

## UNOFFICIAL CONSOLIDATION (2018)

### THE CORPORATION OF THE DISTRICT OF BURNABY

#### BYLAW NO. 9044

A BYLAW to prohibit the fouling, obstructing or impeding of any stream, creek, waterway, watercourse, waterworks, ditch, drain or sewer.

(Consolidated for convenience with BYLAW No. 12617, 13515, 13798 and 13957)

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The Council of The Corporation of The District of Burnaby ENACTS as follows:

1. This BYLAW be cited as **BURNABY WATERCOURSE BYLAW 1988**.
2. In this BYLAW, unless the context otherwise requires,
  - (a) Subsection (a) of section 2 of Burnaby Watercourse Bylaw 1988 repealed (BYLAW #12617)
  - (b) "contaminants" includes any substance that may constitute a hazard to the health of humans or animals or that may be detrimental to the environment and includes:
    - (i) pollution, waste and hazardous waste as defined in the Environmental Management Act and regulations thereunder; (BYLAW #12617)
    - (ii) waterborne wastes derived from human and animal sources, and
    - (ii) water, liquids and substances having a temperature higher than 65° F; (BYLAW #12617)
  - (c) Director Engineering means the Director Engineering for the City of Burnaby and includes any person or persons designated by the Director Engineering to act on his behalf. (BYLAW #12617)

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3. No person shall
  - (a) discharge or allow leakage of contaminants into a stream, creek, waterway, watercourse, waterworks, ditch, drain, sewer, storm sewer or the soil, or
  - (b) foul, obstruct or impede the flow of any stream, creek, waterway, watercourse, waterworks, ditch, drain, sewer or storm sewer, whether or not the same is situated on private property.
4. Every owner and occupier of real property on which contaminants are used or stored shall install interceptors, catch basins and containment barriers adequate to safely store the said contaminants. The said interceptors, catch basins and containment barriers shall be of a type and design approved in writing by the Director Engineering. (BYLAW #12617)
5. Every owner and occupier of real property on which contaminants are used or stored shall maintain interceptors, catch basins and containment barriers to ensure that they are kept at all times in safe working condition.
6. If the owner or occupier fails to install or maintain interceptors, catch basins and containment barriers or to take such measures as are prescribed by the Director Engineering, the Director Engineering may enter the real property and any improvement thereon and install and maintain the required facilities and take such measures as prescribed by the Director Engineering and the cost thereof shall be borne by the owner and occupier. (BYLAW #12617)
7. Every owner and occupier of real property who proposes to dispose of contaminants shall first submit a satisfactory plan for such disposal to the Director Engineering. (BYLAW #12617)
8. Upon vacating any real property the owner and occupier shall remove all contaminants and clean up and dispose of in a manner acceptable to the Director Engineering all contaminants and containers used for storage or containing contaminants. (BYLAW #12617)
9. (1) Every owner and occupier of real property on which a construction or demolition site is located and on which soil is being excavated, and every person excavating soil thereon, shall install and maintain a sediment control pond, settling pond or retention pond adequate to retain sediment and control the rate of storm water run-off, and obtain a permit from the Director Engineering for the type and design of

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such sediment control pond, settling pond or retention pond.

- (2) The fees for a permit issued pursuant to section 9(1) of this bylaw and each third and subsequent reinspection of a sediment control pond, settling pond or retention pond are as specified in the Burnaby Engineering Fees Bylaw. (BYLAW #13957)
  - (3) If the owner and occupier fail to install and maintain a sediment control pond, settling pond and retention pond, the Director Engineering may enter the real property and any improvement thereon and install and maintain the required facilities at the expense of the owner and the expenses for so doing, if unpaid on the 31<sup>st</sup> day of December of the year in which the expenses are incurred, shall be added to and form part of the taxes payable in respect of that real property as taxes in arrears. (BYLAW #12617 and 13798)
10.
  - (1) The Director Engineering may at any reasonable time enter upon real property and any improvement thereon and investigate any activity, operation, storage, containment and use of contaminants and any fouling, obstruction or impeding of any stream, creek, waterway, watercourse, waterworks, ditch, drain, sewer, storm sewer or soil and may direct that the owner and occupier immediately comply with such orders or directions as are necessary to ensure compliance with this BYLAW. (BYLAW #12617)
  - (2) The Director Engineering may inspect examine, record and test any activity relating to the use or storage of contaminants and may take away such samples of the land, contaminants or operations of the owner and occupier as are considered appropriate for this purpose. (BYLAW #12617)
11. Every owner and occupier shall pay to the City of Burnaby within thirty (30) days of demand of same, all costs and expenses incurred by or on behalf of the City of Burnaby in restoring or cleaning any stream, creek, waterway, watercourse, waterworks, ditch, drain, sewer or storm sewer or soil, caused by the breach of any provision of this Bylaw, and for installing and maintaining interceptors, catch basins and containment barriers, and for disposing of contaminants abandoned contrary to this Bylaw and for installing and maintaining sediment control ponds, settling ponds and retention ponds and generally taking all remedial measures required in order to comply with this Bylaw. Any amount unpaid together with interest thereon on the 31st day of December in any year shall be added to and form part of the property taxes payable in respect of the real property on

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which the discharge or leakage of contaminants, abandonment of contaminants, fouling, obstructing or impeding of any stream, creek, waterway, watercourse, waterworks, ditch, drain, sewer or storm sewer, installation and maintenance of interceptors, catch basins, containment barriers, sediment control ponds, settling ponds and retention ponds, or breach of this Bylaw occurred and shall be treated as taxes in arrear. (BYLAW #12617)

12. Every person who violates any of the provisions of this bylaw shall be guilty of an offence punishable on summary conviction and shall be liable to a fine not exceeding \$10,000 and in default of payment to imprisonment not exceeding six (6) months, and each day that the offence is continued shall constitute a separate offence. (BYLAW #13515)
  
14. BYLAW No. 4417 is repealed.

Read a first time this 11th day of July, 1988

Read a second time this 11th day of July, 1988

Read a third time this 11th day of July, 1988

RECONSIDERED and ADOPTED this 25TH day of July, 1988

ACTING MAYOR

CLERK

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**SCHEDULE “A”  
Repealed  
(BYLAW #13957)**

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