

SUNSHINE COAST REGIONAL DISTRICT

BYLAW NO. 622

A bylaw to regulate the emission of smoke or smoke related nuisances in Electoral Area B – Halfmoon Bay

WHEREAS the Sunshine Coast Regional District has established a service for the purpose of regulating the emission of smoke or other airborne emissions and nuisances in the Electoral Area of Halfmoon Bay;

NOW THEREFORE, the Sunshine Coast Regional District Board in open meeting assembled, enacts as follows:

1. This bylaw may be cited as *Halfmoon Bay Smoke Control and Airborne Emissions Regulations Bylaw No. 622, 2013*.

2. **Interpretation**

(a) In this bylaw:

Bylaw Enforcement Officer:

Means the person employed by the Regional District to enforce the bylaws of the Regional District, or his or her designate.

Class B Burn Pile:

Means a burn pile composed of non toxic garden waste material which originated on the property on which the fire is to be located.

Halfmoon Bay Smoke Control Service Area:

Means the service area established by Halfmoon Bay Smoke Control Service Establishing Bylaw No. 1078, 2010 (the entire Electoral Area of Halfmoon Bay).

Nuisance Airborne Emission:

Means smoke or smoke containing particulates that causes, or tends to cause irritation to the eyes, nose or respiratory system.

Outdoor Fire:

Means any fire that burns in the open air, or outside a 'building', whether or not it is completely enclosed in an incinerator furnace or other device, but does not include a campfire, a barbecue, or a fire for the purpose of a ceremony, where all regulations of the applicable Fire Department and any other Authority Having Jurisdiction are observed.

Regional District:

Means the Sunshine Coast Regional District.

Toxic Materials:

includes but is not limited to rubber tires, tar, asphalt shingles, batteries, electrical wire insulation, various plastic compositions, painted or treated wood and all other similar substances which may produce heavy black smoke when burnt.

Ventilation index:

means a climatic condition determined by the Ministry of Environment and posted on their website that indicates when it is possible to undertake a clean burn.

- (b) Except as otherwise defined in this Bylaw, words and phrases are to be construed in accordance with their meanings under the *British Columbia Building Code, Fire Code, Fire Services Act, Community Charter* and the *Sunshine Coast Regional District Fire Protection Bylaw No. 631, 2011*, all as amended or replaced from time to time.

Regulations:

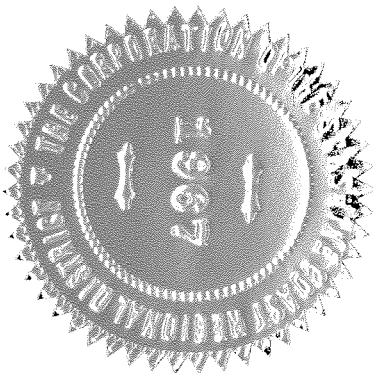
3. No person shall start, permit or maintain an **outdoor fire** whether within an incinerator or otherwise for the burning of a **Class B burn pile**, except in accordance with this bylaw.
4. A **Class B burn pile** must take place in accordance with:
 - (a) the *Sunshine Coast Regional District Fire Protection Bylaw No. 631, 2011*, as amended or replaced from time to time; and
 - (b) any additional restrictions, conditions or requirements imposed under a Provincial enactment or a **Regional District Bylaw**.
5. Despite section 6.3 (a) of the *Sunshine Coast Regional District Fire Protection Bylaw No. 631*, but subject to section 8 of this Bylaw, for the purposes of the **Halfmoon Bay Smoke Control Area**, the burning of **Class B burn piles** is permitted only from April 1st - 15th and October 15th - November 15th when the **Ventilation Index** as issued by the Province of BC is rated as 'good' for the central Vancouver Island Coastal Region.
6. The owner or occupier of a parcel on which a Class B burn pile fire is to be located must ensure that:
 - (a) any materials to be burned originate only from that property; and
 - (b) the fire is attended at all times by a responsible person 19 years of age or older with suitable tools and water available, for the full duration of the burn.
7. The owner or occupier, or another person who starts, maintains, or otherwise is responsible for a Class B burn pile must ensure that:
 - (a) the burn does not continue for more than two (2) consecutive days after which the fire must be completely extinguished.
 - (b) if any additional burn is contemplated during the permitted periods, a 24 hour 'no burn' period must elapse before any further burning on the same property.

8. If conditions of weather are suitable and an owner or occupier of land on which a **Class B burn pile** is to be burned satisfies the Fire Chief and the Regional District Board that an extension of the burning period is warranted and is unlikely to jeopardize public safety, the **Regional District** may, by Board resolution, extend the burning period if circumstances warrant an extension.
9. The Fire Chief or a **Bylaw Enforcement Officer** may, upon receipt of a non-refundable \$25 application fee, issue a permit for '*special*' burning related to a site or safety factors. Every application for a permit pursuant to this Bylaw shall be made to the Fire Chief or **Bylaw Enforcement Officer** in the form prescribed by him/her for such purpose. The Fire Chief or a **Bylaw Enforcement Officer** is hereby authorized and empowered to grant or refuse any such permit, taking into account conditions of weather, geography, personnel, equipment, access by the Fire Department, available resources to deal with unexpected hazards or emergency, and any conditions affecting fire and life safety in the circumstances.
10. No person shall cause, allow, permit or suffer the manufacture, storage, transfer or disposal of a substance that emits smoke or smoke containing particulate matter in or around a building or premises that disturbs, or would tend to disturb, the health, comfort or convenience of individuals in the vicinity of the building.
11. A person who causes, commences, maintains or is otherwise responsible for any of the following:
 - a) a back yard or **outdoor fire**;
 - b) burning garbage, waste or refuse,
 - (i) using a built in masonry chimney,
 - (ii) using an airtight, free standing or insert heating appliance, or
 - (iii) outside

must ensure that the activity does not result in **nuisance airborne emissions** that cause, or which tend to cause, physical discomfort or an adverse health effect to any person in the neighbourhood or vicinity of the activity.
12. Burning of firewood for the purposes of heating a residence, outdoor cooking or barbeques, or for special ceremonial fires are permitted, provided that:
 - a) If using a wood stove or insert, it is an approved appliance installed in accordance with the manufacturers installation manual;
 - b) if using a masonry chimney, it is kept in good repair and regularly cleaned;
 - c) the firewood used as fuel is well seasoned and dry; and,
 - d) if using a propane or natural gas fired appliance, the appliance is an approved device, has been installed in accordance with the manufacturers instructions and installation manual, and is used in strict accordance with these instructions.
13. The **Bylaw Enforcement Officer** is hereby authorized to enter, at all reasonable times on or into any property within the **Halfmoon Bay Smoke Control Service Area** where he or she reasonably believes that an offence under this Bylaw has been or is being committed.

- 14. No person shall purposely withhold or falsify any information required by the Fire Chief or a **Bylaw Enforcement Officer**, or refuse to assist in the carrying out of any inspection pursuant to this Bylaw.
- 15. No person shall obstruct or interfere with the Fire Chief or a **Bylaw Enforcement Officer** while carrying out any inspection pursuant to this Bylaw.
- 16. Every person who contravenes any provision of this Bylaw is guilty of an offence, and each day that a contravention exists or is permitted to continue shall constitute a separate offence.
- 17. A person found guilty of a contravention of this Bylaw is liable to pay a fine of not less than \$100.00 and not more than \$10,000 or to imprisonment of not more than six months.
- 18. Without limiting other means of enforcement available at law, this bylaw may be enforced by means of a ticket in the form prescribed for the purpose of Section 264 of the *Community Charter*.

READ A FIRST TIME	this	13 th	day of	June, 2013
READ A SECOND TIME	this	13 th	day of	June, 2013
READ A THIRD TIME	this	13 th	day of	June, 2013
ADOPTED	this	27 th	day of	June, 2013



[Signature]

 CORPORATE OFFICER

[Signature]

 CHAIR