consider factors such as the likelihood of the notice being successful at adjudication, if a compliance agreement would sufficiently encourage compliance and any other relevant information.

Section 8 of the Bylaw Notice Enforcement Bylaw – Bylaw 12657 designates classes of persons that are appointed as Screening Officers. It is recommended that the title of Director Planning and Building be added to the list of positions appointed as Screening Officers. It is also recommended that the words “Bylaw Enforcement” be removed following the title “Assistant Chief Building Inspector” from item (xvii) of the list.

The Bylaw also specifies the Bylaw Enforcement Officer positions that are authorized to issue bylaw notices. Section 10 of the Bylaw Notice Enforcement Bylaw designates all the positions that are appointed as Bylaw Officers. It is recommended that the position of Landscape Development Technician be added to the list of positions authorize to issue bylaw notices.

3.0 RECOMMENDATIONS

Since early 2010, the Bylaw Notice Enforcement Program has been successfully used to increase bylaw compliance in Burnaby. To keep the Bylaw Notice Enforcement Bylaw – Bylaw 12657 current with other regulatory bylaws, it is recommended that Council authorize the amendments to Schedule “A” of the Bylaw and to the changes of the Screening Officer and Bylaw Enforcement Officer positions as outlined in this report.



Denise Jorgenson
DIRECTOR FINANCE

DJ:DL/ab

Attachment: #1 – A List of Violation Sections and Proposed Fine Amounts

cc: City Solicitor
Director Planning and Building
Director Engineering
Director Parks, Recreation & Cultural Services
Acting City Clerk

BYLAW SECTION	DESCRIPTION OF CONTRAVENTION	PENALTY AMOUNT \$	DISCOUNTED PENALTY (IF PAID WITHIN 15 DAYS) \$	COMPLIANCE AGREEMENT
Burnaby Animal Control Bylaw 1991 (Bylaw No. 9609)				
3(1)	Unlicensed dog	100	80	YES
3(4)	Licence tag not affixed	50	40	YES
5(1)	Dog off leash	100	80	NO
5(2)	Vicious dog unmuzzled	500	400	NO
5(2A)	Dog attacked person or other animal	500	400	NO
5(3)	Excrement not removed	50	40	NO
5(4)	Dog in prohibited area	100	80	NO
5(6)(a)	Not in verbal control of dog in off-leash area	100	80	NO
5(6)(b)	Dog causes injury or damage in off-leash area	100	80	NO
6(2)(a)	Keeping more than 3 dogs	100	80	YES
6(2)(b)	Keeping more than 4 cats	100	80	YES
6(3)	Keeping a venomous animal	100	80	NO
6(4)	Keeping more than 2 snakes	100	80	YES
6(4)	Keeping more than 4 food rodents	100	80	YES
6(5)	Barking disturbance	200	160	NO
6A(1)	Use of wild animals in performance	200	160	NO
6A(2)	Unauthorized pony ride/petting zoo	200	160	YES
6B	Sell, harbour or keep a prohibited animal listed on Schedule D	500	400	NO
7	Unconfined vicious dog	500	400	NO
8	Animal at large	100	80	NO
13	Interfering with Pound keeper duties	200	160	YES
14	Possession of impounded animal	200	160	NO
15A(2)	Unclean dog kennel, pen or run	100	80	YES
15A(2)(a)	Insufficient exercise of dog	100	80	NO
15A(3)	Insufficient, unsuitable food and water	100	80	NO
15A(3)	No veterinary care	100	80	YES
15A(4)	Insufficient shelter and space	100	80	YES
15A(5)	Unauthorized use of choke collar	100	80	NO
15A(6)	Animal enclosed without adequate ventilation	100	80	NO
15A(7)	Unsafe transport of dog in truck	100	80	NO
15A(8)(a)	Unattended dog tethered for more than one hour	100	80	NO
15A(8)(b)	Dog tethered for more than one hour on non-residential property	100	80	NO
15A(8)(c)	Dog tethered with unpermitted collar	100	80	NO
15A(8)(d)	Dog tethered on tether of insufficient length	100	80	NO
15C(2)	Employ a person convicted of cruelty to animals	500	400	NO
15.C(3b)	Fail to ensure each animal has sufficient water, food, shelter, warmth, lighting, cleaning, sanitation, exercise, grooming, veterinary checks and any other care required to maintain the health, safety and well-being of the animal.	500	400	NO
15.C(3c)	Permit handling of an animal without employee supervision.	400	320	NO
15.C(4)	Fail to ensure each enclosure is in good repair, clean, disinfected, free of odors, free of waste, properly ventilated, suitably lit, and has impermeable flooring and appropriate in size for normal postural and behavioural movement.	400	320	NO
15.C(5)	Fail to segregate an ill or injured animal from other animals	500	400	NO
15.C(6a)	Fail to notify health authority of transmittable disease	500	400	NO
15.C(6b)	Fail to isolate ill or diseased animal from other animals and humans	500	400	NO
15.C(7a)	Fail to post veterinarian information	500	400	YES
15.C(7b)	Fail to provide prompt veterinarian care	500	400	NO
15.C(8a)	Fail to keep or maintain register	400	320	NO
15.C(8a)	Fail to produce register for inspection	400	320	NO
15.C(9)	Incomplete register information	400	320	YES
15.C(10)	Fail to provide information to purchaser	400	320	NO
15.C(11)	Fail to provide purchaser of cat or kitten with veterinarian certificate	500	400	NO
15.C(12)	Fail to provide purchaser of an animal with written instructions for proper care and feeding.	400	320	NO
15.C(13a)	Sell or offer to sell a prohibited animal listed on Schedule D	500	400	NO
15.C(13b)	Sell or offer to sell aquatic or semi aquatic turtle	500	400	NO
15.C(13c)	Sell unspayed or unneutered rabbit, cat or kitten	500	400	NO
15.C(14)	Fail to provide voucher at time of sale for unsterilized cat or kitten	400	320	NO
15.C(15)	Display a dog or cat for sale for a period exceeding twelve weeks	400	320	NO
15.C(16)	Fail to permit inspection of business	500	400	NO

BYLAW SECTION	DESCRIPTION OF CONTRAVENTION	PENALTY AMOUNT \$	DISCOUNTED PENALTY (IF PAID WITHIN 15 DAYS) \$	COMPLIANCE AGREEMENT
Burnaby Home Rental Business Licence Bylaw 2014				
3	Failure to obtain and maintain a home rental licence	500	400	NO
6(4)	Failure to post a copy of the licence	100	80	YES
8(1)	Failure to maintain a local manager that is available to respond to complaints	500	400	NO
8(4)	Failure to advise of changes to identity, address, telephone number or contact information of local manager	500	400	YES
9(1)(a)	Cause or suffer to be caused unlawful nuisances or disturbances	400	320	NO
9(1)(b)	Cause or suffer to be caused objectionable situations as identified in section 64 of the <i>Community Charter</i>	400	320	NO
9(1)(c)	Deny access to the rental home for purposes of inspection	500	400	NO

BYLAW SECTION	DESCRIPTION OF CONTRAVENTION	PENALTY AMOUNT \$	DISCOUNTED PENALTY (IF PAID WITHIN 15 DAYS) \$	COMPLIANCE AGREEMENT
Burnaby Tree Bylaw				
3	Damaging or cutting down a protected tree without a valid tree cutting permit	500	400	YES
11.(2)(b)	Failure to erect or maintain protection fencing	300	240	YES
13.(1)	Failure to plant required replacement tree	300	240	YES
13.(2)	Failure to plant required size or species of replacement tree	300	240	YES
13.(4)	Failure to properly maintain replacement tree	300	240	YES
15.(1)	Failure to comply with a written notice	300	240	YES
16A.	Failure to allow employees or agents to enter onto land	200	160	YES

BYLAW SECTION	DESCRIPTION OF CONTRAVENTION	PENALTY AMOUNT \$	DISCOUNTED PENALTY (IF PAID WITHIN 15 DAYS) \$	COMPLIANCE AGREEMENT
Burnaby Building Bylaw				
9.(2)(h)	Failure to provide information required to establish compliance	300	240	YES

BYLAW SECTION	DESCRIPTION OF CONTRAVENTION	PENALTY AMOUNT \$	DISCOUNTED PENALTY (IF PAID WITHIN 15 DAYS) \$	COMPLIANCE AGREEMENT
Burnaby Swimming Pool Enclosure Bylaw				
5	Failure to maintain a barrier enclosing a swimming pool in a state of good repair	500	400	YES