

## SECTION 7 ADMINISTRATION AND ENFORCEMENT

### 7.1 Administration:

This Bylaw shall be administered by the Chief Building Inspector and the Chief Licence Inspector or any other official of the City who may be appointed by the Council. (B/L No. 11032-99-12-13)

### 7.2 Permits and Licences:

The Chief Building Inspector shall not issue any permit, nor shall the Chief Licence Inspector issue any licence for a building, structure or use which violates any of the provisions of this Bylaw.

### 7.3 Preliminary Plan Approval and Development Permits:

- (1) Any person wishing to undertake a development shall apply for and receive preliminary plan approval from the Director Planning and Building before the issuance of a building permit or a business license, except in the case of the following (B/L No. 12713-09-11-16):
  - (a) The construction of one-family and two-family residential dwellings and accessory buildings
  - (b) The maintenance of any building, structure or use.
  - (c) The completion of a building which was lawfully under construction or for which a permit has been lawfully issued at the effective date of this Bylaw.
  - (d) The improvement or alteration of any building within the property lines of the lot, provided that such improvement or alteration shall not materially affect the external appearance, increase the density of occupancy nor change the use of such building.
  - (e) The construction, alteration, maintenance, or repair of a highway, street, lane or bridge.
  - (f) The erection or placement of a temporary building permitted under section 6.7(1)(a) or 6.7(1)(e). (B/L No. 12664-09-09-14)
  - (g) Home occupations. (B/L No. 13802-17-11-06)
- (2) Every application for development shall be accompanied by the following:
  - (a) The street address and legal description of the lot.
  - (b) The name of the applicant and/or of the owner of the lot.
  - (b.1) The full amount of fees in respect to a preliminary plan approval application as specified in the Burnaby Planning and Building Fees Bylaw. (B/L No. 13789-17-10-16)
  - (c) A statement of the purpose of the proposed development and the estimated commencement date.
  - (d) A preliminary plan showing the dimensions of the lot or lots; location, plans, profiles, elevations and height of all buildings and structures including signs, setbacks, parking areas, access, open spaces and landscaping, screen fences, surrounding land uses and such further or additional land use information as the Director of Planning may require.
  - (e) In the case of industrial uses, a description of the proposed operation in sufficient detail to determine whether the operation is a use permitted within the applicable zoning district.

(f) In the case of apartment or townhouse development proposals, the submission of either, at the choice of the applicant, a true-to-scale perspective or model, together with a detailed plan of landscaping. (B/L No. 14184-20-09-14)

(g) Repealed. (B/L No. 11888-05-04-11)

(3) When such application for development conforms to the provisions of this Bylaw and does not contravene any approved land use or road plan, preliminary plan approval shall be given by the Director Planning and Building.

(4) The approval of plans or drawings shall not in any way relieve the applicant from full responsibility for the carrying out of the development in accordance with the provisions of this Bylaw.

(5) The granting of preliminary plan approval shall not absolve the applicant from compliance with all relevant municipal Bylaws.

#### **7.4 Utilities Required before Commencement:**

(1) Notwithstanding any right contained in this Bylaw, the Chief Building Inspector may prohibit a person who proposes to erect a building from commencing the erection of such building until firm arrangements have been made to supply such building with electric power and public water, sewerage, street and other facilities.

(2) No building shall be constructed, erected or occupied on any lot not serviced by a municipal sanitary sewer until a permit for the installation thereon of a septic tank has been obtained from the Medical Health Officer and such permit shall not be issued unless the topography, usable area for sewage control, soil formation and conditions, surface and subsurface drainage of the lot will permit the satisfactory operation of the septic tank.

#### **7.5 Inspection:**

The Chief Building Inspector, the Chief Licence Inspector, or any other official of the City who may be appointed by Council, is hereby authorized to enter, at all reasonable times, upon any property or premises to ascertain whether the provisions of this Bylaw are being obeyed.

(B/L No. 11032-99-12-13)

#### **7.6 Enforcement:**

(1) Every person who violates any provision of this Bylaw or who causes, suffers or permits any contravention of its regulations shall be deemed to be guilty of an infraction thereof and shall be liable to the penalties herein imposed.

(2) Where any building or part thereof or any use of building or land contravenes this Bylaw, the Chief Building Inspector, or any other official of the City who may be appointed by Council, shall give to the owner or agent or the responsible persons written notice specifying the violation, ordering the cessation thereof, and requiring such remedial measures to be taken or work to be done in the time and in the manner the notice shall specify. In the event of failure to comply the Chief Building Inspector, or any other official of the City who may be appointed by Council, may cause such remedial measures to be taken or work to be done and the cost thereof shall be recoverable by the City by summary process at law in any court of competent jurisdiction. In the event of default of payment of such assessed costs a charge shall be placed against the property and such costs, when certified by the Treasurer, shall be entered in the Collector's Roll and collected in the same manner as the taxes shown thereof. (B/L No. 11032-99-12-13)

### **7.7 Penalties:**

Every person who contravenes or violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, commits an offence and is liable upon summary conviction to a fine of not less than Two Thousand (\$2,000.00) Dollars and not more than Ten Thousand (\$10,000.00) Dollars 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. (B/L No. 13789-17-10-16)

### **7.8 Bylaw Amendments:**

- (1) An application for rezoning shall be treated as an application to amend this Bylaw.
- (2) Any person applying to have this Bylaw amended shall apply in writing to the City Clerk describing the proposed change and furnishing reasons in support of the application. In addition, if such application is for an amendment to the Official Zoning Map, it shall include the legal description and location of the property sought to be rezoned, name and address of the owner of the property, and if the applicant is not the owner, a statement as to the applicant's interest in the property to be rezoned. (B/L No. 11032-99-12-13)
- (3) Repealed. (B/L No. 10576-97-07-21)
- (4) Each application for amendment to this Bylaw shall be referred to the Director of Planning for recommendation and report to Council.
- (5) No application for an amendment to this Bylaw shall be again considered by Council where the requested change has been denied within the six (6) month period immediately preceding the filing of such application.
- (6) Notice of the Public Hearing on any proposed amendment to the Zoning Bylaw having the effect of rezoning an area of the City from one zone to another shall be mailed or otherwise delivered to the owners and occupiers of all real property. (B/L No. 11032-99-12-13)
  - (a) within the area that is subject to the rezoning, and,
  - (b) within a distance of 30 m (98.4 ft.) from the area that is subject to the rezoning. (B/L No. 11032-99-12-13)

### **7.9 Fees:**

- (1) The fees for rezoning applications under this bylaw are as specified in the Burnaby Planning and Building Fees Bylaw.
- (2) Where the purpose of the rezoning application is to create non-market housing for families or persons of low income, persons suffering from a disability or with special needs or seniors, operated on a not-for-profit basis, the Council may defer payment of the fees payable under this section until the earlier of:
  - (a) the date which is 24 months after the date upon which the rezoning bylaw is finally adopted by Council;
  - (b) the date upon which the occupation of any part of the non-market housing commences;and on such terms and conditions as the Council may require. (B/L No. 13789-17-10-16)