



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.

Amd BL 3388, Sep/09

“**Canadian CSA standard**” means the *Performance Testing of Solid-Fuel-Burning Heating Appliances CAN/CSA-B415.1* standard published by the Canadian Standards Association, as amended from time to time.

“**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 <i>Community Charter</i> .
“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.

Amd BL 3338, Feb/08

“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.

Amd BL 3388, Sep/09

“US EPA standard”	means the <i>New Source Performance Standards, Title 40, Part 60, Sub-part AAA of the Code of Federal Regulations (USA)</i> , published by the United States Environmental Protection Agency, as amended from time to time.
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2. OPEN BURNING

Amd BL 3338, Feb/08

- 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.

Amd BL 3338, Feb/08

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;

- 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.

4. BURNING REQUIRING A PERMIT

The fees for an open burning permit set out in this bylaw shall be set out in the Fees and Charges Bylaw No. 4007, 2026, as amended.

5. 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 bylaw;
- 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.

6. SOLID FUEL BURNING

No person shall install a solid fuel burning appliance that does not bear a certification mark certifying conformity with the **Canadian CSA standard** and/or the **US EPA standard**.

7. COST RECOVERY

- a) An owner or an occupier, of a dwelling or a property, who starts or allows to be started, any open burning or outdoor fire, shall be responsible for the fire.
- b) If, in the opinion of the Fire Chief or their designate, the fire:
 - i. Presents a hazard;
 - ii. Has escaped or threatens to escape the owner's or occupier's

- control; or
- iii. Is prohibited under this bylaw

The Fire Department may control or extinguish the fire.

- c) The owner or the occupier shall be liable for all costs and expenses incurred by the Fire Department or the City to control or extinguish the fire in accordance with the rates and fees as set out in Fees and Charges Bylaw No. 4007, 2026, as amended.

Amd Bylaw 3852 Mar/22

8. ENFORCEMENT.

Every person who:

- (a) violates or who causes or allows any of the provisions of this bylaw to be violated;
- (b) fails to comply with any of the provisions of this bylaw;
- (c) neglects or refrains from doing anything required under this bylaw; or
- (d) who suffers or permits any act or thing to be done in contravention of any of the provisions of this bylaw;

is deemed to have committed an infraction of, or an offence against, this bylaw and is liable on summary conviction to a fine not less than \$5,000 and a maximum of \$50,000, or to imprisonment for not more than six months, or to both.

For continuing offences, each day that such violation is caused, or allowed to continue, constitutes a separate offence.

9. IMPLEMENTATION.

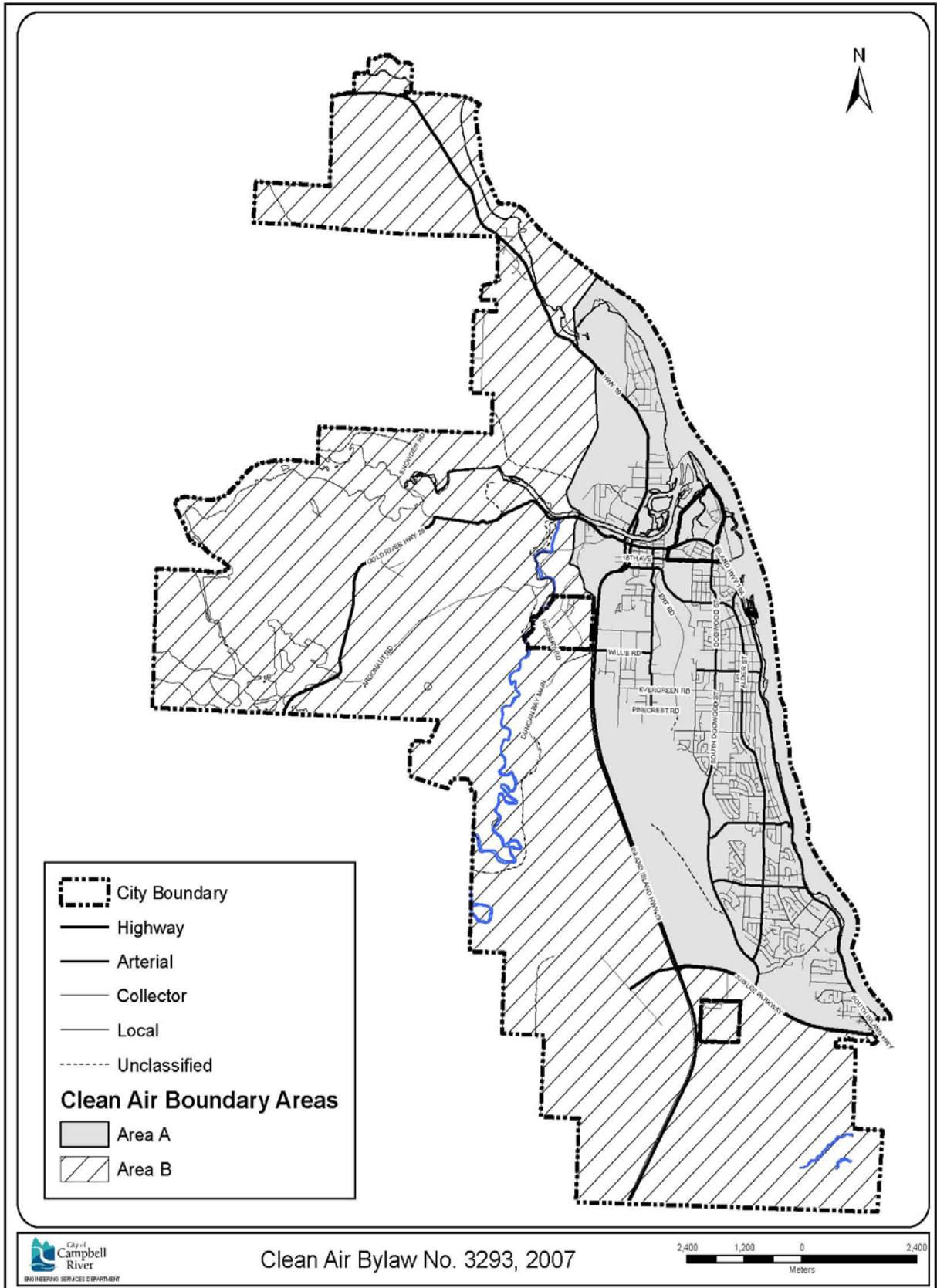
Fire Services Bylaw No. 2612, 1997 is amended by deleting Section 4.00 and 4.01 in its entirety.

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 'A'



SCHEDULE B

PERMIT, COST RECOVERY & ADMINISTRATION FEES

A. City of Campbell River Open Burning Permit \$50

B. Staff Costs (2-hour minimum charge)

R.C.M.P. Officer	\$125/hr
Bylaw Enforcement Officer	\$125/hr
Bylaw Enforcement Manager	\$125/hr
Building Official	\$125/hr
Fire Chief	\$125/hr
Fire Fighter	\$125/hr
Environmental Coordinator	\$125/hr

C. Equipment Costs

Fire Truck	\$615/hr
Water Tender	\$395/hr
Light Vehicle	\$455/hr

D. Miscellaneous Costs

Consulting & Monitoring	Cost to the City
Analysis of materials and conditions	Cost to the City
Replacement of consumable equipment	Cost to the City
Firefighting inter-agency mutual aid	Cost to the 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.