

TOWN OF LADYSMITH

A Regular Meeting of the
Council of the Town of Ladysmith
will be held in Council Chambers at City Hall on

MONDAY, JANUARY 4, 2010
at 7:00 p.m.

AGENDA

CALL TO ORDER

1 EXECUTIVE SESSION (6:00 p.m.)

In accordance with Section 90(1) of the *Community Charter*, the first section of the meeting will be held *In Camera* to consider the following items:

- the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- 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;

2 RISE AND REPORT

3 CALL TO ORDER

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4 AGENDA APPROVAL

5 MINUTES

Adoption of following minutes:

- December 21, 2009

1 - 4

6 PUBLIC HEARING

None

7 BYLAWS (OCP / ZONING)

None

8 DELEGATIONS

None

9 PROCLAMATIONS

None

10 DEVELOPMENT PERMITS / DEVELOPMENT VARIANCE PERMITS

None

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11.1	<u>Mayor R. Hutchins</u> Cowichan Valley Regional District Board	
11.2	<u>Councillor S. Bastian</u> Advisory Planning Commission; Protective Services Committee; Youth Advisory Committee	
11.3	<u>Councillor J. Dashwood</u> Liquid Waste Management Committee	
11.4	<u>Councillor S. Arnett</u> Economic Development Commission; Parks, Recreation & Culture Commission; Chamber of Commerce	
11.5	<u>Councillor D. Paterson</u> Government Services Committee; Parks, Recreation & Culture Commission; Celebrations Committee; Festival of Lights	
12.5.1	<u>Government Services Committee Recommendations</u> Recommendations from the meeting of December 21, 2009	5
11.6	<u>Councillor L. Evans</u> Heritage Revitalization Advisory Commission; Community Health Advisory Committee; Social Planning Cowichan – Affordable Housing Directorate	
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Town of Ladysmith

Minutes of a Meeting of Council of the Town of Ladysmith, held in Council Chambers at City Hall on Monday, December 21, 2009 at 7:00 p.m.

COUNCIL MEMBERS PRESENT:

Mayor Rob Hutchins (Chair)	Steve Arnett
Scott Bastian	Jillian Dashwood
Lori Evans	Duck Paterson
Bruce Whittington	

STAFF PRESENT:

Ruth Malli	Sandy Bowden
Felicity Adams	Rebecca Kalina

Mayor Hutchins called the meeting to order at 7:00 p.m.

EXECUTIVE SESSION

2009-616

It was moved, seconded and carried that this meeting retire into Executive Session (6:40 p.m.) pursuant to Section 90(1) of the Community Charter to consider the following items:

- 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;
- 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;

The Regular Session of Council was called to order at 7:00 p.m.

AGENDA APPROVAL

The Mayor requested Council's consideration of the following additions to the agenda:

- Invitation to Mayor to Attend Community Health Advisory Committee Meeting
- Government Services Committee Recommendations - December 21, 2009 Meeting
- Purchase of Backup Trolley

2009-617

It was moved, seconded and carried that the agenda for the Regular Council meeting for Monday, December 21 2009 be approved as amended.

MINUTES

2009-618

It was moved, seconded and carried that the Council minutes of November 7 and 15, 2009 be approved as circulated.

DELEGATIONS

COMMUNITY GARDENS TASK GROUP

John Anderson, Greg Roberts and Karen Armitage presented Council with the concept plan for the proposed Community Garden on High Street and requested support from the Town with partial funding of the project and a land use agreement for the site.

2009-619

It was moved, seconded and carried that Council support in principle the concept of a community garden to be located at 224/226 High Street (adjacent to Little League Ball Park).

2009-620

It was moved, seconded and carried that Staff be authorized to enter into negotiations with community gardens representatives to develop a land use agreement for the community gardens to be located at 224/226 High Street.

2009-621

It was moved, seconded and carried that the request for \$18,000 for the development of a community gardens be referred to 2010 budget discussions.

REPORTS

SNOW ANGELS COMMUNITY AWARDS PROGRAM

2009-622

It was moved, seconded and carried that staff be directed to proceed with advertising the 2010 Snow Angels Community Awards Program which officially recognizes volunteers in the community who provide snow clearing services for neighbours in need during snowfalls, and the program cost of \$500 (i.e. five "Snow Angels" each to receive \$100) be funded through the 2010 Public Relations budget and the award presentations take place at the April 6, 2010 Council meeting.

CHAMBER OF COMMERCE VISITOR INFORMATION CENTRE LEASE

2009-623

It was moved, seconded and carried that staff be directed to renew the agreement to support the operation of the Ladysmith Visitor Information Centre at 411B First Avenue, providing \$35,000 towards Visitor Information Centre operations, and \$700 per month towards rent, for one year commencing January 1, 2010, with an option to renew for an additional year.

BURNING OF LANDCLEARING DEBRIS IN AIR CURTAIN TRENCH BURNER

2009-624

It was moved, seconded and carried that Council direct staff to proceed with the processing of "Ladysmith Landclearing Management Regulation Bylaw, 2009 1703" to permit the burning of land clearing debris in an air curtain burner or a trench burner and that the bylaw be presented for first three readings at the Council meeting held on December 21, 2009.

PROTECTIVE SERVICES COMMITTEE RECOMMENDATION

2009-625

It was moved, seconded and carried that staff be requested to pursue grant funding to secure an emergency power generator for the Frank Jameson Community Centre in order that the centre can act as a warning centre in case of an emergency; and that the purchase of a generator be referred to 2010 budget discussions.

ENVIRONMENT COMMISSION RECOMMENDATIONS

2009-626

It was moved, seconded and carried that staff be requested to establish a policy to require the use of native drought resistant plantings in developments.

2009-627

It was moved, seconded and carried that staff be requested to contact the Medical Health Officer for an opinion regarding the impact of glyphosate spraying on the water supply.

FIRE CHIEF'S REPORT

2009-628

It was moved, seconded and carried that the Fire Chief's Report for November, 2009 be received.

BUILDING INSPECTOR'S REPORT

2009-629

It was moved, seconded and carried that the Building Inspector's Report for November,

2009 be received.

CORRESPONDENCE

POUND REPORT

2009-630

It was moved, seconded and carried that the Pound Report for November, 2009 from Coastal Animal Control Services of BC Ltd. be received.

RECYCLING COUNCIL OF BRITISH COLUMBIA

2009-631

It was moved, seconded and carried that the Town participate in the Recycling Council of BC for an annual membership fee of \$175.

BYLAWS

2009-632

It was moved, seconded and carried that "Ladysmith Landclearing Management Regulation Bylaw, 2009, 1703" be read a first, second and third time.

NEW BUSINESS

COMMUNITY HEALTH ADVISORY COMMITTEE

Councillor L. Evans invited Mayor Hutchins to attend the January 7, 2010 Community Health Advisory Committee meeting. Mayor Hutchins confirmed that he would attend the meeting.

GOVERNMENT SERVICES COMMITTEE RECOMMENDATIONS - DECEMBER 21, 2009 MEETING

2009-633

It was moved, seconded and carried that staff be directed to amend "Ladysmith Building and Plumbing Bylaw 1994, No. 1119" to establish new construction values of \$100 per square foot for the main floor and \$50 per square foot for any additional floor of a residential building.

2009-634

It was moved, seconded and carried that staff be requested to review the fees for garages, sundecks, plumbing etc. and make recommendations to the Committee if the fees need to be changed.

2009-635

It was moved, seconded and carried that the correspondence from G. Bezeau regarding a letter of support be received and that Council provide a letter expressing its support in principle for the proposed pub to be located at 1146-1132 Rocky Creek Road subject to the outcome of the public consultation process as required by the Liquor Control and Licensing Branch and confirmation of the details such as hours of operation etc. of the liquor primary license application.

PURCHASE OF BACK UP TROLLEY

2009-636

It was moved, seconded and carried that staff be authorized to submit an offer to purchase a used trolley from the Town of Nelson and that the offer include associated costs for a mechanical inspection and shipping (if the trolley passes the mechanical inspection) up to maximum of \$10,000.

EXECUTIVE SESSION

The Executive Session of Council resumed at 7:53 p.m.

RISE AND REPORT

2009-637

It was moved, seconded and carried that the Executive Session of Council rise without report.

ADJOURNMENT

2009-638

It was moved, seconded and carried that the meeting be adjourned at 9:00 p.m.

CERTIFIED CORRECT:

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)



Town of Ladysmith
COMMITTEE REPORT

To: Mayor and Council
From: Councillor D. Pateron, Chair
Date: December 23, 2009
File No: 0550-20

Re: GOVERNMENT SERVICES COMMITTEE - December 21, 2009

At its meeting on December 21, 2009 the Government Services Committee recommended to Council the following:

- 1) That the Ladysmith Bicycle Plan be accepted in principle;
AND THAT the implementation and the recommended Bicycle Network and Official Community Plan bicycle-supportive policies be referred to the 2010 Strategic Planning process.
- 2) That the Water Quality Monitoring Report prepared by Koers & Associates Engineering Ltd. be received.
- 3) That the Environmental Impact Study - Stage 1, prepared by Dayton and Knight be received.
- 4) That the Ladysmith Tangible Capital Asset Policy be approved as submitted.
- 5) That the Communications Policy, as amended, to guide all communications from and within the Town of Ladysmith be adopted.
- 6) That the letter from Karen Fediuk, PAC Chair, Ecole Davis Road, dated November 27, 2009 be received and referred to staff for consultation with the RCMP, and that staff specifically request the RCMP to conduct a week long evaluation of Davis Road near Davis Road School in conjunction with 'speed watch' in January 2010, and further that staff be directed to provide a recommendation at a future Government Services Committee meeting to resolve the traffic safety issues identified by the letter writer.
- 7) That the correspondence from the Honourable Mary McNeil, Minister of State for the Olympics and ActNow BC regarding the Town of Ladysmith as an Early Bird Draw Winner in the GamesTown 2010 draw be received.



Town of Ladysmith

COMMISSION REPORT

To: Mayor and Council
From: Heritage Revitalization Advisory Commission
Date: December 18, 2009
File No: 6800-20-REG

Re: COMMUNITY HERITAGE REGISTER UPDATE PROJECT

RECOMMENDATION:

That Council support the preparation of statements of significance for the following five buildings as part of the Community Heritage Register update project:

- Trading Company (410 First Ave)
- Nicholson Building (436 First Ave)
- Island Hotel (440 First Ave)
- Mainstreet Building (512 First Ave)
- Miles Brothers Block (530 First Ave).

BACKGROUND / HISTORY:

The Town has received a grant from the Province (Heritage Branch) to update the Community Heritage Register with the addition of five buildings and a context statement for the west side of First Avenue between High Street and Roberts Street.

A consultant has been hired to prepare the documentation, including statements of significance of the five buildings. Council requested that the HRAC provide recommendations regarding the five buildings to be added.

ANALYSIS:

At its meeting held December 10, 2009, the HRAC made the following recommendation to Council.

It was moved, seconded and carried that the Heritage Revitalization Advisory Commission recommend to Council that the five buildings for Statements of Significance for the update project are:

- Nicholson Building
- Island Hotel
- Trading Company
- Miles Brothers Block
- Mainstreet Building

The heritage consultant was in attendance at the meeting and provided the following criteria for selection: these buildings are substantially intact with little or no subsequent rehabilitation or renovation and are likely to have the most available historical documentation. The building owners have been advised of the HRAC recommendation.

I concur with the recommendation.

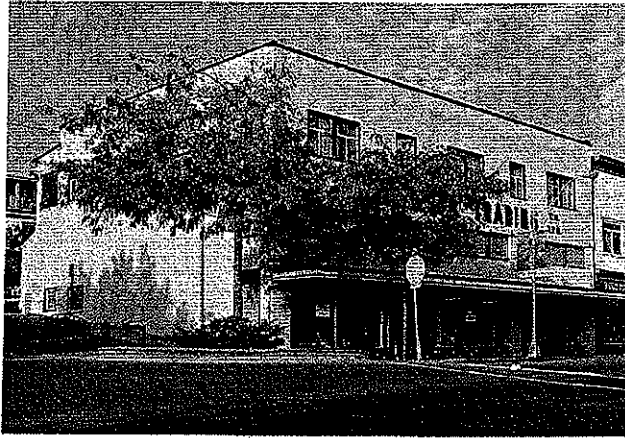


Ruth Malli, City Manager

ATTACHMENTS:

Building recommendations.
Heritage protection overview.

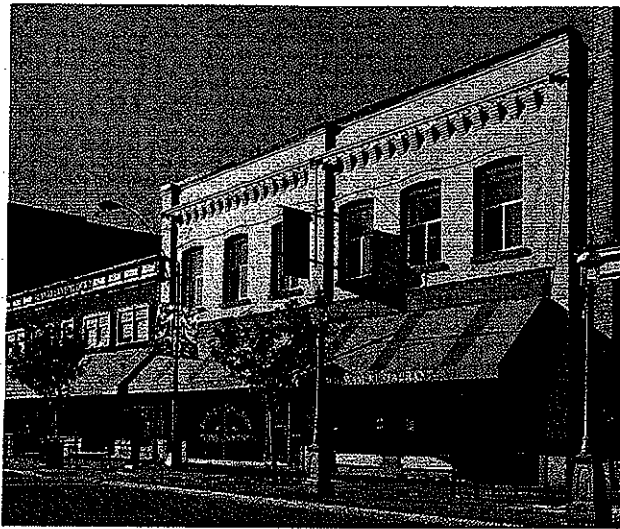
**Buildings Recommended by the HRAC for
Inclusion on the Ladysmith Community Heritage Register
and to Receive Statements of Significance (SOS)**



410 First Ave

**Trading Company
(Uforik)**

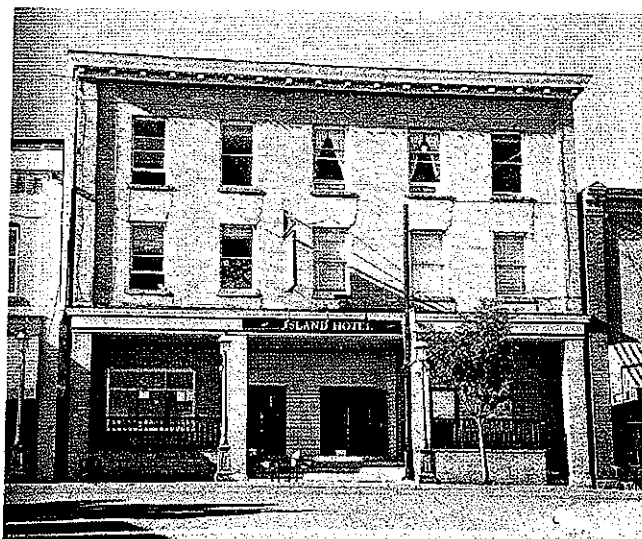
Trading Co was the Carlisle Building, built by Chris Southern c. 1904, exterior substantially renovated. Site of first telephone office. Name changed to Ladysmith Trading Company after Barrett's death in 1929.



436 First Ave

**Nicholson Block(1909)
(Wigwam & Children's Store)**

Donald Nicholson owned the building for a number of years from 1909. In 1912 it was the site of the Miner's Union Hall (upstairs). Here is where the strike against Robert Dunsmuir's mines began. The strike lasted till 1914 when the end was legislated. "Handsome brick building occupies a key location in the commercial district streetscape...exemplary of the transition from early wood frame shops to more substantial brick structure." Wigwam has operated here for over 50 years; other tenants included Winch cigar factory, Union Hall during the Great Strike, and pool hall with colourful history.



440 First Ave

Island Hotel (1900)

Important part of original cityscape, overlooking main entrance to town centre from railway station. Represents transition from early period of boarding house hotels to more substantial construction, only early hotel still in operation. Original name was the Europe Hotel. One of the first hotels built in Ladysmith. It is relatively unchanged.



512 First Ave

Mainstreet Building(1922)

(Bakery and The Source)

Typical of latter phase of construction signalling move from wood frame to more permanent brick buildings (replaced a wooden building owned by Leiser). The original building was erected in 1909. Demolished and rebuilt in 1922.



530 First Ave

One shop – Miles Brothers Block

(Affordable Vacuums)

This building and two on both sides were built to the same design as the original Phone Exchange (Transfer Beach Grill next to City Hall). Formed part of the Miles Brother's Block.

Heritage Protection Tools Available to Municipalities Under Local Government Act

Legal Protection Level	Tool
Highest	<p>Heritage Designation</p> <p>By bylaw, heritage designation can provide long-term protection to a single property, a portion of a property (exterior, interior, landscape features), or more than one property. Designation can prohibit demolition, structural alterations, and land changes, and alterations to specified exterior, interior fixtures, and landscaping. If designation of a property causes a reduction in the market value of the property at the time of designation, the local government must compensate the owner.</p>
High	<p>Heritage Revitalization Agreement/Heritage Conservation Covenant</p> <p>Allows a local government to negotiate terms of a contractual agreement with a property owner to protect a site. In addition, heritage revitalization agreements can vary or supplement numerous bylaw and permit conditions, including:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Zoning and subdivision requirements (including use and density); <input type="checkbox"/> Development cost recovery; <input type="checkbox"/> Development permits; <input type="checkbox"/> Heritage alteration permits.
Moderate	<p>Heritage Conservation Area</p> <p>Local governments can define special areas in the OCP to provide long-term protection to a distinctive heritage area. Heritage conservation areas may require a heritage alteration permit for:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Subdivision; <input type="checkbox"/> Building additions; <input type="checkbox"/> New construction; <input type="checkbox"/> Alteration of an existing building, structure, land, or feature.
Low	<p>Heritage Register:</p> <p>A heritage register is an official list of heritage properties that have heritage value or character for a community. The register has legal status and can provide short-term protection to listed heritage resources. A register allows a local government to:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Temporarily withhold approval for an action that would lead to alteration of a listed heritage property; <input type="checkbox"/> Temporarily withhold a demolition permit; <input type="checkbox"/> Require an impact assessment to determine the effect of a proposed development on a heritage property, before the development takes place. <p>A heritage register can be used to delay, but not deny a demolition or development permit. The local government has no obligation to compensate a property owner for placement of their property on the register.</p>
None	<p>Heritage Inventory:</p> <p>A heritage inventory is a list of heritage resources that may have heritage value or character for a community. Although an inventory is often used as a planning aid, it does not have legal status until it, or a portion of it, is adopted as a community heritage register by a resolution of the local government. A heritage inventory cannot be used to delay or deny a demolition or development permit.</p>

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Sandy Bowden

From: Rob Hutchins
Sent: December 31, 2009 12:00 PM
To: Sandy Bowden; Ruth Malli
Subject: FW: Town of Ladysmith support for the Community Marina Visitor Facilities Project

Ruth, Sandy, please place on regular agenda...they need a decision and a letter within ten days...to include in next submission, if council is supportive.
tks. Rob

From: Doug Bell [mailto:d.h.bell@shaw.ca]
Sent: Thu 2009-12-31 9:57 AM
To: Rob Hutchins
Subject: Town of Ladysmith support for the Community Marina Visitor Facilities Project

To: Mayor and Council

In August 2009, the Ladysmith Maritime Society (LMS) was successful in its application for \$543,000 of ICET funding to support the Visitor Facilities Project at the LMS Community Marina. Although a significant and generous contribution the ICET grant provides only 1/3 of the funding for the total project. LMS is re-submitting its application for WCCAP Funding in the amount of \$250,000. Key to this application is a clear indication from the Town of Ladysmith that it fully supports the Visitor Facilities Project by partnering in the construction of some of the infrastructure. The Town indicated earlier that it would consider paying for the sewage system costs from the flange at the Community Marina to a tie-in point with municipal infrastructure on the uplands.

LMS is now respectfully requesting Town Council to consider formally partnering with the LMS in helping build the sewage pump out station. The cost of such a facility is estimated to be \$40,000. From earlier discussions with Town staff, we understand the landside costs of such a facility to be \$25,000. We would welcome the opportunity to include in our re-submission a letter from the Town indicating it will provide \$25,000 towards the sewage pump out facility.

Regards,

D.H. Bell
Ladysmith Maritime Society

TOWN OF LADYSMITH

BYLAW NO. 1703

A Bylaw to Regulate the Management of Landclearing Debris

The Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. CITATION

This bylaw may be cited for all purposes as "Ladysmith Landclearing Management Regulation Bylaw, 2009, No. 1703".

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;

"Bylaw Enforcement Officer" means the person designated by the Board to administer and enforce bylaws within the Cowichan Valley Regional District;

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

"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;

"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:

- three or more piles each not exceeding 2 m in height and 3 m in width;
- one or more piles each exceeding 2 m in height or 3 m in width;
- 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) Subject to subsection 3 (2), this bylaw applies to:

- a) *Machine-piled Landclearing Debris*;
- b) *Regulated Quantities of Landclearing Debris*.

2) 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*.

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) Subject to subsection 3 (2), 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 Town of Ladysmith 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 in 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 the *Fire Chief* or other person or authority having jurisdiction to control or prohibit *Open Burning*.
- 3) The provisions of this bylaw shall apply to parcels of land which are a minimum of 4 hectares (10 acres) in size.

5. INSPECTIONS AND ORDERS

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

6. OFFENSES

Any persons who violates any of the provisions of this bylaw or 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).

7. SEVERABILITY

If any section or clause of this bylaw is held invalid by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of this bylaw shall be deemed to have been adopted without the invalid and severed section, subsection or clause.

- 8. Schedule "A" forms a part of and are enforceable in the same manner as this bylaw.

READ A FIRST TIME	on the	21 st	day of	December, 2009
READ A SECOND TIME	on the	21 st	day of	December, 2009
READ A THIRD TIME	on the	21 st	day of	December, 2009
ADOPTED	on the		day of	

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)

Schedule "A" to Bylaw No. 1703

Town of Ladysmith Bylaw No. 1703 – Open Burn Registration Form

Date: _____ 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 Burn Site: _____
(if different from above)

Legal Description of Burn Site:

Lot _____ Section _____ Range _____ Plan _____

District _____ Block _____

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 landclearing debris as described in Bylaw No. 1703 – Landclearing Management Regulation Bylaw, 2009.
- ☐ 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** of landclearing debris (equivalent to a Category 3 fire), and have obtained a burn registration number from Ministry of Forests and Range; my burn registration number is: _____
- ☐ I have checked for any restrictions on open burning, or the need to acquire a permit, with the fire department.
Contact Ladysmith Fire Department at (250) 245-6436 for more information.
- ☐ I will notify the Ladysmith Fire Department upon commencing burn.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE LADYSMITH FIRE DEPARTMENT PRIOR TO BURN

340 6th Avenue, Ladysmith, BC
Ph: (250) 245-6436/ Fax: (250) 245-0917
Hours: M-F 8:00 am – 4:30 pm

Applicant Signature: _____ Date: _____

This registration is valid for a period of 3 months from the date on which it was signed.

ADMINISTRATIVE USE ONLY:

Burn Registration No.: _____

MoFR Burn Registration number obtained? Yes / No Form forwarded to Central Island 911 on: _____

Registration Expiry: _____ Ignition Notification Received from Applicant on: _____



Town of Ladysmith
STAFF REPORT

To: Ruth Malli, City Manager
From: Sandy Bowden, Director of Corporate Services
Date: December 18, 2009
File No:

Re: BURNING OF LANDCLEARING DEBRIS IN AIR CURTAIN OR TRENCH BURNER

RECOMMENDATION(S):

That Council consider Ladysmith Landclearing Management Regulation Bylaw, 2009, No. 1703 to permit the burning of land clearing debris in an air curtain burner or a trench burner, and if deemed appropriate, Council proceed with first three readings of Bylaw No. 1703 at the December 21, 2009 Council meeting.

PURPOSE:

The purpose of this staff report is to seek Council's authorization regarding the proposed amendments to Ladysmith Burning Regulation Bylaw 2001, No. 1380 which is intended to permit the burning of land clearing debris as a result of large-scale land clearing activity in an air curtain burner or a trench burner.

INTRODUCTION/BACKGROUND:

Since 2001 open burning within Town boundaries has been prohibited. This was primarily to eliminate the occurrence of smoke in high density residential areas. The bylaw provides for the following exceptions:

(a) cooking fires contained within a barbeque pit, fire pit or other device having a surface area not greater than four (4) square feet; or within a manufactured gas or electric barbeque; and

(b) fires started and maintained by Ladysmith Fire/Rescue for training purposes or to prevent the commencement or spreading of fire.

Currently debris created as a result of large-scale land clearing operations must be carted away for disposal. The proposed bylaw amendment incorporates regulations recently adopted by the CVRD to ensure that all land clearing debris is burned in an air curtain or trench burner. These portable devices direct a high velocity column of air over a burn pit or fire box, which results in a much cleaner, hotter, and more efficient burn. Please refer to the attached information sheet on CVRD Bylaw No. 2020 - Landclearing Management Regulation Bylaw, 2009.

It should be noted that staff, including the Fire Chief, have some concerns regarding the introduction of burning given that open burning within the Town has virtually been banned since 2001. The preferred method of disposing of such debris is chipping. However, it is also understood that chipping and transportation of debris contributes to greenhouse gases.

SCOPE OF WORK:

Upon adoption of Bylaw No. 1703 the Fire Chief and Bylaw Enforcement Officer will be responsible for enforcing the provisions of the bylaw.

ALTERNATIVES:

Council could decide not to proceed with the proposed bylaw amendments and maintain the status quo of prohibiting all open burning within the Town boundaries.

FINANCIAL IMPLICATIONS:

n/a

LEGAL IMPLICATIONS:

n/a

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

It is anticipated that some members of the community may be concerned with the potential to create smoke as a result of using air curtain and trench burners, however, if used properly, the creation of smoke while using these devices is minimal.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

As previously noted, it is the responsibility of the Fire Chief and the Bylaw Enforcement Officer to enforce the regulations contained in the bylaw.

RESOURCE IMPLICATIONS:

n/a

ALIGNMENT WITH STRATEGIC PRIORITIES:

n/a

SUMMARY:

Current outdoor burning regulations prohibit the ignition of Class 2 and 3 fires. The CVRD has recently adopted regulations to permit the burning of landclearing debris from large-scale land clearing activity in an air curtain or trench burner. The adoption of attached Bylaw No. 1703 will ensure consistency of Town's burning regulations with CVRD burning regulations.

I concur with the recommendation.

R. Malli

Ruth Malli, City Manager

ATTACHMENTS:

1. Ladysmith Landclearing Management Regulation Bylaw, 2009, No. 1703
2. Information Sheet Re: CVRD Bylaw No. 2020 - Landclearing Management Regulation Bylaw, 2009

TOWN OF LADYSMITH

BYLAW NO. 1704

A Bylaw to Amend the Town of Ladysmith Building and Plumbing Bylaw 1994, No. 1119

The Council of the Town of Ladysmith, in open meeting lawfully assembled hereby enacts as follows:

1. CITATION

This bylaw may be cited for all purposes as "Ladysmith Building and Plumbing Bylaw 1994, No. 1119, Amendment Bylaw 2010, No. 1704".

2. AMENDMENT

The "Ladysmith Building and Plumbing Bylaw 1994, No. 1119" is hereby amended by deleting Schedule "J" in its entirety and replacing it with the following Schedule "J":

SCHEDULE "J"

"Building and Plumbing Bylaw 1994, No. 1119"

<u>BUILDING PERMITS</u>	
Building Valuation: For single and two family dwellings, factory built homes, mobile homes and moved buildings, and buildings accessory thereto, the value of construction used to determine the permit fee shall be calculated based on the values as specified in the table:	
1. Main Floor	\$100/sq.ft.
2. Additional Floor(s)	\$50/sq.ft.
3. Garage	\$20/sq.ft.
4. Carport	\$13/sq.ft.
5. Sundeck	\$10/sq.ft.
6. Basement	\$23/sq.ft.
7. Mobile Home/Manufactured Home	Flat Rate \$200
Driveway Access Permit Fee	\$25
Plumbing Permit Fee: Minimum # of fixtures - 1 or 2	\$24
3 or more fixtures	\$12/fixture
Water Service Inspection Fee	\$25
Sanitary Sewer Inspection Fee	\$25
Storm Drain Inspection Fee	\$25
Permit Fee to Wreck or Demolish a Building	
- building floor area of 186.0 sq.m. (2,000 sq.ft.) or less	\$50
- building floor area larger than 186 sq.m.	\$100
Double Fee: If any work for which a permit is required is commenced before a permit has been obtained, the fee payable shall be doubled.	
Re-Inspection Fee: For building or plumbing inspection required as a result of a call back where work was incomplete or improperly done	
	\$30
Permit Fee to Move a Building (within the municipality)	\$200
For building inspections prior to a move:	
- building floor area of 93.0 sq.m. or less	\$50
- building floor area or larger than 93.0 sq.m. (1000 sq.ft.)	\$100
Note: This fee is in addition to permit fee required for the moved building and the construction undertaken at the new site.	
Other Fees:	
File review fees	\$42/hr
Survey certificate, file review	\$42
Mobile home parks	\$50/site
Sprinkler systems - First head	\$30
Sprinkler systems - 2-50 head	\$1.00 per head
Sprinkler systems - Each additional head	\$0.30 per head
Damage deposit (non-interest bearing)	\$1000
Building Envelope Remediation Administration Fee	\$50
Fee Reduction: Professional Design	
Where professional design and field review are required, the building permit fee shall be reduced by that portion of value of the work which is subject to professional design, multiplied by the value of the permit fees.	
Permit Fees and Inspection Charges:	
Permit Value	Permit Fees
\$ 0 - \$ 5,000	\$50.00
\$ 5,001 - \$100,000	An additional \$8.00 per \$1000
\$100,001 and over	An additional \$5.00 per \$1000

READ A FIRST TIME on the day of , 2010

READ A SECOND TIME on the day of , 2010

READ A THIRD TIME on the day of , 2010

ADOPTED on the day of , 2010

Mayor (R. Hutchins)

Corporate Officer (S. Bowden)