
TO: CITY MANAGER **DATE:** 2015 August 17

FROM: DIRECTOR ENGINEERING **FILE:** 42000 05

**SUBJECT: UPDATE OF BURNABY BYLAW NOTICE ENFORCEMENT
BYLAW NO. 12657 AND INCREASE OF MAXIMUM FINE**

PURPOSE: To seek Council's approval to update the Burnaby Bylaw Notice Enforcement Bylaw and to amend the offence section of certain regulatory bylaws to increase the maximum fine.

RECOMMENDATION:

1. **THAT** Council authorize the preparation of the necessary bylaw amendments to the Burnaby Bylaw Notice Enforcement Bylaw and the offence section of certain regulatory bylaws to increase the maximum fine for a summary conviction to \$10,000.

REPORT

1.0 INTRODUCTION

The Burnaby Bylaw Notice Enforcement Bylaw No. 12657 was adopted by Council on 2009 June 15. Since the Bylaw went into effect, bylaw contraventions have been successfully concluded by staff using the enforcement measures.

In the Council report dated 2009 March 09 which recommended the preparation of the bylaw, it was noted that once the bylaw was in place future amendments may be required from time to time. As such, this report proposes to update penalties for violations currently included in the bylaw and include additional violations in the Burnaby Bylaw Notice Enforcement Bylaw which relate to water conservation, solid waste and recycling, noise and traffic matters. In addition, the report proposes to amend the offence section of the regulatory bylaws to increase the maximum fine for a prosecution to \$10,000.

2.0 AMENDMENTS TO SCHEDULE "A" OF THE BURNABY BYLAW NOTICE ENFORCEMENT 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 violations.

To: City Manager
From: Director Engineering
Re: Update of Burnaby Bylaw Notice Enforcement Bylaw No. 12657 and Increase of Maximum Fine
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Attachment "1" of this report lists higher proposed penalties and additional violations from the Burnaby Waterworks Bylaw, Burnaby Solid Waste and Recycling Bylaw, Burnaby Noise or Sound Abatement Bylaw and Street and Traffic Bylaw for inclusion in the subject bylaw. It is proposed that the increased penalties and additional violations be implemented through an amendment to Schedule "A" of the Burnaby Bylaw Notice Enforcement Bylaw.

3.0 AMENDMENT TO OFFENCE SECTION OF CERTAIN REGULATORY BYLAWS

The *Community Charter* (s. 263) now permits the City to increase the maximum fine for a summary conviction (ie conviction through Court prosecution) of a violation of a municipal bylaw to \$10,000, rather than the default maximum fine of \$2,000 under the *Offence Act*. The proposed change to the offence section of certain City bylaws affords the Courts to impart a larger fine over the existing maximum fine in the event of the City seeking a prosecution of a violation under these bylaws. Attachment "2" lists bylaws for which changes to the offence section are being proposed for Council's consideration and approval.

4.0 CONCLUSION

Burnaby's Bylaw Notice Enforcement program is working well. After working with the new program, staff has identified the need to update penalties for violations currently included in the bylaw and include additional violations in the Burnaby Bylaw Notice Enforcement Bylaw which relate to water conservation, solid waste and recycling, noise and traffic matters. In addition, amendment to the offence section of various bylaws is being proposed to afford the Courts the ability to impart a larger fine over the existing maximum fine in the event of a successful prosecution of violation of those bylaws.



Leon A. Goss, P.Eng., MBA
DIRECTOR ENGINEERING

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Attachment

Copied to: Deputy City Managers
City Solicitor

Attachment 1

BYLAW SECTION	DESCRIPTION OF CONTRAVENTION	PENALTY AMOUNT \$	DISCOUNTED PENALTY (IF PAID WITHIN 15 DAYS) \$
BURNABY WATERWORKS BYLAW (1953)			
Appendix 1, 1.1 (a)(i)	Stage 1 - Watering outside designated times	150	100
Appendix 1, 1.1 (a)(ii)	Stage 1 - Watering outside designated times	150	100
Appendix 1, 1.1 (a)(iii)	Stage 1 - Watering outside designated times	150	100
Appendix 1, 1.1 (a)(iv)	Stage 1 - Watering outside designated times	150	100
Appendix 1, 1.1(b)	Stage 1 – Failure to use water hose with automatic shut-off device when washing boats or motor vehicles	150	100
Appendix 1, 1.2(a)	Watering without a permit	150	100
Appendix 1, 2.1 (a)(i)	Stage 2 - Watering outside designated times	250	200
Appendix 1, 2.1 (a)(ii)	Stage 2 - Watering outside designated times	250	200
Appendix 1, 2.1 (a)(iii)	Stage 2 - Watering outside designated times	250	200
Appendix 1, 2.1 (a)(iv)	Stage 2 - Watering outside designated times	250	200
Appendix 1, 2.1(b)	Stage 2 - Failure to use water hose with automatic shut-off device when washing boats or motor vehicles	250	200
Appendix 1, 2.1(c)	Stage 2 – Failure to use water hose with automatic shut-off device when washing sidewalks, driveways, walls, roof or other outdoor surfaces to prepare the surface for painting, sealing or for health or safety	250	200
Appendix 1, 2.1(d)	Stage 2 – Operating ornamental water fountain	250	200
Appendix 1, 2.1(e)	Stage 2 - Operate water play park without user activated switch	250	200

BYLAW SECTION	DESCRIPTION OF CONTRAVENTION	PENALTY AMOUNT \$	DISCOUNTED PENALTY (IF PAID WITHIN 15 DAYS) \$
Appendix 1, 2.2(a)	Stage 2 – Failure to adhere to the Water Permit conditions	250	200
Appendix 1, 3.1(a)(i)	Stage 3 – Watering lawn(s)	350	300
Appendix 1, 3.1(a)(ii)	Stage 3 – Failure to use water hose with automatic shut-off device or container when watering flower gardens, vegetable gardens, decorative planters, shrubs or trees	350	300
Appendix 1, 3.1(b)	Stage 3 - Failure to use water hose with automatic shut-off device when washing boats or motor vehicles for the purposes of maintaining visibility of lights or license plates or through windows or safe operation of the boat of motor vehicle	350	300
Appendix 1, 3.1(c)	Stage 3 - Failure to use water hose with automatic shut-off device when washing sidewalks, driveways, walls, roof or other outdoor surfaces to prepare the surface for painting, sealing or for health or safety	350	300
Appendix 1, 3.1(d)	Stage 3 - Operating ornamental water fountain	350	300
Appendix 1, 3.1(e)	Stage 3 – Filling or re-filling garden ponds, hot tubs or residential swimming pools with water	350	300
Appendix 1, 3.1(f)	Stage 3 – Failure to use a water hose with automatic shut-off devices for any purpose other than health and safety purpose	350	300
Appendix 1, 3.1(g)	Stage 3 - Operate water play park without user activated switch	350	300
Appendix1, 4.1 (a)(i)	Stage 4 – Watering lawn(s)	500	450
Appendix1, 4.1 (a)(ii)	Stage 4 – Watering flower garden or vegetable garden	500	450
Appendix1, 4.1 (a)(iii)	Stage 4 – Watering decorative planters	500	450
Appendix1, 4.1 (a)(iv)	Stage 4 – Watering shrubs or trees	500	450
Appendix1, 4.1 (a)(v)	Stage 4 – Watering artificial turf	500	450

Attachment 1

BYLAW SECTION	DESCRIPTION OF CONTRAVENTION	PENALTY AMOUNT \$	DISCOUNTED PENALTY (IF PAID WITHIN 15 DAYS) \$
BURNABY WATERWORKS BYLAW (1953)			
Appendix 1, 1.1 (a)(i)	Stage 1 - Watering outside designated times	150	100
Appendix 1, 1.1 (a)(ii)	Stage 1 - Watering outside designated times	150	100
Appendix 1, 1.1 (a)(iii)	Stage 1 - Watering outside designated times	150	100
Appendix 1, 1.1 (a)(iv)	Stage 1 - Watering outside designated times	150	100
Appendix 1, 1.1(b)	Stage 1 – Failure to use water hose with automatic shut-off device when washing boats or motor vehicles	150	100
Appendix 1, 1.2(a)	Watering without a permit	150	100
Appendix 1, 2.1 (a)(i)	Stage 2 - Watering outside designated times	250	200
Appendix 1, 2.1 (a)(ii)	Stage 2 - Watering outside designated times	250	200
Appendix 1, 2.1 (a)(iii)	Stage 2 - Watering outside designated times	250	200
Appendix 1, 2.1 (a)(iv)	Stage 2 - Watering outside designated times	250	200
Appendix 1, 2.1(b)	Stage 2 - Failure to use water hose with automatic shut-off device when washing boats or motor vehicles	250	200
Appendix 1, 2.1(c)	Stage 2 – Failure to use water hose with automatic shut-off device when washing sidewalks, driveways, walls, roof or other outdoor surfaces to prepare the surface for painting, sealing or for health or safety	250	200
Appendix 1, 2.1(d)	Stage 2 – Operating ornamental water fountain	250	200
Appendix 1, 2.1(e)	Stage 2 - Operate water play park without user activated switch	250	200

BYLAW SECTION	DESCRIPTION OF CONTRAVENTION	PENALTY AMOUNT \$	DISCOUNTED PENALTY (IF PAID WITHIN 15 DAYS) \$
Appendix 1, 2.2(a)	Stage 2 – Failure to adhere to the Water Permit conditions	250	200
Appendix 1, 3.1(a)(i)	Stage 3 – Watering lawn(s)	350	300
Appendix 1, 3.1(a)(ii)	Stage 3 – Failure to use water hose with automatic shut-off device or container when watering flower gardens, vegetable gardens, decorative planters, shrubs or trees	350	300
Appendix 1, 3.1(b)	Stage 3 - Failure to use water hose with automatic shut-off device when washing boats or motor vehicles for the purposes of maintaining visibility of lights or license plates or through windows or safe operation of the boat of motor vehicle	350	300
Appendix 1, 3.1(c)	Stage 3 - Failure to use water hose with automatic shut-off device when washing sidewalks, driveways, walls, roof or other outdoor surfaces to prepare the surface for painting, sealing or for health or safety	350	300
Appendix 1, 3.1(d)	Stage 3 - Operating ornamental water fountain	350	300
Appendix 1, 3.1(e)	Stage 3 – Filling or re-filling garden ponds, hot tubs or residential swimming pools with water	350	300
Appendix 1, 3.1(f)	Stage 3 – Failure to use a water hose with automatic shut-off devices for any purpose other than health and safety purpose	350	300
Appendix 1, 3.1(g)	Stage 3 - Operate water play park without user activated switch	350	300
Appendix1, 4.1 (a)(i)	Stage 4 – Watering lawn(s)	500	450
Appendix1, 4.1 (a)(ii)	Stage 4 – Watering flower garden or vegetable garden	500	450
Appendix1, 4.1 (a)(iii)	Stage 4 – Watering decorative planters	500	450
Appendix1, 4.1 (a)(iv)	Stage 4 – Watering shrubs or trees	500	450
Appendix1, 4.1 (a)(v)	Stage 4 – Watering artificial turf	500	450

BYLAW SECTION	DESCRIPTION OF CONTRAVENTION	PENALTY AMOUNT \$	DISCOUNTED PENALTY (IF PAID WITHIN 15 DAYS) \$
Appendix1, 4.1 (a)(vi)	Stage 4 – Watering outdoor tracks	500	450
Appendix1, 4.1 (b)	Stage 4 - Failure to use water hose with automatic shut-off device when washing boats or motor vehicles for the purposes of maintaining visibility of lights or license plates or through windows or safe operation of the boat of motor vehicle	500	450
Appendix1, 4.1 (c)	Stage 4 – Using lawn sprinkler for water play	500	450
Appendix1, 4.1 (d)	Stage 4 - Failure to use water hose with automatic shut-off device when washing sidewalks, driveways, walls, roof or other outdoor surfaces when ordered by a regulatory authority	500	450
Appendix1, 4.1 (e)	Stage 4 – Operating ornamental water fountain	500	450
Appendix1, 4.1 (f)	Stage 4 – Operating water play park or water slide	500	450
Appendix1, 4.1 (g)	Stage 4 – Filling or re-filling garden ponds, hot-tubs, or any swimming pools other than indoor municipal swimming pools	500	450
Appendix1, 4.1 (h)	Stage 4 - Failure to use a water hose with automatic shut-off devices for any purpose other than health and safety purpose	500	450
Appendix1, 4.1 (i)	Stage 4 – Operating commercial car wash	500	450
BURNABY SOLID WASTE AND RECYCLING BYLAW 2010			
4.(3)	Failure of owner or occupant to comply with the bylaw	300	250
4(4)	Owner/occupant causing or permitting accumulation of any waste on its property	250	200
4(5)	Failure of owner/occupant to use municipal or private waste collection service	250	200
4(6)	Failure of owner/occupant to make adequate provisions for collection and disposal of solid waste originating from property	250	200

BYLAW SECTION	DESCRIPTION OF CONTRAVENTION	PENALTY AMOUNT \$	DISCOUNTED PENALTY (IF PAID WITHIN 15 DAYS) \$
4(8)	Removal or addition of garbage, recycling or yard water materials from or into garbage receptacle, green bin receptacle or recycling receptacle by person other than the owner/occupant of the property from which it is generated	300	250
5(3)	Residential - Failure of the owner/occupant of a property to recycle and place the recyclable materials into the recycling receptacle without contamination	250	200
5(4)	Residential - Failure of the owner/occupant of the property to place food scraps and yard waste into green bin receptacle without contamination	250	200
5(6)(a)	Residential - Failure of the owner/occupant of the property to separate garbage, yard waste, food scraps and recyclable materials and place it in receptacles provided for their deposit without contamination	400	350
5(6)(b)	Residential - Failure of owner /occupant to only use garbage receptacle, green bin receptacle and recycling receptacle supplied by the City	200	150
5(6)(d)	Residential - Failure of owner/occupant to secure garbage receptacle, green bin receptacle and recycling receptacle on the property at all times except on the collection day	500	450
5(6)(f)	Residential - Failure of owner/occupant to properly place garbage receptacle, green bin receptacle and recycling receptacle at the allowable times for collection	100	50
5(6)(h)	Residential - Failure of owner/occupant to remove empty receptacles from the collection point into the property before 10:00 pm on the collection day	100	50
5(6)(i)	Residential - Failure of owner/occupant to bag garbage before placing it in the garbage receptacle	100	50
6(1)(a)	Multi-Family - Failure of owner/occupier of a premise to separate garbage, yard waste, food scraps and recyclable materials and place it in receptacles provided for their deposit without contamination	500	450
6(1)(b)	Multi-Family - Failure of owner/occupier of premise to use a garbage receptacle, green bin receptacle and recycling receptacle for its intended purposes	500	450

BYLAW SECTION	DESCRIPTION OF CONTRAVENTION	PENALTY AMOUNT \$	DISCOUNTED PENALTY (IF PAID WITHIN 15 DAYS) \$
6(1)(d)	Multi-Family - Failure of the owner/occupier of premise to secure garbage receptacle, green bin receptacle and recycling receptacle on the property at all times except on the collection day	500	450
6(1)(e)	Multi-Family – Failure of owner/occupant of a premise to place receptacles at collection point appointed or as directed by the Engineer	400	350
6(2)	Multi-Family - Failure of the owner/occupier of the premise to recycle and place the recyclable materials into the recycling receptacle without contamination	500	450
6(2A)	Multi-Family - Failure of the owner/occupier of complex to place the yard waste and food scraps into the green bin receptacle without contamination	500	450
6(3)(b)	Multi-Family – Failure by strata council or owner of non-strata premise to post signage with information on separating garbage, yard waste and recyclable materials on the premises and in the recyclable storage space	300	250
6(3)(c)	Multi-Family – Failure by strata council or owner of non-strata premise to provide storage and signage for bulky item storage on the property	500	450
7(a)	ICI – Failure of owner/occupant to separate garbage, food scraps and recyclable materials	500	450
7(b)	ICI – Failure of owner/occupant to maintain all receptacles in a clean and sanitary condition, without overflow and free from any liquids	500	450
7(c)	ICI - Failure by owner/occupant to secure all receptacles on the property at all times except on the collection day	500	450
7(d)	ICI – Failure by owner to provide written information to new tenants regarding the requirements of the GVS&DD Tipping Fee and Solid Waste Disposal Regulation Bylaw	200	150
8	Depositing garbage or material on any street, sidewalk, boulevard, park or other lands owned by the City or upon private property whether owned by that person or not except in a receptacle or facility designed and intended for such use	200	150

BYLAW SECTION	DESCRIPTION OF CONTRAVENTION	PENALTY AMOUNT \$	DISCOUNTED PENALTY (IF PAID WITHIN 15 DAYS) \$
BURNABY NOISE OR SOUND ABATEMENT BYLAW 1979 (BYLAW NO 7332)			
3(a)	Make or cause any noise or sound which disturbs persons in the vicinity	200	150
4(a)	Owner/occupier allowing noise from property which disturbs neighbourhood	200	150
4(b)	Owner/occupier allowing noise from property to exceed allowable noise levels	300	250
5(a)	Person exceeding allowable daytime noise level in residential/multi-family/institutional district	300	250
5(b)	Person exceeding allowable night time noise level in residential/multi-family/institutional district	300	250
6(a)(i)	Person exceeding allowable daytime noise level in commercial/ industrial/comprehensive development/agricultural district	300	250
6(a)(ii)	Person exceeding allowable daytime noise level in adjoining residential / multi-family / institutional district	300	250
6(b)(i)	Person exceeding allowable night time noise decibels in commercial / industrial / comprehensive development / agricultural districts	300	250
6(b)(ii)	Person exceeding allowable night time noise decibels where adjoining a residential / multi-family / institutional district	300	250
7	Person allowing non-continuous noise to exceed allowable daytime levels	300	250
8	Person allowing non-continuous noise to exceed allowable night time levels	300	250
10(a)	Operation of vehicle (2,200 Kg. or greater) on highway exceeding allowable noise level	200	150
10(b)	Operation of vehicle (2,200 Kg. or less) on highway exceeding allowable noise level	200	150
11(a)	Operate on a highway a motorcycle or motorcycles with sound level exceeding 75 dBA'a in a fifty (50) kilometers per hour zone	300	250

BYLAW SECTION	DESCRIPTION OF CONTRAVENTION	PENALTY AMOUNT \$	DISCOUNTED PENALTY (IF PAID WITHIN 15 DAYS) \$
11(b)	Operate on a highway a motorcycle or motorcycles with sound level exceeding 80 dBA'a in an over fifty (50) kilometers per hour zone	300	250
13	Unlawful use of horn or warning device	100	50
14(1)	Operation of power lawn mower or power tools exceeding allowable noise levels	200	150
14(2)	Operation of power lawn mower or power tools outside allowable hours	200	150
15(1)(a)	Carrying construction alteration / demolition outside allowable hours on weekdays	400	350
15(1)(b)	Carrying construction alteration / demolition outside allowable hours on Saturday	400	350
15(1)(c)	Carry construction alteration / demolition outside allowable hours on Sunday / Statutory holidays	400	350
15(3)	Construction exceeding allowable noise level	400	350
15A(a)	Picking up refuse from refuse containers outside allowable hours from Monday to Saturday	250	200
15A(b)	Picking up refuse from refuse containers outside allowable hours on Sunday / Statutory holidays	250	200
STREET AND TRAFFIC BYLAW 1961			
24(1)	Unauthorized on-street excavation or work	500	450

Change to the offence section of noted bylaws:

1. Burnaby Graffiti Bylaw 2007 (Bylaw No. 12294)
2. Burnaby Noise or Sound Abatement Bylaw 1979 (Bylaw No. 7332)
3. Burnaby Parking Meter Bylaw 1998 (Bylaw No. 10605)
4. Burnaby Pesticide Use Control Bylaw (Bylaw No. 12465)
5. Burnaby Sewer Connection Bylaw 1961 (Bylaw No. 4247)
6. Burnaby Sign Bylaw 1972 (Bylaw No. 6163)
7. Burnaby Soil Deposit Bylaw 1971 (Bylaw No. 5974)
8. Burnaby Solid Waste and Recycling Bylaw 2010 (Bylaw No. 12875)
9. Burnaby Street and Traffic Bylaw 1961 (Bylaw No. 4299)
10. Burnaby Watercourse Bylaw 1988 (Bylaw No. 9044)
11. Burnaby Waterworks Regulation Bylaw 1953 (Bylaw No. 3325)