



CITY OF CAMPBELL RIVER
PROVINCE OF BRITISH COLUMBIA
BYLAW NO. 3293, 2007

A BYLAW TO REGULATE/CONTROL THE AIR QUALITY TO ENSURE A HEALTHY ENVIRONMENT AND PROTECTION OF PUBLIC HEALTH

WHEREAS the Section 8 of the *Community Charter* authorizes a Council by bylaw to regulate, prohibit and impose requirements in relation to the protection and enhancement of the well-being of its community in relation to the matters referred to in Section 64;

NOW THEREFORE the Council of the City of Campbell River, in open meeting assembled, enacts as follows:

TITLE

This Bylaw may be cited as “**Clean Air Bylaw No. 3293, 2007**”.

1. DEFINITIONS

In this Bylaw unless the context otherwise requires:

- “**Approval** “ means acceptance as satisfactory to the Fire Chief or his designate of the Fire Department of the City of Campbell River.
- “**Designate**” means any member of the Campbell River Fire Department and/or is an employee of the City of Campbell River.
- “**Garbage**” means any household and commercial waste or refuse.
- “**Noxious material**” includes tires, plastics, rubber products, drywall, demolition waste, construction waste, paint, special waste, animal organic waste, vegetable waste, food waste, biomedical waste, tar, asphalt products, battery boxes, plastic materials, waste petroleum, products; polymer based solid and liquid wastes.
- “**Occupier**” means a person occupying a property within the City of Campbell River and includes the registered owner of the property where the owner is the person occupying or if the property is unoccupied.
- “**Open burning**” means the combustion of material without control of the combustion air and without a stack or chimney to vent the emitted products of combustion to the atmosphere.

- “Owner”** includes the registered owner in fee simple of real property located in the City of Campbell River and those persons defined as “owner” in the *Community Charter*.
- “Permit”** means the written authorization signed by the Fire Chief or his designate or fire department’s permission to burn as outlined in the following bylaw.

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- “Recreational fire”** means the burning of wood for recreational purposes in a permanent outdoor fireplace, barbecue or fire pit not larger than 60 centimeters (24 inches) in diameter that is designed and constructed to confine the fire and is suitable for such a purpose, or within a fully enclosed burner or similar device. *Recreational fires shall include fires used for the purposes of cooking food and the provision of heat.*
- “Stack or chimney”** as defined, constructed and maintained in accordance with the regulations made pursuant to the Fire Services Act and the B.C. Building Code as amended from time to time.

2. OPEN BURNING

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- 2.1** *No person shall light or start or knowingly permit or cause or conduct open burning within the area of the City of Campbell River identified as Area A and delineated in Schedule A attached to and forming part of this bylaw with the exception of a recreational fire.*
- 2.2** *No person/employee or company shall light or start or knowingly permit or cause or conduct open burning within the area of the City of Campbell River identified as Area B and delineated in Schedule A attached to and forming part of this Bylaw with exception of a recreational fire, except in accordance with the following:*
- a) *burning is restricted to during daylight hours during the months of October and April;*
 - b) *the burning is restricted to a hand piled fire no larger than 4 cubic meters (5 feet by 5 feet by 5 feet);*
 - c) *the fire department has been notified by telephone and has no objections to the burning;*
 - d) *the fire is located on the person’s property and is at least 4.6m (15 feet) from all property lines, buildings, shrubs, trees, wooden fences or any other combustible material as determined by the fire department;*
 - e) *for the purpose of preventing danger, damage and injury to property and/or a person because of the fire, the fire is continuously supervised and controlled by a person over 16 years of age;*

- f) *the person shall have on site a means of extinguishing or controlling the fire, (i.e. a hose system that can be immediately activated);*

or compliance with all of the following:

- g) *full compliance with all applicable provincial and federal regulations (i.e. Ministry of Environment's Open Burning Smoke Control Regulation);*
- h) *obtaining a City of Campbell River Open Burning Permit from the Fire Chief or his designate;*
- i) *compliance with all requirements as outlined in the City of Campbell River Open Burning Permit.*

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2.3 Notwithstanding Sections 2.1 and 2.2:

- a) *permit requirements shall not apply to recreational fires;*
- b) *no person shall burn garbage and/or noxious material in an open fire, in a domestic incinerator, or by any other means or device.*

2.4 The Fire Chief or his designate may:

- a) *withhold or cancel a permit issued where in his opinion the igniting of a fire may create a hazard or nuisance to persons or property;*
- b) *extinguish or order the extinguishing of any fire that is causing a nuisance to persons, or any fire started contrary to the provisions of this bylaw;*
- c) *suspend for such time as it is necessary, any right to burn granted pursuant to this bylaw including all or any permits issued pursuant to this bylaw on account of the existence of hazardous conditions, inclusive of meteorological or ambient air quality conditions, or he may attach to any or all such permits such conditions and restrictions as deemed proper.*

2.5 The Fire Chief or his designate may allow a fire for the purpose of:

- a) *reducing hazardous conditions;*
- b) *reducing the hazard that transportation of such material may cause to the environment or public health;*
- c) *training firefighters in accordance with ongoing educational requirements;*

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- d) *extending or changing the allowable burning period as defined in 2.2;*
- e) *allowing property owners to burn provided they meet the criteria/requirements under provincial or federal regulations covering agricultural land use;*

- f) allowing property owners to burn as the transportation of such material is impractical provided that the property owners first obtain a City of Campbell River Open Burning Permit.

3. BURNING REQUIRING A PERMIT

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The fee charged for the issuance of a City of Campbell River Open Burning Permit, as required by Section 2.2(h) and 2.5(f) is established in Schedule "B" attached hereto.

4. INSPECTION AND ORDER

The Fire Chief or his designate may:

- a) enter at all reasonable times on any property that is subject to the requirements or regulations of this bylaw to ascertain whether the regulations in this bylaw or directions made under this bylaw are in compliance;
- b) make orders directing the owners or occupiers of property to bring the fire into compliance with this bylaws;
- c) determine the appropriate actions in bringing a fire into compliance;
- d) order the operator to immediately put a fire out;
- e) no person shall obstruct or prevent the Fire Chief or his designate from conducting an inspection under this bylaw.

5. COST RECOVERY

Every owner/occupier of a dwelling/property who starts or allows to be started any open burning or outdoor fire is responsible for such fire. If, in the opinion of the Fire Chief or his designate, the fire presents a hazard, has escaped or threatens to escape from the owner's/persons control or is prohibited under the terms of this bylaw, the Fire department may be required to control and extinguish the fire. The owner shall be liable for all costs and expenses incurred by the Campbell River Fire Department or City of Campbell River to control or extinguish the fire in accordance with the rates and fees set out in Schedule "B" attached hereto.

6. ENFORCEMENT.

No person shall do any act or suffer or permit any act or thing to be done in contravention of this bylaw. A person who contravenes this bylaw is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$10,000. The penalties imposed under this bylaw shall be in addition to and not in substitution for any other penalty or remedy imposed by any enactment. If an offence continues for more than one day, separate fines, each not exceeding the maximum for that offence, may be imposed for each day during which the contravention occurs or continues.

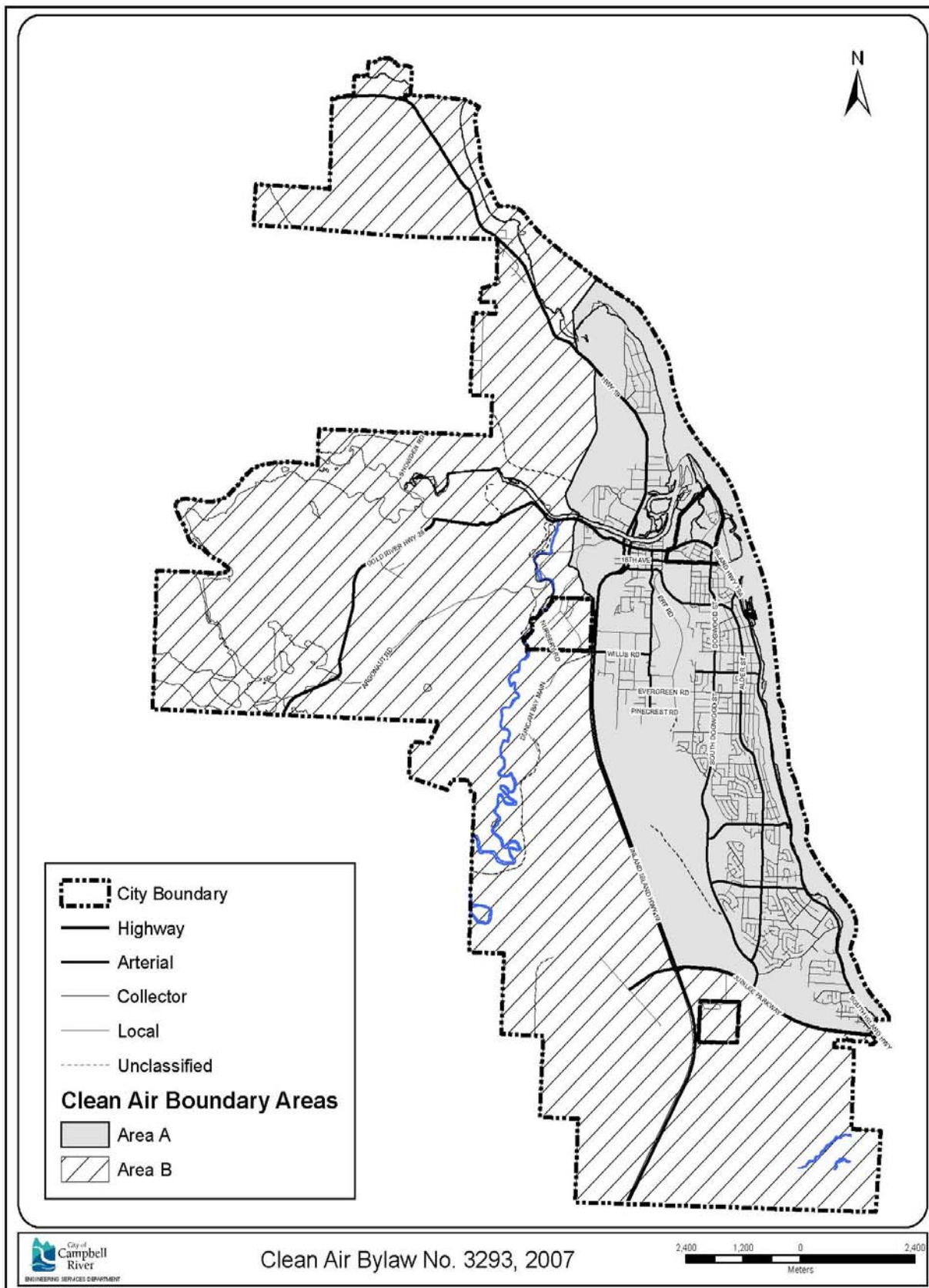
7. IMPLEMENTATION.

Fire Services Bylaw No. 2612, 1997 is amended by deleting Section 4.00 and 4.01 in its entirety.

Read a first time on the	8th	day of	May	, 2007.
Read a second time on the	8th	day of	May	, 2007.
Read a third time on the	8th	day of	May	, 2007.
Adopted on the	24th	day of	July	, 2007.

Roger McDonell
MAYOR

W.T. Halstead
CITY CLERK



SCHEDULE 'B'**PERMIT, COST RECOVERY & ADMINISTRATION FEES**

For required work pursuant to Clean Air Bylaw No. 3293, 2007 for permit issuance, approval inspection, cost recovery and administration;

- A. City of Campbell River Open Burning Permit \$65.00

- B. Staff Costs
 - Fire Fighter \$65.00/hr
 - Chief Officer \$80.00/hr
 - Bylaw Enforcement Officer \$65.00/hr
 - Bylaw Enforcement Manager \$80.00/hr
 - Environmental Coordinator \$80.00/hr
 - RCMP Officer \$65.00/hr

- C. Equipment Costs
 - Fire Engine \$400.00/hr
 - Tanker \$400.00/hr
 - Light Vehicle \$200.00/hr
 - Excavator \$150.00/hr

- D. Miscellaneous Costs
 - Consulting & monitoring fees Cost to City
 - Analysis of materials or conditions Cost to City
 - Replacement of consumable equipment Cost to City
 - Fire fighting inter-agency mutual aid Cost to City

- E. An additional administration fee of 15% will be charged to cover overhead costs in relation to the rates and fees set out in the above Sections B to D.