

T O W N O F L A D Y S M I T H
G O V E R N M E N T S E R V I C E S C O M M I T T E E

Mandate –To advise Council on a broad spectrum of issues related to departmental matters

Monday, June 16, 2008 at 6:30 p.m.
Council Chambers, City Hall

A G E N D A

Pages

Chairperson: Councillor Duck Paterson

1. CALL TO ORDER
2. AGENDA APPROVAL
3. EXECUTIVE SESSION (6:00 p.m.)
 - Item 1: Community Charter Section 90(1) (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
 - Item 2: Community Charter Section 90(1)(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
 - Item 3: Community Charter Section 90(1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
 - Item 4: Community Charter Section 90(1)(j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*;
 - Item 5: Community Charter Section 90(1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
 - Item 6: Community Charter Section 90(1)(g) litigation or potential litigation affecting the municipality;
4. ARISE AND REPORT
5. MINUTES
 - May 20, 2008
6. DELEGATION
 - .1 Shelly Anderson – Success by 6, Central Vancouver Island Coordinator
Sandy Weeks – Ladysmith Early Years Partnership
Re: Early and Often Messaging
7. CITY MANAGERS REPORT
8. DIRECTORS REPORTS

9. STAFF REPORTS

- .1 Director of Public Works
Re: Low Flow Toilet Rebate Program **1 - 4**
- .2 Director of Public Works
Re: Holland Creek Watershed **5 - 9**
- .3 Director of Public Works
Re: Planning Grant Application Liquid Waste Management Plan **11**
- .4 Director of Public Works
Re: Environmental Component Liquid Waste Management Plan Planning Grant **13**
- .5 Director of Parks, Recreation & Culture
Re: Spirit Square Project **15**

10. MEMBER SUBMISSIONS
None.

11. CORRESPONDENCE

- .1 P. Fletcher – Co-Organizer, Animal Aid 2008
Re: Request for Financial Donation **17**
- .2 J.E. Barry, Corporate Secretary – CVRD
Re: CVRD Bylaws Addressing Air Pollution in the Cowichan Region **19 - 48**

12. NEW BUSINESS
None.

13. UNFINISHED BUSINESS

ADJOURNMENT



Town of Ladysmith
STAFF REPORT

To: Government Services Committee
From: Joe Friesenhan, Director of Public Works
Date: June 9, 2008

Re: TOILET REBATE PROGRAM

RECOMMENDATIONS:

That it be recommended to Council that the Toilet Rebate Program be approved as presented and that the details of the program be approved as follows:

- i. Residents of the Town of Ladysmith connected to the water or sewer system who replace a 13 Litre or 20 Litre flush toilet in their home with a Low or Dual flush toilet shall be provided with a rebate upon the provision of satisfactory evidence of the replacement and appropriate disposal/destruction of the old toilet.;
- ii. Where the replacement toilet is a low flush model or a dual flush model, the rebate shall be \$75;
- iii. There shall be a lifetime maximum of two rebates per residence;
- iv. The Toilet Rebate Program shall be retro-active to May 1, 2005 and shall conclude on September 5, 2008;

That it be recommended to Council that \$10,000 from the water fund to be used to fund the Toilet Rebate Program;

That it be recommended to Council that the educational brochure and application form for the Toilet Rebate Program be approved as presented.

BACKGROUND / HISTORY:

Council requested that staff facilitate a Toilet Rebate program in the Town of Ladysmith, similar to what neighbouring jurisdictions have undertaken.

The purpose of a Rebate Program would be:

To encourage existing water system users to conserve water by replacing old inefficient toilets (13L or 20L) with more efficient models (at least 6 L)

A review of programs in neighbouring areas reveals the following:

- ✓ The District of North Cowichan provides rebates of \$75 to residential water and sewer users under the similar rules to what is proposed, except they do not have a two tiered rebate.
- ✓ The Town of Lake Cowichan provides a two tiered rebate \$70 / \$100 similar to what is proposed except that they require proof of recycling of the old toilet. They provide a drop off in their works yard for the old toilets at a charge of \$15 (reducing the rebate).
- ✓ The Capital Regional District has been providing \$75 rebates for a number of years, requiring recycling the toilet in Victoria at the CVRD's cost.
- ✓ The City of Duncan provides a three tiered rebate: \$60 for replaced low flow, \$100 for replaced dual flush, and \$40 for dual flush in new homes

The following outlines the basic details and requirements recommended for Ladysmith:

Rebate amount: \$75 for low and dual flush toilet

Rebates funded from: Water

Eligibility for program: Connected to municipal water/sewer system

Maximum rebates: 2 toilets/household

Program retro-active date: May 1, 2005 (with appropriate documentation)

Toilet Eligibility: CSA approved

Rebate process: Drop old toilet off at Peerless Road Recycling Drop-Off Depot and obtain the toilet recycling receipt; complete application form and include with application the following:

1. recycling receipt issued by Peerless Road Recycling Drop-off Depot
2. photo of the new toilet installed
3. proof of purchase verifying that the new toilet is CSA approved

Submit to City Hall by September 30, 2008.

A budget of \$10,000 from water would provide enough funding for 130 toilet rebates.

ATTACHMENTS:

Sample Brochure for Approval

Help the Town save water with the Low Flush Toilet Rebate Program



LADYSMITH

Many homes are equipped with older toilets that require 13 or more litres per flush. New low flush toilets require only 6 litres per flush and dual flush toilets use either 3 or 6 litres.

By replacing your old toilet, you could use up to one-third less water! That could save more than 200 litres per day or 70,000 litres per year.

The Town is offering a lifetime maximum of 2 rebates per residence. Replacing toilets using 13 litres or more, with a CSA-approved new low flush model, will earn you a rebate of \$75 for a low flush model (6 litres) or a dual flush model (3/6 litres). This offer is valid for toilets purchased between May 1, 2005 and September 5, 2008.

Why has the Town initiated this program?

The Town wants to reduce both water consumption and flows into the sewage system. It costs money to treat the water coming in and out of your house. Using less water per flush will conserve our valuable resource and save us all money in the long run.

Who is eligible for the rebate?

This offer is only for owners of buildings that are connected to both the Town of Ladysmith's water and sewer systems. There is a lifetime limit of two toilet rebates per residential or commercial unit.

Simple toilet replacements do not require a plumbing permit; however, if you are also renovating, you must apply for a building permit.

What about my old toilet?

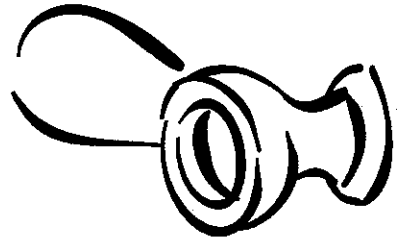
Drop old toilet off during office hours at

- Peerless Road Drop-off Depot, 10830 Peerless Road, Ladysmith

Be sure to ask for a receipt!

How do I choose a good low flush toilet?

There are many web sites and retailers to help you decide. The Town cannot recommend specific brands, but toilets must be CSA approved. Toilets may be installed by the resident or by a licensed plumber. Low-flush toilets install like any other toilet.



How do I get my rebate?

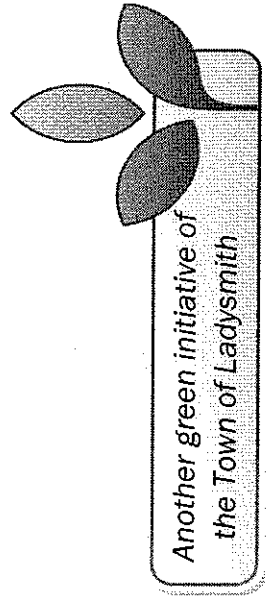
Complete the application form available from City Hall or online at www.ladysmith.ca and include the following with your completed form:

1. recycling receipt issued by Peerless Road Recycling Drop-off Depot
2. photo of the new toilet installed
3. proof of purchase verifying that the new toilet is CSA approved

Town staff will review your application and, if you qualify, mail you a cheque for \$75 per eligible low flush or dual flush toilet (up to two toilets per residence).

Submission of an application does not guarantee a rebate, and receipts must be dated between May 1, 2005 and September 5, 2008. The deadline for returning applications is September 30, 2008. They should be submitted to:

Attn: Finance Department
 Town of Ladysmith
 410 Esplanade
 Ladysmith
 250-245-6400
www.ladysmith.ca



REBATE APPLICATION FORM

Eligibility:

This offer only applies to Ladysmith residents who are connected to the Town water or sewer system. Lifetime maximum of 2 rebates per residential dwelling. Rebate will only apply when toilets using 13-litres of water or more per flush are replaced with a new CSA-approved low-flow model after May 1, 2005.

Applicant Information:

Name _____

Address _____

Postal Code _____

Home Phone _____

of toilets being replace (max 2) _____

Check-list:

I have enclosed:

A CSA-approved toilet(s) sales receipt dated after May 1, 2005 and before Sept. 5, 2008

A completed Town of Ladysmith Toilet Rebate Application Form.

A receipt or ticket verifying proper disposal of old toilet(s) at Peerless Road or Public Works, or your plumber's signature (see below).

CSA-Approved Toilet Installation Information:

Low-flow toilet installed by:

plumber self

Toilet manufacturer/brand _____

Toilet name/model _____

Store purchased from _____

Purchase date _____

If your plumber is disposing of your old toilet, have him/her sign below:

Company _____

Name _____

Signature _____

Date _____

Please make a copy of your completed application and receipts for your own records, as all information provided to the Town will not be returned.

Declaration:

I declare that I have removed a 13-litre or a 20-litre toilet and installed a 6-litre toilet in my home. I have read and understand the terms of the program.

Signature _____

Date _____

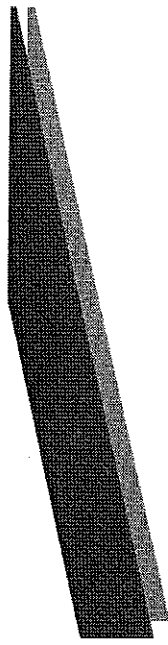
Disclaimer:

The Town of Ladysmith is not responsible for the installation or functioning of the toilet(s). We reserve the right to inspect or verify that toilets have been installed. Any qualified rebate may be subject to on-site inspection, verification or follow-up contact by the Town of Ladysmith. Submission of an application does not guarantee a rebate. If you qualify for the rebate, a cheque will be mailed to you within 6 weeks.

Applications may be dropped off or mailed to:

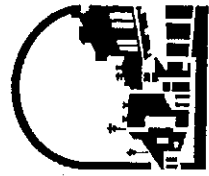
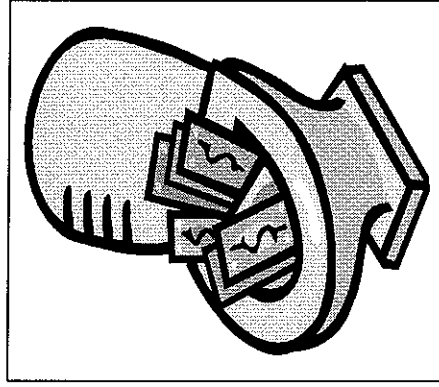
Attn: Finance Department
Town of Ladysmith
Box 220 Ladysmith, BC
V9G 1A2

For further information, please contact: **IBD by Ruth**



Low Flush Toilet Rebate Program

\$75



LADYSMITH



Town of Ladysmith
STAFF REPORT

To: Government Services Committee
From: Joe Friesenhan, Director of Public Works
Date: June 10, 2008
File No:

Re: HOLLAND CREEK WATERSHED

RECOMMENDATION:

For your information

BACKGROUND / HISTORY:

While walking along a logging road within the Holland Creek watershed, a resident noticed what looked like an oily substance coming out of the ground and running down the ditch along the road. Rob Waters of Castor Consultants was engaged to investigate the area to determine the extent of the possible contamination. Attached is the report from that investigation.

ATTACHMENTS:

Report from Castor Consultants

Sutton Lake Tributary Water Quality Inspection for the Town of Ladysmith.

May 28, 2008

Introduction

The Town received a report from a hiker of some dark material oozing out of the bank and into a ditch draining a recently logged site in the lands behind the Town.

The initial inspection by Curtis Baker from the Town identified that the water draining the upland in the vicinity of the dark material appeared clear in itself but that the underlying materials were coated in something. A noticeable sheen was also observed in places on the water surface where the water had ponded.

Rob Waters of Castor Consultants Ltd. visited the site on May 26, 2008 at 1200hr with the accompanied by Mr. Baker. Access to the site was made via TimberWest logging roads to an area to the north of the Holland Creek watershed. The observed dark material was in a ditch adjacent to a logging road on a south sloping hill located to the west of the BC Hydro power line right of way. Three seeps with associated dark material were inspected as well as a small stream not exhibiting these characteristics some 54 m above the seeps. The small stream was up the access road from and hydraulically separated from the seeps. The drainage into which the seeps drained was also inspected downstream at a lower elevation just below a culvert some distance from the seeps (approx. 250m). The small creek was designated as station 1, the three seep sites as stations 2, 3 and 4, and the lower station at the culvert at station 5.

The primary concern was the location of the reported water quality issue, in relation to the Town of Ladysmith's water supply; general water quality concerns associated with aquatic resources in the drainage were also considered.

Methodology

The field inspection involved determining the location of the site using a Magellan Handheld GPS and obtaining in situ measurements of pH (Oakton pH Testr), temperature, dissolved oxygen and conductivity (YSI Model 85). Visual and odour observations were recorded in the field book.

Observations

The field observations are presented in Table 1. Figure 1 shows the site location. As indicated in Figure 1 the site lies well outside the Town of Ladysmith's community watershed.

Field observations indicated that the seeps appear to contain organic input as a result of the breakdown of natural plant materials up gradient of the ditch and seep areas. The input while natural may be enhanced as a result of the increase in woody debris and plant material on the ground due to recent logging. The seepage waters appeared clear and there was a very evident dark floc covering the substrate which attenuated with distance

from the seeps. The sediments in these areas exhibited a slight septic odour indicative of an anoxic or low oxygen environment and did not exhibit odours characteristic of weathered petroleum hydrocarbons. In this environment iron can associate with sulphide and result in a black iron sulphide accretion on and in the sediment and associated surfaces.

The dissolved oxygen data supports this observation to a degree in that the seep water exhibited lower DO and the adjacent stream and lower station (5) exhibited a higher DO level. Similarly pH was lower in the seepage and closer to 7 in the small stream and the lower station (5), another indicator of anoxic conditions and abundant organic input.

Based on these observations the material of concern appears to be localized and its effect appears to be localized in that in the downstream water at station 5 the DO is 9.8 mg/L approaching background concentration of 11.5 mg/L observed in the small creek (Station 1) located above the seeps. In addition based on the GPS references the site lies well outside the community watershed.

Prepared by

Rob Waters

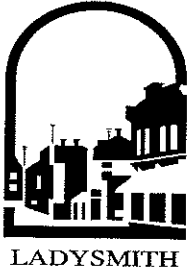
Rob Waters, R.P. Bio.

CASTOR CONSULTANTS LTD.

Table 1. Sutton Lake Tributary Water Quality Inspection for the Town of Ladysmith.

Inspection Sites	Station	Temperature	pH	Dissolved Oxygen	Comment	N	E	Lat	Long
Small Creek	1	9.3	6.54	11.5	No flocc apparent on substrate	5423604	429650	48 57 41	123 57 40
Seepage 1	2	14.2	6.13	8.65	Extensive flocc on substrate	5423688	429685	48 57 44	123 57 38
Seepage 2	3				Extensive flocc on substrate	5423734	429772	48 57 45	123 57 34
Seepage 3	4	16.3		9.5	Less flocc on substrate	5423788	429907	48 57 47	123 57 27
Culvert Site	5	15.5	6.88	9.8	No flocc apparent on substrate	5423819	429984	48 57 48	123 57 24

UTM Zone 10



Town of Ladysmith

STAFF REPORT

To: Government Services Committee
From: Joe Friesenhan, Director of Public Works
Date: June 12, 2008
File No:

Re: PLANNING GRANT APPLICATION LWMP

RECOMMENDATION:

That the Committee recommend that Council authorize staff to submit an application for a Planning Grant for the Hydrogeological Component of the Liquid Waste Management Plan and that the financial plan be amended as required.

BACKGROUND / HISTORY:

As part of the Liquid Waste Management Plan (LWMP) process, there is a hydrogeological component which provides the geology and groundwater characteristics of the study area. As the work required is part of a study, there is a possibility of obtaining an Infrastructure Planning (Study) Grant. The study will ensure that the LWMP solutions meet the provincial and federal requirements for long term environmental sustainability.

Dayton & Knight Ltd., as the Towns engineers for the LWMP, have completed an application for the Study Grant. In order to apply for a grant, a Council Resolution is required to accompany the application.

ATTACHMENTS:

"None".



Town of Ladysmith

STAFF REPORT

To: Government Services Committee
From: Joe Friesenhan, Director of Public Works
Date: June 12, 2008
File No:

Re: ENVIRONMENTAL COMPONENT LWMP PLANNING GRANT

RECOMMENDATION:

That the Committee recommend that Council authorize staff to submit an application for a Planning Grant for the Environmental Component of the Liquid Waste Management Plan and that the financial plan be amended as required.

BACKGROUND / HISTORY:

Dayton & Knight Ltd., the Towns consultants for the Liquid Waste Management Planning process, have completed an application for a Planning Grant for the environmental component of the Towns Liquid Waste Management Plan.

As part of the Planning Grant Application, a Council Resolution is required confirming Councils desire to complete the works.

ATTACHMENTS:

"None".



Town of Ladysmith

STAFF REPORT

To: Government Services Committee
From: Patrick Durban, Director of Parks, Recreation & Culture
Date: June 13, 2008
File No:

RE: SPIRIT SQUARE PROJECT

RECOMMENDATION

THAT Government Services recommend that Council consider including the Spirit Square Project, and in particular the High Street Commons Committee, in the Downtown Ladysmith component of the Sustainable Community Visioning Process.

BACKGROUND

In light of the recent announcement by Council to commence the Sustainable Community Visioning Process, and in concert with the extensive work already carried out by the High Street Commons Committee and the scope of the Spirit Square Project, the timing is appropriate to ensure this is an inclusive exercise.

Key components would include defining the scope, community consultation, funding and integration, timing and design.

It appears that the timetable of the Sustainable Community Visioning Process will compliment the Spirit Square requirements and the High Street Commons aims and objectives.

ATTACHMENTS:

None.

Penny Fletcher:
3-10790 Chemainus Road,
Ladysmith, BC V9G 2A6
245 2858

MAY 21 2008

May 20, 2008

Rob Hutchins, Mayor, Town of Ladysmith:

Dear Sir

I am writing to you today to request the Town, to consider making a monetary donation to **Animal Aid 2008:**

Animal Aid is a **fundraising** event taking place in our town at **Aggie Hall** on **July 19th** from **10am to 6pm:** local musicians will perform, free of charge, on stage all day while vendors sell their wares:

All monies raised from this event will go directly to both our towns' own **Little Rascals Animal Rescue Fund** and the **BCSPCA**, jointly:

But there are some set up costs involved that we could use a hand with:

Only half of the Hall rental has been paid for, by a private donation:

there is also Event Insurance to be paid for, and concession (food) costs:

If you could find it in your coffers and hearts to help us a little by becoming one of our event Sponsors it would be greatly appreciated by all of those working so hard to make the first of what we hope will become an annual event, a success, and all the animals we shall together, aid in the future.

A list of our Sponsors will be posted at the event, and there will also be a public thank you made to all of you contributing to our cause.

Please make any checks or money orders payable to **Animal Aid 2008**, as this is the name of the account the local CIBC have been kind enough to set up for us with no fees involved.

We would also love to have you come and 'open' the event for us at 10am if your already imposing schedule permits: please let me know as soon as possible so that the posters, radio and local television stations can be properly informed:

Thanking you in advance:

Yours truly,

Penny Fletcher,

Co-Organizer:

Penny Fletcher



May 23, 2008

Town of Ladysmith
PO Box 220 Stn Main
LADYSMITH BC V9G 1A2

Dear Mayor Hutchins and Members of Council:

Re: CVRD Bylaws Addressing Air Pollution in the Cowichan Region

The Cowichan Valley Regional District has drafted two bylaws to address air pollution in the Region, and is requesting Council to adopt the first of these bylaws in order to help create a seamless border to effectively manage this issue.

The CVRD Board has given first three readings to CVRD Bylaw No. 2942 – Air Pollution Control Service Establishment Bylaw, 2007. The intent of this Bylaw is to establish the service of air pollution control within the entire Cowichan Region. Although this Bylaw contains no regulatory provisions, it will serve as the authority (or “umbrella”) under which specific regulatory bylaws can later be enacted by the CVRD Board.

Bylaw No. 2942 requires approval from the Inspector of Municipalities. In order to submit the Bylaw to the Province, written consent from the service participants must be obtained. Accordingly, the CVRD requests Council to consider adopting the following resolution:

That the Town of Ladysmith consents to the adoption of CVRD Bylaw No. 2942 – Air Pollution Control Service Establishment Bylaw, 2007.

For your information, a second bylaw, CVRD Bylaw No. 2020 – Landclearing Management Regulation Bylaw, 2007 has also been prepared to specifically regulate the burning of large quantities of landclearing debris. Bylaw No. 2020 is a regulatory bylaw that fits under the authority of Bylaw No. 2942. Once CVRD Bylaw No. 2942 is in place, the CVRD Board will be asked to enact CVRD Bylaw No. 2020 that will apply across all electoral areas and participating member municipalities.

For those municipalities with existing burning restrictions, Bylaw No. 2020 would act as ‘another tool in the toolbox’ and provide consistency for developers region-wide.

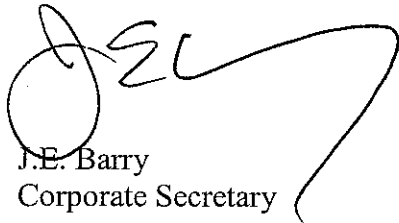
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Although Bylaw No. 2020 is a CVRD bylaw, it would be enforced in municipal areas by municipal bylaw officers through an administrative agreement with the CVRD. Again, this is only for your information, no action is required by Council on this second Bylaw.

Attached is a copy of a staff report prepared by Bob McDonald, Manager, Solid Waste & Environment outlining these topics, as are copies of both Bylaws.

If there are any questions regarding these bylaws, please contact Mr. McDonald at 746-2530.

Sincerely,



J.E. Barry
Corporate Secretary

JEB/db

Attachments (3)



C·V·R·D

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STAFF REPORT

**REGIONAL SERVICES COMMITTEE MEETING
OF NOVEMBER 28, 2007**

DATE: November 21, 2007 **FILE NO:** 2020/2942
FROM: Bob McDonald, Manager, Solid Waste/Environment
SUBJECT: Pollution Control Bylaws

Recommendation:

- 1) That, "CVRD Bylaw No. 2942 – Air Pollution Control Service Establishment Bylaw, 2007", be forwarded to the Board for consideration of three readings, and following provincial approval, be adopted.
- 2) That, following adoption of CVRD Bylaw No. 2942, the management bylaw, "CVRD Bylaw No. 2020 – Landclearing Management Regulation Bylaw, 2007", be forwarded to the Board for consideration of three readings, and following written consent from the participating CVRD member municipalities, be adopted.
- 3) That the Board Chair and Corporate Secretary be authorized to sign the Bylaw Enforcement Agreements between the CVRD and its participating member municipalities.

Purpose: To request three readings and adoption of two bylaws to establish and regulate pollution control in relation to the open burning of landclearing debris.

Financial Implications: \$10,000.00 potential legal fees for 2008.

Interdepartmental/Agency Implications: Enforcement of Bylaw No. 2020 will be carried out by the CVRD Bylaw Officer and Municipal Bylaw Officers within electoral areas and incorporated areas respectively. Local fire authorities (i.e. Fire Chiefs) will also have the ability to provide limited bylaw enforcement (i.e. shut-down of illegal fires) within Fire Protection Areas.

Background: Bylaws No. 2942 and 2020 have been developed in order to address the negative impacts to human and environmental health caused by smoke pollution within the Cowichan Valley.

Bylaw No. 2942 establishes the service of pollution control within the CVRD and participating member municipalities, essentially opening the door for the introduction of management bylaws that regulate pollution, such as Bylaw No. 2020.

.../2

Bylaw No. 2020 regulates the burning of large quantities of landclearing debris, such as that undertaken by developers. Rather than allow the traditional open burning of landclearing debris, Bylaw No. 2020 states that if the debris is to be burned, it must occur within an air curtain burner. Alternatively it may be chipped, or transported to a licensed waste management facility. Bylaw No. 2020 does not apply to small or hand-piled landclearing debris, or to forestry lands or practices, or to agricultural lands or practices.

In order for these bylaws to be adopted throughout the CVRD as a whole, the Councils of member municipalities must agree to be participants. In the spring of 2007, CVRD staff presented draft bylaws to committees at all member municipalities, and received general support for them. In those municipalities with existing burning bans in place, the more restrictive bylaw (i.e. the complete burning ban) will always take precedent. Nonetheless, region-wide adoption is recommended to ensure consistent promotion and use of proper disposal options.

The adoption process for region-wide implementation is somewhat unique and is referenced below in the recommendations. It is expected that this process will take a few months and lead to a Fall-2008 implementation at the earliest. This will allow for a minimum 6-month education and awareness campaign, and some time for operators to adjust their traditional practices. However, the longer the education and awareness campaign, the more compliance and less enforcement will result.

Discussion: A number of questions were raised relating to these bylaws, which have since been addressed. For example, enforcement of Bylaw No. 2020 will be undertaken in Electoral Areas by the CVRD Bylaw Enforcement Officer, with related costs incurred by the CVRD. Enforcement of the CVRD bylaw by participating member municipalities will be undertaken by municipal enforcement officials, and related costs incurred by those municipalities. This was viewed as most practical in discussions with local Councils. However, this arrangement and related costs, revenues and issues, such as insurance, liability, policy direction, etc., are now addressed by the "Agreement for Bylaw Enforcement Services". Although this is a fairly standard agreement and does reflect common practices, it does clarify a number of rare yet potential issues that may arise over time with application of the bylaw.

Local fire departments are not responsible for applying the bylaw, but will have limited enforcement powers (e.g. the ability to shut-down an illegal fire) within Fire Protection Areas.

Although most enforcement may be avoided through a comprehensive awareness prior to implementation, inevitably this bylaw will add to the existing workload of the CVRD Bylaw Enforcement Officer. Future expansion of this service may be worth further consideration.

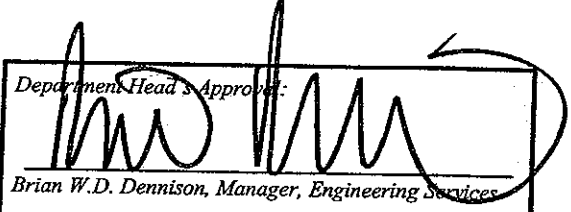
A concern about the net benefit of air curtain burners was raised, but research has shown that it is generally accepted that air curtain burners, when properly operated, provide a highly efficient alternative to traditional burning due to their extremely high combustion temperatures. This viewpoint is shared by Ministry of Environment officials, and is being considered as they begin revising the existing provincial open burning legislation.

Submitted by,



Bob McDonald
Manager, Solid Waste & Environment

Department Head's Approval:



Brian W.D. Demison, Manager, Engineering Services



C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 2942

A Bylaw for the Purpose of Controlling and Regulating Air Pollution within the Cowichan Valley Regional District.

WHEREAS pursuant to Sections 796 and 800 of the *Local Government Act*, a regional district may, by bylaw, establish and operate any service that the Board considers necessary or desirable for all or part of the regional district;

AND WHEREAS pursuant to Section 797.1(1)(d) of the *Local Government Act*, the Regional Board of the Cowichan Valley Regional District wishes to establish a service to control and regulate air pollution, nuisances, unwholesome or noxious materials, odours and disturbances in relation to the emission of smoke, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia within the whole of the regional district;

AND WHEREAS the Cowichan Valley Regional District may, pursuant to Section 725(1)(g) of the *Local Government Act*, require the owners or occupiers of real property, or their agents, to eliminate or reduce the fouling or contaminating of the atmosphere through the emission of smoke, dust, gas, sparks, ash, soot cinders, fumes or other effluvia; and prescribe measures and precautions to be taken for this purpose; and establish limits not to be exceeded for those emissions;

AND WHEREAS the Regional Board of the Cowichan Valley Regional District wishes to promote the preservation of air quality for all residents within the whole of the regional district;

NOW THEREFORE the Regional Board of the Cowichan Valley Regional District, in open meeting assembled, enacts as follows:

1. CITATION

This Bylaw may be cited for all purposes as "CVRD Bylaw No. 2942 – Air Pollution Control Service Establishment Bylaw, 2007".

.../2

2. SERVICE BEING ESTABLISHED

- 1) The service being established is the control of pollution, nuisances, unwholesome or noxious materials, odours and disturbances in relation to the emission of smoke, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia within the Service Area (the "Service").
- 2) The purpose of the Service is to do one or more of the following: require the owners or occupiers of real property, or their agents, to eliminate or reduce the fouling or contaminating of the atmosphere through emissions referred to in subsection (1); to prescribe measures and precautions to be taken for this purpose; and to establish limits not to be exceeded for those emissions.

3. SERVICE AREA BOUNDARIES

The boundaries of the service area are coterminous with the boundaries of the Cowichan Valley Regional District.

4. PARTICIPATING AREAS

The participating areas for the Service are: City of Duncan; District of North Cowichan; Town of Ladysmith; Town of Lake Cowichan; and Electoral Areas A – Mill Bay/Malahat; B – Shawnigan Lake; C – Cobble Hill; D – Cowichan Bay; E – Cowichan Station/Sahtlam/Glenora; F – Cowichan Lake South/Skutz Falls; G – Saltair/Gulf Islands, H – North Oyster/Diamond; and I – Youbou/Meade Creek.

5. METHOD OF COST RECOVERY

The annual costs for providing the Service shall be recovered by one or more of the following:

- a) the requisition of money to be collected by a property value tax to be levied and collected on the net taxable value of land and improvements within the service area;
- b) the imposition of fees and other charges that may be fixed by separate bylaw; and
- c) revenues raised by other means authorized by the *Local Government Act* or another Act.

6. APPORTIONMENT OF COSTS

The annual costs of providing this service shall be apportioned among the participants on the basis of the converted value of land and improvements within the participating areas.

..../3

READ A FIRST TIME this _____ day of _____, 2007.

READ A SECOND TIME this _____ day of _____, 2007.

READ A THIRD TIME this _____ day of _____, 2007.

I hereby certify this to be a true and correct copy of Bylaw No. 2942 as given Third Reading on the _____ day of _____, 2007.

Corporate Secretary

Date

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this _____ day of _____, 2007.

ADOPTED this _____ day of _____, 2007.

Chairperson

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 2020

A Bylaw to Regulate Management of Landclearing Debris for the Purposes of Pollution Control in the Cowichan Valley Regional District

WHEREAS the Board of the Cowichan Valley Regional District established the service of control and regulation of air pollution under the provision of CVRD Bylaw No. 2942, cited as "CVRD Bylaw 2942 – Air Pollution Control Service Establishment Bylaw, 2007", for the control and regulation of pollution, nuisances, unwholesome or noxious materials, odours and disturbances within the whole of the Cowichan Valley Regional District;

AND WHEREAS the Cowichan Valley Regional District is operating under a Solid Waste Management Plan that identifies the regulated management of *Landclearing Debris* as key to the reduction of local air pollution;

AND WHEREAS the Cowichan Valley Regional District wishes to address the concerns of residents whose health and well-being are adversely affected by smoke pollution;

NOW THEREFORE the Cowichan Valley Regional District, in open meeting assembled, enacts as follows:

1. CITATION:

This bylaw may be cited for all purposes as "CVRD Bylaw No. 2020 – Landclearing Management Regulation Bylaw, 2007".

2. 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;

.../2

“Board” means the Board of Directors of the Cowichan Valley Regional District;

“Bylaw Enforcement Officer” means the person designated by the *Council* or *Board* to administer and enforce bylaws within the Cowichan Valley including a Bylaw Enforcement Officer of a Municipality enforcing this bylaw pursuant to an agreement between the Cowichan Valley Regional District and a Municipality;

“Composite Woodwaste” means wood that has been manufactured into dimensional lumber using glue and/or adhesives, such as particle board, strand board, plywood etc.;

“Council” means the Council of the City of Duncan; the District of North Cowichan; the Town of Lake Cowichan; or the Town of Ladysmith;

“Fire Chief” means the Chief of the Fire Department in the jurisdiction where the *Open Burning* is occurring;

“Heavy Equipment” includes, but is not limited to, machines such as: backhoes, bulldozers, excavators, skid-steers, or tractors;

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

“Local Assistant” means a member of a fire department who is appointed under the *Fire Services Act* as a local assistant to the Fire Commissioner, in addition to the *Fire Chief* of that department;

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

“Municipality” means the City of Duncan; the District of North Cowichan; the Town of Lake Cowichan or the Town of Ladysmith;

“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 with the same owner;

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

- a) three or more piles each not exceeding 2 m in height and 3 m in width;
- b) one or more piles each exceeding 2 m in height or 3 m 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**;

3. APPLICATION

- 1) This Bylaw applies throughout the Cowichan Valley Regional District, except within that part of Electoral Area G located within the boundaries of the Thetis Island Improvement District.
- 2) Subject to subsection 3 (3), this bylaw applies to:
 - a) **Machine-piled Landclearing Debris**;
 - b) **Regulated Quantities of Landclearing Debris**.
- 3) This bylaw does not apply to:
 - a) persons carrying out "normal farm practices" within the meaning of the *Farm Practices Protection Act* (British Columbia);
 - b) a "forest practice" as defined by the *Forest and Range Practices Act* (British Columbia); and
 - c) lands classed as Property Assessment Class 7 by the *BC Assessment Authority*; and

4. GENERAL REGULATIONS

- 1) No person shall cause or permit **Smoke** from the disposal of **Landclearing Debris** except in accordance with the following regulations:
 - a) An **Air Curtain Burner** shall be used for all **Open Burning** of **Landclearing Debris**;
 - b) The use of an **Air Curtain Burner** for the disposal of **Landclearing Debris** must be registered with the Cowichan Valley Regional District Protective Services Department prior to the commencement of disposal activities, in accordance with Schedule A of this bylaw;
 - c) An operating **Air Curtain Burner** shall be supervised at all times by a person who has received **Operator Certification**;
 - d) Only **Landclearing Debris** shall be burned an **Air Curtain Burner**.
- 2) Nothing in this bylaw shall be interpreted as relieving a person from complying with
 - a) federal, provincial and local government regulations governing the various means of disposal of **Landclearing Debris**;
 - b) local fire restrictions established by a **Fire Chief** or **Local Assistant** or other person or authority having jurisdiction to control or prohibit **Open Burning**.

.../4

5. INSPECTIONS, ORDERS AND REMEDIAL ACTION

- 1) A *Bylaw Enforcement Officer* is authorized at all reasonable times to enter onto any property for the purposes established by 268 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 subsections 16(1) to (5) of the *Community Charter* or other conditions of entry if any, set out in the *Local Government Act*, the *Community Charter*, or another *Act*.
- 2) If, in the opinion of a *Bylaw Enforcement Officer* or a *Fire Chief*, pollution is occurring from the *Open Burning* of *Landclearing Debris*, the *Bylaw Enforcement Officer* or *Fire Chief* may:
 - a) require that the *Open Burning* cease immediately;
 - b) require that no further material be added to the fire;
 - c) 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;
 - d) 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*.
- 3) An owner or occupier of real property shall eliminate the contaminating of the atmosphere through the emission of *Smoke* where the *Smoke* results from the disposal of *Landclearing Debris* contrary to this bylaw.
- 4) Where an owner or occupier fails to comply with a requirement under subsection (2) or (3), the Cowichan Valley Regional District may carry out the required action in accordance with section 269 of the *Local Government Act*.

6. OFFENCE

- 1) 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 imposed by this bylaw, shall be liable, on summary conviction, to a fine not exceeding Two Thousand Dollars (\$2,000.00).
- 2) Each day on which a contravention of this bylaw occurs constitutes a separate offence.

7. SEVERABILITY

- 1) If any section or lesser portion of this bylaw is held to be invalid, by a Court, such invalidity shall not affect the remaining portions of this bylaw.

.../5

8. FORCE AND EFFECT

This bylaw shall take effect upon its adoption by the Regional Board.

READ A FIRST TIME THIS _____ day of _____, 2007

READ A SECOND TIME THIS _____ day of _____, 2007.

READ A THIRD TIME THIS _____ day of _____, 2007.

ADOPTED THIS _____ day of _____, 2007.

Jack (W.J.) Peake Chairperson

Joe Barry, Corporate Secretary



Appendix 1 to Bylaw No. 2020

Bylaw No. 2020 – Air Curtain Burner Registration Form

Date (mm/dd/yyyy): _____ Please Check One: Property owner Authorized agent

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

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 Burning Site: _____ (if different from above)

Legal Description of Burning Site:

Lot _____ Section _____ Range _____ Plan _____

District _____ Block _____

Contact Information During Burn: _____ Name _____ Telephone No. _____ Cell 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 Landclearing debris as described in CVRD Bylaw No. 2020 – Landclearing Management Regulation Bylaw. Bylaw No. 2020 can be viewed online at www.cvrld.bc.ca/html/departments/engr_services/index
 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. Regulation is available online at www.env.gov.bc.ca/air/particulates/agttobsc
 I have checked for any restrictions on open burning, or the need to acquire a permit, with my local fire department. Contact CVRD Protective Services Office for more information (250) 746-2561
 I will notify the CVRD Protective Services Office upon commencing disposal activities (250) 746-2561

UPON COMPLETION, THIS FORM MUST BE RETURNED TO THE CVRD PROTECTIVE SERVICES OFFICE:

175 Ingram Street, Duncan, BC
Ph: (250) 746-2561
Fax: (250) 746-2563

Summer Office Hours: M – F 8:00 am - 4:00 pm
Winter Office Hours: M – F 8:30 am - 4:30 pm
(Summer business hours commence July 1, until the first Tuesday after Labour Day.)

Signature of Applicant _____ Date: _____ (mm/dd/yyyy)
This registration is valid for a period of 3 months from the date on which it was signed.

ADMINISTRATIVE USE ONLY:

Registration No.: _____ Local Fire Department: _____

Form forwarded to Central Island 911 on: _____ (mm/dd/yyyy) Registration Expiry: _____ (mm/dd/yyyy)

Notification Received from Applicant on: _____ (mm/dd/yyyy)

*Personal information collected in this form is done under the authority of Landclearing Management Regulation Bylaw, 2007 and will be used for the purpose of administration and enforcement of the Bylaw. For further information contact [name of contact and telephone number]."

AGREEMENT FOR BYLAW ENFORCEMENT SERVICES

THIS AGREEMENT dated for reference the ___ day of _____, 20__

BETWEEN:

COWICHAN VALLEY REGIONAL DISTRICT

175 Ingram Street
Duncan, BC V9L 1N8

(the "CVRD")

OF THE FIRST PART

AND:

DISTRICT OF _____ [or City, Town, Village]

[INSERT ADDRESS]

(the "Municipality")

OF THE SECOND PART

WHEREAS:

- A. The CVRD has adopted CVRD Bylaw No. 2020 – Landclearing Management Regulation Bylaw, 2007 ("**Bylaw 2020**") and wishes to enter into an agreement under section 176(1) of the *Local Government Act* with the Municipality to authorize the Municipality to enforce Bylaw 2020.
- B. The enforcement of bylaws is within the powers of the Municipality.

NOW THEREFORE the parties hereto in consideration of the performance of the covenants hereinafter contained and for other valuable consideration, the sufficiency and receipt of which is hereby acknowledged, covenant and agree with the other as follows:

1.0 Term

1.1 This Agreement is for a term of ___ () years commencing on the ___ day of _____, 20__, and terminating on the ___ day of _____, 20__, together with the right of renewal for an additional term of ___ () year(s) pursuant to section 2.0 of this Agreement.

2.0 Renewal

2.1 This Agreement shall be deemed to be automatically renewed for an additional term for ___ () year(s) unless the Municipality or the CVRD gives notice of termination pursuant to section 3.0 of this Agreement.

3.0 Termination

3.1 The CVRD or the Municipality may give notice of non-renewal and termination of this Agreement and services provided under it effective the 31st day of December of any year by notifying the other party in writing on or before the 31st day of October of that year.

4.0 Municipality Covenants

4.1 For the purposes of this Agreement "**Services**" means the enforcement within the Municipality of Bylaw 2020, and the enforcement within the Municipality of section 725(1)(g) of the *Local Government Act*.

4.2 The Municipality shall:

- (a) provide the Services from its offices;
- (b) enforce Bylaw 2020 according to the policies of the CVRD Board, and shall exercise the powers contained within Bylaw 2020 for and on behalf of the CVRD;
- (c) provide the Services to the CVRD in a competent, careful and professional manner; and
- (d) retain all monies from fines and court costs recovered from the enforcement of the Bylaws.

5.0 CVRD Covenants

5.1 The CVRD shall:

- (a) pay to the Municipality for the Services, the sum one (\$1.00) dollar per year for time spent by Municipal staff in the performance of the Services;
- (b) designate its Manager, Engineering Services or his or her designate, subject to direction by the CVRD Board by Resolution, as the primary contact with the Municipality's staff with respect to the Services. This will avoid unnecessary duplication of effort by Municipal staff, as well as conflicting instructions from the CVRD to the Municipality. It is understood and agreed by the Municipality that individual Councillors not give direction with regard to the enforcement of Bylaw 2020; and
- (c) appoint those persons designated by the Municipality to enforce Bylaw 2020 as authorized agents of the CVRD under the *Local Government Act* for the purpose of the enforcement of Bylaw 2020.

6.0 Indemnity

6.1 The Municipality shall release, discharge, indemnify and save harmless the CVRD from and against any claims, causes of action, suits, demands, expenses, costs and legal fees whatsoever except those which arise out of the negligent acts or omissions of the CVRD, its officers, employees or contractors, which may arise out of:

- (a) the provision of the Services by the Municipality; and
- (b) failure by the Municipality to enforce the provisions of Bylaw 2020.

7.0 Insurance

7.1 The Municipality shall:

(a) take out and maintain, during the term of this Agreement, liability insurance to cover the indemnity given to CVRD in section 6.0 of this Agreement, in the amount of not less than Two Million (\$2,000,000.00) Dollars per single occurrence, naming CVRD as an insured party thereto, and shall provide CVRD with a certified copy of the policy;

(b) ensure that the policy of insurance under subsection 7.1(a) shall contain a waiver of subrogation clause in favour of CVRD and shall also contain a clause requiring the insurer not to cancel or change the insurance without first giving CVRD thirty (30) days prior written notice; and

if both the Municipality and CVRD have claims to be indemnified under any insurance required by this Agreement, the indemnity shall apply first to the settlement of the claim of CVRD and the balance, if any, to the settlement of the claim of the Municipality.

7.2 The Municipality shall, at its expense, throughout the term of the contract, secure, maintain and pay for a Comprehensive General Liability Insurance policy or policies with a limit of not less than Two Million (\$2,000,000.00) Dollars inclusive per occurrence for Bodily Injury and Property Damage.

7.3 The policy or policies under section 7.2 shall include, but not necessarily be limited to the following coverage, including all premises and operations necessary or incidental to the performance of this Agreement:

(a) Contingent Employers Liability;

(b) Owners Protective Liability;

(c) Broad Form Property Damage on an occurrence basis, including loss of use of property;

(d) Contractual Liability assumed under this Agreement;

(e) Cross Liability; and

(f) Non-Owned Auto.

The CVRD shall be added as an additional insured.

7.4 The policy or policies shall be underwritten either by a responsible insurance company or companies licensed to do business in the province of British Columbia and who meet with the reasonable approval of the CVRD.

7.5 The Municipality shall furnish the CVRD with either a Certificate of Insurance as evidence that such insurance is in force, including evidence of any insurance renewal policy or policies. Every Certificate of Insurance shall include Certification by the Insurer that the Certificate or Certificates of Insurance specifically conforms to all of the provisions required herein.

8.0 Limits on Liability

8.1 The Municipality and the CVRD acknowledge and agree that the Municipality is liable only for Services rendered by CVRD in a negligent manner, for advice negligently given or given in error, or failing to give advice that should have been given.

9.0 Binding Effect

9.1 This agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their seals on the day and year first above written.

COWICHAN VALLEY REGIONAL DISTRICT)
by its authorized signatories)

_____))
Name:)

_____))
Name:)

_____))
by its authorized signatories)

_____))
Name:)

_____))
Name:)



C.V.R.D

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 2020

A Bylaw to Regulate Outdoor Burning in the Cowichan Valley Regional District

WHEREAS the Cowichan Valley Regional District Board recognizes that smoke, at times, affects the comfort, convenience and health of its citizens;

AND WHEREAS the Cowichan Valley Regional District Board deems it desirable and necessary to regulate outdoor burning.

AND WHEREAS authority is granted to the Cowichan Valley Regional District under *Bylaw No. ? (to be established at a later date should this bylaw be accepted)* under Section 799 1 (b) of the Municipal Act and subject to the Fire Service Act, the Forest Practices Code of British Columbia Act, and the British Columbia Environment Open Burning Smoke Control Regulation.

NOW THEREFORE the Board of Directors of the Cowichan Valley Regional District, in open meeting assembled, enacts as follows:

SECTION 1 – CITATION:

1. This Bylaw may be cited for all purposes as “**CVRD Bylaw No. 2020 – Outdoor Burning Bylaw, 2000.**”

SECTION 2 - DEFINITIONS:

- 2.1 “**Compostable Materials**” means waste products from plants, trees or other vegetation that are naturally biodegradable including grass clippings, leaves, tree needles, garden waste and weeds;
- 2.2 “**Designated Fire Official**” means Fire Chief or Fire Department Officer within the Cowichan Valley Regional District;
- 2.3 “**Garden Refuse Fire**” means any non-toxic garden materials gathered from any single lot to be burned, which includes branches pruned from trees, shrubs and similar garden material, which are hand piled having a surface area not greater than one (1) meter (3.281 ft.) across and not exceeding one (1) metre in height (3.281 ft.).

-
- 2.4 **“Land Clearing Debris Fire”** means an outdoor fire from parcels of land (minimum 2.02 hectares or 5 acres in size) in which only waste resulting from brush clearing, tree clearing, or stump removal, for the purpose of clearing land for developmental use, is burned;
- 2.5 **“Noxious Material”** includes tires, plastics, drywall, demolition waste, construction waste, domestic waste, paint, special waste, tar paper, treated lumber, railway ties, manure, rubber, asphalt, asphalt products, fuel and lubricant containers, biomedical waste, tar, shingles, batteries, and any other substance which produces heavy black smoke, noxious odours or toxic residue when burned.
- 2.6 **“Nuisance”** means the emission into the atmosphere of open burning, which disturbs the comfort, health or convenience of persons in the vicinity.
- 2.7 **“Officer”** means the Bylaw Enforcement Officer of the Cowichan Valley Regional District.
- 2.8 **“Permitted Burning Material”** means seasoned untreated wood.
- 2.9 **“Regional Board”** means the Board of the Cowichan Valley Regional District.

SECTION 3 – GENERAL REGULATIONS – OUTDOOR FIRES

- 3.1 **The following types of outdoor fires may be started and maintained, subject to provincial restriction orders, and are excluded from the regulations of this bylaw.**
- 3.1.1 As per Section 22 of the Forest Practices Code of British Columbia Act, a person may light, fuel, or make use of an open fire, contained within a barbecue or fire pit, for the purposes of cooking, warmth, or ceremony, if the burning is conducted in accordance with the following conditions:
- (a) before the fire is ignited, all combustible materials must be removed at least 30 cm in every direction from the perimeter of the fire;
 - (b) the fire must not be closer than 3m to any snag, slash, standing tree or wooden structure;
 - (c) only **permitted burning materials**, including seasoned untreated lumber, shall be used and firewood must be dry and seasoned;
 - (d) the fire must not be more than one (1) meter across (3.281 ft.) and not exceeding one (1) meter in height (3.281 ft.);
 - (e) the fire shall be continuously controlled and supervised by a competent person equipped with a shovel, or a pail containing at least 8 litres of water at all times;
 - (f) the fire shall be maintained so as not to cause a **nuisance**;

(g) the fire must be completely extinguished before the person leaves.

3.1.2 A beach fire below the tide line having a surface area not greater than one (1) meter (3.281 ft.) across and not exceeding one (1) meter in height (3.281 ft.).

3.1.3 fires used by the fire department authorities for the purposes of education, training and other fire department purposes;

3.1.4 fires used or recommended by authorities having jurisdiction to manage ecosystems for purposes of silviculture, forest fuel management, fire hazard reduction, wildlife enhancement, domestic range improvement and the use of fire as a means of fire control;

3.1.5 burning lawfully conducted as part of a farm operation pursuant to the provisions of the *Farm Practices Protection (Right to Farm) Act*;

3.2 The following types of fire may be permitted during the spring and fall clean up periods during the first two weeks in April and the last two weeks in October.

3.2.1. *Garden refuse fires* (See Section 2 – for definition of *garden refuse fire*) if the burning is conducted in accordance with the following conditions:

- (a) before the fire is ignited, all combustible materials must be removed at least 30 cm in every direction from the perimeter of the fire;
- (b) no person shall cause or permit smoke of *noxious or compostable materials*.
- (c) the fire must not be closer than 3m to any snag, slash, standing tree or wooden structure;
- (d) the fire must not be more than one (1) meter (3.281 ft.) across and not exceeding one (1) meter in height (3.281 ft.);
- (e) the fire shall be continuously controlled and supervised by a competent person equipped with a shovel, or a pail containing at least 8 litres of water at all times;
- (f) the fire shall be maintained so as not to cause a *nuisance*;
- (g) the fire must be completely extinguished before the person leaves.

3.2.2 *Land Clearing Debris Fire* (See Section 2 – for definition of *Land Clearing Debris Fire*) subject to the following conditions:

1. The person responsible for the land clearing debris fire shall be 19 years of age or older and **AT ALL TIMES DURING THE FIRE:**

-
- (a) be equipped with suitable tools and water, to effectively safeguard the fire; and
 - (b) shall be on-site at all times during burning with the following equipment: a shovel; either an axe or a pulaski; and a pail containing at least 18 litres of water.
 - (c) Debris must be burned on the property from where it originated
 3. The Person responsible for the land clearing fire shall ensure that the following criteria are met:
 - (a) no open burning within 100 meters (328.10 ft.) of neighbouring residences, or within 500 meters (1,640.50 ft.) of schools in session, hospitals, or extended care facilities.
 - (b) Debris must be burned on the property from where it originated;
 - (c) no person shall cause or permit smoke of *noxious or compostable materials*.
 - (d) Every reasonable effort must be made to reduce, reuse, and recycle debris to minimize the amount of debris to be open burned. Specifically, pursuant to Section 2 (c) of the "Open Burning Smoke Control Regulation," the boles of trees 10cm and over in diameter are to be utilized (although there may not be much of a market for small volumes of this type of material, it can at least be salvaged for use as firewood).
 - 3.3 **The following type of outdoor fire may be started and maintained by special permit.**
 - 3.3.1 Land Clearing fires on a single parcel of land for parcels over 2.02 hectares (5) acres which require a permit set out in attached Schedule "A" and requirements of the Ministry of Environment Open Burning Smoke Control Regulations, as set out in attached Schedule "B".
 - 3.4 **The following conditions and types of outdoor fires are not permitted:**
 - 3.4.1 Land clearing fires under 2.02 hectares (5) acres;
 - 3.4.2 Garden refuse fires outside the designated spring and fall clean up periods as identified in Section 3.2
 - 3.4.3 No person shall cause or permit smoke from open burning except in accordance with this bylaw.

- 3.4.4 No person shall cause or permit smoke from open burning on land of which the person is not the owner or occupier unless authorized to do so by the owner or occupier and in accordance with this bylaw.

-
- 3.4.5 No person shall cause or permit smoke from open burning of prohibited *noxious, compostable materials*, domestic waste, explosive, corrosive or toxic material in an outdoor fire (see definitions section for materials deemed noxious, explosive, corrosive, or toxic). Please call 1-800-667-4321 for information on disposal options for these materials.
 - 3.4.6 Use of an incinerator, burning barrel or similar device is prohibited.
 - 3.4.7 A person must not light, fuel or make use of an open fire when the wind is strong enough to cause sparks or other burning material to be carried to combustible material.
 - 3.4.8 A person who lights, fuels or makes use of a fire must extinguish it immediately when ordered to do so by a *designated forest official*, designated fire official or Bylaw Enforcement Officer.

SECTION 4 – INSPECTIONS AND ORDERS

- 4.1 An *Officer, Designated Fire Official, or Designated Forest Official* may:
 - 4.1.1 enter at all reasonable times, on any property that is subject to this bylaw to ascertain whether the regulations in this bylaw, or the directions made under this bylaw, are being observed;
 - 4.1.2 inspect premises for conditions which may cause a fire or increase the danger of fire or increase the danger to persons;
 - 4.2.3 make orders directing the owners or occupiers of property to bring their premises, or a fire, into compliance with this bylaw.
 - 4.1.4 No person shall obstruct or prevent an *Officer* from carrying out an inspection under this bylaw.

SECTION 5 – OFFENCE

- 5.1 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 imposed by this bylaw, shall be liable, on summary conviction, to a fine not exceeding Twenty Thousand Dollars (\$20,000.00).
- 5.2 Each contravention of this Bylaw constitutes a separate offence.

SECTION 6 – SEVERABILITY

6.1 If any section or lesser portion of this bylaw is held to be invalid, by a Court, such invalidity shall not effect the remaining portions of this bylaw.

SECTION 7 – EFFECTIVE DATE

This bylaw shall become effective on XXXX, 2000.

READ A FIRST TIME THIS _____ day of _____, 2000.

READ A SECOND TIME THIS _____ day of _____, 2000.

READ A THIRD TIME THIS _____ day of _____, 2000.

ADOPTED THIS _____ day of _____, 2000.

Chairperson

Secretary

SCHEDULE "A"

**SPECIAL FIRE PERMIT FOR A LAND CLEARING DEBRIS FIRE
ON PARCELS OF LAND OVER 2.02 HECTARES (5 ACRES)
WITHIN THE COWICHAN VALLEY REGIONAL DISTRICT**

Authority is granted to the Permittee to set and maintain a fire at:

(Address of Site)

for the purpose of land clearing burning, and during the 72 hour period from:

_____ to _____

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The Permittee must use a trench-burner to burn all material;
2. No burning is permitted within 100m (328.10 ft.) of neighbouring residences, or within 500m (1,640.50 ft.) of schools in session, hospitals, or extended care facilities;
3. The Permittee shall be responsible for fires authorized by this permit.
4. The Permittee shall provide, **AT ALL TIMES DURING THE FIRE**, authorized by this permit:
 - (a) a person 19 years of age or older, equipped with suitable tools and water to effectively safeguard the fire;
 - (b) the following equipment shall be on-site at all times during burning: a shovel; either an axe or a pulaski; and a pail containing at least 18 litres of water.
5. Debris must be burned on the property from where it originated;
6. Every reasonable effort must be made to reduce, reuse, and recycle debris to minimize the amount of debris to be burned. Specifically, pursuant to Section 2 (c) of the "Open Burning Smoke Control Regulation," the boles of trees 10cm and over in diameter are to be utilized (although there may not be much of a market for small volumes of this type of material, it can at least be salvaged for use as firewood).
7. Comply with the attached Ministry of Environment "Ways to Minimize Air Pollution" fact sheet (Schedule "B" of this Bylaw).

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SCHEDULE "A" (Continued)

The Cowichan Valley Regional District WILL NOT issue burning permits for material that is considered to be suitable for utilization.

I hereby certify that I have read and understand the conditions of this fire permit, and **I confirm** that I have read and understand "CVRD Bylaw No. XXXX– Outdoor Burning Bylaw, 2000." (Any part of this bylaw may be superseded by higher authority, at any time).

Property Owner/Occupier: _____

Permittee: _____
(Print Name)

(Signature)

Phone No: _____

Permit Fee: Land Clearing Fire - \$100.00

Approved By: _____

Title: _____

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SCHEDULE “B”

**Province of British Columbia – Ministry of Environment
Open Burning Smoke Control Regulation
“Ways to Minimize Smoke Pollution” Fact Sheet**

Duration of Burn	The release of visible smoke must cease after 72 hours, or when instructed to so by a designated forest official or Bylaw Enforcement Officer.
Smoke Free Period	Open burning must be separated by a smoke free period of at least 15 days.
Burn Periods	Open Burning can take place on the same land only 2 times per year in addition to the spring and fall burn periods as defined in Section 3.2 of this bylaw.
*Weather Conditions	<p>In all areas, open burning must only take place under the appropriate weather conditions. Weather must be conducive to dispersal of smoke, as specified by a) venting must be considered “good” on days of burning; b) venting must be considered “good” to “fair” the second day of the allowable burn period; and c) piles must be clean and dry.</p> <p>Debris must not be added to the open burn if a) weather conditions change and the ventilation index becomes poor; b) local winds make the dispersion of the smoke inadequate or c) any inversion form trapping smoke near the surface.</p>

*Staff will contact the weather office at 1-900-565-5000 to obtain the ventilation index for the day the permit is to be issued: 0-33 is considered poor, 34 – 54 is considered fair, and 55 – 100 is considered good.



C·V·R·D

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 2942

A Bylaw for the Purpose of Controlling and Regulating Air Pollution within the Cowichan Valley Regional District

WHEREAS pursuant to Sections 796 and 800 of the *Local Government Act*, a regional district may, by bylaw, establish and operate any service that the Board considers necessary or desirable for all or part of the regional district;

AND WHEREAS pursuant to Section 797.1(1)(d) of the *Local Government Act*, the Regional Board of the Cowichan Valley Regional District wishes to establish a service to control and regulate air pollution, nuisances, unwholesome or noxious materials, odours and disturbances in relation to the emission of smoke, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia within the whole of the regional district;

AND WHEREAS the Cowichan Valley Regional District may, pursuant to Section 725(1)(g) of the *Local Government Act*, require the owners or occupiers of real property, or their agents, to eliminate or reduce the fouling or contaminating of the atmosphere through the emission of smoke, dust, gas, sparks, ash, soot cinders, fumes or other effluvia; and prescribe measures and precautions to be taken for this purpose; and establish limits not to be exceeded for those emissions;

AND WHEREAS the Regional Board of the Cowichan Valley Regional District wishes to promote the preservation of air quality for all residents within the whole of the regional district;

NOW THEREFORE the Regional Board of the Cowichan Valley Regional District, in open meeting assembled, enacts as follows:

1. CITATION

This Bylaw may be cited for all purposes as "CVRD Bylaw No. 2942 – Air Pollution Control Service Establishment Bylaw, 2007".

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2. SERVICE BEING ESTABLISHED

- 1) The service being established is the control of pollution, nuisances, unwholesome or noxious materials, odours and disturbances in relation to the emission of smoke, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia within the Service Area (the "Service").
- 2) The purpose of the Service is to do one or more of the following: require the owners or occupiers of real property, or their agents, to eliminate or reduce the fouling or contaminating of the atmosphere through emissions referred to in subsection (1); to prescribe measures and precautions to be taken for this purpose; and to establish limits not to be exceeded for those emissions.

3. SERVICE AREA BOUNDARIES

The boundaries of the service area are coterminous with the boundaries of the Cowichan Valley Regional District.

4. PARTICIPATING AREAS

The participating areas for the Service are: City of Duncan; District of North Cowichan; Town of Ladysmith; Town of Lake Cowichan; and Electoral Areas A – Mill Bay/Malahat; B – Shawnigan Lake; C – Cobble Hill; D – Cowichan Bay; E – Cowichan Station/Sahtlam/Glenora; F – Cowichan Lake South/Skutz Falls; G – Saltair/Gulf Islands, H – North Oyster/Diamond; and I – Youbou/Meade Creek.

5. METHOD OF COST RECOVERY

The annual costs for providing the Service shall be recovered by one or more of the following:

- a) the requisition of money to be collected by a property value tax to be levied and collected on the net taxable value of land and improvements within the service area;
- b) the imposition of fees and other charges that may be fixed by separate bylaw; and
- c) revenues raised by other means authorized by the *Local Government Act* or another Act.

6. APPORTIONMENT OF COSTS

The annual costs of providing this service shall be apportioned among the participants on the basis of the converted value of land and improvements within the participating areas.

.../3

READ A FIRST TIME this 12th day of December, 2007.

READ A SECOND TIME this 12th day of December, 2007.

READ A THIRD TIME this 12th day of December, 2007.

I hereby certify this to be a true and correct copy of Bylaw No. 2942 as given Third Reading on the 12th day of December, 2007.

Corporate Secretary

Date

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this _____ day of _____, 2008.

ADOPTED this _____ day of _____, 2008.

Chairperson

Corporate Secretary