



**SQUAMISH-LILLOOET REGIONAL DISTRICT
BYLAW NO. 1352-2014**

**A bylaw to regulate the management of land clearing debris for the purpose of
air pollution control within the Howe Sound East communities of
Britannia Beach, Furry Creek and Porteau**

WHEREAS the Regional Board of the Squamish-Lillooet Regional District established the service of regulating nuisances and other disturbances pursuant to Electoral Area D Nuisance and Disturbance Control Regulatory Service Establishment Bylaw No. 954-2005 under the authority of section 797.1(1)(d) of the *Local Government Act*;

AND WHEREAS the Regional Board of the Squamish-Lillooet Regional District may, by bylaw, in relation to the emission of smoke, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia, require the owners or occupiers of real property, or their agents, to eliminate or reduce the fouling or contaminating of the atmosphere through those emissions, prescribe measures and precautions to be taken for that purpose, and establish limits not to be exceeded for those emissions;

AND WHEREAS the Squamish-Lillooet Regional District is operating under a Solid Waste Management Plan that identifies the regulated management of Land Clearing Debris as a one of the keys to the reduction of local air pollution;

AND WHEREAS the Regional Board of the Squamish-Lillooet Regional District wishes to address the concerns of residents within the Howe Sound East communities of Britannia Beach, Furry Creek and Porteau whose health and well-being may be adversely affected by smoke pollution;

NOW THEREFORE the Regional Board of the Squamish-Lillooet Regional District in open meeting assembled enacts as follows:

1. Definitions

“Air Curtain Burner” is a portable or stationary combustion device that directs a plane of high velocity forced draft air through a manifold head into a burn chamber, or earthen pit or trench made to function as the Fire Box, with vertical walls in such a manner as to maintain a curtain of air over the surface of the burn chamber and a re-circulating motion of air under the curtain;

“Bylaw Enforcement Officer” means the person designated by the Board to administer and enforce bylaws within the Squamish-Lillooet Regional District;

“Composite Woodwaste” means wood that has been manufactured into dimensional lumber using glue or adhesives, or both, examples of which include but are not limited to particle board, strand board, and plywood;

“Fire Chief” means the highest ranking person in charge of the fire department in the jurisdiction where the Open Burning is occurring, or their authorized designate;

“Heavy Equipment” means machinery used for piling, stacking or otherwise moving Land Clearing Debris or other earthen material and includes, but is not limited to, backhoes, bulldozers, excavators, skid-steers and tractors;

“Land Clearing Debris” means any stumps, root mats, branches, brush, logs, or vegetation, but does not include Composite Woodwaste;

“LAFC” means a person who is appointed under the *Fire Services Act* as a Local Assistant to the Fire Commissioner;

“Machine-piled” means Land Clearing Debris that has been piled or stacked by Heavy Equipment;

“Open Burning” means the combustion of material with or without control of the combustion air and without a stack or chimney to vent the emitted products of combustion to the atmosphere;

“Operator Certification” means that the operator of the Air Curtain Burner has received certification in the safe and efficient maintenance and operation of Air Curtain Burners from a manufacturer of Air Curtain Burners;

“Parcel of Land” includes any contiguous land held by the same owner;

“Regulated Quantities” means a quantity of Land Clearing Debris in an amount equivalent to, or greater than, the following:

- (a) three or more piles each not exceeding 2 meters in height and 3 meters in width;
- (b) one or more piles each exceeding 2 meters in height and 3 meters in width;
- (c) in one or more windrows;

but does not include stubble or grass.

“Smoke” means the gases, particulate matter and products of combustion emitted into the atmosphere when debris is subjected to Open Burning.

2. Application

(a) This bylaw applies to that portion of Area D known as Howe Sound East, comprising the communities of Britannia Beach, Furry Creek and Porteau, coincident with the boundaries of the Howe Sound East Fire Protection Service Establishment Bylaw No. 1032-2006, as set out in Schedule “A” attached hereto and forming a part of this bylaw;

(b) Subject to subsection 2 (c), this bylaw applies to either or both:

- (i) Machine-piled Land Clearing Debris; and
- (ii) Regulated Quantities of Land Clearing Debris;

(c) This bylaw does not apply to:

- (i) persons carrying out “normal farm practices” within the meaning of the *Farm Practices Protection Act*;
- (ii) a “forest practice” as defined by the *Forest and Range Practices Act*; and
- (iii) “Class 7 – managed forest land” under the *Assessment Act*.

3. General Regulations

(a) No person shall cause or permit Smoke from the disposal of Machine-piled or Regulated Quantities of Land Clearing Debris except in accordance with the following regulations:

- (i) an Air Curtain Burner shall be used for all Open Burning of Machine-piled or Regulated Quantities of Land Clearing Debris;

- (ii) the use of an Air Curtain Burner for the disposal of Land Clearing Debris must be registered by providing to the Squamish-Lillooet Regional District, prior to commencement of disposal activities, the completed form set out in Schedule "B" attached hereto and forming a part of this bylaw, and paying the required service fee set out therein.
 - (iii) an operating Air Curtain Burner shall be supervised at all times by a person who has received Operator Certification;
 - (iv) only Land Clearing Debris shall be burned in an Air Curtain Burner;
- (b) Nothing in this bylaw shall be interpreted as relieving a person from complying with local fire restrictions established by the Squamish-Lillooet Regional District, a Fire Chief or LAFC, or other person or authority having jurisdiction to control or prohibit Open Burning.
- (c) An owner of a Parcel of Land shall pay to the Squamish-Lillooet Regional District a service fee for a dispatched response of the Britannia Beach Volunteer Fire Department to that Parcel of Land, on account of Open Burning by any person regulated by this bylaw, for the services of the Britannia Beach Volunteer Fire Department, calculated in accordance with Schedule "C" attached hereto and forming a part of this bylaw.

4. Inspections, Orders and Remedial Action

- (a) A Bylaw Enforcement Officer, Fire Chief or LAFC is authorized to enter, at all reasonable times, onto any property for the purposes established by sections 268, 269 and 314.1 of the *Local Government Act*, and any other authority to enter property granted in the *Local Government Act*, the *Community Charter*, or another *Act* in accordance with section 16 of the *Community Charter*, or other conditions of entry, if any, set out in the *Local Government Act*, the *Community Charter*, or another *Act*.
- (b) If, in the opinion of the Bylaw Enforcement Officer, Fire Chief, or LAFC, pollution is occurring from the Open Burning of Land Clearing Debris, the Bylaw Enforcement Officer, Fire Chief or LAFC may:
- (i) require that the Open Burning cease immediately;
 - (ii) require that no further material be added to the fire;
 - (iii) by public notice or written instruction, or both, order that the Open Burning be suspended on a Parcel of Land for a period not to exceed one month in duration;

- (iv) require the owner or person carrying out the burning to take whatever actions or measures they consider necessary to combat, control, or suppress the Open Burning including, but not limited to, transferring the Land Clearing Debris to an Air Curtain Burner;
- (c) An owner or occupier of real property shall eliminate the contamination of the atmosphere through the emission of Smoke where the Smoke results from the disposal of Land Clearing Debris contrary to this bylaw;
- (d) Where an owner or occupier fails to comply with a requirement under subsection 4 (b) or (c), the Squamish-Lillooet Regional District may carry out the required action in accordance with section 269 of the *Local Government Act* and any other *Act* or authority applicable.

5. Offence

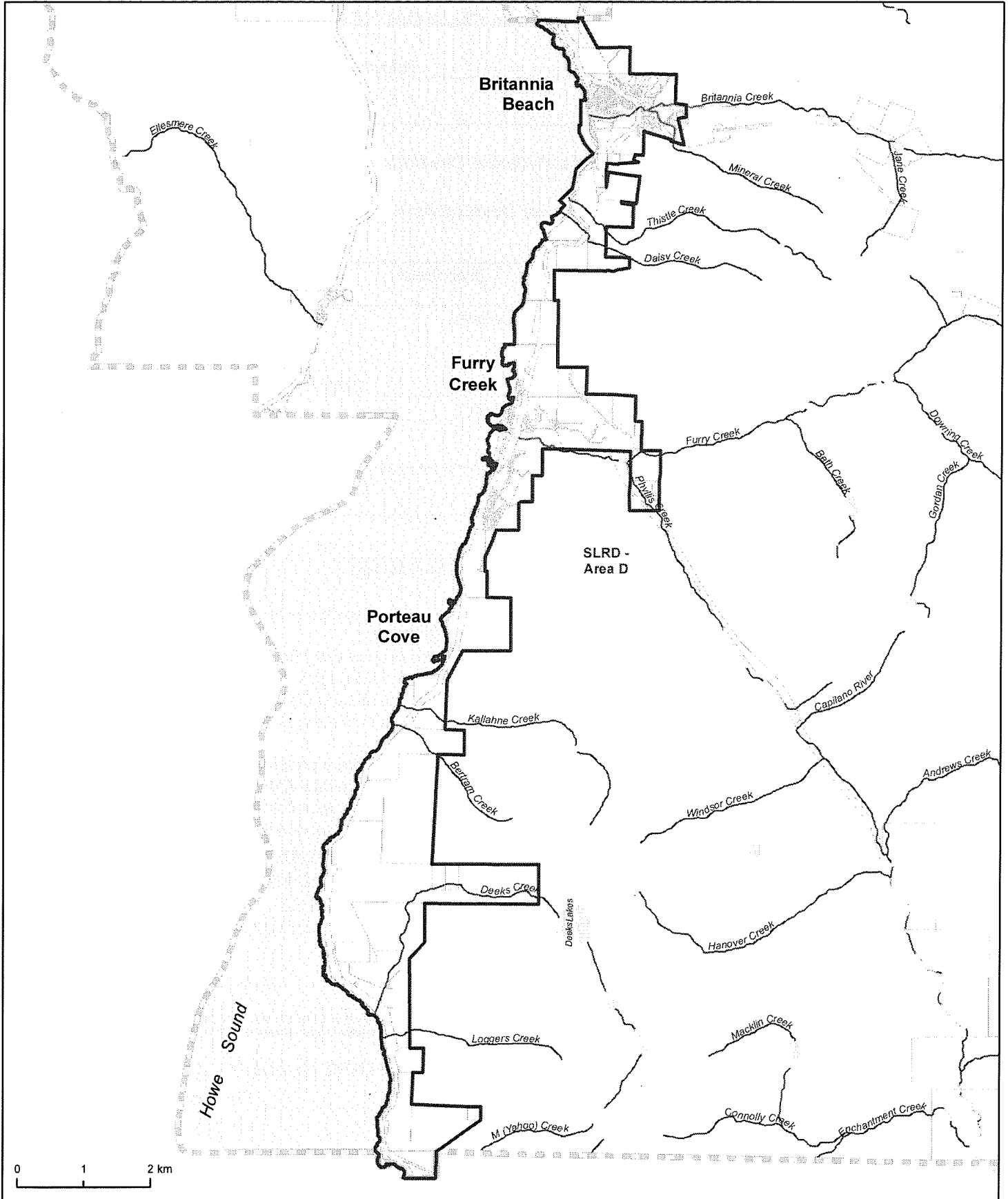
Any person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses, or omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this bylaw, is guilty of an offence and

- (a) pursuant to the *Local Government Act* or the *Offence Act* or both shall be liable on summary conviction to:
 - (i) a fine not exceeding two thousand dollars (\$2,000.00), imprisonment of not more than 6 months, or both,
 - (i) the costs of prosecution, and
 - (ii) any other penalty or remedy imposed or permissible pursuant to an enactment;
- (b) the penalties and remedies imposed under subsection (a) shall be in addition to and not in substitution for any other penalty or remedy imposed by or permissible under this bylaw or any other enactment; and
- (c) each day that a violation is caused or allowed to continue constitutes a separate offence under this bylaw.



SCHEDULE "A"
HOWE SOUND EAST LAND CLEARING DEBRIS
POLLUTION MANAGEMENT BYLAW NO. 1352-2014
SQUAMISH - LILLOET REGIONAL DISTRICT

Plot Date: 08/07/2014



SLRD OPEN BURN REGISTRATION FORM

Date: _____ **Please Check One:** Property owner Authorized agent

Name of Applicant: _____ **Telephone No.:** (____) _____

Email & Mailing Address: _____

Is This Burning Activity Occurring as Part of a Potential Development Project? Yes No

Organization/Principal Contractor Responsible for Development: _____
(if applicable)

Name of Development Project: _____
(if applicable)

Street Address of Burn Site: _____
(if different from above)

Legal Description of Burn Site:

PID _____ Lot _____ Block _____ District Lot _____
Plan _____ New Westminster District _____

Name of Air Curtain Burner Certified Operator: _____

Contact information During Burn: _____ (____) _____
Name Telephone No.

Estimated Start and Duration of Burn: _____ to _____
Start Date (mm/dd/yyyy) End Date (mm/dd/yyyy)

Applicant Checklist:

- I am aware of the provisions regulating the open burning of Land Clearing Debris as described in Howe Sound East Land Clearing Debris Pollution Management Bylaw No. 1352-2014.
- I am aware of Provincial requirements related to open burning as described by the Open Burning Smoke Control Regulation, including the requirement to check the ventilation index before ignition.
- I am planning to burn a Regulated Quantity or Machine-piled quantity of Land Clearing Debris (equivalent to a Category 3 fire), and have obtained a burn registration number from the Ministry of Forests, Lands & Natural Resource Operations ("MOFLNRO").
- I have checked for any restrictions on open burning, or the need to acquire a permit, with my local fire department. (Contact the Britannia Beach Volunteer Fire Department ("BBVFD") at 604-892-4247).
- I will notify SLRD Administrative Services (604-894-6371) and the BBVFD upon commencing burn.
- I enclose my payment for \$100.00 for my SLRD Burn Registration Number service fee. (NSF Charge: \$25.00)

THIS FORM MUST BE COMPLETED AND RETURNED TO THE SLRD ADMINISTRATIVE SERVICES DEPARTMENT AND AN SLRD BURN REGISTRATION NUMBER OBTAINED PRIOR TO BURN IGNITION:

Box 219, 1350 Aster Street, Pemberton, BC V0N 2L0

Ph: (250) 894-6371 / Fax: (250) 894-6526 / Email: info@slrd.bc.ca (Hours M-F 8:00 am – 4:30 pm)

Applicant Signature: _____ **Date:** _____

An SLRD Burn Registration Number is valid for a period of 3 months from the date on which it was issued.

ADMINISTRATIVE USE ONLY:

MoFLNRO Burn Registration number obtained? Yes No (MOFLNRO Number: _____)

SLRD Burn Registration No.: _____ Registration Expiry: _____ Form of Payment _____

Form forwarded to E-Comm 911 on: _____

Ignition Notification Received from Applicant on: _____

**Schedule "C" to Howe Sound East
Land Clearing Debris Pollution Management Bylaw No. 1352-2014**

1. The service fee required under section 3(a)(ii) of Howe Sound East Land Clearing Debris Pollution Management Bylaw No. 1352-2014 shall be \$100.00, to be paid in conjunction with the submission of the form in Schedule "B" for an SLRD Burn Registration Number.

2. Service fees for a dispatched response by the Britannia Beach Volunteer Fire Department, on account of Open Burning regulated by Howe Sound East Land Clearing Debris Pollution Management Bylaw No. 1352-2014 will be based on the dispatched response and related travel time, as follows:

\$450.00/hour per fire apparatus, including personnel and equipment on the apparatus. The minimum call rate per apparatus is one (1) hour, which includes a built-in cleanup time of ½ hour. Where the response time for fire suppression exceeds 1 hour, an additional ½ hour for cleanup time will be payable.

3. Despite section 2, where a person regulated by Howe Sound East Land Clearing Debris Pollution Management Bylaw No. 1352-2014 has paid the applicable service fee under section 3(a)(ii) and obtained an SLRD Burn Registration Number, the service fee set out in paragraph 2 of Schedule "C" shall be waived.

