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CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: October 16, 2006
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RTS No.: 06249
VanRIMS No.: 08-4000-11
Meeting Date: November 14, 2006

TO: Vancouver City Council

FROM: Electrical Safety Manager/City Electrician and the Director of Legal Services

SUBJECT: Electrical By-law Amendments

RECOMMENDATION

- A. THAT Council approve the proposed amendments to Electrical By-law No. 5563 as outlined in Appendix A;
- B. THAT Council authorize the Director of Legal Services to prepare and bring forward for enactment the by-law amendments, generally in accordance with Appendix A.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services, RECOMMENDS approval of the foregoing.

COUNCIL POLICY

There is no applicable Council Policy.

PURPOSE

The purpose of this report is to ask Council to approve amendments to the Electrical By-law related to regulating the installation of electrical equipment in, on, under or above streets.

BACKGROUND

Current wording of the Electrical By-law (Section 2.1) makes provision for the City Electrician to enforce and carry out the By-law provisions with the exception that the City Engineer may enforce and regulate electrical installations in, on, under or above a street.

DISCUSSION

Section 312 of the Vancouver Charter identifies that the City Electrician is a local safety manager for the purpose of administering the BC Safety Standards Act (SSA) within Vancouver.

The SSA requires that all electrical work be done by qualified persons under electrical permit for a scope of the intended work.

Section 314 of the Vancouver Charter states that council may provide “for prohibiting any person from installing any electrical works until he has obtained a permit therefore from the City Electrician”.

Although the City Engineer has traditionally administered the installation of electrical equipment in, on, under or above a street, given the current provisions of the Safety Standards Act and Vancouver Charter, the City Electrician should administer electrical installation regulations throughout the City.

The proposed amendment is intended to clarify provisions of the Electrical By-law in respect to the jurisdictional authority of the City Electrician to administer the requirements of the SSA, in, on, under or above a street.

The proposed amendment also clarifies the fact that an “owner” includes the City Engineer for the purpose of referencing electrical equipment installed in, on, under or above a street and emphasizes the City Engineer’s jurisdiction over ownership and placement of electrical equipment in, on, under or above streets.

FINANCIAL IMPLICATIONS

There are no financial implications. Engineering Services has been voluntarily applying for electrical permits for the past several years in anticipation of this change.

CONCLUSION

The proposed amendments to the Electrical By-law will clarify the City Electrician’s jurisdictional authority over electrical installations in, on, under or above a street and will be congruent with the Safety Standards Act.

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BY-LAW NO. _____

**A By-law to amend the Electrical By-law regarding
jurisdiction over electrical equipment in streets**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the Electrical By-law.
2. From section 1.3, Council repeals the definition of "owner", and substitutes:

"owner" includes an agent thereof, a registered owner and an owner under agreement, and with respect to streets, the city represented by the City Engineer, and when used with reference to electrical equipment also includes the person having the custody, care, management, or use of the electrical equipment.'
3. To the definition of "premises" in section 1.3, after "thereon", Council adds ", and streets"
4. Council repeals the title to Section 2.0, and substitutes:

"ADMINISTRATION AND JURISDICTION"
5. Council repeals section 2.1, and substitutes:

"2.1 The City Electrician may enforce and carry out the provisions of this By-law, and may enforce and regulate the installation of electrical equipment in, on, under or above streets by owners and other persons."
6. After section 2.1, Council adds:

"2.1A The City Engineer has jurisdiction over ownership of electrical equipment in, on, under or above streets."
7. After section 2.4, Council adds:

"2.5 With respect to electrical equipment on, over, under, or in a street, a person must comply with this By-law, the Encroachment By-law, any requirements of the City Engineer under the Encroachment By-law, any agreement under the Encroachment By-law that the city has the right to enforce against such person, and any other by-law that applies to electrical equipment."
8. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this
2006

day of

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Mayor

City Clerk